

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. 943.04354, F.S.; allowing the
36 removal of the requirement to register as a sexual
37 offender or sexual predator for a violation involving
38 sexual performance by a child in special circumstances;
39 amending s. 944.606, F.S.; revising address reporting
40 requirements for sexual offenders; amending s. 944.607,
41 F.S.; requiring additional registration information from
42 sex offenders who are under the supervision of the
43 Department of Corrections but who are not incarcerated;
44 amending s. 947.005, F.S.; providing additional
45 definitions; amending s. 947.1405, F.S.; conforming
46 terminology to changes made by the act; providing that a
47 releasee living in an approved residence before the
48 establishment of a school, child care facility, park, or
49 playground within 1,000 feet of the residence may not be
50 forced to relocate and does not violate his or her
51 conditional release supervision; revising provisions
52 relating to polygraph examinations of specified
53 conditional releasees who have committed specified sexual
54 offenses; providing additional restrictions for certain
55 conditional releasees who have committed specified sexual
56 offenses against minors or have similar convictions in

57 another jurisdiction; amending s. 948.001, F.S.; revising
58 and providing definitions; amending s. 948.30, F.S.;
59 conforming terminology to changes made by the act;
60 providing that a probationer or community controllee
61 living in an approved residence before the establishment
62 of a school, child care facility, park, or playground
63 within 1,000 feet of the residence may not be forced to
64 relocate and does not violate his or her probation or
65 community control; revising provisions relating to
66 polygraph examinations of specified probationers or
67 community controllees who have committed specified sexual
68 offenses; providing additional restrictions for certain
69 probationers or community controllees who committed
70 specified sexual offenses against minors or who have
71 similar convictions in another jurisdiction; amending s.
72 948.31, F.S.; deleting a requirement for diagnosis of
73 certain sexual predators and sexual offenders on community
74 control; revising provisions relating to treatment for
75 such offenders and predators; amending s. 985.481, F.S.;
76 providing additional address reporting requirements for
77 sexual offenders adjudicated delinquent; amending s.
78 985.4815, F.S.; revising provisions relating to address
79 and residence reporting requirements for sexual offenders
80 adjudicated delinquent; providing legislative intent;
81 providing severability; providing a directive to the
82 Division of Statutory Revision; providing an effective
83 date.
84

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

86
87 Section 1. Section 856.022, Florida Statutes, is created
88 to read:

89 856.022 Loitering or prowling by certain offenders in
90 close proximity to children; penalty.-

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

111 (2) This section does not apply to a person who has been
112 removed from the requirement to register as a sexual offender or

113 sexual predator pursuant to s. 943.04354.

114 (3) A person described in subsection (1) commits loitering
115 and prowling by a person convicted of a sexual offense against a
116 minor if, in committing loitering and prowling, he or she was
117 within 300 feet of a place where children were congregating.

118 (4) It is unlawful for a person described in subsection
119 (1) to:

120 (a) Knowingly approach, contact, or communicate with a
121 child under 18 years of age in any public park building or on
122 real property comprising any public park or playground with the
123 intent to engage in conduct of a sexual nature or to make a
124 communication of any type with any content of a sexual nature.
125 This paragraph applies only to a person described in subsection
126 (1) whose offense was committed on or after the effective date
127 of this act.

128 (b)1. Knowingly be present in any child care facility or
129 school containing any students in prekindergarten through grade
130 12 or on real property comprising any child care facility or
131 school containing any students in prekindergarten through grade
132 12 when the child care facility or school is in operation unless
133 the person had previously provided written notification of his
134 or her intent to be present to the school board, superintendent,
135 principal, or child care facility owner;

136 2. Fail to notify the child care facility owner or the
137 school principal's office when he or she arrives and departs the
138 child care facility or school; or

139 3. Fail to remain under direct supervision of a school
140 official or designated chaperone when present in the vicinity of

141 children. As used in this paragraph, the term "school official"
 142 means a principal, a school resource officer, a teacher or any
 143 other employee of the school, the superintendent of schools, a
 144 member of the school board, a child care facility owner, or a
 145 child care provider.

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

147 1. The child care facility or school is a voting location
 148 and the person is present for the purpose of voting during the
 149 hours designated for voting; or

150 2. The person is only dropping off or picking up his or
 151 her own children or grandchildren at the child care facility or
 152 school.

153 (5) Any person who violates this section commits a
 154 misdemeanor of the first degree, punishable as provided in s.
 155 775.082 or s. 775.083.

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

161 775.21 The Florida Sexual Predators Act.—

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

163 (a)-(i) "Change in enrollment or employment status" means
 164 the commencement or termination of enrollment or employment or a
 165 change in location of enrollment or employment.

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

168 (c) "Child care facility" has the same meaning as provided

169 | in s. 402.302.

170 | (d)~~(b)~~ "Community" means any county where the sexual
 171 | predator lives or otherwise establishes or maintains a temporary
 172 | or permanent residence.

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

186 | (f)~~(d)~~ "Department" means the Department of Law
 187 | Enforcement.

188 | (g)~~(j)~~ "Electronic mail address" has the same meaning as
 189 | provided in s. 668.602.

190 | (h)~~(e)~~ "Entering the county" includes being discharged
 191 | from a correctional facility or jail or secure treatment
 192 | facility within the county or being under supervision within the
 193 | county for the commission of a violation enumerated in
 194 | subsection (4).

195 | (i)~~(k)~~ "Instant message name" means an identifier that
 196 | allows a person to communicate in real time with another person

197 using the Internet.

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

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

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

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

219 (4) SEXUAL PREDATOR CRITERIA.—

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

223 1. The court did not, for whatever reason, make a written
 224 finding at the time of sentencing that the offender was a sexual

225 predator; or

226 2. The offender was administratively registered as a
227 sexual predator because the Department of Corrections, the
228 department, or any other law enforcement agency obtained
229 information that indicated that the offender met the criteria
230 for designation as a sexual predator based on a violation of a
231 similar law in another jurisdiction,

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

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

255 (a)1. An offender who meets the sexual predator criteria
 256 described in paragraph (4)(d) is a sexual predator, and the
 257 court shall make a written finding at the time such offender is
 258 determined to be a sexually violent predator under chapter 394
 259 that such person meets the criteria for designation as a sexual
 260 predator for purposes of this section. The clerk shall transmit
 261 a copy of the order containing the written finding to the
 262 department within 48 hours after the entry of the order;

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

271 3. If the Department of Corrections, the department, or
 272 any other law enforcement agency obtains information which
 273 indicates that an offender who establishes or maintains a
 274 permanent, ~~or~~ temporary, or transient residence in this state
 275 meets the sexual predator criteria described in paragraph (4)(a)
 276 or paragraph (4)(d) because the offender was civilly committed
 277 or committed a similar violation in another jurisdiction on or
 278 after October 1, 1993, the Department of Corrections, the
 279 department, or the law enforcement agency shall notify the state
 280 attorney of the county where the offender establishes or

281 maintains a permanent, ~~or~~ temporary, or transient residence of
 282 the offender's presence in the community. The state attorney
 283 shall file a petition with the criminal division of the circuit
 284 court for the purpose of holding a hearing to determine if the
 285 offender's criminal record or record of civil commitment from
 286 another jurisdiction meets the sexual predator criteria. If the
 287 court finds that the offender meets the sexual predator criteria
 288 because the offender has violated a similar law or similar laws
 289 in another jurisdiction, the court shall make a written finding
 290 that the offender is a sexual predator.

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

302 (6) REGISTRATION.—

303 (a) A sexual predator must register with the department
 304 through the sheriff's office by providing the following
 305 information to the department:

- 306 1. Name;iT social security number;iT age;iT race;iT sex;iT date
 307 of birth;iT height;iT weight;iT hair and eye color;iT photograph;iT
 308 address of legal residence and address of any current temporary

309 residence, within the state or out of state, including a rural
 310 route address and a post office box;; if no permanent or
 311 temporary address, any transient residence within the state;
 312 address, location or description, and dates of any current or
 313 known future temporary residence within the state or out of
 314 state; any electronic mail address and any instant message name
 315 required to be provided pursuant to subparagraph (g)4.; home
 316 telephone number and any cellular telephone number;; date and
 317 place of any employment;; date and place of each conviction;;
 318 fingerprints;; and a brief description of the crime or crimes
 319 committed by the offender. A post office box shall not be
 320 provided in lieu of a physical residential address.

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

335 b. If the sexual predator is enrolled, employed, or
 336 carrying on a vocation at an institution of higher education in

337 | this state, the sexual predator shall also provide to the
338 | department the name, address, and county of each institution,
339 | including each campus attended, and the sexual predator's
340 | enrollment or employment status. Each change in enrollment or
341 | employment status shall be reported in person at the sheriff's
342 | office, or the Department of Corrections if the sexual predator
343 | is in the custody or control of or under the supervision of the
344 | Department of Corrections, within 48 hours after any change in
345 | status. The sheriff or the Department of Corrections shall
346 | promptly notify each institution of the sexual predator's
347 | presence and any change in the sexual predator's enrollment or
348 | employment status.

349 | 2. Any other information determined necessary by the
350 | department, including criminal and corrections records;
351 | nonprivileged personnel and treatment records; and evidentiary
352 | genetic markers when available.

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

361 | 1. If otherwise qualified, secure a Florida driver's
362 | license, renew a Florida driver's license, or secure an
363 | identification card. The sexual predator shall identify himself
364 | or herself as a sexual predator who is required to comply with

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

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

392 | 3. Provide, upon request, any additional information

393 necessary to confirm the identity of the sexual predator,
394 including a set of fingerprints.

395 (g)1. Each time a sexual predator's driver's license or
396 identification card is subject to renewal, and, without regard
397 to the status of the predator's driver's license or
398 identification card, within 48 hours after any change of the
399 predator's residence or change in the predator's name by reason
400 of marriage or other legal process, the predator shall report in
401 person to a driver's license office and shall be subject to the
402 requirements specified in paragraph (f). The Department of
403 Highway Safety and Motor Vehicles shall forward to the
404 department and to the Department of Corrections all photographs
405 and information provided by sexual predators. Notwithstanding
406 the restrictions set forth in s. 322.142, the Department of
407 Highway Safety and Motor Vehicles is authorized to release a
408 reproduction of a color-photograph or digital-image license to
409 the Department of Law Enforcement for purposes of public
410 notification of sexual predators as provided in this section.

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

421 the residence or other place ~~location~~ that he or she is or will
422 be located ~~occupying~~ during the time in which he or she fails to
423 establish or maintain a permanent or temporary residence.

424 3. A sexual predator who remains at a permanent,
425 temporary, or transient residence after reporting his or her
426 intent to vacate such residence shall, within 48 hours after the
427 date upon which the predator indicated he or she would or did
428 vacate such residence, report in person to the sheriff's office
429 to which he or she reported pursuant to subparagraph 2. for the
430 purpose of reporting his or her address at such residence. When
431 the sheriff receives the report, the sheriff shall promptly
432 convey the information to the department. An offender who makes
433 a report as required under subparagraph 2. but fails to make a
434 report as required under this subparagraph commits a felony of
435 the second degree, punishable as provided in s. 775.082, s.
436 775.083, or s. 775.084.

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

444 (i) A sexual predator who intends to establish a
445 permanent, temporary, or transient residence in another state or
446 jurisdiction other than the State of Florida shall report in
447 person to the sheriff of the county of current residence within
448 48 hours before the date he or she intends to leave this state

449 | to establish residence in another state or jurisdiction. The
 450 | sexual predator must provide to the sheriff the address,
 451 | municipality, county, and state of intended residence. The
 452 | sheriff shall promptly provide to the department the information
 453 | received from the sexual predator. The department shall notify
 454 | the statewide law enforcement agency, or a comparable agency, in
 455 | the intended state or jurisdiction of residence of the sexual
 456 | predator's intended residence. The failure of a sexual predator
 457 | to provide his or her intended place of residence is punishable
 458 | as provided in subsection (10).

459 | (j) A sexual predator who indicates his or her intent to
 460 | establish a permanent, temporary, or transient residence ~~reside~~
 461 | in another state or jurisdiction other than the State of Florida
 462 | and later decides to remain in this state shall, within 48 hours
 463 | after the date upon which the sexual predator indicated he or
 464 | she would leave this state, report in person to the sheriff to
 465 | which the sexual predator reported the intended change of
 466 | residence, and report his or her intent to remain in this state.
 467 | If the sheriff is notified by the sexual predator that he or she
 468 | intends to remain in this state, the sheriff shall promptly
 469 | report this information to the department. A sexual predator who
 470 | reports his or her intent to establish a permanent, temporary,
 471 | or transient residence ~~reside~~ in another state or jurisdiction,
 472 | but who remains in this state without reporting to the sheriff
 473 | in the manner required by this paragraph, commits a felony of
 474 | the second degree, punishable as provided in s. 775.082, s.
 475 | 775.083, or s. 775.084.

476 | (7) COMMUNITY AND PUBLIC NOTIFICATION.—

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

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

505
506 This paragraph does not authorize the release of the name of any
507 victim of the sexual predator.

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

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

533 Reregistration shall include any changes to the following
534 information:

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

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

555 3. If the sexual predator's place of residence is a motor
556 vehicle, trailer, mobile home, or manufactured home, as defined
557 in chapter 320, the sexual predator shall also provide the
558 vehicle identification number; the license tag number; the
559 registration number; and a description, including color scheme,
560 of the motor vehicle, trailer, mobile home, or manufactured

561 home. If the sexual predator's place of residence is a vessel,
 562 live-aboard vessel, or houseboat, as defined in chapter 327, the
 563 sexual predator shall also provide the hull identification
 564 number; the manufacturer's serial number; the name of the
 565 vessel, live-aboard vessel, or houseboat; the registration
 566 number; and a description, including color scheme, of the
 567 vessel, live-aboard vessel, or houseboat.

568 (10) PENALTIES.—

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

584 Section 3. Section 794.065, Florida Statutes, is
 585 transferred, renumbered as section 775.215, Florida Statutes,
 586 and amended to read:

587 775.215 ~~794.065~~ Residency restriction ~~Unlawful place of~~
 588 ~~residence~~ for persons convicted of certain sex offenses.—

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

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

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

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

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

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

617 or her residence.

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

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

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

645 or her residence.

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

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

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

666 943.0435 Sexual offenders required to register with the
 667 department; penalty.—

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

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

672 (2) A sexual offender shall:

673 (a) Report in person at the sheriff's office:
 674 1. In the county in which the offender establishes or
 675 maintains a permanent, ~~or~~ temporary, or transient residence
 676 within 48 hours after:
 677 a. Establishing permanent, ~~or~~ temporary, or transient
 678 residence in this state; or
 679 b. Being released from the custody, control, or
 680 supervision of the Department of Corrections or from the custody
 681 of a private correctional facility; or
 682 2. In the county where he or she was convicted within 48
 683 hours after being convicted for a qualifying offense for
 684 registration under this section if the offender is not in the
 685 custody or control of, or under the supervision of, the
 686 Department of Corrections, or is not in the custody of a private
 687 correctional facility.
 688
 689 Any change in the information required to be provided pursuant
 690 to paragraph (b), including, but not limited to, any change in
 691 the sexual offender's permanent, ~~or~~ temporary, or transient
 692 residence, name, any electronic mail address and any instant
 693 message name required to be provided pursuant to paragraph
 694 (4) (d), after the sexual offender reports in person at the
 695 sheriff's office, shall be accomplished in the manner provided
 696 in subsections (4), (7), and (8).
 697 (b) Provide his or her name;; date of birth;; social
 698 security number;; race;; sex;; height;; weight;; hair and eye
 699 color;; tattoos or other identifying marks;; occupation and
 700 place of employment;; address of permanent or legal residence or

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

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

727 2. If the sexual offender is enrolled, employed, or
 728 carrying on a vocation at an institution of higher education in

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

738

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

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

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

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

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

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

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

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

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

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

841 (14)

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

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

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

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

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

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

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

889 943.04352 Search of registration information regarding
 890 sexual predators and sexual offenders required when placement on
 891 misdemeanor probation.—When the court places a defendant on
 892 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
 893 public or private entity providing probation services must
 894 conduct a search of the probationer's name or other identifying
 895 information against the registration information regarding
 896 sexual predators and sexual offenders maintained by the

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

903 Section 6. Section 943.04354, Florida Statutes, is amended
 904 to read:

905 943.04354 Removal of the requirement to register as a
 906 sexual offender or sexual predator in special circumstances.—

907 (1) For purposes of this section, a person shall be
 908 considered for removal of the requirement to register as a
 909 sexual offender or sexual predator only if the person:

910 (a) Was or will be convicted or adjudicated delinquent of
 911 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
 912 847.0135(5) or the person committed a violation of s. 794.011,
 913 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
 914 of guilt was or will be withheld, and the person does not have
 915 any other conviction, adjudication of delinquency, or withhold
 916 of adjudication of guilt for a violation of s. 794.011, s.
 917 800.04, s. 827.071, or s. 847.0135(5);

918 (b) Is required to register as a sexual offender or sexual
 919 predator solely on the basis of this violation; and

920 (c) Is not more than 4 years older than the victim of this
 921 violation who was 14 years of age or older but not more than 17
 922 years of age at the time the person committed this violation.

923 (2) If a person meets the criteria in subsection (1) and
 924 the violation of s. 794.011, s. 800.04, s. 827.071, or s.

925 847.0135(5) was committed on or after July 1, 2007, the person
 926 may move the court that will sentence or dispose of this
 927 violation to remove the requirement that the person register as
 928 a sexual offender or sexual predator. The person must allege in
 929 the motion that he or she meets the criteria in subsection (1)
 930 and that removal of the registration requirement will not
 931 conflict with federal law. The state attorney must be given
 932 notice of the motion at least 21 days before the date of
 933 sentencing or disposition of this violation and may present
 934 evidence in opposition to the requested relief or may otherwise
 935 demonstrate why the motion should be denied. At sentencing or
 936 disposition of this violation, the court shall rule on this
 937 motion and, if the court determines the person meets the
 938 criteria in subsection (1) and the removal of the registration
 939 requirement will not conflict with federal law, it may grant the
 940 motion and order the removal of the registration requirement. If
 941 the court denies the motion, the person is not authorized under
 942 this section to petition for removal of the registration
 943 requirement.

- 944 (3) (a) This subsection applies to a person who:
- 945 1. Is not a person described in subsection (2) because the
 946 violation of s. 794.011, ~~s. 800.04~~, s. 827.071 was not
 947 committed on or after July 1, 2007;
 - 948 2. Is subject to registration as a sexual offender or
 949 sexual predator for a violation of s. 794.011, ~~s. 800.04~~, or
 950 s. 827.071; and
 - 951 3. Meets the criteria in subsection (1).
- 952 (b) A person may petition the court in which the sentence

953 or disposition for the violation of s. 794.011, ~~or~~ s. 800.04, or
954 s. 827.071 occurred for removal of the requirement to register
955 as a sexual offender or sexual predator. The person must allege
956 in the petition that he or she meets the criteria in subsection
957 (1) and removal of the registration requirement will not
958 conflict with federal law. The state attorney must be given
959 notice of the petition at least 21 days before the hearing on
960 the petition and may present evidence in opposition to the
961 requested relief or may otherwise demonstrate why the petition
962 should be denied. The court shall rule on the petition and, if
963 the court determines the person meets the criteria in subsection
964 (1) and removal of the registration requirement will not
965 conflict with federal law, it may grant the petition and order
966 the removal of the registration requirement. If the court denies
967 the petition, the person is not authorized under this section to
968 file any further petition for removal of the registration
969 requirement.

970 (4) If a person provides to the Department of Law
971 Enforcement a certified copy of the court's order removing the
972 requirement that the person register as a sexual offender or
973 sexual predator for the violation of s. 794.011, s. 800.04, s.
974 827.071, or s. 847.0135(5), the registration requirement will
975 not apply to the person and the department shall remove all
976 information about the person from the public registry of sexual
977 offenders and sexual predators maintained by the department.
978 However, the removal of this information from the public
979 registry does not mean that the public is denied access to
980 information about the person's criminal history or record that

981 is otherwise available as a public record.

982 Section 7. Paragraph (a) of subsection (3) of section
 983 944.606, Florida Statutes, is amended to read:

984 944.606 Sexual offenders; notification upon release.—

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

988 1. The department must provide: the sexual offender's
 989 name, any change in the offender's name by reason of marriage or
 990 other legal process, and any alias, if known; the correctional
 991 facility from which the sexual offender is released; the sexual
 992 offender's social security number, race, sex, date of birth,
 993 height, weight, and hair and eye color; address of any planned
 994 permanent residence or temporary residence, within the state or
 995 out of state, including a rural route address and a post office
 996 box; if no permanent or temporary address, any transient
 997 residence within the state; address, location or description,
 998 and dates of any known future temporary residence within the
 999 state or out of state; date and county of sentence and each
 1000 crime for which the offender was sentenced; a copy of the
 1001 offender's fingerprints and a digitized photograph taken within
 1002 60 days before release; the date of release of the sexual
 1003 offender; any electronic mail address and any instant message
 1004 name required to be provided pursuant to s. 943.0435(4)(d); and
 1005 home telephone number and any cellular telephone number; ~~and the~~
 1006 ~~offender's intended residence address, if known.~~ The department
 1007 shall notify the Department of Law Enforcement if the sexual
 1008 offender escapes, absconds, or dies. If the sexual offender is

1009 in the custody of a private correctional facility, the facility
 1010 shall take the digitized photograph of the sexual offender
 1011 within 60 days before the sexual offender's release and provide
 1012 this photograph to the Department of Corrections and also place
 1013 it in the sexual offender's file. If the sexual offender is in
 1014 the custody of a local jail, the custodian of the local jail
 1015 shall register the offender within 3 business days after intake
 1016 of the offender for any reason and upon release, and shall
 1017 notify the Department of Law Enforcement of the sexual
 1018 offender's release and provide to the Department of Law
 1019 Enforcement the information specified in this paragraph and any
 1020 information specified in subparagraph 2. that the Department of
 1021 Law Enforcement requests.

1022 2. The department may provide any other information deemed
 1023 necessary, including criminal and corrections records,
 1024 nonprivileged personnel and treatment records, when available.

1025 Section 8. Subsections (4) and (6) and paragraph (c) of
 1026 subsection (13) of section 944.607, Florida Statutes, are
 1027 amended to read:

1028 944.607 Notification to Department of Law Enforcement of
 1029 information on sexual offenders.—

1030 (4) A sexual offender, as described in this section, who
 1031 is under the supervision of the Department of Corrections but is
 1032 not incarcerated must register with the Department of
 1033 Corrections within 3 business days after sentencing for a
 1034 registrable ~~registerable~~ offense and otherwise provide
 1035 information as required by this subsection.

1036 (a) The sexual offender shall provide his or her name;

1037 date of birth; social security number; race; sex; height;
 1038 weight; hair and eye color; tattoos or other identifying marks;
 1039 any electronic mail address and any instant message name
 1040 required to be provided pursuant to s. 943.0435(4)(d); ~~and~~
 1041 permanent or legal residence and address of temporary residence
 1042 within the state or out of state while the sexual offender is
 1043 under supervision in this state, including any rural route
 1044 address or post office box; if no permanent or temporary
 1045 address, any transient residence within the state; and address,
 1046 location or description, and dates of any current or known
 1047 future temporary residence within the state or out of state. The
 1048 Department of Corrections shall verify the address of each
 1049 sexual offender in the manner described in ss. 775.21 and
 1050 943.0435. The department shall report to the Department of Law
 1051 Enforcement any failure by a sexual predator or sexual offender
 1052 to comply with registration requirements.

1053 (b) If the sexual offender is enrolled, employed, or
 1054 carrying on a vocation at an institution of higher education in
 1055 this state, the sexual offender shall provide the name, address,
 1056 and county of each institution, including each campus attended,
 1057 and the sexual offender's enrollment or employment status. Each
 1058 change in enrollment or employment status shall be reported to
 1059 the department within 48 hours after the change in status. The
 1060 Department of Corrections shall promptly notify each institution
 1061 of the sexual offender's presence and any change in the sexual
 1062 offender's enrollment or employment status.

1063 (6) The information provided to the Department of Law
 1064 Enforcement must include:

1065 (a) The information obtained from the sexual offender
 1066 under subsection (4);

1067 (b) The sexual offender's most current address, ~~and~~ and place
 1068 of permanent, ~~and~~ temporary, or transient residence within the
 1069 state or out of state, and address, location or description, and
 1070 dates of any current or known future temporary residence within
 1071 the state or out of state, while the sexual offender is under
 1072 supervision in this state, including the name of the county or
 1073 municipality in which the offender permanently or temporarily
 1074 resides, or has a transient residence, and address, location or
 1075 description, and dates of any current or known future temporary
 1076 residence within the state or out of state, and, if known, the
 1077 intended place of permanent, ~~or~~ temporary, or transient
 1078 residence, and address, location or description, and dates of
 1079 any current or known future temporary residence within the state
 1080 or out of state upon satisfaction of all sanctions;

1081 (c) The legal status of the sexual offender and the
 1082 scheduled termination date of that legal status;

1083 (d) The location of, and local telephone number for, any
 1084 Department of Corrections' office that is responsible for
 1085 supervising the sexual offender;

1086 (e) An indication of whether the victim of the offense
 1087 that resulted in the offender's status as a sexual offender was
 1088 a minor;

1089 (f) The offense or offenses at conviction which resulted
 1090 in the determination of the offender's status as a sex offender;
 1091 and

1092 (g) A digitized photograph of the sexual offender which

1093 must have been taken within 60 days before the offender is
 1094 released from the custody of the department or a private
 1095 correctional facility by expiration of sentence under s. 944.275
 1096 or must have been taken by January 1, 1998, or within 60 days
 1097 after the onset of the department's supervision of any sexual
 1098 offender who is on probation, community control, conditional
 1099 release, parole, provisional release, or control release or who
 1100 is supervised by the department under the Interstate Compact
 1101 Agreement for Probationers and Parolees. If the sexual offender
 1102 is in the custody of a private correctional facility, the
 1103 facility shall take a digitized photograph of the sexual
 1104 offender within the time period provided in this paragraph and
 1105 shall provide the photograph to the department.

1106
 1107 If any information provided by the department changes during the
 1108 time the sexual offender is under the department's control,
 1109 custody, or supervision, including any change in the offender's
 1110 name by reason of marriage or other legal process, the
 1111 department shall, in a timely manner, update the information and
 1112 provide it to the Department of Law Enforcement in the manner
 1113 prescribed in subsection (2).

1114 (13)

1115 (c) The sheriff's office may determine the appropriate
 1116 times and days for reporting by the sexual offender, which shall
 1117 be consistent with the reporting requirements of this
 1118 subsection. Reregistration shall include any changes to the
 1119 following information:

- 1120 1. Name; social security number; age; race; sex; date of

1121 birth; height; weight; hair and eye color; address of any
1122 permanent residence and address of any current temporary
1123 residence, within the state or out of state, including a rural
1124 route address and a post office box; if no permanent or
1125 temporary address, any transient residence; address, location or
1126 description, and dates of any current or known future temporary
1127 residence within the state or out of state; any electronic mail
1128 address and any instant message name required to be provided
1129 pursuant to s. 943.0435(4)(d); date and place of any employment;
1130 vehicle make, model, color, and license tag number;
1131 fingerprints; and photograph. A post office box shall not be
1132 provided in lieu of a physical residential address.

1133 2. If the sexual offender is enrolled, employed, or
1134 carrying on a vocation at an institution of higher education in
1135 this state, the sexual offender shall also provide to the
1136 department the name, address, and county of each institution,
1137 including each campus attended, and the sexual offender's
1138 enrollment or employment status.

1139 3. If the sexual offender's place of residence is a motor
1140 vehicle, trailer, mobile home, or manufactured home, as defined
1141 in chapter 320, the sexual offender shall also provide the
1142 vehicle identification number; the license tag number; the
1143 registration number; and a description, including color scheme,
1144 of the motor vehicle, trailer, mobile home, or manufactured
1145 home. If the sexual offender's place of residence is a vessel,
1146 live-aboard vessel, or houseboat, as defined in chapter 327, the
1147 sexual offender shall also provide the hull identification
1148 number; the manufacturer's serial number; the name of the

1149 vessel, live-aboard vessel, or houseboat; the registration
 1150 number; and a description, including color scheme, of the
 1151 vessel, live-aboard vessel or houseboat.

1152 4. Any sexual offender who fails to report in person as
 1153 required at the sheriff's office, or who fails to respond to any
 1154 address verification correspondence from the department within 3
 1155 weeks of the date of the correspondence, or who fails to report
 1156 electronic mail addresses or instant message names, commits a
 1157 felony of the third degree, punishable as provided in s.
 1158 775.082, s. 775.083, or s. 775.084.

1159 Section 9. Section 947.005, Florida Statutes, is amended
 1160 to read:

1161 947.005 Definitions.—As used in this chapter, unless the
 1162 context clearly indicates otherwise:

1163 (1)~~(8)~~ "Authority" means the Control Release Authority.

1164 (2) "Child care facility" has the same meaning as provided
 1165 in s. 402.302.

1166 (3)~~(1)~~ "Commission" means the Parole Commission.

1167 (4)~~(2)~~ "Department" means the Department of Corrections.

1168 (5) "Effective parole release date" means the actual
 1169 parole release date as determined by the presumptive parole
 1170 release date, satisfactory institutional conduct, and an
 1171 acceptable parole plan.

1172 (6) "Park" has the same meaning as provided in s. 775.215.

1173 (7) "Playground" has the same meaning as provided in s.
 1174 775.215.

1175 (8)~~(4)~~ "Presumptive parole release date" means the
 1176 tentative parole release date as determined by objective parole

1177 guidelines.

1178 (9)~~(7)~~ "Provisional release date" means the date projected
1179 for the prisoner's release from custody as determined pursuant
1180 to s. 944.277.

1181 (10)~~(9)~~ "Qualified practitioner" means a social worker,
1182 mental health counselor, or a marriage and family therapist
1183 licensed under chapter 491 who, as determined by rule of the
1184 respective board, has the coursework, training, qualifications,
1185 and experience to evaluate and treat sexual offenders; a
1186 psychiatrist licensed under chapter 458 or chapter 459; or, a
1187 psychologist licensed under chapter 490,~~or a social worker, a~~
1188 ~~mental health counselor, or a marriage and family therapist~~
1189 ~~licensed under chapter 491 who practices in accordance with his~~
1190 ~~or her respective practice act.~~

1191 (11)~~(10)~~ "Risk assessment" means an assessment completed
1192 by an independent qualified practitioner to evaluate the level
1193 of risk associated when a sex offender has contact with a child.

1194 (12)~~(11)~~ "Safety plan" means a written document prepared
1195 by the qualified practitioner, in collaboration with the sex
1196 offender, the child's parent or legal guardian, and, when
1197 appropriate, the child, which establishes clear roles and
1198 responsibilities for each individual involved in any contact
1199 between the child and the sex offender.

1200 (13) "School" has the same meaning as provided in s.
1201 775.215.

1202 (14)~~(3)~~ "Secretary" means the Secretary of Corrections.

1203 (15)~~(6)~~ "Tentative release date" means the date projected
1204 for the prisoner's release from custody by virtue of gain-time

1205 granted or forfeited pursuant to s. 944.275(3) (a).

1206 Section 10. Subsection (7) of section 947.1405, Florida
 1207 Statutes, is amended, and subsection (12) is added to that
 1208 section, to read:

1209 947.1405 Conditional release program.—

1210 (7) (a) Any inmate who is convicted of a crime committed on
 1211 or after October 1, 1995, or who has been previously convicted
 1212 of a crime committed on or after October 1, 1995, in violation
 1213 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 1214 847.0145, and is subject to conditional release supervision,
 1215 shall have, in addition to any other conditions imposed, the
 1216 following special conditions imposed by the commission:

1217 1. A mandatory curfew from 10 p.m. to 6 a.m. The
 1218 commission may designate another 8-hour period if the offender's
 1219 employment precludes the above specified time, and such
 1220 alternative is recommended by the Department of Corrections. If
 1221 the commission determines that imposing a curfew would endanger
 1222 the victim, the commission may consider alternative sanctions.

1223 2. If the victim was under the age of 18, a prohibition on
 1224 living within 1,000 feet of a school, child care facility ~~day~~
 1225 ~~care center~~, park, playground, designated public school bus
 1226 stop, or other place where children regularly congregate. A
 1227 releasee who is subject to this subparagraph may not relocate to
 1228 a residence that is within 1,000 feet of a public school bus
 1229 stop. Beginning October 1, 2004, the commission or the
 1230 department may not approve a residence that is located within
 1231 1,000 feet of a school, child care facility ~~day care center~~,
 1232 park, playground, designated school bus stop, or other place

1233 | where children regularly congregate for any releasee who is
1234 | subject to this subparagraph. On October 1, 2004, the department
1235 | shall notify each affected school district of the location of
1236 | the residence of a releasee 30 days prior to release and
1237 | thereafter, if the releasee relocates to a new residence, shall
1238 | notify any affected school district of the residence of the
1239 | releasee within 30 days after relocation. If, on October 1,
1240 | 2004, any public school bus stop is located within 1,000 feet of
1241 | the existing residence of such releasee, the district school
1242 | board shall relocate that school bus stop. Beginning October 1,
1243 | 2004, a district school board may not establish or relocate a
1244 | public school bus stop within 1,000 feet of the residence of a
1245 | releasee who is subject to this subparagraph. The failure of the
1246 | district school board to comply with this subparagraph shall not
1247 | result in a violation of conditional release supervision. A
1248 | releasee who is subject to this subparagraph may not be forced
1249 | to relocate and does not violate his or her conditional release
1250 | supervision if he or she is living in a residence that meets the
1251 | requirements of this subparagraph and a school, child care
1252 | facility, park, playground, designated public school bus stop,
1253 | or other place where children regularly congregate is
1254 | subsequently established within 1,000 feet of his or her
1255 | residence.

1256 | 3. Active participation in and successful completion of a
1257 | sex offender treatment program with qualified practitioners
1258 | specifically trained to treat sex offenders, at the releasee's
1259 | own expense. If a qualified practitioner is not available within
1260 | a 50-mile radius of the releasee's residence, the offender shall

1261 participate in other appropriate therapy.

1262 4. A prohibition on any contact with the victim, directly
 1263 or indirectly, including through a third person, unless approved
 1264 by the victim, a qualified practitioner in the sexual offender
 1265 treatment program ~~the offender's therapist~~, and the sentencing
 1266 court.

1267 5. If the victim was under the age of 18, a prohibition
 1268 against contact with children under the age of 18 without review
 1269 and approval by the commission. The commission may approve
 1270 supervised contact with a child under the age of 18 if the
 1271 approval is based upon a recommendation for contact issued by a
 1272 qualified practitioner who is basing the recommendation on a
 1273 risk assessment. Further, the sex offender must be currently
 1274 enrolled in or have successfully completed a sex offender
 1275 therapy program. The commission may not grant supervised contact
 1276 with a child if the contact is not recommended by a qualified
 1277 practitioner and may deny supervised contact with a child at any
 1278 time. When considering whether to approve supervised contact
 1279 with a child, the commission must review and consider the
 1280 following:

1281 a. A risk assessment completed by a qualified
 1282 practitioner. The qualified practitioner must prepare a written
 1283 report that must include the findings of the assessment and
 1284 address each of the following components:

1285 (I) The sex offender's current legal status;

1286 (II) The sex offender's history of adult charges with
 1287 apparent sexual motivation;

1288 (III) The sex offender's history of adult charges without

1289 | apparent sexual motivation;

1290 | (IV) The sex offender's history of juvenile charges,

1291 | whenever available;

1292 | (V) The sex offender's offender treatment history,

1293 | including a consultation from the sex offender's treating, or

1294 | most recent treating, therapist;

1295 | (VI) The sex offender's current mental status;

1296 | (VII) The sex offender's mental health and substance abuse

1297 | history as provided by the Department of Corrections;

1298 | (VIII) The sex offender's personal, social, educational,

1299 | and work history;

1300 | (IX) The results of current psychological testing of the

1301 | sex offender if determined necessary by the qualified

1302 | practitioner;

1303 | (X) A description of the proposed contact, including the

1304 | location, frequency, duration, and supervisory arrangement;

1305 | (XI) The child's preference and relative comfort level

1306 | with the proposed contact, when age-appropriate;

1307 | (XII) The parent's or legal guardian's preference

1308 | regarding the proposed contact; and

1309 | (XIII) The qualified practitioner's opinion, along with

1310 | the basis for that opinion, as to whether the proposed contact

1311 | would likely pose significant risk of emotional or physical harm

1312 | to the child.

1313 |

1314 | The written report of the assessment must be given to the

1315 | commission.

1316 | b. A recommendation made as a part of the risk-assessment

1317 | report as to whether supervised contact with the child should be
 1318 | approved;

1319 | c. A written consent signed by the child's parent or legal
 1320 | guardian, if the parent or legal guardian is not the sex
 1321 | offender, agreeing to the sex offender having supervised contact
 1322 | with the child after receiving full disclosure of the sex
 1323 | offender's present legal status, past criminal history, and the
 1324 | results of the risk assessment. The commission may not approve
 1325 | contact with the child if the parent or legal guardian refuses
 1326 | to give written consent for supervised contact;

1327 | d. A safety plan prepared by the qualified practitioner,
 1328 | who provides treatment to the offender, in collaboration with
 1329 | the sex offender, the child's parent or legal guardian, and the
 1330 | child, when age appropriate, which details the acceptable
 1331 | conditions of contact between the sex offender and the child.
 1332 | The safety plan must be reviewed and approved by the Department
 1333 | of Corrections before being submitted to the commission; and

1334 | e. Evidence that the child's parent or legal guardian, if
 1335 | the parent or legal guardian is not the sex offender,
 1336 | understands the need for and agrees to the safety plan and has
 1337 | agreed to provide, or to designate another adult to provide,
 1338 | constant supervision any time the child is in contact with the
 1339 | offender.

1340 |
 1341 | The commission may not appoint a person to conduct a risk
 1342 | assessment and may not accept a risk assessment from a person
 1343 | who has not demonstrated to the commission that he or she has
 1344 | met the requirements of a qualified practitioner as defined in

1345 | this section.

1346 | 6. If the victim was under age 18, a prohibition on
1347 | working for pay or as a volunteer at any school, child care
1348 | facility ~~day care center~~, park, playground, or other place where
1349 | children regularly congregate, as prescribed by the commission.

1350 | 7. Unless otherwise indicated in the treatment plan
1351 | provided by a qualified practitioner in the sexual offender
1352 | treatment program, a prohibition on viewing, owning, or
1353 | possessing any obscene, pornographic, or sexually stimulating
1354 | visual or auditory material, including telephone, electronic
1355 | media, computer programs, or computer services that are relevant
1356 | to the offender's deviant behavior pattern.

1357 | 8. Effective for a releasee whose crime is committed on or
1358 | after July 1, 2005, a prohibition on accessing the Internet or
1359 | other computer services until a qualified practitioner in the
1360 | offender's sex offender treatment program, after a risk
1361 | assessment is completed, approves and implements a safety plan
1362 | for the offender's accessing or using the Internet or other
1363 | computer services.

1364 | 9. A requirement that the releasee must submit two
1365 | specimens of blood to the ~~Florida~~ Department of Law Enforcement
1366 | to be registered with the DNA database.

1367 | 10. A requirement that the releasee make restitution to
1368 | the victim, as determined by the sentencing court or the
1369 | commission, for all necessary medical and related professional
1370 | services relating to physical, psychiatric, and psychological
1371 | care.

1372 | 11. Submission to a warrantless search by the community

1373 control or probation officer of the probationer's or community
1374 controllee's person, residence, or vehicle.

1375 (b) For a releasee whose crime was committed on or after
1376 October 1, 1997, in violation of chapter 794, s. 800.04, s.
1377 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
1378 conditional release supervision, in addition to any other
1379 provision of this subsection, the commission shall impose the
1380 following additional conditions of conditional release
1381 supervision:

1382 1. As part of a treatment program, participation in a
1383 minimum of one annual polygraph examination to obtain
1384 information necessary for risk management and treatment and to
1385 reduce the sex offender's denial mechanisms. The polygraph
1386 examination must be conducted by a polygrapher who is a member
1387 of a national or state polygraph association and who is
1388 certified as a postconviction sex offender polygrapher trained
1389 specifically in the use of the polygraph for the monitoring of
1390 sex offenders, where available, and at the expense of the
1391 releasee sex offender. The results of the examination shall be
1392 provided to the releasee's probation officer and qualified
1393 practitioner and may not be used as evidence in a hearing to
1394 prove that a violation of supervision has occurred.

1395 2. Maintenance of a driving log and a prohibition against
1396 driving a motor vehicle alone without the prior approval of the
1397 supervising officer.

1398 3. A prohibition against obtaining or using a post office
1399 box without the prior approval of the supervising officer.

1400 4. If there was sexual contact, a submission to, at the

1401 ~~releasee's probationer's or community controllee's~~ expense, an
1402 HIV test with the results to be released to the victim or the
1403 victim's parent or guardian.

1404 5. Electronic monitoring of any form when ordered by the
1405 commission. Any person who has been placed under supervision and
1406 is electronically monitored by the department must pay the
1407 department for the cost of the electronic monitoring service at
1408 a rate that may not exceed the full cost of the monitoring
1409 service. Funds collected under this subparagraph shall be
1410 deposited into the General Revenue Fund. The department may
1411 exempt a person from the payment of all or any part of the
1412 electronic monitoring service cost if the department finds that
1413 any of the factors listed in s. 948.09(3) exist.

1414 (12) In addition to all other conditions imposed, for a
1415 releasee who is subject to conditional release for a crime that
1416 was committed on or after the effective date of this act, and
1417 who has been convicted at any time of committing, or attempting,
1418 soliciting, or conspiring to commit, any of the criminal
1419 offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar
1420 offense in another jurisdiction against a victim who was under
1421 18 years of age at the time of the offense, if the releasee has
1422 not received a pardon for any felony or similar law of another
1423 jurisdiction necessary for the operation of this subsection, if
1424 a conviction of a felony or similar law of another jurisdiction
1425 necessary for the operation of this subsection has not been set
1426 aside in any postconviction proceeding, or if the releasee has
1427 not been removed from the requirement to register as a sexual
1428 offender or sexual predator pursuant to s. 943.04354, the

1429 commission must impose the following conditions:

1430 (a) A prohibition on visiting schools, child care
1431 facilities, parks, and playgrounds without prior approval from
1432 the releasee's supervising officer. The commission may also
1433 designate additional prohibited locations to protect a victim.
1434 The prohibition ordered under this paragraph does not prohibit
1435 the releasee from visiting a school, child care facility, park,
1436 or playground for the sole purpose of attending a religious
1437 service as defined in s. 775.0861 or picking up or dropping off
1438 the releasee's child or grandchild at a child care facility or
1439 school.

1440 (b) A prohibition on distributing candy or other items to
1441 children on Halloween; wearing a Santa Claus costume, or other
1442 costume to appeal to children, on or preceding Christmas;
1443 wearing an Easter Bunny costume, or other costume to appeal to
1444 children, on or preceding Easter; entertaining at children's
1445 parties; or wearing a clown costume without prior approval from
1446 the commission.

1447 Section 11. Section 948.001, Florida Statutes, is amended
1448 to read:

1449 948.001 Definitions.—As used in this chapter, the term:

1450 (1) "Administrative probation" means a form of noncontact
1451 supervision in which an offender who presents a low risk of harm
1452 to the community may, upon satisfactory completion of half the
1453 term of probation, be transferred by the Department of
1454 Corrections to nonreporting status until expiration of the term
1455 of supervision.

1456 (2) "Child care facility" has the same meaning as provided

1457 | in s. 402.302.

1458 | ~~(3)(2)~~ "Community control" means a form of intensive,
 1459 | supervised custody in the community, including surveillance on
 1460 | weekends and holidays, administered by officers with restricted
 1461 | caseloads. Community control is an individualized program in
 1462 | which the freedom of an offender is restricted within the
 1463 | community, home, or noninstitutional residential placement and
 1464 | specific sanctions are imposed and enforced.

1465 | ~~(4)(9)~~ "Community residential drug punishment center"
 1466 | means a residential drug punishment center designated by the
 1467 | Department of Corrections. The Department of Corrections shall
 1468 | adopt rules as necessary to define and operate such a center.

1469 | ~~(5)(3)~~ "Criminal quarantine community control" means
 1470 | intensive supervision, by officers with restricted caseloads,
 1471 | with a condition of 24-hour-per-day electronic monitoring, and a
 1472 | condition of confinement to a designated residence during
 1473 | designated hours.

1474 | ~~(6)(4)~~ "Drug offender probation" means a form of intensive
 1475 | supervision that ~~which~~ emphasizes treatment of drug offenders in
 1476 | accordance with individualized treatment plans administered by
 1477 | officers with restricted caseloads. Caseloads should be
 1478 | restricted to a maximum of 50 cases per officer in order to
 1479 | ensure an adequate level of staffing.

1480 | (7) "Park" has the same meaning as provided in s. 775.215.

1481 | (8) "Playground" has the same meaning as provided in s.
 1482 | 775.215.

1483 | ~~(9)(5)~~ "Probation" means a form of community supervision
 1484 | requiring specified contacts with parole and probation officers

1485 and other terms and conditions as provided in s. 948.03.

1486 (10)~~(6)~~ "Qualified practitioner" means a social worker,
 1487 mental health counselor, or a marriage and family therapist
 1488 licensed under chapter 491 who, as determined by rule of the
 1489 respective board, has the coursework, training, qualifications,
 1490 and experience to evaluate and treat sexual offenders; a
 1491 psychiatrist licensed under chapter 458 or chapter 459; or, a
 1492 psychologist licensed under chapter 490,~~or a social worker, a~~
 1493 ~~mental health counselor, or a marriage and family therapist~~
 1494 ~~licensed under chapter 491 who practices in accordance with his~~
 1495 ~~or her respective practice act.~~

1496 (11)~~(7)~~ "Risk assessment" means an assessment completed by
 1497 a~~an independent~~ qualified practitioner to evaluate the level of
 1498 risk associated when a sex offender has contact with a child.

1499 (12)~~(8)~~ "Safety plan" means a written document prepared by
 1500 the qualified practitioner, in collaboration with the sex
 1501 offender, the child's parent or legal guardian, and, when
 1502 appropriate, the child which establishes clear roles and
 1503 responsibilities for each individual involved in any contact
 1504 between the child and the sex offender.

1505 (13) "School" has the same meaning as provided in s.
 1506 775.215.

1507 (14)~~(10)~~ "Sex offender probation" or "sex offender
 1508 community control" means a form of intensive supervision, with
 1509 or without electronic monitoring, which emphasizes treatment and
 1510 supervision of a sex offender in accordance with an
 1511 individualized treatment plan administered by an officer who has
 1512 a restricted caseload and specialized training. An officer who

1513 supervises an offender placed on sex offender probation or sex
1514 offender community control must meet as necessary with a
1515 treatment provider and polygraph examiner to develop and
1516 implement the supervision and treatment plan, if a treatment
1517 provider and polygraph examiner specially trained in the
1518 treatment and monitoring of sex offenders are reasonably
1519 available.

1520 Section 12. Subsection (1) and paragraph (a) of subsection
1521 (2) of section 948.30, Florida Statutes, are amended, and
1522 subsection (4) is added to that section, to read:

1523 948.30 Additional terms and conditions of probation or
1524 community control for certain sex offenses.—Conditions imposed
1525 pursuant to this section do not require oral pronouncement at
1526 the time of sentencing and shall be considered standard
1527 conditions of probation or community control for offenders
1528 specified in this section.

1529 (1) Effective for probationers or community controllees
1530 whose crime was committed on or after October 1, 1995, and who
1531 are placed under supervision for violation of chapter 794, s.
1532 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
1533 must impose the following conditions in addition to all other
1534 standard and special conditions imposed:

1535 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
1536 may designate another 8-hour period if the offender's employment
1537 precludes the above specified time, and the alternative is
1538 recommended by the Department of Corrections. If the court
1539 determines that imposing a curfew would endanger the victim, the
1540 court may consider alternative sanctions.

1541 (b) If the victim was under the age of 18, a prohibition
1542 on living within 1,000 feet of a school, child care facility ~~day~~
1543 ~~care center~~, park, playground, or other place where children
1544 regularly congregate, as prescribed by the court. The 1,000-foot
1545 distance shall be measured in a straight line from the
1546 offender's place of residence to the nearest boundary line of
1547 the school, child care facility ~~day care center~~, park,
1548 playground, or other place where children congregate. The
1549 distance may not be measured by a pedestrian route or automobile
1550 route. A probationer or community controllee who is subject to
1551 this paragraph may not be forced to relocate and does not
1552 violate his or her probation or community control if he or she
1553 is living in a residence that meets the requirements of this
1554 paragraph and a school, child care facility, park, playground,
1555 or other place where children regularly congregate is
1556 subsequently established within 1,000 feet of his or her
1557 residence.

1558 (c) Active participation in and successful completion of a
1559 sex offender treatment program with qualified practitioners
1560 specifically trained to treat sex offenders, at the
1561 probationer's or community controllee's own expense. If a
1562 qualified practitioner is not available within a 50-mile radius
1563 of the probationer's or community controllee's residence, the
1564 offender shall participate in other appropriate therapy.

1565 (d) A prohibition on any contact with the victim, directly
1566 or indirectly, including through a third person, unless approved
1567 by the victim, a qualified practitioner in the sexual offender
1568 treatment program ~~the offender's therapist~~, and the sentencing

1569 court.

1570 (e) If the victim was under the age of 18, a prohibition
1571 on contact with a child under the age of 18 except as provided
1572 in this paragraph. The court may approve supervised contact with
1573 a child under the age of 18 if the approval is based upon a
1574 recommendation for contact issued by a qualified practitioner
1575 who is basing the recommendation on a risk assessment. Further,
1576 the sex offender must be currently enrolled in or have
1577 successfully completed a sex offender therapy program. The court
1578 may not grant supervised contact with a child if the contact is
1579 not recommended by a qualified practitioner and may deny
1580 supervised contact with a child at any time. When considering
1581 whether to approve supervised contact with a child, the court
1582 must review and consider the following:

1583 1. A risk assessment completed by a qualified
1584 practitioner. The qualified practitioner must prepare a written
1585 report that must include the findings of the assessment and
1586 address each of the following components:

1587 a. The sex offender's current legal status;

1588 b. The sex offender's history of adult charges with
1589 apparent sexual motivation;

1590 c. The sex offender's history of adult charges without
1591 apparent sexual motivation;

1592 d. The sex offender's history of juvenile charges,
1593 whenever available;

1594 e. The sex offender's offender treatment history,
1595 including consultations with the sex offender's treating, or
1596 most recent treating, therapist;

- 1597 f. The sex offender's current mental status;
- 1598 g. The sex offender's mental health and substance abuse
1599 treatment history as provided by the Department of Corrections;
- 1600 h. The sex offender's personal, social, educational, and
1601 work history;
- 1602 i. The results of current psychological testing of the sex
1603 offender if determined necessary by the qualified practitioner;
- 1604 j. A description of the proposed contact, including the
1605 location, frequency, duration, and supervisory arrangement;
- 1606 k. The child's preference and relative comfort level with
1607 the proposed contact, when age appropriate;
- 1608 l. The parent's or legal guardian's preference regarding
1609 the proposed contact; and
- 1610 m. The qualified practitioner's opinion, along with the
1611 basis for that opinion, as to whether the proposed contact would
1612 likely pose significant risk of emotional or physical harm to
1613 the child.
- 1614
- 1615 The written report of the assessment must be given to the court;
- 1616 2. A recommendation made as a part of the risk assessment
1617 report as to whether supervised contact with the child should be
1618 approved;
- 1619 3. A written consent signed by the child's parent or legal
1620 guardian, if the parent or legal guardian is not the sex
1621 offender, agreeing to the sex offender having supervised contact
1622 with the child after receiving full disclosure of the sex
1623 offender's present legal status, past criminal history, and the
1624 results of the risk assessment. The court may not approve

1625 | contact with the child if the parent or legal guardian refuses
 1626 | to give written consent for supervised contact;

1627 | 4. A safety plan prepared by the qualified practitioner,
 1628 | who provides treatment to the offender, in collaboration with
 1629 | the sex offender, the child's parent or legal guardian, if the
 1630 | parent or legal guardian is not the sex offender, and the child,
 1631 | when age appropriate, which details the acceptable conditions of
 1632 | contact between the sex offender and the child. The safety plan
 1633 | must be reviewed and approved by the court; and

1634 | 5. Evidence that the child's parent or legal guardian
 1635 | understands the need for and agrees to the safety plan and has
 1636 | agreed to provide, or to designate another adult to provide,
 1637 | constant supervision any time the child is in contact with the
 1638 | offender.

1639 |
 1640 | The court may not appoint a person to conduct a risk assessment
 1641 | and may not accept a risk assessment from a person who has not
 1642 | demonstrated to the court that he or she has met the
 1643 | requirements of a qualified practitioner as defined in this
 1644 | section.

1645 | (f) If the victim was under age 18, a prohibition on
 1646 | working for pay or as a volunteer at any place where children
 1647 | regularly congregate, including, but not limited to, schools,
 1648 | child care facilities ~~day care centers~~, parks, playgrounds, pet
 1649 | stores, libraries, zoos, theme parks, and malls.

1650 | (g) Unless otherwise indicated in the treatment plan
 1651 | provided by a qualified practitioner in the sexual offender
 1652 | treatment program, a prohibition on viewing, accessing, owning,

1653 or possessing any obscene, pornographic, or sexually stimulating
1654 visual or auditory material, including telephone, electronic
1655 media, computer programs, or computer services that are relevant
1656 to the offender's deviant behavior pattern.

1657 (h) Effective for probationers and community controllees
1658 whose crime is committed on or after July 1, 2005, a prohibition
1659 on accessing the Internet or other computer services until a
1660 qualified practitioner in the offender's sex offender treatment
1661 program, after a risk assessment is completed, approves and
1662 implements a safety plan for the offender's accessing or using
1663 the Internet or other computer services.

1664 (i) A requirement that the probationer or community
1665 controllee must submit a specimen of blood or other approved
1666 biological specimen to the Department of Law Enforcement to be
1667 registered with the DNA data bank.

1668 (j) A requirement that the probationer or community
1669 controllee make restitution to the victim, as ordered by the
1670 court under s. 775.089, for all necessary medical and related
1671 professional services relating to physical, psychiatric, and
1672 psychological care.

1673 (k) Submission to a warrantless search by the community
1674 control or probation officer of the probationer's or community
1675 controllee's person, residence, or vehicle.

1676 (2) Effective for a probationer or community controllee
1677 whose crime was committed on or after October 1, 1997, and who
1678 is placed on community control or sex offender probation for a
1679 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
1680 or s. 847.0145, in addition to any other provision of this

1681 section, the court must impose the following conditions of
1682 probation or community control:

1683 (a) As part of a treatment program, participation at least
1684 annually in polygraph examinations to obtain information
1685 necessary for risk management and treatment and to reduce the
1686 sex offender's denial mechanisms. A polygraph examination must
1687 be conducted by a polygrapher who is a member of a national or
1688 state polygraph association and who is certified as a
1689 postconviction sex offender polygrapher ~~trained specifically in~~
1690 ~~the use of the polygraph for the monitoring of sex offenders,~~
1691 where available, and shall be paid for by the probationer or
1692 community controllee ~~sex offender~~. The results of the polygraph
1693 examination shall be provided to the probationer's or community
1694 controllee's probation officer and qualified practitioner and
1695 shall not be used as evidence in court to prove that a violation
1696 of community supervision has occurred.

1697 (4) In addition to all other conditions imposed, for a
1698 probationer or community controllee who is subject to
1699 supervision for a crime that was committed on or after the
1700 effective date of this act, and who has been convicted at any
1701 time of committing, or attempting, soliciting, or conspiring to
1702 commit, any of the criminal offenses listed in s.
1703 943.0435(1)(a)1.a.(I), or a similar offense in another
1704 jurisdiction, against a victim who was under the age of 18 at
1705 the time of the offense; if the offender has not received a
1706 pardon for any felony or similar law of another jurisdiction
1707 necessary for the operation of this subsection, if a conviction
1708 of a felony or similar law of another jurisdiction necessary for

1709 the operation of this subsection has not been set aside in any
 1710 postconviction proceeding, or if the offender has not been
 1711 removed from the requirement to register as a sexual offender or
 1712 sexual predator pursuant to s. 943.04354, the court must impose
 1713 the following conditions:

1714 (a) A prohibition on visiting schools, child care
 1715 facilities, parks, and playgrounds, without prior approval from
 1716 the offender's supervising officer. The court may also designate
 1717 additional locations to protect a victim. The prohibition
 1718 ordered under this paragraph does not prohibit the offender from
 1719 visiting a school, child care facility, park, or playground for
 1720 the sole purpose of attending a religious service as defined in
 1721 s. 775.0861 or picking up or dropping off the offender's
 1722 children or grandchildren at a child care facility or school.

1723 (b) A prohibition on distributing candy or other items to
 1724 children on Halloween; wearing a Santa Claus costume, or other
 1725 costume to appeal to children, on or preceding Christmas;
 1726 wearing an Easter Bunny costume, or other costume to appeal to
 1727 children, on or preceding Easter; entertaining at children's
 1728 parties; or wearing a clown costume; without prior approval from
 1729 the court.

1730 Section 13. Section 948.31, Florida Statutes, is amended
 1731 to read:

1732 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual
 1733 predators and offenders placed on probation or community control
 1734 ~~for certain sex offenses or child exploitation.~~ The court shall
 1735 require an a diagnosis and evaluation by a qualified
 1736 practitioner to determine the need of a probationer or community

1737 ~~controlee offender in community control~~ for treatment. If the
1738 court determines that a need therefor is established by the such
1739 ~~diagnosis and evaluation process~~, the court shall require sexual
1740 offender treatment ~~outpatient counseling~~ as a term or condition
1741 of probation or community control for any person who is required
1742 to register as a sexual predator under s. 775.21 or sexual
1743 offender under s. 943.0435, s. 944.606, or s. 944.607. ~~was found~~
1744 ~~guilty of any of the following, or whose plea of guilty or nolo~~
1745 ~~contendere to any of the following was accepted by the court:~~

1746 (1) ~~Lewd or lascivious battery, lewd or lascivious~~
1747 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
1748 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1749 (2) ~~Sexual battery, as defined in chapter 794, against a~~
1750 ~~child.~~

1751 (3) ~~Exploitation of a child as provided in s. 450.151, or~~
1752 ~~for prostitution.~~

1753

1754 Such treatment ~~counseling~~ shall be required to be obtained from
1755 a qualified practitioner as defined in s. 948.001. Treatment may
1756 not be administered by a qualified practitioner who has been
1757 convicted or adjudicated delinquent of committing, or
1758 attempting, soliciting, or conspiring to commit, any offense
1759 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall
1760 impose a restriction against contact with minors if sexual
1761 offender treatment is recommended ~~a community mental health~~
1762 ~~center, a recognized social service agency providing mental~~
1763 ~~health services, or a private mental health professional or~~
1764 ~~through other professional counseling.~~ The evaluation and

1765 recommendations plan for treatment of counseling for the
1766 probationer or community controlee individual shall be provided
1767 to the court for review.

1768 Section 14. Paragraph (a) of subsection (3) of section
1769 985.481, Florida Statutes, is amended to read:

1770 985.481 Sexual offenders adjudicated delinquent;
1771 notification upon release.—

1772 (3) (a) The department must provide information regarding
1773 any sexual offender who is being released after serving a period
1774 of residential commitment under the department for any offense,
1775 as follows:

1776 1. The department must provide the sexual offender's name,
1777 any change in the offender's name by reason of marriage or other
1778 legal process, and any alias, if known; the correctional
1779 facility from which the sexual offender is released; the sexual
1780 offender's social security number, race, sex, date of birth,
1781 height, weight, and hair and eye color; address of any planned
1782 permanent residence or temporary residence, within the state or
1783 out of state, including a rural route address and a post office
1784 box; if no permanent or temporary address, any transient
1785 residence within the state; address, location or description,
1786 and dates of any known future temporary residence within the
1787 state or out of state; date and county of disposition and each
1788 crime for which there was a disposition; a copy of the
1789 offender's fingerprints and a digitized photograph taken within
1790 60 days before release; the date of release of the sexual
1791 offender; and home telephone number and any cellular telephone
1792 number; and the offender's intended residence address, if known.

1793 The department shall notify the Department of Law Enforcement if
1794 the sexual offender escapes, absconds, or dies. If the sexual
1795 offender is in the custody of a private correctional facility,
1796 the facility shall take the digitized photograph of the sexual
1797 offender within 60 days before the sexual offender's release and
1798 also place it in the sexual offender's file. If the sexual
1799 offender is in the custody of a local jail, the custodian of the
1800 local jail shall register the offender within 3 business days
1801 after intake of the offender for any reason and upon release,
1802 and shall notify the Department of Law Enforcement of the sexual
1803 offender's release and provide to the Department of Law
1804 Enforcement the information specified in this subparagraph and
1805 any information specified in subparagraph 2. which the
1806 Department of Law Enforcement requests.

1807 2. The department may provide any other information
1808 considered necessary, including criminal and delinquency
1809 records, when available.

1810 Section 15. Paragraph (a) of subsection (4), paragraph (a)
1811 of subsection (6), and paragraph (b) of subsection (13) of
1812 section 985.4815, Florida Statutes, are amended to read:

1813 985.4815 Notification to Department of Law Enforcement of
1814 information on juvenile sexual offenders.—

1815 (4) A sexual offender, as described in this section, who
1816 is under the supervision of the department but who is not
1817 committed must register with the department within 3 business
1818 days after adjudication and disposition for a registrable
1819 offense and otherwise provide information as required by this
1820 subsection.

1821 (a) The sexual offender shall provide his or her name;
 1822 date of birth; social security number; race; sex; height;
 1823 weight; hair and eye color; tattoos or other identifying marks;
 1824 ~~and~~ permanent or legal residence and address of temporary
 1825 residence within the state or out of state while the sexual
 1826 offender is in the care or custody or under the jurisdiction or
 1827 supervision of the department in this state, including any rural
 1828 route address or post office box; if no permanent or temporary
 1829 address, any transient residence; address, location or
 1830 description, and dates of any current or known future temporary
 1831 residence within the state or out of state; ~~and the name and~~
 1832 address of each school attended. The department shall verify the
 1833 address of each sexual offender and shall report to the
 1834 Department of Law Enforcement any failure by a sexual offender
 1835 to comply with registration requirements.

1836 (6) (a) The information provided to the Department of Law
 1837 Enforcement must include the following:

1838 1. The information obtained from the sexual offender under
 1839 subsection (4).

1840 2. The sexual offender's most current address and place of
 1841 permanent, ~~or~~ temporary, or transient residence within the state
 1842 or out of state, and address, location or description, and dates
 1843 of any current or known future temporary residence within the
 1844 state or out of state, while the sexual offender is in the care
 1845 or custody or under the jurisdiction or supervision of the
 1846 department in this state, including the name of the county or
 1847 municipality in which the offender permanently or temporarily
 1848 resides, or has a transient residence, and address, location or

1849 description, and dates of any current or known future temporary
 1850 residence within the state or out of state; and, if known, the
 1851 intended place of permanent, ~~or~~ temporary, or transient
 1852 residence, and address, location or description, and dates of
 1853 any current or known future temporary residence within the state
 1854 or out of state upon satisfaction of all sanctions.

1855 3. The legal status of the sexual offender and the
 1856 scheduled termination date of that legal status.

1857 4. The location of, and local telephone number for, any
 1858 department office that is responsible for supervising the sexual
 1859 offender.

1860 5. An indication of whether the victim of the offense that
 1861 resulted in the offender's status as a sexual offender was a
 1862 minor.

1863 6. The offense or offenses at adjudication and disposition
 1864 that resulted in the determination of the offender's status as a
 1865 sex offender.

1866 7. A digitized photograph of the sexual offender, which
 1867 must have been taken within 60 days before the offender was
 1868 released from the custody of the department or a private
 1869 correctional facility by expiration of sentence under s.
 1870 944.275, or within 60 days after the onset of the department's
 1871 supervision of any sexual offender who is on probation,
 1872 postcommitment probation, residential commitment, nonresidential
 1873 commitment, licensed child-caring commitment, community control,
 1874 conditional release, parole, provisional release, or control
 1875 release or who is supervised by the department under the
 1876 Interstate Compact Agreement for Probationers and Parolees. If

1877 the sexual offender is in the custody of a private correctional
1878 facility, the facility shall take a digitized photograph of the
1879 sexual offender within the time period provided in this
1880 subparagraph and shall provide the photograph to the department.

1881 (13)

1882 (b) The sheriff's office may determine the appropriate
1883 times and days for reporting by the sexual offender, which shall
1884 be consistent with the reporting requirements of this
1885 subsection. Reregistration shall include any changes to the
1886 following information:

1887 1. Name; social security number; age; race; sex; date of
1888 birth; height; weight; hair and eye color; address of any
1889 permanent residence and address of any current temporary
1890 residence, within the state or out of state, including a rural
1891 route address and a post office box; if no permanent or
1892 temporary address, any transient residence; address, location or
1893 description, and dates of any current or known future temporary
1894 residence within the state or out of state; name and address of
1895 each school attended; date and place of any employment; vehicle
1896 make, model, color, and license tag number; fingerprints; and
1897 photograph. A post office box shall not be provided in lieu of a
1898 physical residential address.

1899 2. If the sexual offender is enrolled, employed, or
1900 carrying on a vocation at an institution of higher education in
1901 this state, the sexual offender shall also provide to the
1902 department the name, address, and county of each institution,
1903 including each campus attended, and the sexual offender's
1904 enrollment or employment status.

1905 3. If the sexual offender's place of residence is a motor
 1906 vehicle, trailer, mobile home, or manufactured home, as defined
 1907 in chapter 320, the sexual offender shall also provide the
 1908 vehicle identification number; the license tag number; the
 1909 registration number; and a description, including color scheme,
 1910 of the motor vehicle, trailer, mobile home, or manufactured
 1911 home. If the sexual offender's place of residence is a vessel,
 1912 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1913 sexual offender shall also provide the hull identification
 1914 number; the manufacturer's serial number; the name of the
 1915 vessel, live-aboard vessel, or houseboat; the registration
 1916 number; and a description, including color scheme, of the
 1917 vessel, live-aboard vessel, or houseboat.

1918 4. Any sexual offender who fails to report in person as
 1919 required at the sheriff's office, or who fails to respond to any
 1920 address verification correspondence from the department within 3
 1921 weeks after the date of the correspondence, commits a felony of
 1922 the third degree, punishable as provided in ss. 775.082,
 1923 775.083, and 775.084.

1924 Section 16. The Legislature intends that nothing in this
 1925 act reduce or diminish a court's jurisdiction.

1926 Section 17. If any provision of this act or its
 1927 application to any person or circumstance is held invalid, the
 1928 invalidity does not affect other provisions or applications of
 1929 this act which can be given effect without the invalid provision
 1930 or application, and to this end the provisions of this act are
 1931 declared severable.

1932 Section 18. The Division of Statutory Revision is directed

CS/CS/HB 119, Engrossed 1

2010

1933 | to replace the phrase "the effective date of this act" wherever
1934 | it occurs in this act with the date this act becomes a law.

1935 | Section 19. This act shall take effect upon becoming a
1936 | law.