

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 definitions; substituting the term "child care
17 facility" for the term "day care center"; providing that
18 the section does not apply to a person living in an
19 approved residence before the establishment of a school,
20 child care facility, park, or playground within 1,000 feet
21 of the residence; including offenses in other
22 jurisdictions that are similar to the offenses listed for
23 purposes of providing residency restrictions for persons
24 convicted of certain sex offenses, applicable to offenses
25 committed on or after a specified date; providing that the
26 section does not apply to persons who were removed from
27 the requirement to register as a sexual offender or sexual
28 predator under a specified provision; amending s.

29 | 943.0435, F.S.; revising provisions relating to residence
30 | reporting requirements for sexual offenders; amending s.
31 | 943.04352, F.S.; requiring that the probation services
32 | provider search in an additional specified sex offender
33 | registry for information regarding sexual predators and
34 | sexual offenders when an offender is placed on misdemeanor
35 | probation; amending s. 944.606, F.S.; revising address
36 | reporting requirements for sexual offenders; amending s.
37 | 944.607, F.S.; requiring additional registration
38 | information from sex offenders who are under the
39 | supervision of the Department of Corrections but who are
40 | 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

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

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) As used in this section, the term:

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

588 (b) "Park" means all public and private property

589 specifically designated as being used for recreational purposes
590 and where children regularly congregate.

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

594 (d) "School" has the same meaning as provided in s.
595 1003.01 and includes a private school as defined in s. 1002.01,
596 a voluntary prekindergarten education program as described in s.
597 1002.53(3), a public school as described in s. 402.3025(1), the
598 Florida School for the Deaf and the Blind, the Florida Virtual
599 School as established under s. 1002.37, and a K-8 Virtual School
600 as established under s. 1002.415, but does not include
601 facilities dedicated exclusively to the education of adults.

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

614 (b) A person who violates this subsection ~~section~~ and
615 whose conviction under s. 794.011, s. 800.04, s. 827.071, s.
616 847.0135(5), or s. 847.0145 was classified as a felony of the

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

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

630 (3)(a) A person who has been convicted of an offense in
631 another jurisdiction that is similar to a violation of s.
632 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
633 regardless of whether adjudication has been withheld, in which
634 the victim of the offense was less than 16 years of age, may not
635 reside within 1,000 feet of any school, child care facility,
636 park, or playground. However, a person does not violate this
637 subsection and may not be forced to relocate if he or she is
638 living in a residence that meets the requirements of this
639 subsection and a school, child care facility, park, or
640 playground is subsequently established within 1,000 feet of his
641 or her residence.

642 (b) A person who violates this subsection and whose
643 conviction in another jurisdiction resulted in a penalty that is
644 substantially similar to a felony of the first degree or higher

645 commits a felony of the third degree, punishable as provided in
 646 s. 775.082 or s. 775.083. A person who violates this subsection
 647 and whose conviction in another jurisdiction resulted in a
 648 penalty that is substantially similar to a felony of the second
 649 or third degree commits a misdemeanor of the first degree,
 650 punishable as provided in s. 775.082 or s. 775.083.

651 (c) This subsection applies to any person convicted of an
 652 offense in another jurisdiction that is similar to a violation
 653 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 654 847.0145 if such offense occurred on or after the effective date
 655 of this act, excluding persons who have been removed from the
 656 requirement to register as a sexual offender or sexual predator
 657 pursuant to s. 943.04354.

658 Section 4. Paragraph (c) of subsection (1), subsection
 659 (2), paragraphs (a), (b), and (c) of subsection (4), subsections
 660 (7), (8), and (10), and paragraph (c) of subsection (14) of
 661 section 943.0435, Florida Statutes, are amended to read:

662 943.0435 Sexual offenders required to register with the
 663 department; penalty.—

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

665 (c) "Permanent residence," ~~and~~ "temporary residence," and
 666 "transient residence" have the same meaning ascribed in s.
 667 775.21.

668 (2) A sexual offender shall:

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

670 1. In the county in which the offender establishes or
 671 maintains a permanent, ~~or~~ temporary, or transient residence
 672 within 48 hours after:

673 a. Establishing permanent, ~~or~~ temporary, or transient
 674 residence in this state; or

675 b. Being released from the custody, control, or
 676 supervision of the Department of Corrections or from the custody
 677 of a private correctional facility; or

678 2. In the county where he or she was convicted within 48
 679 hours after being convicted for a qualifying offense for
 680 registration under this section if the offender is not in the
 681 custody or control of, or under the supervision of, the
 682 Department of Corrections, or is not in the custody of a private
 683 correctional facility.

684
 685 Any change in the information required to be provided pursuant
 686 to paragraph (b), including, but not limited to, any change in
 687 the sexual offender's permanent, ~~or~~ temporary, or transient
 688 residence, name, any electronic mail address and any instant
 689 message name required to be provided pursuant to paragraph
 690 (4) (d), after the sexual offender reports in person at the
 691 sheriff's office, shall be accomplished in the manner provided
 692 in subsections (4), (7), and (8).

693 (b) Provide his or her name;; date of birth;; social
 694 security number;; race;; sex;; height;; weight;; hair and eye
 695 color;; tattoos or other identifying marks;; occupation and
 696 place of employment;; address of permanent or legal residence or
 697 address of any current temporary residence, within the state or
 698 ~~and~~ out of state, including a rural route address and a post
 699 office box;; if no permanent or temporary address, any transient
 700 residence within the state, address, location or description,

701 and dates of any current or known future temporary residence
 702 within the state or out of state; home telephone number and any
 703 cellular telephone number;; any electronic mail address and any
 704 instant message name required to be provided pursuant to
 705 paragraph (4) (d);; date and place of each conviction;; and a
 706 brief description of the crime or crimes committed by the
 707 offender. A post office box shall not be provided in lieu of a
 708 physical residential address.

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

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

729 change in enrollment or employment status shall be reported in
730 person at the sheriff's office, within 48 hours after any change
731 in status. The sheriff shall promptly notify each institution of
732 the sexual offender's presence and any change in the sexual
733 offender's enrollment or employment status.

734
735 When a sexual offender reports at the sheriff's office, the
736 sheriff shall take a photograph and a set of fingerprints of the
737 offender and forward the photographs and fingerprints to the
738 department, along with the information provided by the sexual
739 offender. The sheriff shall promptly provide to the department
740 the information received from the sexual offender.

741 (4) (a) Each time a sexual offender's driver's license or
742 identification card is subject to renewal, and, without regard
743 to the status of the offender's driver's license or
744 identification card, within 48 hours after any change in the
745 offender's permanent, ~~or~~ temporary, or transient residence or
746 change in the offender's name by reason of marriage or other
747 legal process, the offender shall report in person to a driver's
748 license office, and shall be subject to the requirements
749 specified in subsection (3). The Department of Highway Safety
750 and Motor Vehicles shall forward to the department all
751 photographs and information provided by sexual offenders.
752 Notwithstanding the restrictions set forth in s. 322.142, the
753 Department of Highway Safety and Motor Vehicles is authorized to
754 release a reproduction of a color-photograph or digital-image
755 license to the Department of Law Enforcement for purposes of
756 public notification of sexual offenders as provided in this

757 section and ss. 943.043 and 944.606.

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

772 (c) A sexual offender who remains at a permanent,
 773 temporary, or transient residence after reporting his or her
 774 intent to vacate such residence shall, within 48 hours after the
 775 date upon which the offender indicated he or she would or did
 776 vacate such residence, report in person to the agency to which
 777 he or she reported pursuant to paragraph (b) for the purpose of
 778 reporting his or her address at such residence. When the sheriff
 779 receives the report, the sheriff shall promptly convey the
 780 information to the department. An offender who makes a report as
 781 required under paragraph (b) but fails to make a report as
 782 required under this paragraph commits a felony of the second
 783 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 784 775.084.

785 (7) A sexual offender who intends to establish a
786 permanent, temporary, or transient residence in another state or
787 jurisdiction other than the State of Florida shall report in
788 person to the sheriff of the county of current residence within
789 48 hours before the date he or she intends to leave this state
790 to establish residence in another state or jurisdiction. The
791 notification must include the address, municipality, county, and
792 state of intended residence. The sheriff shall promptly provide
793 to the department the information received from the sexual
794 offender. The department shall notify the statewide law
795 enforcement agency, or a comparable agency, in the intended
796 state or jurisdiction of residence of the sexual offender's
797 intended residence. The failure of a sexual offender to provide
798 his or her intended place of residence is punishable as provided
799 in subsection (9).

800 (8) A sexual offender who indicates his or her intent to
801 establish a permanent, temporary, or transient residence ~~reside~~
802 in another state or jurisdiction other than the State of Florida
803 and later decides to remain in this state shall, within 48 hours
804 after the date upon which the sexual offender indicated he or
805 she would leave this state, report in person to the sheriff to
806 which the sexual offender reported the intended change of
807 permanent, temporary, or transient residence, and report his or
808 her intent to remain in this state. The sheriff shall promptly
809 report this information to the department. A sexual offender who
810 reports his or her intent to establish a permanent, temporary,
811 or transient residence ~~reside~~ in another state or jurisdiction
812 but who remains in this state without reporting to the sheriff

813 | in the manner required by this subsection commits a felony of
 814 | the second degree, punishable as provided in s. 775.082, s.
 815 | 775.083, or s. 775.084.

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

837 | (14)

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

841 subsection. Reregistration shall include any changes to the
842 following information:

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

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

863 3. If the sexual offender's place of residence is a motor
864 vehicle, trailer, mobile home, or manufactured home, as defined
865 in chapter 320, the sexual offender shall also provide the
866 vehicle identification number; the license tag number; the
867 registration number; and a description, including color scheme,
868 of the motor vehicle, trailer, mobile home, or manufactured

869 home. If the sexual offender's place of residence is a vessel,
870 live-aboard vessel, or houseboat, as defined in chapter 327, the
871 sexual offender shall also provide the hull identification
872 number; the manufacturer's serial number; the name of the
873 vessel, live-aboard vessel, or houseboat; the registration
874 number; and a description, including color scheme, of the
875 vessel, live-aboard vessel or houseboat.

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

883 Section 5. Section 943.04352, Florida Statutes, is amended
884 to read:

885 943.04352 Search of registration information regarding
886 sexual predators and sexual offenders required when placement on
887 misdemeanor probation.—When the court places a defendant on
888 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
889 public or private entity providing probation services must
890 conduct a search of the probationer's name or other identifying
891 information against the registration information regarding
892 sexual predators and sexual offenders maintained by the
893 Department of Law Enforcement under s. 943.043. The probation
894 services provider may conduct the search using the Internet site
895 maintained by the Department of Law Enforcement. Also, a
896 national search must be conducted through the Dru Sjodin

897 National Sex Offender Public Website maintained by the United
 898 States Department of Justice.

899 Section 6. Paragraph (a) of subsection (3) of section
 900 944.606, Florida Statutes, is amended to read:

901 944.606 Sexual offenders; notification upon release.—

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

905 1. The department must provide: the sexual offender's
 906 name, any change in the offender's name by reason of marriage or
 907 other legal process, and any alias, if known; the correctional
 908 facility from which the sexual offender is released; the sexual
 909 offender's social security number, race, sex, date of birth,
 910 height, weight, and hair and eye color; address of any planned
 911 permanent residence or temporary residence, within the state or
 912 out of state, including a rural route address and a post office
 913 box; if no permanent or temporary address, any transient
 914 residence within the state; address, location or description,
 915 and dates of any known future temporary residence within the
 916 state or out of state; date and county of sentence and each
 917 crime for which the offender was sentenced; a copy of the
 918 offender's fingerprints and a digitized photograph taken within
 919 60 days before release; the date of release of the sexual
 920 offender; any electronic mail address and any instant message
 921 name required to be provided pursuant to s. 943.0435(4)(d); and
 922 home telephone number and any cellular telephone number; and the
 923 ~~offender's intended residence address, if known.~~ The department
 924 shall notify the Department of Law Enforcement if the sexual

925 offender escapes, absconds, or dies. If the sexual offender is
 926 in the custody of a private correctional facility, the facility
 927 shall take the digitized photograph of the sexual offender
 928 within 60 days before the sexual offender's release and provide
 929 this photograph to the Department of Corrections and also place
 930 it in the sexual offender's file. If the sexual offender is in
 931 the custody of a local jail, the custodian of the local jail
 932 shall register the offender within 3 business days after intake
 933 of the offender for any reason and upon release, and shall
 934 notify the Department of Law Enforcement of the sexual
 935 offender's release and provide to the Department of Law
 936 Enforcement the information specified in this paragraph and any
 937 information specified in subparagraph 2. that the Department of
 938 Law Enforcement requests.

939 2. The department may provide any other information deemed
 940 necessary, including criminal and corrections records,
 941 nonprivileged personnel and treatment records, when available.

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

945 944.607 Notification to Department of Law Enforcement of
 946 information on sexual offenders.—

947 (4) A sexual offender, as described in this section, who
 948 is under the supervision of the Department of Corrections but is
 949 not incarcerated must register with the Department of
 950 Corrections within 3 business days after sentencing for a
 951 registrable ~~registerable~~ offense and otherwise provide
 952 information as required by this subsection.

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

970 (b) If the sexual offender is enrolled, employed, or
 971 carrying on a vocation at an institution of higher education in
 972 this state, the sexual offender shall provide the name, address,
 973 and county of each institution, including each campus attended,
 974 and the sexual offender's enrollment or employment status. Each
 975 change in enrollment or employment status shall be reported to
 976 the department within 48 hours after the change in status. The
 977 Department of Corrections shall promptly notify each institution
 978 of the sexual offender's presence and any change in the sexual
 979 offender's enrollment or employment status.

980 (6) The information provided to the Department of Law

981 Enforcement must include:

982 (a) The information obtained from the sexual offender
 983 under subsection (4);

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

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

1000 (d) The location of, and local telephone number for, any
 1001 Department of Corrections' office that is responsible for
 1002 supervising the sexual offender;

1003 (e) An indication of whether the victim of the offense
 1004 that resulted in the offender's status as a sexual offender was
 1005 a minor;

1006 (f) The offense or offenses at conviction which resulted
 1007 in the determination of the offender's status as a sex offender;
 1008 and

CS/CS/HB 119

2010

1009 (g) A digitized photograph of the sexual offender which
1010 must have been taken within 60 days before the offender is
1011 released from the custody of the department or a private
1012 correctional facility by expiration of sentence under s. 944.275
1013 or must have been taken by January 1, 1998, or within 60 days
1014 after the onset of the department's supervision of any sexual
1015 offender who is on probation, community control, conditional
1016 release, parole, provisional release, or control release or who
1017 is supervised by the department under the Interstate Compact
1018 Agreement for Probationers and Parolees. If the sexual offender
1019 is in the custody of a private correctional facility, the
1020 facility shall take a digitized photograph of the sexual
1021 offender within the time period provided in this paragraph and
1022 shall provide the photograph to the department.

1023
1024 If any information provided by the department changes during the
1025 time the sexual offender is under the department's control,
1026 custody, or supervision, including any change in the offender's
1027 name by reason of marriage or other legal process, the
1028 department shall, in a timely manner, update the information and
1029 provide it to the Department of Law Enforcement in the manner
1030 prescribed in subsection (2).

1031 (13)

1032 (c) The sheriff's office may determine the appropriate
1033 times and days for reporting by the sexual offender, which shall
1034 be consistent with the reporting requirements of this
1035 subsection. Reregistration shall include any changes to the
1036 following information:

1037 1. Name; social security number; age; race; sex; date of
1038 birth; height; weight; hair and eye color; address of any
1039 permanent residence and address of any current temporary
1040 residence, within the state or out of state, including a rural
1041 route address and a post office box; if no permanent or
1042 temporary address, any transient residence; address, location or
1043 description, and dates of any current or known future temporary
1044 residence within the state or out of state; any electronic mail
1045 address and any instant message name required to be provided
1046 pursuant to s. 943.0435(4)(d); date and place of any employment;
1047 vehicle make, model, color, and license tag number;
1048 fingerprints; and photograph. A post office box shall not be
1049 provided in lieu of a physical residential address.

1050 2. If the sexual offender is enrolled, employed, or
1051 carrying on a vocation at an institution of higher education in
1052 this state, the sexual offender shall also provide to the
1053 department the name, address, and county of each institution,
1054 including each campus attended, and the sexual offender's
1055 enrollment or employment status.

1056 3. If the sexual offender's place of residence is a motor
1057 vehicle, trailer, mobile home, or manufactured home, as defined
1058 in chapter 320, the sexual offender shall also provide the
1059 vehicle identification number; the license tag number; the
1060 registration number; and a description, including color scheme,
1061 of the motor vehicle, trailer, mobile home, or manufactured
1062 home. If the sexual offender's place of residence is a vessel,
1063 live-aboard vessel, or houseboat, as defined in chapter 327, the
1064 sexual offender shall also provide the hull identification

1065 number; the manufacturer's serial number; the name of the
 1066 vessel, live-aboard vessel, or houseboat; the registration
 1067 number; and a description, including color scheme, of the
 1068 vessel, live-aboard vessel or houseboat.

1069 4. Any sexual offender who fails to report in person as
 1070 required at the sheriff's office, or who fails to respond to any
 1071 address verification correspondence from the department within 3
 1072 weeks of the date of the correspondence, or who fails to report
 1073 electronic mail addresses or instant message names, commits a
 1074 felony of the third degree, punishable as provided in s.
 1075 775.082, s. 775.083, or s. 775.084.

1076 Section 8. Section 947.005, Florida Statutes, is amended
 1077 to read:

1078 947.005 Definitions.—As used in this chapter, unless the
 1079 context clearly indicates otherwise:

1080 (1)~~(8)~~ "Authority" means the Control Release Authority.

1081 (2) "Child care facility" has the same meaning as provided
 1082 in s. 402.302.

1083 (3)~~(1)~~ "Commission" means the Parole Commission.

1084 (4)~~(2)~~ "Department" means the Department of Corrections.

1085 (5) "Effective parole release date" means the actual
 1086 parole release date as determined by the presumptive parole
 1087 release date, satisfactory institutional conduct, and an
 1088 acceptable parole plan.

1089 (6) "Park" has the same meaning as provided in s. 775.215.

1090 (7) "Playground" has the same meaning as provided in s.
 1091 775.215.

1092 (8)~~(4)~~ "Presumptive parole release date" means the

CS/CS/HB 119

2010

1093 tentative parole release date as determined by objective parole
1094 guidelines.

1095 (9)~~(7)~~ "Provisional release date" means the date projected
1096 for the prisoner's release from custody as determined pursuant
1097 to s. 944.277.

1098 (10)~~(9)~~ "Qualified practitioner" means a social worker,
1099 mental health counselor, or a marriage and family therapist
1100 licensed under chapter 491 who, as determined by rule of the
1101 respective board, has the coursework, training, qualifications,
1102 and experience to evaluate and treat sexual offenders; a
1103 psychiatrist licensed under chapter 458 or chapter 459; or~~a~~
1104 ~~psychologist licensed under chapter 490, or a social worker, a~~
1105 ~~mental health counselor, or a marriage and family therapist~~
1106 ~~licensed under chapter 491 who practices in accordance with his~~
1107 ~~or her respective practice act.~~

1108 (11)~~(10)~~ "Risk assessment" means an assessment completed
1109 by an independent qualified practitioner to evaluate the level
1110 of risk associated when a sex offender has contact with a child.

1111 (12)~~(11)~~ "Safety plan" means a written document prepared
1112 by the qualified practitioner, in collaboration with the sex
1113 offender, the child's parent or legal guardian, and, when
1114 appropriate, the child, which establishes clear roles and
1115 responsibilities for each individual involved in any contact
1116 between the child and the sex offender.

1117 (13) "School" has the same meaning as provided in s.
1118 775.215.

1119 (14)~~(3)~~ "Secretary" means the Secretary of Corrections.

1120 (15)~~(6)~~ "Tentative release date" means the date projected

CS/CS/HB 119

2010

1121 for the prisoner's release from custody by virtue of gain-time
 1122 granted or forfeited pursuant to s. 944.275(3)(a).

1123 Section 9. Subsection (7) of section 947.1405, Florida
 1124 Statutes, is amended, and subsection (12) is added to that
 1125 section, to read:

1126 947.1405 Conditional release program.—

1127 (7)(a) Any inmate who is convicted of a crime committed on
 1128 or after October 1, 1995, or who has been previously convicted
 1129 of a crime committed on or after October 1, 1995, in violation
 1130 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 1131 847.0145, and is subject to conditional release supervision,
 1132 shall have, in addition to any other conditions imposed, the
 1133 following special conditions imposed by the commission:

1134 1. A mandatory curfew from 10 p.m. to 6 a.m. The
 1135 commission may designate another 8-hour period if the offender's
 1136 employment precludes the above specified time, and such
 1137 alternative is recommended by the Department of Corrections. If
 1138 the commission determines that imposing a curfew would endanger
 1139 the victim, the commission may consider alternative sanctions.

1140 2. If the victim was under the age of 18, a prohibition on
 1141 living within 1,000 feet of a school, child care facility ~~day~~
 1142 ~~care center~~, park, playground, designated public school bus
 1143 stop, or other place where children regularly congregate. A
 1144 releasee who is subject to this subparagraph may not relocate to
 1145 a residence that is within 1,000 feet of a public school bus
 1146 stop. Beginning October 1, 2004, the commission or the
 1147 department may not approve a residence that is located within
 1148 1,000 feet of a school, child care facility ~~day care center~~,

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

1173 3. Active participation in and successful completion of a
1174 sex offender treatment program with qualified practitioners
1175 specifically trained to treat sex offenders, at the releasee's
1176 own expense. If a qualified practitioner is not available within

1177 a 50-mile radius of the releasee's residence, the offender shall
1178 participate in other appropriate therapy.

1179 4. A prohibition on any contact with the victim, directly
1180 or indirectly, including through a third person, unless approved
1181 by the victim, a qualified practitioner in the sexual offender
1182 treatment program ~~the offender's therapist~~, and the sentencing
1183 court.

1184 5. If the victim was under the age of 18, a prohibition
1185 against contact with children under the age of 18 without review
1186 and approval by the commission. The commission may approve
1187 supervised contact with a child under the age of 18 if the
1188 approval is based upon a recommendation for contact issued by a
1189 qualified practitioner who is basing the recommendation on a
1190 risk assessment. Further, the sex offender must be currently
1191 enrolled in or have successfully completed a sex offender
1192 therapy program. The commission may not grant supervised contact
1193 with a child if the contact is not recommended by a qualified
1194 practitioner and may deny supervised contact with a child at any
1195 time. When considering whether to approve supervised contact
1196 with a child, the commission must review and consider the
1197 following:

1198 a. A risk assessment completed by a qualified
1199 practitioner. The qualified practitioner must prepare a written
1200 report that must include the findings of the assessment and
1201 address each of the following components:

1202 (I) The sex offender's current legal status;

1203 (II) The sex offender's history of adult charges with
1204 apparent sexual motivation;

1205 (III) The sex offender's history of adult charges without
 1206 apparent sexual motivation;

1207 (IV) The sex offender's history of juvenile charges,
 1208 whenever available;

1209 (V) The sex offender's offender treatment history,
 1210 including a consultation from the sex offender's treating, or
 1211 most recent treating, therapist;

1212 (VI) The sex offender's current mental status;

1213 (VII) The sex offender's mental health and substance abuse
 1214 history as provided by the Department of Corrections;

1215 (VIII) The sex offender's personal, social, educational,
 1216 and work history;

1217 (IX) The results of current psychological testing of the
 1218 sex offender if determined necessary by the qualified
 1219 practitioner;

1220 (X) A description of the proposed contact, including the
 1221 location, frequency, duration, and supervisory arrangement;

1222 (XI) The child's preference and relative comfort level
 1223 with the proposed contact, when age-appropriate;

1224 (XII) The parent's or legal guardian's preference
 1225 regarding the proposed contact; and

1226 (XIII) The qualified practitioner's opinion, along with
 1227 the basis for that opinion, as to whether the proposed contact
 1228 would likely pose significant risk of emotional or physical harm
 1229 to the child.

1230

1231 The written report of the assessment must be given to the
 1232 commission.

CS/CS/HB 119

2010

1233 b. A recommendation made as a part of the risk-assessment
1234 report as to whether supervised contact with the child should be
1235 approved;

1236 c. A written consent signed by the child's parent or legal
1237 guardian, if the parent or legal guardian is not the sex
1238 offender, agreeing to the sex offender having supervised contact
1239 with the child after receiving full disclosure of the sex
1240 offender's present legal status, past criminal history, and the
1241 results of the risk assessment. The commission may not approve
1242 contact with the child if the parent or legal guardian refuses
1243 to give written consent for supervised contact;

1244 d. A safety plan prepared by the qualified practitioner,
1245 who provides treatment to the offender, in collaboration with
1246 the sex offender, the child's parent or legal guardian, and the
1247 child, when age appropriate, which details the acceptable
1248 conditions of contact between the sex offender and the child.
1249 The safety plan must be reviewed and approved by the Department
1250 of Corrections before being submitted to the commission; and

1251 e. Evidence that the child's parent or legal guardian, if
1252 the parent or legal guardian is not the sex offender,
1253 understands the need for and agrees to the safety plan and has
1254 agreed to provide, or to designate another adult to provide,
1255 constant supervision any time the child is in contact with the
1256 offender.

1257
1258 The commission may not appoint a person to conduct a risk
1259 assessment and may not accept a risk assessment from a person
1260 who has not demonstrated to the commission that he or she has

1261 met the requirements of a qualified practitioner as defined in
 1262 this section.

1263 6. If the victim was under age 18, a prohibition on
 1264 working for pay or as a volunteer at any school, child care
 1265 facility ~~day-care-center~~, park, playground, or other place where
 1266 children regularly congregate, as prescribed by the commission.

1267 7. Unless otherwise indicated in the treatment plan
 1268 provided by a qualified practitioner in the sexual offender
 1269 treatment program, a prohibition on viewing, owning, or
 1270 possessing any obscene, pornographic, or sexually stimulating
 1271 visual or auditory material, including telephone, electronic
 1272 media, computer programs, or computer services that are relevant
 1273 to the offender's deviant behavior pattern.

1274 8. Effective for a releasee whose crime is committed on or
 1275 after July 1, 2005, a prohibition on accessing the Internet or
 1276 other computer services until a qualified practitioner in the
 1277 offender's sex offender treatment program, after a risk
 1278 assessment is completed, approves and implements a safety plan
 1279 for the offender's accessing or using the Internet or other
 1280 computer services.

1281 9. A requirement that the releasee must submit two
 1282 specimens of blood to the ~~Florida~~ Department of Law Enforcement
 1283 to be registered with the DNA database.

1284 10. A requirement that the releasee make restitution to
 1285 the victim, as determined by the sentencing court or the
 1286 commission, for all necessary medical and related professional
 1287 services relating to physical, psychiatric, and psychological
 1288 care.

1289 11. Submission to a warrantless search by the community
 1290 control or probation officer of the probationer's or community
 1291 controllee's person, residence, or vehicle.

1292 (b) For a releasee whose crime was committed on or after
 1293 October 1, 1997, in violation of chapter 794, s. 800.04, s.
 1294 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
 1295 conditional release supervision, in addition to any other
 1296 provision of this subsection, the commission shall impose the
 1297 following additional conditions of conditional release
 1298 supervision:

1299 1. As part of a treatment program, participation in a
 1300 minimum of one annual polygraph examination to obtain
 1301 information necessary for risk management and treatment and to
 1302 reduce the sex offender's denial mechanisms. The polygraph
 1303 examination must be conducted by a polygrapher who is a member
 1304 of a national or state polygraph association and who is
 1305 certified as a postconviction sex offender polygrapher trained
 1306 ~~specifically in the use of the polygraph for the monitoring of~~
 1307 ~~sex offenders~~, where available, and at the expense of the
 1308 releasee sex offender. The results of the examination shall be
 1309 provided to the releasee's probation officer and qualified
 1310 practitioner and may not be used as evidence in a hearing to
 1311 prove that a violation of supervision has occurred.

1312 2. Maintenance of a driving log and a prohibition against
 1313 driving a motor vehicle alone without the prior approval of the
 1314 supervising officer.

1315 3. A prohibition against obtaining or using a post office
 1316 box without the prior approval of the supervising officer.

1317 4. If there was sexual contact, a submission to, at the
1318 releasee's ~~probationer's or community controllee's~~ expense, an
1319 HIV test with the results to be released to the victim or the
1320 victim's parent or guardian.

1321 5. Electronic monitoring of any form when ordered by the
1322 commission. Any person who has been placed under supervision and
1323 is electronically monitored by the department must pay the
1324 department for the cost of the electronic monitoring service at
1325 a rate that may not exceed the full cost of the monitoring
1326 service. Funds collected under this subparagraph shall be
1327 deposited into the General Revenue Fund. The department may
1328 exempt a person from the payment of all or any part of the
1329 electronic monitoring service cost if the department finds that
1330 any of the factors listed in s. 948.09(3) exist.

1331 (12) In addition to all other conditions imposed, for a
1332 releasee who is subject to conditional release for a crime that
1333 was committed on or after the effective date of this act, and
1334 who has been convicted at any time of committing, or attempting,
1335 soliciting, or conspiring to commit, any of the criminal
1336 offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar
1337 offense in another jurisdiction against a victim who was under
1338 18 years of age at the time of the offense, if the releasee has
1339 not received a pardon for any felony or similar law of another
1340 jurisdiction necessary for the operation of this subsection, if
1341 a conviction of a felony or similar law of another jurisdiction
1342 necessary for the operation of this subsection has not been set
1343 aside in any postconviction proceeding, or if the releasee has
1344 not been removed from the requirement to register as a sexual

1345 offender or sexual predator pursuant to s. 943.04354, the
 1346 commission must impose the following conditions:

1347 (a) A prohibition on visiting schools, child care
 1348 facilities, parks, and playgrounds without prior approval from
 1349 the releasee's supervising officer. The commission may also
 1350 designate additional prohibited locations to protect a victim.
 1351 The prohibition ordered under this paragraph does not prohibit
 1352 the releasee from visiting a school, child care facility, park,
 1353 or playground for the sole purpose of attending a religious
 1354 service as defined in s. 775.0861 or picking up or dropping off
 1355 the releasee's child or grandchild at a child care facility or
 1356 school.

1357 (b) A prohibition on distributing candy or other items to
 1358 children on Halloween; wearing a Santa Claus costume, or other
 1359 costume to appeal to children, on or preceding Christmas;
 1360 wearing an Easter Bunny costume, or other costume to appeal to
 1361 children, on or preceding Easter; entertaining at children's
 1362 parties; or wearing a clown costume without prior approval from
 1363 the commission.

1364 Section 10. Section 948.001, Florida Statutes, is amended
 1365 to read:

1366 948.001 Definitions.—As used in this chapter, the term:

1367 (1) "Administrative probation" means a form of noncontact
 1368 supervision in which an offender who presents a low risk of harm
 1369 to the community may, upon satisfactory completion of half the
 1370 term of probation, be transferred by the Department of
 1371 Corrections to nonreporting status until expiration of the term
 1372 of supervision.

1373 (2) "Child care facility" has the same meaning as provided
 1374 in s. 402.302.

1375 ~~(3)-(2)~~ "Community control" means a form of intensive,
 1376 supervised custody in the community, including surveillance on
 1377 weekends and holidays, administered by officers with restricted
 1378 caseloads. Community control is an individualized program in
 1379 which the freedom of an offender is restricted within the
 1380 community, home, or noninstitutional residential placement and
 1381 specific sanctions are imposed and enforced.

1382 ~~(4)-(9)~~ "Community residential drug punishment center"
 1383 means a residential drug punishment center designated by the
 1384 Department of Corrections. The Department of Corrections shall
 1385 adopt rules as necessary to define and operate such a center.

1386 ~~(5)-(3)~~ "Criminal quarantine community control" means
 1387 intensive supervision, by officers with restricted caseloads,
 1388 with a condition of 24-hour-per-day electronic monitoring, and a
 1389 condition of confinement to a designated residence during
 1390 designated hours.

1391 ~~(6)-(4)~~ "Drug offender probation" means a form of intensive
 1392 supervision that ~~which~~ emphasizes treatment of drug offenders in
 1393 accordance with individualized treatment plans administered by
 1394 officers with restricted caseloads. Caseloads should be
 1395 restricted to a maximum of 50 cases per officer in order to
 1396 ensure an adequate level of staffing.

1397 (7) "Park" has the same meaning as provided in s. 775.215.

1398 (8) "Playground" has the same meaning as provided in s.
 1399 775.215.

1400 ~~(9)-(5)~~ "Probation" means a form of community supervision

1401 requiring specified contacts with parole and probation officers
 1402 and other terms and conditions as provided in s. 948.03.

1403 (10)~~(6)~~ "Qualified practitioner" means a social worker,
 1404 mental health counselor, or a marriage and family therapist
 1405 licensed under chapter 491 who, as determined by rule of the
 1406 respective board, has the coursework, training, qualifications,
 1407 and experience to evaluate and treat sexual offenders; a
 1408 psychiatrist licensed under chapter 458 or chapter 459; or~~a~~
 1409 psychologist licensed under chapter 490,~~or a social worker, a~~
 1410 ~~mental health counselor, or a marriage and family therapist~~
 1411 ~~licensed under chapter 491 who practices in accordance with his~~
 1412 ~~or her respective practice act.~~

1413 (11)~~(7)~~ "Risk assessment" means an assessment completed by
 1414 a ~~an independent~~ qualified practitioner to evaluate the level of
 1415 risk associated when a sex offender has contact with a child.

1416 (12)~~(8)~~ "Safety plan" means a written document prepared by
 1417 the qualified practitioner, in collaboration with the sex
 1418 offender, the child's parent or legal guardian, and, when
 1419 appropriate, the child which establishes clear roles and
 1420 responsibilities for each individual involved in any contact
 1421 between the child and the sex offender.

1422 (13) "School" has the same meaning as provided in s.
 1423 775.215.

1424 (14)~~(10)~~ "Sex offender probation" or "sex offender
 1425 community control" means a form of intensive supervision, with
 1426 or without electronic monitoring, which emphasizes treatment and
 1427 supervision of a sex offender in accordance with an
 1428 individualized treatment plan administered by an officer who has

1429 a restricted caseload and specialized training. An officer who
 1430 supervises an offender placed on sex offender probation or sex
 1431 offender community control must meet as necessary with a
 1432 treatment provider and polygraph examiner to develop and
 1433 implement the supervision and treatment plan, if a treatment
 1434 provider and polygraph examiner specially trained in the
 1435 treatment and monitoring of sex offenders are reasonably
 1436 available.

1437 Section 11. Subsection (1) and paragraph (a) of subsection
 1438 (2) of section 948.30, Florida Statutes, are amended, and
 1439 subsection (4) is added to that section, to read:

1440 948.30 Additional terms and conditions of probation or
 1441 community control for certain sex offenses.—Conditions imposed
 1442 pursuant to this section do not require oral pronouncement at
 1443 the time of sentencing and shall be considered standard
 1444 conditions of probation or community control for offenders
 1445 specified in this section.

1446 (1) Effective for probationers or community controllees
 1447 whose crime was committed on or after October 1, 1995, and who
 1448 are placed under supervision for violation of chapter 794, s.
 1449 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
 1450 must impose the following conditions in addition to all other
 1451 standard and special conditions imposed:

1452 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
 1453 may designate another 8-hour period if the offender's employment
 1454 precludes the above specified time, and the alternative is
 1455 recommended by the Department of Corrections. If the court
 1456 determines that imposing a curfew would endanger the victim, the

1457 court may consider alternative sanctions.

1458 (b) If the victim was under the age of 18, a prohibition
1459 on living within 1,000 feet of a school, child care facility ~~day~~
1460 ~~care center~~, park, playground, or other place where children
1461 regularly congregate, as prescribed by the court. The 1,000-foot
1462 distance shall be measured in a straight line from the
1463 offender's place of residence to the nearest boundary line of
1464 the school, child care facility ~~day care center~~, park,
1465 playground, or other place where children congregate. The
1466 distance may not be measured by a pedestrian route or automobile
1467 route. A probationer or community controllee who is subject to
1468 this paragraph may not be forced to relocate and does not
1469 violate his or her probation or community control if he or she
1470 is living in a residence that meets the requirements of this
1471 paragraph and a school, child care facility, park, playground,
1472 or other place where children regularly congregate is
1473 subsequently established within 1,000 feet of his or her
1474 residence.

1475 (c) Active participation in and successful completion of a
1476 sex offender treatment program with qualified practitioners
1477 specifically trained to treat sex offenders, at the
1478 probationer's or community controllee's own expense. If a
1479 qualified practitioner is not available within a 50-mile radius
1480 of the probationer's or community controllee's residence, the
1481 offender shall participate in other appropriate therapy.

1482 (d) A prohibition on any contact with the victim, directly
1483 or indirectly, including through a third person, unless approved
1484 by the victim, a qualified practitioner in the sexual offender

1485 treatment program ~~the offender's therapist~~, and the sentencing
 1486 court.

1487 (e) If the victim was under the age of 18, a prohibition
 1488 on contact with a child under the age of 18 except as provided
 1489 in this paragraph. The court may approve supervised contact with
 1490 a child under the age of 18 if the approval is based upon a
 1491 recommendation for contact issued by a qualified practitioner
 1492 who is basing the recommendation on a risk assessment. Further,
 1493 the sex offender must be currently enrolled in or have
 1494 successfully completed a sex offender therapy program. The court
 1495 may not grant supervised contact with a child if the contact is
 1496 not recommended by a qualified practitioner and may deny
 1497 supervised contact with a child at any time. When considering
 1498 whether to approve supervised contact with a child, the court
 1499 must review and consider the following:

1500 1. A risk assessment completed by a qualified
 1501 practitioner. The qualified practitioner must prepare a written
 1502 report that must include the findings of the assessment and
 1503 address each of the following components:

- 1504 a. The sex offender's current legal status;
- 1505 b. The sex offender's history of adult charges with
 1506 apparent sexual motivation;
- 1507 c. The sex offender's history of adult charges without
 1508 apparent sexual motivation;
- 1509 d. The sex offender's history of juvenile charges,
 1510 whenever available;
- 1511 e. The sex offender's offender treatment history,
 1512 including consultations with the sex offender's treating, or

1513 most recent treating, therapist;
 1514 f. The sex offender's current mental status;
 1515 g. The sex offender's mental health and substance abuse
 1516 treatment history as provided by the Department of Corrections;
 1517 h. The sex offender's personal, social, educational, and
 1518 work history;
 1519 i. The results of current psychological testing of the sex
 1520 offender if determined necessary by the qualified practitioner;
 1521 j. A description of the proposed contact, including the
 1522 location, frequency, duration, and supervisory arrangement;
 1523 k. The child's preference and relative comfort level with
 1524 the proposed contact, when age appropriate;
 1525 l. The parent's or legal guardian's preference regarding
 1526 the proposed contact; and
 1527 m. The qualified practitioner's opinion, along with the
 1528 basis for that opinion, as to whether the proposed contact would
 1529 likely pose significant risk of emotional or physical harm to
 1530 the child.
 1531
 1532 The written report of the assessment must be given to the court;
 1533 2. A recommendation made as a part of the risk assessment
 1534 report as to whether supervised contact with the child should be
 1535 approved;
 1536 3. A written consent signed by the child's parent or legal
 1537 guardian, if the parent or legal guardian is not the sex
 1538 offender, agreeing to the sex offender having supervised contact
 1539 with the child after receiving full disclosure of the sex
 1540 offender's present legal status, past criminal history, and the

1541 results of the risk assessment. The court may not approve
 1542 contact with the child if the parent or legal guardian refuses
 1543 to give written consent for supervised contact;

1544 4. A safety plan prepared by the qualified practitioner,
 1545 who provides treatment to the offender, in collaboration with
 1546 the sex offender, the child's parent or legal guardian, if the
 1547 parent or legal guardian is not the sex offender, and the child,
 1548 when age appropriate, which details the acceptable conditions of
 1549 contact between the sex offender and the child. The safety plan
 1550 must be reviewed and approved by the court; and

1551 5. Evidence that the child's parent or legal guardian
 1552 understands the need for and agrees to the safety plan and has
 1553 agreed to provide, or to designate another adult to provide,
 1554 constant supervision any time the child is in contact with the
 1555 offender.

1556
 1557 The court may not appoint a person to conduct a risk assessment
 1558 and may not accept a risk assessment from a person who has not
 1559 demonstrated to the court that he or she has met the
 1560 requirements of a qualified practitioner as defined in this
 1561 section.

1562 (f) If the victim was under age 18, a prohibition on
 1563 working for pay or as a volunteer at any place where children
 1564 regularly congregate, including, but not limited to, schools,
 1565 child care facilities ~~day care centers~~, parks, playgrounds, pet
 1566 stores, libraries, zoos, theme parks, and malls.

1567 (g) Unless otherwise indicated in the treatment plan
 1568 provided by a qualified practitioner in the sexual offender

1569 treatment program, a prohibition on viewing, accessing, owning,
1570 or possessing any obscene, pornographic, or sexually stimulating
1571 visual or auditory material, including telephone, electronic
1572 media, computer programs, or computer services that are relevant
1573 to the offender's deviant behavior pattern.

1574 (h) Effective for probationers and community controllees
1575 whose crime is committed on or after July 1, 2005, a prohibition
1576 on accessing the Internet or other computer services until a
1577 qualified practitioner in the offender's sex offender treatment
1578 program, after a risk assessment is completed, approves and
1579 implements a safety plan for the offender's accessing or using
1580 the Internet or other computer services.

1581 (i) A requirement that the probationer or community
1582 controllee must submit a specimen of blood or other approved
1583 biological specimen to the Department of Law Enforcement to be
1584 registered with the DNA data bank.

1585 (j) A requirement that the probationer or community
1586 controllee make restitution to the victim, as ordered by the
1587 court under s. 775.089, for all necessary medical and related
1588 professional services relating to physical, psychiatric, and
1589 psychological care.

1590 (k) Submission to a warrantless search by the community
1591 control or probation officer of the probationer's or community
1592 controllee's person, residence, or vehicle.

1593 (2) Effective for a probationer or community controllee
1594 whose crime was committed on or after October 1, 1997, and who
1595 is placed on community control or sex offender probation for a
1596 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),

1597 or s. 847.0145, in addition to any other provision of this
 1598 section, the court must impose the following conditions of
 1599 probation or community control:

1600 (a) As part of a treatment program, participation at least
 1601 annually in polygraph examinations to obtain information
 1602 necessary for risk management and treatment and to reduce the
 1603 sex offender's denial mechanisms. A polygraph examination must
 1604 be conducted by a polygrapher who is a member of a national or
 1605 state polygraph association and who is certified as a
 1606 postconviction sex offender polygrapher ~~trained specifically in~~
 1607 ~~the use of the polygraph for the monitoring of sex offenders,~~
 1608 where available, and shall be paid for by the probationer or
 1609 community controllee ~~sex offender~~. The results of the polygraph
 1610 examination shall be provided to the probationer's or community
 1611 controllee's probation officer and qualified practitioner and
 1612 shall not be used as evidence in court to prove that a violation
 1613 of community supervision has occurred.

1614 (4) In addition to all other conditions imposed, for a
 1615 probationer or community controllee who is subject to
 1616 supervision for a crime that was committed on or after the
 1617 effective date of this act, and who has been convicted at any
 1618 time of committing, or attempting, soliciting, or conspiring to
 1619 commit, any of the criminal offenses listed in s.
 1620 943.0435(1)(a)1.a.(I), or a similar offense in another
 1621 jurisdiction, against a victim who was under the age of 18 at
 1622 the time of the offense; if the offender has not received a
 1623 pardon for any felony or similar law of another jurisdiction
 1624 necessary for the operation of this subsection, if a conviction

CS/CS/HB 119

2010

1625 of a felony or similar law of another jurisdiction necessary for
1626 the operation of this subsection has not been set aside in any
1627 postconviction proceeding, or if the offender has not been
1628 removed from the requirement to register as a sexual offender or
1629 sexual predator pursuant to s. 943.04354, the court must impose
1630 the following conditions:

1631 (a) A prohibition on visiting schools, child care
1632 facilities, parks, and playgrounds, without prior approval from
1633 the offender's supervising officer. The court may also designate
1634 additional locations to protect a victim. The prohibition
1635 ordered under this paragraph does not prohibit the offender from
1636 visiting a school, child care facility, park, or playground for
1637 the sole purpose of attending a religious service as defined in
1638 s. 775.0861 or picking up or dropping off the offender's
1639 children or grandchildren at a child care facility or school.

1640 (b) A prohibition on distributing candy or other items to
1641 children on Halloween; wearing a Santa Claus costume, or other
1642 costume to appeal to children, on or preceding Christmas;
1643 wearing an Easter Bunny costume, or other costume to appeal to
1644 children, on or preceding Easter; entertaining at children's
1645 parties; or wearing a clown costume; without prior approval from
1646 the court.

1647 Section 12. Section 948.31, Florida Statutes, is amended
1648 to read:

1649 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual
1650 predators and offenders placed on probation or community control
1651 ~~for certain sex offenses or child exploitation.~~ The court shall
1652 require an a diagnosis and evaluation by a qualified

1653 practitioner to determine the need of a probationer or community
 1654 controlee ~~offender in community control~~ for treatment. If the
 1655 court determines that a need therefor is established by the such
 1656 ~~diagnosis and evaluation process~~, the court shall require sexual
 1657 offender treatment ~~outpatient counseling~~ as a term or condition
 1658 of probation or community control for any person who is required
 1659 to register as a sexual predator under s. 775.21 or sexual
 1660 offender under s. 943.0435, s. 944.606, or s. 944.607. ~~was found~~
 1661 ~~guilty of any of the following, or whose plea of guilty or nolo~~
 1662 ~~contendere to any of the following was accepted by the court:~~

1663 ~~(1) Lewd or lascivious battery, lewd or lascivious~~
 1664 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
 1665 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1666 ~~(2) Sexual battery, as defined in chapter 794, against a~~
 1667 ~~child.~~

1668 ~~(3) Exploitation of a child as provided in s. 450.151, or~~
 1669 ~~for prostitution.~~

1670

1671 Such treatment ~~counseling~~ shall be required to be obtained from
 1672 a qualified practitioner as defined in s. 948.001. Treatment may
 1673 not be administered by a qualified practitioner who has been
 1674 convicted or adjudicated delinquent of committing, or
 1675 attempting, soliciting, or conspiring to commit, any offense
 1676 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall
 1677 impose a restriction against contact with minors if sexual
 1678 offender treatment is recommended ~~a community mental health~~
 1679 ~~center, a recognized social service agency providing mental~~
 1680 ~~health services, or a private mental health professional or~~

1681 ~~through other professional counseling.~~ The evaluation and
 1682 recommendations ~~plan~~ for treatment of counseling for the
 1683 probationer or community controlee individual shall be provided
 1684 to the court for review.

1685 Section 13. Paragraph (a) of subsection (3) of section
 1686 985.481, Florida Statutes, is amended to read:

1687 985.481 Sexual offenders adjudicated delinquent;
 1688 notification upon release.-

1689 (3) (a) The department must provide information regarding
 1690 any sexual offender who is being released after serving a period
 1691 of residential commitment under the department for any offense,
 1692 as follows:

1693 1. The department must provide the sexual offender's name,
 1694 any change in the offender's name by reason of marriage or other
 1695 legal process, and any alias, if known; the correctional
 1696 facility from which the sexual offender is released; the sexual
 1697 offender's social security number, race, sex, date of birth,
 1698 height, weight, and hair and eye color; address of any planned
 1699 permanent residence or temporary residence, within the state or
 1700 out of state, including a rural route address and a post office
 1701 box; if no permanent or temporary address, any transient
 1702 residence within the state; address, location or description,
 1703 and dates of any known future temporary residence within the
 1704 state or out of state; date and county of disposition and each
 1705 crime for which there was a disposition; a copy of the
 1706 offender's fingerprints and a digitized photograph taken within
 1707 60 days before release; the date of release of the sexual
 1708 offender; and home telephone number and any cellular telephone

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

1724 2. The department may provide any other information
 1725 considered necessary, including criminal and delinquency
 1726 records, when available.

1727 Section 14. Paragraph (a) of subsection (4), paragraph (a)
 1728 of subsection (6), and paragraph (b) of subsection (13) of
 1729 section 985.4815, Florida Statutes, are amended to read:

1730 985.4815 Notification to Department of Law Enforcement of
 1731 information on juvenile sexual offenders.-

1732 (4) A sexual offender, as described in this section, who
 1733 is under the supervision of the department but who is not
 1734 committed must register with the department within 3 business
 1735 days after adjudication and disposition for a registrable
 1736 offense and otherwise provide information as required by this

1737 subsection.

1738 (a) The sexual offender shall provide his or her name;
1739 date of birth; social security number; race; sex; height;
1740 weight; hair and eye color; tattoos or other identifying marks;
1741 ~~and~~ permanent or legal residence and address of temporary
1742 residence within the state or out of state while the sexual
1743 offender is in the care or custody or under the jurisdiction or
1744 supervision of the department in this state, including any rural
1745 route address or post office box; if no permanent or temporary
1746 address, any transient residence; address, location or
1747 description, and dates of any current or known future temporary
1748 residence within the state or out of state;~~7~~ and the name and
1749 address of each school attended. The department shall verify the
1750 address of each sexual offender and shall report to the
1751 Department of Law Enforcement any failure by a sexual offender
1752 to comply with registration requirements.

1753 (6) (a) The information provided to the Department of Law
1754 Enforcement must include the following:

1755 1. The information obtained from the sexual offender under
1756 subsection (4).

1757 2. The sexual offender's most current address and place of
1758 permanent, ~~or~~ temporary, or transient residence within the state
1759 or out of state, and address, location or description, and dates
1760 of any current or known future temporary residence within the
1761 state or out of state, while the sexual offender is in the care
1762 or custody or under the jurisdiction or supervision of the
1763 department in this state, including the name of the county or
1764 municipality in which the offender permanently or temporarily

1765 resides, or has a transient residence, and address, location or
 1766 description, and dates of any current or known future temporary
 1767 residence within the state or out of state; and, if known, the
 1768 intended place of permanent, ~~or~~ temporary, or transient
 1769 residence, and address, location or description, and dates of
 1770 any current or known future temporary residence within the state
 1771 or out of state upon satisfaction of all sanctions.

1772 3. The legal status of the sexual offender and the
 1773 scheduled termination date of that legal status.

1774 4. The location of, and local telephone number for, any
 1775 department office that is responsible for supervising the sexual
 1776 offender.

1777 5. An indication of whether the victim of the offense that
 1778 resulted in the offender's status as a sexual offender was a
 1779 minor.

1780 6. The offense or offenses at adjudication and disposition
 1781 that resulted in the determination of the offender's status as a
 1782 sex offender.

1783 7. A digitized photograph of the sexual offender, which
 1784 must have been taken within 60 days before the offender was
 1785 released from the custody of the department or a private
 1786 correctional facility by expiration of sentence under s.
 1787 944.275, or within 60 days after the onset of the department's
 1788 supervision of any sexual offender who is on probation,
 1789 postcommitment probation, residential commitment, nonresidential
 1790 commitment, licensed child-caring commitment, community control,
 1791 conditional release, parole, provisional release, or control
 1792 release or who is supervised by the department under the

CS/CS/HB 119

2010

1793 Interstate Compact Agreement for Probationers and Parolees. If
 1794 the sexual offender is in the custody of a private correctional
 1795 facility, the facility shall take a digitized photograph of the
 1796 sexual offender within the time period provided in this
 1797 subparagraph and shall provide the photograph to the department.

1798 (13)

1799 (b) The sheriff's office may determine the appropriate
 1800 times and days for reporting by the sexual offender, which shall
 1801 be consistent with the reporting requirements of this
 1802 subsection. Reregistration shall include any changes to the
 1803 following information:

1804 1. Name; social security number; age; race; sex; date of
 1805 birth; height; weight; hair and eye color; address of any
 1806 permanent residence and address of any current temporary
 1807 residence, within the state or out of state, including a rural
 1808 route address and a post office box; if no permanent or
 1809 temporary address, any transient residence; address, location or
 1810 description, and dates of any current or known future temporary
 1811 residence within the state or out of state; name and address of
 1812 each school attended; date and place of any employment; vehicle
 1813 make, model, color, and license tag number; fingerprints; and
 1814 photograph. A post office box shall not be provided in lieu of a
 1815 physical residential address.

1816 2. If the sexual offender is enrolled, employed, or
 1817 carrying on a vocation at an institution of higher education in
 1818 this state, the sexual offender shall also provide to the
 1819 department the name, address, and county of each institution,
 1820 including each campus attended, and the sexual offender's

1821 enrollment or employment status.

1822 3. If the sexual offender's place of residence is a motor
1823 vehicle, trailer, mobile home, or manufactured home, as defined
1824 in chapter 320, the sexual offender shall also provide the
1825 vehicle identification number; the license tag number; the
1826 registration number; and a description, including color scheme,
1827 of the motor vehicle, trailer, mobile home, or manufactured
1828 home. If the sexual offender's place of residence is a vessel,
1829 live-aboard vessel, or houseboat, as defined in chapter 327, the
1830 sexual offender shall also provide the hull identification
1831 number; the manufacturer's serial number; the name of the
1832 vessel, live-aboard vessel, or houseboat; the registration
1833 number; and a description, including color scheme, of the
1834 vessel, live-aboard vessel, or houseboat.

1835 4. Any sexual offender who fails to report in person as
1836 required at the sheriff's office, or who fails to respond to any
1837 address verification correspondence from the department within 3
1838 weeks after the date of the correspondence, commits a felony of
1839 the third degree, punishable as provided in ss. 775.082,
1840 775.083, and 775.084.

1841 Section 15. The Legislature intends that nothing in this
1842 act reduce or diminish a court's jurisdiction.

1843 Section 16. If any provision of this act or its
1844 application to any person or circumstance is held invalid, the
1845 invalidity does not affect other provisions or applications of
1846 this act which can be given effect without the invalid provision
1847 or application, and to this end the provisions of this act are
1848 declared severable.

CS/CS/HB 119

2010

1849 Section 17. The Division of Statutory Revision is directed
1850 to replace the phrase "the effective date of this act" wherever
1851 it occurs in this act with the date this act becomes a law.

1852 Section 18. This act shall take effect upon becoming a
1853 law.