



180122

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2010	.	
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The Committee on Criminal Justice (Crist) recommended the following:

1 **Senate Substitute for Amendment (213290) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6
7 Section 856.022, Florida Statutes, is created to read:
8 856.022 Loitering or prowling by certain offenders in close
9 proximity to children; penalty.-

10 (1) Except as provided in subsection (2), this section
11 applies to a person convicted of committing, or attempting,
12 soliciting, or conspiring to commit, any of the criminal



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13 offenses proscribed in the following statutes in this state or
14 similar offenses in another jurisdiction against a victim who
15 was under the age of 18 at the time of the offense: s. 787.01,
16 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
17 the offender was not the victim's parent or guardian; s.
18 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
19 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
20 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
21 847.0145; s. 985.701(1); or any similar offense committed in
22 this state which has been redesignated from a former statute
23 number to one of those listed in this subsection, if the person
24 has not received a pardon for any felony or similar law of
25 another jurisdiction necessary for the operation of this
26 subsection and a conviction of a felony or similar law of
27 another jurisdiction necessary for the operation of this
28 subsection has not been set aside in any postconviction
29 proceeding.

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

33 (3) A person described in subsection (1) commits loitering
34 or prowling by a person convicted of a sexual offense against a
35 minor if, while committing loitering or prowling in violation of
36 s. 856.021, he or she is knowingly:

37 1. Within 300 feet of a child care facility or pre-K
38 through 12 school or on real property comprising any child care
39 facility or pre-K through 12 school when the child care facility
40 or school is in operation; or

41 2. Within 300 feet of a park, playground, or bus stop while



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42 children are present and congregating in such a manner that any
43 reasonable person would be aware of their presence at the park,
44 playground, or bus stop at the same time that the offender is
45 also present.

46 (4) It is unlawful for a person described in subsection (1)
47 to:

48 (a) Knowingly approach, contact, or communicate with a
49 child under 18 years of age in any public park building or on
50 real property comprising any public park or playground with
51 intent to engage in conduct of a sexual nature, or to make a
52 communication of any type containing any content of a sexual
53 nature. This paragraph applies only to a person described in
54 subsection (1) whose offense was committed on or after the
55 effective date of this act.

56 (b)1. Knowingly be present in any child care facility or
57 pre-K through 12 school or on real property comprising any child
58 care facility or pre-K through 12 school when the child care
59 facility or school is in operation unless the person has
60 provided written notification of his or her intent to be present
61 to the school board, superintendent, principal, or child care
62 facility owner;

63 2. Fail to notify the child care facility owner or the
64 school principal's office when he or she arrives and departs the
65 child care facility or school; or

66 3. Fail to remain under direct supervision of a school
67 official or designated chaperone when present in the vicinity of
68 children. As used in this paragraph, the term "school official"
69 means a principal, school resource officer, teacher or any other
70 employee of the school, the superintendent of schools, a member



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71 of the school board, a child care facility owner, or a child
72 care provider.

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

74 1. The child care facility or school is a voting location
75 and the person is present for the purpose of voting during the
76 hours designated for voting; or

77 2. The person is only dropping off or picking up his or her
78 own children or grandchildren at the child care facility or
79 school.

80 (5) Any person who violates this section commits a
81 misdemeanor of the first degree, punishable as provided in s.
82 775.082 or s. 775.083.

83 Section 2. Paragraph (g) of subsection (2), paragraph (c)
84 of subsection (4), paragraph (a) of subsection (5), paragraphs
85 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of
86 subsection (7), and paragraph (a) of subsection (8) of section
87 775.21, Florida Statutes, are amended, and paragraph (l) is
88 added to subsection (2) of that section, to read:

89 775.21 The Florida Sexual Predators Act.—

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

91 (g) "Temporary residence" means a place where the person
92 abides, lodges, or resides, including, but not limited to,
93 vacation, business, or personal travel destinations in or out of
94 this state, for a period of 5 or more days in the aggregate
95 during any calendar year and which is not the person's permanent
96 address or, for a person whose permanent residence is not in
97 this state, a place where the person is employed, practices a
98 vocation, or is enrolled as a student for any period of time in
99 this state.



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100 (1) "Transient residence" means a place or county where a
101 person lives, remains, or is located for a period of 5 or more
102 days in the aggregate during a calendar year and which is not
103 the person's permanent or temporary address. The term includes,
104 but is not limited to, a place where the person sleeps or seeks
105 shelter and a location that has no specific street address.

106 (4) SEXUAL PREDATOR CRITERIA.—

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

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

113 2. The offender was administratively registered as a sexual
114 predator because the Department of Corrections, the department,
115 or any other law enforcement agency obtained information that
116 indicated that the offender met the criteria for designation as
117 a sexual predator based on a violation of a similar law in
118 another jurisdiction,

119
120 the department shall remove that offender from the
121 department's list of sexual predators and, for an offender
122 described under subparagraph 1., shall notify the state attorney
123 who prosecuted the offense that met the criteria for
124 administrative designation as a sexual predator, and, for an
125 offender described under this paragraph, shall notify the state
126 attorney of the county where the offender establishes or
127 maintains a permanent, ~~or~~ temporary, or transient residence. The
128 state attorney shall bring the matter to the court's attention



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129 in order to establish that the offender meets the criteria for
130 designation as a sexual predator. If the court makes a written
131 finding that the offender is a sexual predator, the offender
132 must be designated as a sexual predator, must register or be
133 registered as a sexual predator with the department as provided
134 in subsection (6), and is subject to the community and public
135 notification as provided in subsection (7). If the court does
136 not make a written finding that the offender is a sexual
137 predator, the offender may not be designated as a sexual
138 predator with respect to that offense and is not required to
139 register or be registered as a sexual predator with the
140 department.

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

143 (a)1. An offender who meets the sexual predator criteria
144 described in paragraph (4)(d) is a sexual predator, and the
145 court shall make a written finding at the time such offender is
146 determined to be a sexually violent predator under chapter 394
147 that such person meets the criteria for designation as a sexual
148 predator for purposes of this section. The clerk shall transmit
149 a copy of the order containing the written finding to the
150 department within 48 hours after the entry of the order;

151 2. An offender who meets the sexual predator criteria
152 described in paragraph (4)(a) who is before the court for
153 sentencing for a current offense committed on or after October
154 1, 1993, is a sexual predator, and the sentencing court must
155 make a written finding at the time of sentencing that the
156 offender is a sexual predator, and the clerk of the court shall
157 transmit a copy of the order containing the written finding to



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158 the department within 48 hours after the entry of the order; or
159 3. If the Department of Corrections, the department, or any
160 other law enforcement agency obtains information which indicates
161 that an offender who establishes or maintains a permanent, ~~or~~
162 temporary, or transient residence in this state meets the sexual
163 predator criteria described in paragraph (4) (a) or paragraph
164 (4) (d) because the offender was civilly committed or committed a
165 similar violation in another jurisdiction on or after October 1,
166 1993, the Department of Corrections, the department, or the law
167 enforcement agency shall notify the state attorney of the county
168 where the offender establishes or maintains a permanent, ~~or~~
169 temporary, or transient residence of the offender's presence in
170 the community. The state attorney shall file a petition with the
171 criminal division of the circuit court for the purpose of
172 holding a hearing to determine if the offender's criminal record
173 or record of civil commitment from another jurisdiction meets
174 the sexual predator criteria. If the court finds that the
175 offender meets the sexual predator criteria because the offender
176 has violated a similar law or similar laws in another
177 jurisdiction, the court shall make a written finding that the
178 offender is a sexual predator.

179
180 When the court makes a written finding that an offender is
181 a sexual predator, the court shall inform the sexual predator of
182 the registration and community and public notification
183 requirements described in this section. Within 48 hours after
184 the court designating an offender as a sexual predator, the
185 clerk of the circuit court shall transmit a copy of the court's
186 written sexual predator finding to the department. If the



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

190 (6) REGISTRATION.—

191 (a) A sexual predator must register with the department
192 through the sheriff's office by providing the following
193 information to the department:

194 1. Name, social security number, age, race, sex, date of
195 birth, height, weight, hair and eye color, photograph, address
196 of legal residence and address of any current temporary
197 residence, within the state or out of state, including a rural
198 route address and a post office box, if no permanent or
199 temporary address, any transient residence within the state,
200 address, location or description, and dates of any current or
201 known future temporary residence within the state or out of
202 state, any electronic mail address and any instant message name
203 required to be provided pursuant to subparagraph (g)4., home
204 telephone number and any cellular telephone number, date and
205 place of any employment, date and place of each conviction,
206 fingerprints, and a brief description of the crime or crimes
207 committed by the offender. A post office box shall not be
208 provided in lieu of a physical residential address.

209 a. If the sexual predator's place of residence is a motor
210 vehicle, trailer, mobile home, or manufactured home, as defined
211 in chapter 320, the sexual predator shall also provide to the
212 department written notice of the vehicle identification number;
213 the license tag number; the registration number; and a
214 description, including color scheme, of the motor vehicle,
215 trailer, mobile home, or manufactured home. If a sexual



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216 predator's place of residence is a vessel, live-aboard vessel,
217 or houseboat, as defined in chapter 327, the sexual predator
218 shall also provide to the department written notice of the hull
219 identification number; the manufacturer's serial number; the
220 name of the vessel, live-aboard vessel, or houseboat; the
221 registration number; and a description, including color scheme,
222 of the vessel, live-aboard vessel, or houseboat.

223 b. If the sexual predator is enrolled, employed, or
224 carrying on a vocation at an institution of higher education in
225 this state, the sexual predator shall also provide to the
226 department the name, address, and county of each institution,
227 including each campus attended, and the sexual predator's
228 enrollment or employment status. Each change in enrollment or
229 employment status shall be reported in person at the sheriff's
230 office, or the Department of Corrections if the sexual predator
231 is in the custody or control of or under the supervision of the
232 Department of Corrections, within 48 hours after any change in
233 status. The sheriff or the Department of Corrections shall
234 promptly notify each institution of the sexual predator's
235 presence and any change in the sexual predator's enrollment or
236 employment status.

237 2. Any other information determined necessary by the
238 department, including criminal and corrections records;
239 nonprivileged personnel and treatment records; and evidentiary
240 genetic markers when available.

241 (f) Within 48 hours after the registration required under
242 paragraph (a) or paragraph (e), a sexual predator who is not
243 incarcerated and who resides in the community, including a
244 sexual predator under the supervision of the Department of



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245 Corrections, shall register in person at a driver's license
246 office of the Department of Highway Safety and Motor Vehicles
247 and shall present proof of registration. At the driver's license
248 office the sexual predator shall:

249 1. If otherwise qualified, secure a Florida driver's
250 license, renew a Florida driver's license, or secure an
251 identification card. The sexual predator shall identify himself
252 or herself as a sexual predator who is required to comply with
253 this section, provide his or her place of permanent, ~~or~~
254 temporary, or transient residence, including a rural route
255 address and a post office box, and submit to the taking of a
256 photograph for use in issuing a driver's license, renewed
257 license, or identification card, and for use by the department
258 in maintaining current records of sexual predators. A post
259 office box shall not be provided in lieu of a physical
260 residential address. If the sexual predator's place of residence
261 is a motor vehicle, trailer, mobile home, or manufactured home,
262 as defined in chapter 320, the sexual predator shall also
263 provide to the Department of Highway Safety and Motor Vehicles
264 the vehicle identification number; the license tag number; the
265 registration number; and a description, including color scheme,
266 of the motor vehicle, trailer, mobile home, or manufactured
267 home. If a sexual predator's place of residence is a vessel,
268 live-aboard vessel, or houseboat, as defined in chapter 327, the
269 sexual predator shall also provide to the Department of Highway
270 Safety and Motor Vehicles the hull identification number; the
271 manufacturer's serial number; the name of the vessel, live-
272 aboard vessel, or houseboat; the registration number; and a
273 description, including color scheme, of the vessel, live-aboard



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274 vessel, or houseboat.

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

280 3. Provide, upon request, any additional information
281 necessary to confirm the identity of the sexual predator,
282 including a set of fingerprints.

283 (g)1. Each time a sexual predator's driver's license or
284 identification card is subject to renewal, and, without regard
285 to the status of the predator's driver's license or
286 identification card, within 48 hours after any change of the
287 predator's residence or change in the predator's name by reason
288 of marriage or other legal process, the predator shall report in
289 person to a driver's license office and shall be subject to the
290 requirements specified in paragraph (f). The Department of
291 Highway Safety and Motor Vehicles shall forward to the
292 department and to the Department of Corrections all photographs
293 and information provided by sexual predators. Notwithstanding
294 the restrictions set forth in s. 322.142, the Department of
295 Highway Safety and Motor Vehicles is authorized to release a
296 reproduction of a color-photograph or digital-image license to
297 the Department of Law Enforcement for purposes of public
298 notification of sexual predators as provided in this section.

299 2. A sexual predator who vacates a permanent, temporary, or
300 transient residence and fails to establish or maintain another
301 permanent, ~~or~~ temporary, or transient residence shall, within 48
302 hours after vacating the permanent, temporary, or transient



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303 residence, report in person to the sheriff's office of the
304 county in which he or she is located. The sexual predator shall
305 specify the date upon which he or she intends to or did vacate
306 such residence. The sexual predator must provide or update all
307 of the registration information required under paragraph (a).
308 The sexual predator must provide an address for the residence or
309 other place ~~location~~ that he or she is or will be located
310 ~~occupying~~ during the time in which he or she fails to establish
311 or maintain a permanent or temporary residence.

312 3. A sexual predator who remains at a permanent, temporary,
313 or transient residence after reporting his or her intent to
314 vacate such residence shall, within 48 hours after the date upon
315 which the predator indicated he or she would or did vacate such
316 residence, report in person to the sheriff's office to which he
317 or she reported pursuant to subparagraph 2. for the purpose of
318 reporting his or her address at such residence. When the sheriff
319 receives the report, the sheriff shall promptly convey the
320 information to the department. An offender who makes a report as
321 required under subparagraph 2. but fails to make a report as
322 required under this subparagraph commits a felony of the second
323 degree, punishable as provided in s. 775.082, s. 775.083, or s.
324 775.084.

325 4. A sexual predator must register any electronic mail
326 address or instant message name with the department prior to
327 using such electronic mail address or instant message name on or
328 after October 1, 2007. The department shall establish an online
329 system through which sexual predators may securely access and
330 update all electronic mail address and instant message name
331 information.



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332 (i) A sexual predator who intends to establish a permanent,
333 temporary, or transient residence in another state or
334 jurisdiction other than the State of Florida shall report in
335 person to the sheriff of the county of current residence within
336 48 hours before the date he or she intends to leave this state
337 to establish residence in another state or jurisdiction. The
338 sexual predator must provide to the sheriff the address,
339 municipality, county, and state of intended residence. The
340 sheriff shall promptly provide to the department the information
341 received from the sexual predator. The department shall notify
342 the statewide law enforcement agency, or a comparable agency, in
343 the intended state or jurisdiction of residence of the sexual
344 predator's intended residence. The failure of a sexual predator
345 to provide his or her intended place of residence is punishable
346 as provided in subsection (10).

347 (j) A sexual predator who indicates his or her intent to
348 establish a permanent, temporary, or transient residence ~~reside~~
349 in another state or jurisdiction other than the State of Florida
350 and later decides to remain in this state shall, within 48 hours
351 after the date upon which the sexual predator indicated he or
352 she would leave this state, report in person to the sheriff to
353 which the sexual predator reported the intended change of
354 residence, and report his or her intent to remain in this state.
355 If the sheriff is notified by the sexual predator that he or she
356 intends to remain in this state, the sheriff shall promptly
357 report this information to the department. A sexual predator who
358 reports his or her intent to establish a permanent, temporary,
359 or transient residence ~~reside~~ in another state or jurisdiction,
360 but who remains in this state without reporting to the sheriff



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361 in the manner required by this paragraph, commits a felony of
362 the second degree, punishable as provided in s. 775.082, s.
363 775.083, or s. 775.084.

364 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

365 (a) Law enforcement agencies must inform members of the
366 community and the public of a sexual predator's presence. Upon
367 notification of the presence of a sexual predator, the sheriff
368 of the county or the chief of police of the municipality where
369 the sexual predator establishes or maintains a permanent or
370 temporary residence shall notify members of the community and
371 the public of the presence of the sexual predator in a manner
372 deemed appropriate by the sheriff or the chief of police. Within
373 48 hours after receiving notification of the presence of a
374 sexual predator, the sheriff of the county or the chief of
375 police of the municipality where the sexual predator temporarily
376 or permanently resides shall notify each licensed day care
377 center, elementary school, middle school, and high school within
378 a 1-mile radius of the temporary or permanent residence of the
379 sexual predator of the presence of the sexual predator.

380 Information provided to members of the community and the public
381 regarding a sexual predator must include:

- 382 1. The name of the sexual predator;
- 383 2. A description of the sexual predator, including a
384 photograph;
- 385 3. The sexual predator's current permanent, temporary, and
386 transient addresses, and descriptions of registered locations
387 that have no specific street address, including the name of the
388 county or municipality if known;
- 389 4. The circumstances of the sexual predator's offense or



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390 offenses; and

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

393
394 This paragraph does not authorize the release of the name
395 of any victim of the sexual predator.

396 (8) VERIFICATION.—The department and the Department of
397 Corrections shall implement a system for verifying the addresses
398 of sexual predators. The system must be consistent with the
399 provisions of the federal Adam Walsh Child Protection and Safety
400 Act of 2006 and any other federal standards applicable to such
401 verification or required to be met as a condition for the
402 receipt of federal funds by the state. The Department of
403 Corrections shall verify the addresses of sexual predators who
404 are not incarcerated but who reside in the community under the
405 supervision of the Department of Corrections and shall report to
406 the department any failure by a sexual predator to comply with
407 registration requirements. County and local law enforcement
408 agencies, in conjunction with the department, shall verify the
409 addresses of sexual predators who are not under the care,
410 custody, control, or supervision of the Department of
411 Corrections. Local law enforcement agencies shall report to the
412 department any failure by a sexual predator to comply with
413 registration requirements.

414 (a) A sexual predator must report in person each year
415 during the month of the sexual predator's birthday and during
416 every third month thereafter to the sheriff's office in the
417 county in which he or she resides or is otherwise located to
418 reregister. The sheriff's office may determine the appropriate



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419 times and days for reporting by the sexual predator, which shall
420 be consistent with the reporting requirements of this paragraph.
421 Reregistration shall include any changes to the following
422 information:

423 1. Name; social security number; age; race; sex; date of
424 birth; height; weight; hair and eye color; address of any
425 permanent residence and address of any current temporary
426 residence, within the state or out of state, including a rural
427 route address and a post office box; if no permanent or
428 temporary address, any transient residence within the state;
429 address, location or description, and dates of any current or
430 known future temporary residence within the state or out of
431 state; any electronic mail address and any instant message name
432 required to be provided pursuant to subparagraph (6)(g)4.; home
433 telephone number and any cellular telephone number; date and
434 place of any employment; vehicle make, model, color, and license
435 tag number; fingerprints; and photograph. A post office box
436 shall not be provided in lieu of a physical residential address.

437 2. If the sexual predator is enrolled, employed, or
438 carrying on a vocation at an institution of higher education in
439 this state, the sexual predator shall also provide to the
440 department the name, address, and county of each institution,
441 including each campus attended, and the sexual predator's
442 enrollment or employment status.

443 3. If the sexual predator's place of residence is a motor
444 vehicle, trailer, mobile home, or manufactured home, as defined
445 in chapter 320, the sexual predator shall also provide the
446 vehicle identification number; the license tag number; the
447 registration number; and a description, including color scheme,



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448 of the motor vehicle, trailer, mobile home, or manufactured
449 home. If the sexual predator's place of residence is a vessel,
450 live-aboard vessel, or houseboat, as defined in chapter 327, the
451 sexual predator shall also provide the hull identification
452 number; the manufacturer's serial number; the name of the
453 vessel, live-aboard vessel, or houseboat; the registration
454 number; and a description, including color scheme, of the
455 vessel, live-aboard vessel, or houseboat.

456 Section 3. Section 794.065, Florida Statutes, is renumbered
457 as section 775.215, Florida Statutes, and amended to read:

458 775.215 ~~794.065~~ Residency restriction Unlawful place of
459 ~~residence~~ for persons convicted of certain sex offenses.-

460 (1) The creation of a residency restriction applicable to a
461 person who is required to register as a sexual predator or a
462 sexual offender is expressly preempted to the state, and the
463 provisions of ss. 794.065, 947.1405, and 948.30 establishing
464 such exclusions supersede any municipal or county ordinance
465 imposing different exclusions.

466 (2) (a) An ordinance adopted by a county or municipality
467 before July 1, 2010, that imposes residency restrictions for a
468 person subject to s. 794.065, s. 947.1405, or s. 948.30, which
469 are in excess of the requirements of those sections, are
470 repealed and abolished as of July 1, 2010, except to the extent
471 that an ordinance as provided in paragraph (b) is adopted before
472 that date.

473 (b) This section does not preempt any county or municipal
474 residency restriction that applies for a distance greater than
475 1,000 feet but not more than 2500 feet from a school, child care
476 facility, or other similar facility where multiple children



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477 congregate in one location for group activities or supervision.
478 This section does not prevent such a county or municipal
479 ordinance from applying retroactively to a person convicted of
480 sexual offenses that occurred before the date of the enactment
481 of the ordinance or to apply to a person who was convicted of
482 offenses proscribed in Florida Statutes or similar offenses in
483 another jurisdiction.

484 (c) For purposes of paragraph (b), the facility must be
485 specifically identified in a separate ordinance enacted by a
486 county or municipality upon the written recommendation of its
487 chief law enforcement officer.

488 (3) As used in this section, the term:

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

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

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

497 (d) "School" has the same meaning as provided in s. 1003.01
498 and includes a private school as defined in s. 1002.01, a
499 voluntary prekindergarten education program as described in s.
500 1002.53(3), a public school as described in s. 402.3025(1), the
501 Florida School for the Deaf and the Blind, the Florida Virtual
502 School as established in s. 1002.37, and a K-8 Virtual School as
503 established in s. 1002.415, but does not include facilities
504 dedicated exclusively to the education of adults.

505 (4) (a) ~~(1)~~ No It is unlawful for any person who has been



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506 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
507 s. 847.0135(5), ~~or~~ s. 847.0145, regardless of whether
508 adjudication has been withheld, in which the victim of the
509 offense was less than 16 years of age, shall ~~to~~ reside within
510 1,000 feet of any school, child care facility ~~day care center~~,
511 park, or playground. However, a person does not violate this
512 subsection and may not be forced to relocate if he or she is
513 living in a residence that meets the requirements of this
514 subsection and a school, child care facility, park, or
515 playground is subsequently established within 1,000 feet of his
516 or her residence.

517 (b) A person who violates this subsection and whose
518 conviction under s. 794.011, s. 800.04, s. 827.071, s.
519 847.0135(5), or s. 847.0145 was classified as a felony of the
520 first degree or higher commits a felony of the third degree,
521 punishable as provided in s. 775.082 or s. 775.083. A person who
522 violates this subsection and whose conviction under s. 794.011,
523 s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was
524 classified as a felony of the second or third degree commits a
525 misdemeanor of the first degree, punishable as provided in s.
526 775.082 or s. 775.083.

527 (c)(2) This subsection applies to any person convicted of a
528 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
529 or s. 847.0145 for offenses that occur on or after October 1,
530 2004, excluding persons who have been removed from the
531 requirement to register as a sexual offender or sexual predator
532 pursuant to s. 943.04354.

533 (5)(a) A person who has been convicted of an offense in
534 another jurisdiction that is similar to a violation of s.



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535 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
536 regardless of whether adjudication has been withheld, in which
537 the victim of the offense was less than 16 years of age, shall
538 not reside within 1,000 feet of any school, child care facility,
539 park, or playground. However, a person does not violate this
540 subsection and may not be forced to relocate if he or she is
541 living in a residence that meets the requirements of this
542 subsection and a school, child care facility, park, or
543 playground is subsequently established within 1,000 feet of his
544 or her residence.

545 (b) A person who violates this subsection and whose
546 conviction in another jurisdiction resulted in a penalty that is
547 substantially similar to a felony of the first degree or higher
548 commits a felony of the third degree, punishable as provided in
549 s. 775.082 or s. 775.083. A person who violates this subsection
550 and whose conviction in another jurisdiction resulted in a
551 penalty that is substantially similar to a felony of the second
552 or third degree commits a misdemeanor of the first degree,
553 punishable as provided in s. 775.082 or s. 775.083.

554 (c) This subsection applies to any person convicted of an
555 offense in another jurisdiction that is similar to a violation
556 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
557 847.0145 where such offense occurred on or after the effective
558 date of this bill, excluding persons who have been removed from
559 the requirement to register as a sexual offender or sexual
560 predator pursuant to s. 943.04354.

561 Section 4. Paragraph (c) of subsection (1), subsection (2),
562 paragraphs (a), (b), and (c) of subsection (4), subsections (7),
563 (8), and (10), and paragraph (c) of subsection (14) of section



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564 943.0435, Florida Statutes, are amended to read:

565 943.0435 Sexual offenders required to register with the
566 department; penalty.—

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

568 (c) "Permanent residence," ~~and~~ "temporary residence," and
569 "transient residence" have the same meaning ascribed in s.

570 775.21.

571 (2) A sexual offender shall:

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

573 1. In the county in which the offender establishes or
574 maintains a permanent, ~~or~~ temporary, or transient residence
575 within 48 hours after:

576 a. Establishing permanent, ~~or~~ temporary, or transient
577 residence in this state; or

578 b. Being released from the custody, control, or supervision
579 of the Department of Corrections or from the custody of a
580 private correctional facility; or

581 2. In the county where he or she was convicted within 48
582 hours after being convicted for a qualifying offense for
583 registration under this section if the offender is not in the
584 custody or control of, or under the supervision of, the
585 Department of Corrections, or is not in the custody of a private
586 correctional facility.

587
588 Any change in the information required to be provided pursuant
589 to paragraph (b), including, but not limited to, any change in
590 the sexual offender's permanent, ~~or~~ temporary, or transient
591 residence, name, any electronic mail address and any instant
592 message name required to be provided pursuant to paragraph



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593 (4) (d), after the sexual offender reports in person at the
594 sheriff's office, shall be accomplished in the manner provided
595 in subsections (4), (7), and (8).

596 (b) Provide his or her name, date of birth, social security
597 number, race, sex, height, weight, hair and eye color, tattoos
598 or other identifying marks, occupation and place of employment,
599 address of permanent or legal residence or address of any
600 current temporary residence, within the state or ~~and~~ out of
601 state, including a rural route address and a post office box, if
602 no permanent or temporary address, any transient residence
603 within the state, address, location or description, and dates of
604 any current or known future temporary residence within the state
605 or out of state, home telephone number and any cellular
606 telephone number, any electronic mail address and any instant
607 message name required to be provided pursuant to paragraph
608 (4) (d), date and place of each conviction, and a brief
609 description of the crime or crimes committed by the offender. A
610 post office box shall not be provided in lieu of a physical
611 residential address.

612 1. If the sexual offender's place of residence is a motor
613 vehicle, trailer, mobile home, or manufactured home, as defined
614 in chapter 320, the sexual offender shall also provide to the
615 department through the sheriff's office written notice of the
616 vehicle identification number; the license tag number; the
617 registration number; and a description, including color scheme,
618 of the motor vehicle, trailer, mobile home, or manufactured
619 home. If the sexual offender's place of residence is a vessel,
620 live-aboard vessel, or houseboat, as defined in chapter 327, the
621 sexual offender shall also provide to the department written



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622 notice of the hull identification number; the manufacturer's
623 serial number; the name of the vessel, live-aboard vessel, or
624 houseboat; the registration number; and a description, including
625 color scheme, of the vessel, live-aboard vessel, or houseboat.

626 2. If the sexual offender is enrolled, employed, or
627 carrying on a vocation at an institution of higher education in
628 this state, the sexual offender shall also provide to the
629 department through the sheriff's office the name, address, and
630 county of each institution, including each campus attended, and
631 the sexual offender's enrollment or employment status. Each
632 change in enrollment or employment status shall be reported in
633 person at the sheriff's office, within 48 hours after any change
634 in status. The sheriff shall promptly notify each institution of
635 the sexual offender's presence and any change in the sexual
636 offender's enrollment or employment status.

637
638 When a sexual offender reports at the sheriff's office, the
639 sheriff shall take a photograph and a set of fingerprints of the
640 offender and forward the photographs and fingerprints to the
641 department, along with the information provided by the sexual
642 offender. The sheriff shall promptly provide to the department
643 the information received from the sexual offender.

644 (4) (a) Each time a sexual offender's driver's license or
645 identification card is subject to renewal, and, without regard
646 to the status of the offender's driver's license or
647 identification card, within 48 hours after any change in the
648 offender's permanent, ~~or~~ temporary, or transient residence or
649 change in the offender's name by reason of marriage or other
650 legal process, the offender shall report in person to a driver's



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651 license office, and shall be subject to the requirements
652 specified in subsection (3). The Department of Highway Safety
653 and Motor Vehicles shall forward to the department all
654 photographs and information provided by sexual offenders.
655 Notwithstanding the restrictions set forth in s. 322.142, the
656 Department of Highway Safety and Motor Vehicles is authorized to
657 release a reproduction of a color-photograph or digital-image
658 license to the Department of Law Enforcement for purposes of
659 public notification of sexual offenders as provided in this
660 section and ss. 943.043 and 944.606.

661 (b) A sexual offender who vacates a permanent, temporary,
662 or transient residence and fails to establish or maintain
663 another permanent, ~~or~~ temporary, or transient residence shall,
664 within 48 hours after vacating the permanent, temporary, or
665 transient residence, report in person to the sheriff's office of
666 the county in which he or she is located. The sexual offender
667 shall specify the date upon which he or she intends to or did
668 vacate such residence. The sexual offender must provide or
669 update all of the registration information required under
670 paragraph (2)(b). The sexual offender must provide an address
671 for the residence or other place ~~location~~ that he or she is or
672 will be located ~~occupying~~ during the time in which he or she
673 fails to establish or maintain a permanent or temporary
674 residence.

675 (c) A sexual offender who remains at a permanent,
676 temporary, or transient residence after reporting his or her
677 intent to vacate such residence shall, within 48 hours after the
678 date upon which the offender indicated he or she would or did
679 vacate such residence, report in person to the agency to which



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680 he or she reported pursuant to paragraph (b) for the purpose of
681 reporting his or her address at such residence. When the sheriff
682 receives the report, the sheriff shall promptly convey the
683 information to the department. An offender who makes a report as
684 required under paragraph (b) but fails to make a report as
685 required under this paragraph commits a felony of the second
686 degree, punishable as provided in s. 775.082, s. 775.083, or s.
687 775.084.

688 (7) A sexual offender who intends to establish a permanent,
689 temporary, or transient residence in another state or
690 jurisdiction other than the State of Florida shall report in
691 person to the sheriff of the county of current residence within
692 48 hours before the date he or she intends to leave this state
693 to establish residence in another state or jurisdiction. The
694 notification must include the address, municipality, county, and
695 state of intended residence. The sheriff shall promptly provide
696 to the department the information received from the sexual
697 offender. The department shall notify the statewide law
698 enforcement agency, or a comparable agency, in the intended
699 state or jurisdiction of residence of the sexual offender's
700 intended residence. The failure of a sexual offender to provide
701 his or her intended place of residence is punishable as provided
702 in subsection (9).

703 (8) A sexual offender who indicates his or her intent to
704 establish a permanent, temporary, or transient residence ~~reside~~
705 in another state or jurisdiction other than the State of Florida
706 and later decides to remain in this state shall, within 48 hours
707 after the date upon which the sexual offender indicated he or
708 she would leave this state, report in person to the sheriff to



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709 which the sexual offender reported the intended change of
710 permanent, temporary, or transient residence, and report his or
711 her intent to remain in this state. The sheriff shall promptly
712 report this information to the department. A sexual offender who
713 reports his or her intent to establish a permanent, temporary,
714 or transient residence ~~reside~~ in another state or jurisdiction
715 but who remains in this state without reporting to the sheriff
716 in the manner required by this subsection commits a felony of
717 the second degree, punishable as provided in s. 775.082, s.
718 775.083, or s. 775.084.

719 (10) The department, the Department of Highway Safety and
720 Motor Vehicles, the Department of Corrections, the Department of
721 Juvenile Justice, any law enforcement agency in this state, and
722 the personnel of those departments; an elected or appointed
723 official, public employee, or school administrator; or an
724 employee, agency, or any individual or entity acting at the
725 request or upon the direction of any law enforcement agency is
726 immune from civil liability for damages for good faith
727 compliance with the requirements of this section or for the
728 release of information under this section, and shall be presumed
729 to have acted in good faith in compiling, recording, reporting,
730 or releasing the information. The presumption of good faith is
731 not overcome if a technical or clerical error is made by the
732 department, the Department of Highway Safety and Motor Vehicles,
733 the Department of Corrections, the Department of Juvenile
734 Justice, the personnel of those departments, or any individual
735 or entity acting at the request or upon the direction of any of
736 those departments in compiling or providing information, or if
737 information is incomplete or incorrect because a sexual offender



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

740 (14)

741 (c) The sheriff's office may determine the appropriate
742 times and days for reporting by the sexual offender, which shall
743 be consistent with the reporting requirements of this
744 subsection. Reregistration shall include any changes to the
745 following information:

746 1. Name; social security number; age; race; sex; date of
747 birth; height; weight; hair and eye color; address of any
748 permanent residence and address of any current temporary
749 residence, within the state or out of state, including a rural
750 route address and a post office box; if no permanent or
751 temporary address, any transient residence within the state;
752 address, location or description, and dates of any current or
753 known future temporary residence within the state or out of
754 state; any electronic mail address and any instant message name
755 required to be provided pursuant to paragraph (4) (d); home
756 telephone number and any cellular telephone number; date and
757 place of any employment; vehicle make, model, color, and license
758 tag number; fingerprints; and photograph. A post office box
759 shall not be provided in lieu of a physical residential address.

760 2. If the sexual offender is enrolled, employed, or
761 carrying on a vocation at an institution of higher education in
762 this state, the sexual offender shall also provide to the
763 department the name, address, and county of each institution,
764 including each campus attended, and the sexual offender's
765 enrollment or employment status.

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



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767 vehicle, trailer, mobile home, or manufactured home, as defined
768 in chapter 320, the sexual offender shall also provide the
769 vehicle identification number; the license tag number; the
770 registration number; and a description, including color scheme,
771 of the motor vehicle, trailer, mobile home, or manufactured
772 home. If the sexual offender's place of residence is a vessel,
773 live-aboard vessel, or houseboat, as defined in chapter 327, the
774 sexual offender shall also provide the hull identification
775 number; the manufacturer's serial number; the name of the
776 vessel, live-aboard vessel, or houseboat; the registration
777 number; and a description, including color scheme, of the
778 vessel, live-aboard vessel or houseboat.

779 4. Any sexual offender who fails to report in person as
780 required at the sheriff's office, or who fails to respond to any
781 address verification correspondence from the department within 3
782 weeks of the date of the correspondence or who fails to report
783 electronic mail addresses or instant message names, commits a
784 felony of the third degree, punishable as provided in s.
785 775.082, s. 775.083, or s. 775.084.

786 Section 5. Section 943.04352, Florida Statutes, is amended
787 to read:

788 943.04352 Search of registration information regarding
789 sexual predators and sexual offenders required when placement on
790 misdemeanor probation.—When the court places a defendant on
791 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
792 public or private entity providing probation services must
793 conduct a search of the probationer's name or other identifying
794 information against the registration information regarding
795 sexual predators and sexual offenders maintained by the



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796 Department of Law Enforcement under s. 943.043. The probation
797 services provider may conduct the search using the Internet site
798 maintained by the Department of Law Enforcement. Also, a
799 national search must be conducted through the Dru Sjodin
800 National Sex Offender Public Website maintained by the United
801 States Department of Justice.

802 Section 6. Paragraph (a) of subsection (3) of section
803 944.606, Florida Statutes, is amended to read:

804 944.606 Sexual offenders; notification upon release.—

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

808 1. The department must provide: the sexual offender's name,
809 any change in the offender's name by reason of marriage or other
810 legal process, and any alias, if known; the correctional
811 facility from which the sexual offender is released; the sexual
812 offender's social security number, race, sex, date of birth,
813 height, weight, and hair and eye color; address of any planned
814 permanent residence or temporary residence, within the state or
815 out of state, including a rural route address and a post office
816 box; if no permanent or temporary address, any transient
817 residence within the state; address, location or description,
818 and dates of any known future temporary residence within the
819 state or out of state; date and county of sentence and each
820 crime for which the offender was sentenced; a copy of the
821 offender's fingerprints and a digitized photograph taken within
822 60 days before release; the date of release of the sexual
823 offender; any electronic mail address and any instant message
824 name required to be provided pursuant to s. 943.0435(4)(d); and



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825 home telephone number and any cellular telephone number; ~~and the~~
826 ~~offender's intended residence address, if known.~~ The department
827 shall notify the Department of Law Enforcement if the sexual
828 offender escapes, absconds, or dies. If the sexual offender is
829 in the custody of a private correctional facility, the facility
830 shall take the digitized photograph of the sexual offender
831 within 60 days before the sexual offender's release and provide
832 this photograph to the Department of Corrections and also place
833 it in the sexual offender's file. If the sexual offender is in
834 the custody of a local jail, the custodian of the local jail
835 shall register the offender within 3 business days after intake
836 of the offender for any reason and upon release, and shall
837 notify the Department of Law Enforcement of the sexual
838 offender's release and provide to the Department of Law
839 Enforcement the information specified in this paragraph and any
840 information specified in subparagraph 2. that the Department of
841 Law Enforcement requests.

842 2. The department may provide any other information deemed
843 necessary, including criminal and corrections records,
844 nonprivileged personnel and treatment records, when available.

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

848 944.607 Notification to Department of Law Enforcement of
849 information on sexual offenders.-

850 (4) A sexual offender, as described in this section, who is
851 under the supervision of the Department of Corrections but is
852 not incarcerated must register with the Department of
853 Corrections within 3 business days after sentencing for a



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854 registrable ~~registerable~~ offense and otherwise provide
855 information as required by this subsection.

856 (a) The sexual offender shall provide his or her name; date
857 of birth; social security number; race; sex; height; weight;
858 hair and eye color; tattoos or other identifying marks; any
859 electronic mail address and any instant message name required to
860 be provided pursuant to s. 943.0435(4) (d); ~~and~~ permanent or
861 legal residence and address of temporary residence within the
862 state or out of state while the sexual offender is under
863 supervision in this state, including any rural route address or
864 post office box; if no permanent or temporary address, any
865 transient residence within the state; and address, location or
866 description, and dates of any current or known future temporary
867 residence within the state or out of state. The Department of
868 Corrections shall verify the address of each sexual offender in
869 the manner described in ss. 775.21 and 943.0435. The department
870 shall report to the Department of Law Enforcement any failure by
871 a sexual predator or sexual offender to comply with registration
872 requirements.

873 (b) If the sexual offender is enrolled, employed, or
874 carrying on a vocation at an institution of higher education in
875 this state, the sexual offender shall provide the name, address,
876 and county of each institution, including each campus attended,
877 and the sexual offender's enrollment or employment status. Each
878 change in enrollment or employment status shall be reported to
879 the department within 48 hours after the change in status. The
880 Department of Corrections shall promptly notify each institution
881 of the sexual offender's presence and any change in the sexual
882 offender's enrollment or employment status.



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883 (6) The information provided to the Department of Law
884 Enforcement must include:
885 (a) The information obtained from the sexual offender under
886 subsection (4);
887 (b) The sexual offender's most current address, ~~and~~ place
888 of permanent, ~~and~~ temporary, or transient residence within the
889 state or out of state, and address, location or description, and
890 dates of any current or known future temporary residence within
891 the state or out of state, while the sexual offender is under
892 supervision in this state, including the name of the county or
893 municipality in which the offender permanently or temporarily
894 resides, or has a transient residence, and address, location or
895 description, and dates of any current or known future temporary
896 residence within the state or out of state, and, if known, the
897 intended place of permanent, ~~or~~ temporary, or transient
898 residence, and address, location or description, and dates of
899 any current or known future temporary residence within the state
900 or out of state upon satisfaction of all sanctions;
901 (c) The legal status of the sexual offender and the
902 scheduled termination date of that legal status;
903 (d) The location of, and local telephone number for, any
904 Department of Corrections' office that is responsible for
905 supervising the sexual offender;
906 (e) An indication of whether the victim of the offense that
907 resulted in the offender's status as a sexual offender was a
908 minor;
909 (f) The offense or offenses at conviction which resulted in
910 the determination of the offender's status as a sex offender;
911 and



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912 (g) A digitized photograph of the sexual offender which
913 must have been taken within 60 days before the offender is
914 released from the custody of the department or a private
915 correctional facility by expiration of sentence under s. 944.275
916 or must have been taken by January 1, 1998, or within 60 days
917 after the onset of the department's supervision of any sexual
918 offender who is on probation, community control, conditional
919 release, parole, provisional release, or control release or who
920 is supervised by the department under the Interstate Compact
921 Agreement for Probationers and Parolees. If the sexual offender
922 is in the custody of a private correctional facility, the
923 facility shall take a digitized photograph of the sexual
924 offender within the time period provided in this paragraph and
925 shall provide the photograph to the department.

926
927 If any information provided by the department changes
928 during the time the sexual offender is under the department's
929 control, custody, or supervision, including any change in the
930 offender's name by reason of marriage or other legal process,
931 the department shall, in a timely manner, update the information
932 and provide it to the Department of Law Enforcement in the
933 manner prescribed in subsection (2).

934 (13)

935 (c) The sheriff's office may determine the appropriate
936 times and days for reporting by the sexual offender, which shall
937 be consistent with the reporting requirements of this
938 subsection. Reregistration shall include any changes to the
939 following information:

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



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941 birth; height; weight; hair and eye color; address of any
942 permanent residence and address of any current temporary
943 residence, within the state or out of state, including a rural
944 route address and a post office box; if no permanent or
945 temporary address, any transient residence; address, location or
946 description, and dates of any current or known future temporary
947 residence within the state or out of state; any electronic mail
948 address and any instant message name required to be provided
949 pursuant to s. 943.0435(4)(d); date and place of any employment;
950 vehicle make, model, color, and license tag number;
951 fingerprints; and photograph. A post office box shall not be
952 provided in lieu of a physical residential address.

953 2. If the sexual offender is enrolled, employed, or
954 carrying on a vocation at an institution of higher education in
955 this state, the sexual offender shall also provide to the
956 department the name, address, and county of each institution,
957 including each campus attended, and the sexual offender's
958 enrollment or employment status.

959 3. If the sexual offender's place of residence is a motor
960 vehicle, trailer, mobile home, or manufactured home, as defined
961 in chapter 320, the sexual offender shall also provide the
962 vehicle identification number; the license tag number; the
963 registration number; and a description, including color scheme,
964 of the motor vehicle, trailer, mobile home, or manufactured
965 home. If the sexual offender's place of residence is a vessel,
966 live-aboard vessel, or houseboat, as defined in chapter 327, the
967 sexual offender shall also provide the hull identification
968 number; the manufacturer's serial number; the name of the
969 vessel, live-aboard vessel, or houseboat; the registration



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970 number; and a description, including color scheme, of the
971 vessel, live-aboard vessel or houseboat.

972 4. Any sexual offender who fails to report in person as
973 required at the sheriff's office, or who fails to respond to any
974 address verification correspondence from the department within 3
975 weeks of the date of the correspondence, or who fails to report
976 electronic mail addresses or instant message names, commits a
977 felony of the third degree, punishable as provided in s.
978 775.082, s. 775.083, or s. 775.084.

979 Section 8. Subsections (9) and (10) of s. 947.005, Florida
980 Statutes is amended to read and subsections (12), (13), (14),
981 and (15) of that section are added to read:

982 947.005 Definitions.—As used in this chapter, unless the
983 context clearly indicates otherwise:

984 (9) "Qualified practitioner" means a social worker, mental
985 health counselor, or a marriage and family therapist licensed
986 under ch. 491 who, as determined by rule of the respective
987 boards, has the coursework, training, qualifications, and
988 experience to treat sex offenders; or a psychiatrist licensed
989 under chapter 458 or chapter 459; ~~or a psychologist licensed~~
990 ~~under chapter 490, or a social worker, a mental health~~
991 ~~counselor, or a marriage and family therapist licensed under~~
992 ~~chapter 491 who practices in accordance with his or her~~
993 ~~respective practice act.~~

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

997 (12) "Child care facility" has the same meaning as provided
998 in s. 402.302.



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999 (13) "Park" means all public and private property
1000 specifically designated as being used for recreational purposes
1001 and where children regularly congregate.

1002 (14) "Playground" means a designated independent area in
1003 the community or neighborhood that is designated solely for
1004 children and has one or more play structures.

1005 (15) "School" has the same meaning as provided in s.
1006 1003.01 and includes a private school as defined in s. 1002.01,
1007 a voluntary prekindergarten education program as described in s.
1008 1002.53(3), a public school as described in s. 402.3025(1), the
1009 Florida School for the Deaf and Blind, the Florida Virtual
1010 School as established in s. 1002.37, and a K-8 Virtual School as
1011 established in s. 1002.415, but does not includes facilities
1012 dedicated exclusively to the education of adults.

1013 Section 9. Subsection (7) of section 947.1405, Florida
1014 Statutes, is amended, and subsection (12) is added to that
1015 section, to read:

1016 947.1405 Conditional release program.—

1017 (7) (a) Any inmate who is convicted of a crime committed on
1018 or after October 1, 1995, or who has been previously convicted
1019 of a crime committed on or after October 1, 1995, in violation
1020 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
1021 847.0145, and is subject to conditional release supervision,
1022 shall have, in addition to any other conditions imposed, the
1023 following special conditions imposed by the commission:

1024 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission
1025 may designate another 8-hour period if the offender's employment
1026 precludes the above specified time, and such alternative is
1027 recommended by the Department of Corrections. If the commission



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1028 determines that imposing a curfew would endanger the victim, the
1029 commission may consider alternative sanctions.

1030 2. If the victim was under the age of 18, a prohibition on
1031 living within 1,000 feet of a school, child care facility ~~day~~
1032 ~~care center~~, park, playground, designated public school bus
1033 stop, or other place where children regularly congregate. A
1034 releasee who is subject to this subparagraph may not relocate to
1035 a residence that is within 1,000 feet of a public school bus
1036 stop. Beginning October 1, 2004, the commission or the
1037 department may not approve a residence that is located within
1038 1,000 feet of a school, day care center, park, playground,
1039 designated school bus stop, or other place where children
1040 regularly congregate for any releasee who is subject to this
1041 subparagraph. On October 1, 2004, the department shall notify
1042 each affected school district of the location of the residence
1043 of a releasee 30 days prior to release and thereafter, if the
1044 releasee relocates to a new residence, shall notify any affected
1045 school district of the residence of the releasee within 30 days
1046 after relocation. If, on October 1, 2004, any public school bus
1047 stop is located within 1,000 feet of the existing residence of
1048 such releasee, the district school board shall relocate that
1049 school bus stop. Beginning October 1, 2004, a district school
1050 board may not establish or relocate a public school bus stop
1051 within 1,000 feet of the residence of a releasee who is subject
1052 to this subparagraph. The failure of the district school board
1053 to comply with this subparagraph shall not result in a violation
1054 of conditional release supervision. A releasee who is subject to
1055 this subparagraph may not be forced to relocate and does not
1056 violate his or her conditional release supervision if he or she



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1057 is living in a residence that meets the requirements of this
1058 subparagraph and a school, child care facility, park,
1059 playground, designated public school bus stop, or other place
1060 where children regularly congregate is subsequently established
1061 within 1,000 feet of his or her residence.

1062 3. Active participation in and successful completion of a
1063 sex offender treatment program with qualified practitioners
1064 specifically trained to treat sex offenders, at the releasee's
1065 own expense. If a qualified practitioner is not available within
1066 a 50-mile radius of the releasee's residence, the offender shall
1067 participate in other appropriate therapy.

1068 4. A prohibition on any contact with the victim, directly
1069 or indirectly, including through a third person, unless approved
1070 by the victim, a qualified practitioner in the sexual offender
1071 treatment program ~~the offender's therapist~~, and the sentencing
1072 court.

1073 5. If the victim was under the age of 18, a prohibition
1074 against contact with children under the age of 18 without review
1075 and approval by the commission. The commission may approve
1076 supervised contact with a child under the age of 18 if the
1077 approval is based upon a recommendation for contact issued by a
1078 qualified practitioner who is basing the recommendation on a
1079 risk assessment. Further, the sex offender must be currently
1080 enrolled in or have successfully completed a sex offender
1081 therapy program. The commission may not grant supervised contact
1082 with a child if the contact is not recommended by a qualified
1083 practitioner and may deny supervised contact with a child at any
1084 time. When considering whether to approve supervised contact
1085 with a child, the commission must review and consider the



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1086 following:

1087 a. A risk assessment completed by a qualified practitioner.
1088 The qualified practitioner must prepare a written report that
1089 must include the findings of the assessment and address each of
1090 the following components:

1091 (I) The sex offender's current legal status;

1092 (II) The sex offender's history of adult charges with
1093 apparent sexual motivation;

1094 (III) The sex offender's history of adult charges without
1095 apparent sexual motivation;

1096 (IV) The sex offender's history of juvenile charges,
1097 whenever available;

1098 (V) The sex offender's offender treatment history,
1099 including a consultation from the sex offender's treating, or
1100 most recent treating, therapist;

1101 (VI) The sex offender's current mental status;

1102 (VII) The sex offender's mental health and substance abuse
1103 history as provided by the Department of Corrections;

1104 (VIII) The sex offender's personal, social, educational,
1105 and work history;

1106 (IX) The results of current psychological testing of the
1107 sex offender if determined necessary by the qualified
1108 practitioner;

1109 (X) A description of the proposed contact, including the
1110 location, frequency, duration, and supervisory arrangement;

1111 (XI) The child's preference and relative comfort level with
1112 the proposed contact, when age-appropriate;

1113 (XII) The parent's or legal guardian's preference regarding
1114 the proposed contact; and



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1115 (XIII) The qualified practitioner's opinion, along with the
1116 basis for that opinion, as to whether the proposed contact would
1117 likely pose significant risk of emotional or physical harm to
1118 the child.

1119

1120 The written report of the assessment must be given to the
1121 commission.

1122 b. A recommendation made as a part of the risk-assessment
1123 report as to whether supervised contact with the child should be
1124 approved;

1125 c. A written consent signed by the child's parent or legal
1126 guardian, if the parent or legal guardian is not the sex
1127 offender, agreeing to the sex offender having supervised contact
1128 with the child after receiving full disclosure of the sex
1129 offender's present legal status, past criminal history, and the
1130 results of the risk assessment. The commission may not approve
1131 contact with the child if the parent or legal guardian refuses
1132 to give written consent for supervised contact;

1133 d. A safety plan prepared by the qualified practitioner,
1134 who provides treatment to the offender, in collaboration with
1135 the sex offender, the child's parent or legal guardian, and the
1136 child, when age appropriate, which details the acceptable
1137 conditions of contact between the sex offender and the child.
1138 The safety plan must be reviewed and approved by the Department
1139 of Corrections before being submitted to the commission; and

1140 e. Evidence that the child's parent or legal guardian, if
1141 the parent or legal guardian is not the sex offender,
1142 understands the need for and agrees to the safety plan and has
1143 agreed to provide, or to designate another adult to provide,



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1144 constant supervision any time the child is in contact with the
1145 offender.

1146
1147 The commission may not appoint a person to conduct a risk
1148 assessment and may not accept a risk assessment from a person
1149 who has not demonstrated to the commission that he or she has
1150 met the requirements of a qualified practitioner as defined in
1151 this section.

1152 6. If the victim was under age 18, a prohibition on working
1153 for pay or as a volunteer at any school, day care center, park,
1154 playground, or other place where children regularly congregate,
1155 as prescribed by the commission.

1156 7. Unless otherwise indicated in the treatment plan
1157 provided by a qualified practitioner in the sexual offender
1158 treatment program, a prohibition on viewing, owning, or
1159 possessing any obscene, pornographic, or sexually stimulating
1160 visual or auditory material, including telephone, electronic
1161 media, computer programs, or computer services that are relevant
1162 to the offender's deviant behavior pattern.

1163 8. Effective for a releasee whose crime is committed on or
1164 after July 1, 2005, a prohibition on accessing the Internet or
1165 other computer services until a qualified practitioner in the
1166 offender's sex offender treatment program, after a risk
1167 assessment is completed, approves and implements a safety plan
1168 for the offender's accessing or using the Internet or other
1169 computer services.

1170 9. A requirement that the releasee must submit two
1171 specimens of blood to the Florida Department of Law Enforcement
1172 to be registered with the DNA database.



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1173 10. A requirement that the releasee make restitution to the
1174 victim, as determined by the sentencing court or the commission,
1175 for all necessary medical and related professional services
1176 relating to physical, psychiatric, and psychological care.

1177 11. Submission to a warrantless search by the community
1178 control or probation officer of the probationer's or community
1179 controllee's person, residence, or vehicle.

1180 (b) For a releasee whose crime was committed on or after
1181 October 1, 1997, in violation of chapter 794, s. 800.04, s.
1182 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
1183 conditional release supervision, in addition to any other
1184 provision of this subsection, the commission shall impose the
1185 following additional conditions of conditional release
1186 supervision:

1187 1. As part of a treatment program, participation in a
1188 minimum of one annual polygraph examination to obtain
1189 information necessary for risk management and treatment and to
1190 reduce the sex offender's denial mechanisms. The polygraph
1191 examination must be conducted by a polygrapher who is a member
1192 of a national or state polygraph association and who is
1193 certified as a post-conviction sex offender polygrapher trained
1194 specifically in the use of the polygraph for the monitoring of
1195 sex offenders, where available, and at the expense of the
1196 releasee sex offender. The results of the examination shall be
1197 provided to the releasee's probation officer and qualified
1198 practitioner and may not be used as evidence in a hearing to
1199 prove that a violation of supervision has occurred.

1200 2. Maintenance of a driving log and a prohibition against
1201 driving a motor vehicle alone without the prior approval of the



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1202 supervising officer.

1203 3. A prohibition against obtaining or using a post office
1204 box without the prior approval of the supervising officer.

1205 4. If there was sexual contact, a submission to, at the
1206 releasee's ~~probationer's or community controllee's~~ expense, an
1207 HIV test with the results to be released to the victim or the
1208 victim's parent or guardian.

1209 5. Electronic monitoring of any form when ordered by the
1210 commission. Any person who has been placed under supervision and
1211 is electronically monitored by the department must pay the
1212 department for the cost of the electronic monitoring service at
1213 a rate that may not exceed the full cost of the monitoring
1214 service. Funds collected under this subparagraph shall be
1215 deposited into the General Revenue Fund. The department may
1216 exempt a person from the payment of all or any part of the
1217 electronic monitoring service cost if the department finds that
1218 any of the factors listed in s. 948.09(3) exist.

1219 (12) In addition to all other conditions imposed, for a
1220 releasee who is subject to conditional release for a crime that
1221 was committed on or after the effective date of this act, and
1222 who has been convicted at any time of committing, or attempting,
1223 soliciting, or conspiring to commit, any of the criminal
1224 offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar
1225 offense in another jurisdiction, against a victim who was under
1226 the age of 18 at the time of the offense; if the releasee has
1227 not received a pardon for any felony or similar law of another
1228 jurisdiction necessary for the operation of this subsection, if
1229 a conviction of a felony or similar law of another jurisdiction
1230 necessary for the operation of this subsection has not been set



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1231 aside in any postconviction proceeding, or if the releasee has
1232 not been removed from the requirement to register as a sexual
1233 offender or sexual predator pursuant to s. 943.04354, the
1234 commission must impose the following conditions:

1235 (a) A prohibition on visiting any child care facility, pre-
1236 K through 12 school, any real property comprising a child care
1237 facility or pre-K through 12 school when the child care facility
1238 or school is in operation, as well as any park, or playground,
1239 while children are present, without prior approval from the
1240 releasee's supervising officer. The commission may also
1241 designate additional locations to protect a victim. The
1242 prohibition ordered under this paragraph does not prohibit the
1243 releasee from visiting a school, child care facility, park, or
1244 playground for the sole purpose of attending a religious service
1245 as defined in s. 775.0861, or picking up or dropping off the
1246 releasee's children or grandchildren at a child care facility or
1247 school.

1248 (b) A prohibition on distributing candy or other items to
1249 children on Halloween; wearing a Santa Claus costume, or other
1250 costume to appeal to children, on or preceding Christmas;
1251 wearing an Easter Bunny costume, or other costume to appeal to
1252 children, on or preceding Easter; entertaining at children's
1253 parties; or wearing a clown costume; without prior approval from
1254 the commission.

1255 Section 10. Subsections (6) and (7) of s. 948.001, Florida
1256 Statutes, are amended to read and subsections (11), (12), (13),
1257 and (14) of that section are added to read:

1258 948.001 Definitions.—As used in this chapter, the term:

1259 (6) "Qualified practitioner" means a social worker, mental



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1260 health counselor, or a marriage and family therapist licensed
1261 under ch. 491 who, as determined by rule of the respective
1262 boards, has the coursework, training, qualifications, and
1263 experience to evaluate and treat sexual offenders; or a
1264 psychiatrist licensed under chapter 458 or chapter 459~~r~~; or a
1265 psychologist licensed under chapter 490, ~~or a social worker, a~~
1266 mental health counselor, or a marriage and family therapist
1267 licensed under chapter 491 who practices in accordance with his
1268 or her respective practice act.

1269 (7) "Risk assessment" means an assessment completed by a ~~an~~
1270 ~~independent~~ qualified practitioner to evaluate the level of risk
1271 associated when a sex offender has contact with a child.

1272 (11) "Child care facility" has the same meaning as provided
1273 in s. 402.302.

1274 (12) "Park" means all public and private property
1275 specifically designated as being used for recreational purposes
1276 and where children regularly congregate.

1277 (13) "Playground" means a designated independent area in
1278 the community or neighborhood that is designated solely for
1279 children and has one or more play structures.

1280 (14) "School" has the same meaning as provided in s.
1281 1003.01 and includes a private school as defined in s. 1002.01,
1282 a voluntary prekindergarten education program as described in s.
1283 1002.53(3), a public school as described in s. 402.3025(1), the
1284 Florida School for the Deaf and Blind, the Florida Virtual
1285 School as established in s. 1002.37, and a K-8 Virtual School as
1286 established in s. 1002.415, but does not includes facilities
1287 dedicated exclusively to the education of adults.

1288 Section 11. Subsection (1) and paragraph (a) of subsection



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1289 (2) of section 948.30, Florida Statutes, is amended, and
1290 subsection (4) is added to that section, to read:

1291 948.30 Additional terms and conditions of probation or
1292 community control for certain sex offenses.—Conditions imposed
1293 pursuant to this section do not require oral pronouncement at
1294 the time of sentencing and shall be considered standard
1295 conditions of probation or community control for offenders
1296 specified in this section.

1297 (1) Effective for probationers or community controllees
1298 whose crime was committed on or after October 1, 1995, and who
1299 are placed under supervision for violation of chapter 794, s.
1300 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
1301 must impose the following conditions in addition to all other
1302 standard and special conditions imposed:

1303 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
1304 designate another 8-hour period if the offender's employment
1305 precludes the above specified time, and the alternative is
1306 recommended by the Department of Corrections. If the court
1307 determines that imposing a curfew would endanger the victim, the
1308 court may consider alternative sanctions.

1309 (b) If the victim was under the age of 18, a prohibition on
1310 living within 1,000 feet of a school, child care facility ~~day~~
1311 ~~care center~~, park, playground, or other place where children
1312 regularly congregate, as prescribed by the court. The 1,000-foot
1313 distance shall be measured in a straight line from the
1314 offender's place of residence to the nearest boundary line of
1315 the school, day care center, park, playground, or other place
1316 where children congregate. The distance may not be measured by a
1317 pedestrian route or automobile route. A probationer or community



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1318 controllee who is subject to this paragraph may not be forced to
1319 relocate and does not violate his or her probation or community
1320 control if he or she is living in a residence that meets the
1321 requirements of this paragraph and a school, child care
1322 facility, park, playground, or other place where children
1323 regularly congregate is subsequently established within 1,000
1324 feet of his or her residence.

1325 (c) Active participation in and successful completion of a
1326 sex offender treatment program with qualified practitioners
1327 specifically trained to treat sex offenders, at the
1328 probationer's or community controllee's own expense. If a
1329 qualified practitioner is not available within a 50-mile radius
1330 of the probationer's or community controllee's residence, the
1331 offender shall participate in other appropriate therapy.

1332 (d) A prohibition on any contact with the victim, directly
1333 or indirectly, including through a third person, unless approved
1334 by the victim, a qualified practitioner in the sexual offender
1335 treatment program ~~the offender's therapist~~, and the sentencing
1336 court.

1337 (e) If the victim was under the age of 18, a prohibition on
1338 contact with a child under the age of 18 except as provided in
1339 this paragraph. The court may approve supervised contact with a
1340 child under the age of 18 if the approval is based upon a
1341 recommendation for contact issued by a qualified practitioner
1342 who is basing the recommendation on a risk assessment. Further,
1343 the sex offender must be currently enrolled in or have
1344 successfully completed a sex offender therapy program. The court
1345 may not grant supervised contact with a child if the contact is
1346 not recommended by a qualified practitioner and may deny



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1347 supervised contact with a child at any time. When considering
1348 whether to approve supervised contact with a child, the court
1349 must review and consider the following:

1350 1. A risk assessment completed by a qualified practitioner.
1351 The qualified practitioner must prepare a written report that
1352 must include the findings of the assessment and address each of
1353 the following components:

1354 a. The sex offender's current legal status;
1355 b. The sex offender's history of adult charges with
1356 apparent sexual motivation;
1357 c. The sex offender's history of adult charges without
1358 apparent sexual motivation;
1359 d. The sex offender's history of juvenile charges, whenever
1360 available;
1361 e. The sex offender's offender treatment history, including
1362 consultations with the sex offender's treating, or most recent
1363 treating, therapist;
1364 f. The sex offender's current mental status;
1365 g. The sex offender's mental health and substance abuse
1366 treatment history as provided by the Department of Corrections;
1367 h. The sex offender's personal, social, educational, and
1368 work history;
1369 i. The results of current psychological testing of the sex
1370 offender if determined necessary by the qualified practitioner;
1371 j. A description of the proposed contact, including the
1372 location, frequency, duration, and supervisory arrangement;
1373 k. The child's preference and relative comfort level with
1374 the proposed contact, when age appropriate;
1375 l. The parent's or legal guardian's preference regarding



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1376 the proposed contact; and

1377 m. The qualified practitioner's opinion, along with the
1378 basis for that opinion, as to whether the proposed contact would
1379 likely pose significant risk of emotional or physical harm to
1380 the child.

1381
1382 The written report of the assessment must be given to the
1383 court;

1384 2. A recommendation made as a part of the risk assessment
1385 report as to whether supervised contact with the child should be
1386 approved;

1387 3. A written consent signed by the child's parent or legal
1388 guardian, if the parent or legal guardian is not the sex
1389 offender, agreeing to the sex offender having supervised contact
1390 with the child after receiving full disclosure of the sex
1391 offender's present legal status, past criminal history, and the
1392 results of the risk assessment. The court may not approve
1393 contact with the child if the parent or legal guardian refuses
1394 to give written consent for supervised contact;

1395 4. A safety plan prepared by the qualified practitioner,
1396 who provides treatment to the offender, in collaboration with
1397 the sex offender, the child's parent or legal guardian, if the
1398 parent or legal guardian is not the sex offender, and the child,
1399 when age appropriate, which details the acceptable conditions of
1400 contact between the sex offender and the child. The safety plan
1401 must be reviewed and approved by the court; and

1402 5. Evidence that the child's parent or legal guardian
1403 understands the need for and agrees to the safety plan and has
1404 agreed to provide, or to designate another adult to provide,



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1405 constant supervision any time the child is in contact with the
1406 offender.

1407
1408 The court may not appoint a person to conduct a risk
1409 assessment and may not accept a risk assessment from a person
1410 who has not demonstrated to the court that he or she has met the
1411 requirements of a qualified practitioner as defined in this
1412 section.

1413 (f) If the victim was under age 18, a prohibition on
1414 working for pay or as a volunteer at any place where children
1415 regularly congregate, including, but not limited to, schools,
1416 day care centers, parks, playgrounds, pet stores, libraries,
1417 zoos, theme parks, and malls.

1418 (g) Unless otherwise indicated in the treatment plan
1419 provided by a qualified practitioner in the sexual offender
1420 treatment program, a prohibition on viewing, accessing, owning,
1421 or possessing any obscene, pornographic, or sexually stimulating
1422 visual or auditory material, including telephone, electronic
1423 media, computer programs, or computer services that are relevant
1424 to the offender's deviant behavior pattern.

1425 (h) Effective for probationers and community controllees
1426 whose crime is committed on or after July 1, 2005, a prohibition
1427 on accessing the Internet or other computer services until a
1428 qualified practitioner in the offender's sex offender treatment
1429 program, after a risk assessment is completed, approves and
1430 implements a safety plan for the offender's accessing or using
1431 the Internet or other computer services.

1432 (i) A requirement that the probationer or community
1433 controllee must submit a specimen of blood or other approved



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1434 biological specimen to the Department of Law Enforcement to be
1435 registered with the DNA data bank.

1436 (j) A requirement that the probationer or community
1437 controllee make restitution to the victim, as ordered by the
1438 court under s. 775.089, for all necessary medical and related
1439 professional services relating to physical, psychiatric, and
1440 psychological care.

1441 (k) Submission to a warrantless search by the community
1442 control or probation officer of the probationer's or community
1443 controllee's person, residence, or vehicle.

1444 (2) Effective for a probationer or community controllee
1445 whose crime was committed on or after October 1, 1997, and who
1446 is placed on community control or sex offender probation for a
1447 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
1448 or s. 847.0145, in addition to any other provision of this
1449 section, the court must impose the following conditions of
1450 probation or community control:

1451 (a) As part of a treatment program, participation at least
1452 annually in polygraph examinations to obtain information
1453 necessary for risk management and treatment and to reduce the
1454 sex offender's denial mechanisms. A polygraph examination must
1455 be conducted by a polygrapher who is a member of a national or
1456 state polygraph association and who is certified as a post-
1457 conviction sex offender polygrapher ~~trained specifically in the~~
1458 ~~use of the polygraph for the monitoring of sex offenders~~, where
1459 available, and shall be paid for by the probationer or community
1460 controllee ~~sex offender~~. The results of the polygraph
1461 examination shall be provided to the probationer's or community
1462 controllee's probation officer and qualified practitioner and



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1463 shall not be used as evidence in court to prove that a violation
1464 of community supervision has occurred.

1465 (4) In addition to all other conditions imposed, for a
1466 probationer or community controllee who is subject to
1467 supervision for a crime that was committed on or after the
1468 effective date of this act, and who has been convicted at any
1469 time of committing, or attempting, soliciting, or conspiring to
1470 commit, any of the criminal offenses listed in s.
1471 943.0435(1)(a)1.a.(I), or a similar offense in another
1472 jurisdiction, against a victim who was under the age of 18 at
1473 the time of the offense; if the offender has not received a
1474 pardon for any felony or similar law of another jurisdiction
1475 necessary for the operation of this subsection, if a conviction
1476 of a felony or similar law of another jurisdiction necessary for
1477 the operation of this subsection has not been set aside in any
1478 postconviction proceeding, or if the offender has not been
1479 removed from the requirement to register as a sexual offender or
1480 sexual predator pursuant to s. 943.04354, the court must impose
1481 the following conditions:

1482 (a) A prohibition on visiting schools, child care
1483 facilities, parks, and playgrounds, without prior approval from
1484 the offender's supervising officer. The court may also designate
1485 additional locations to protect a victim. The prohibition
1486 ordered under this paragraph does not prohibit the offender from
1487 visiting a school, child care facility, park, or playground for
1488 the sole purpose of attending a religious service as defined in
1489 s. 775.0861, or picking up or dropping off the offender's
1490 children or grandchildren at a child care facility or school.

1491 (b) A prohibition on distributing candy or other items to



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1492 children on Halloween; wearing a Santa Claus costume, or other
1493 costume to appeal to children, on or preceding Christmas;
1494 wearing an Easter Bunny costume, or other costume to appeal to
1495 children, on or preceding Easter; entertaining at children's
1496 parties; or wearing a clown costume; without prior approval from
1497 the court.

1498 Section 12. Section 948.31, Florida Statutes, is amended to
1499 read:

1500 948.31 ~~Diagnosis, Evaluation, and treatment of sexual~~
1501 ~~predators and offenders placed on probation or community control~~
1502 ~~for certain sex offenses or child exploitation.~~—The court shall
1503 require an a diagnosis and evaluation by a qualified
1504 practitioner to determine the need of a probationer or community
1505 controlee offender in community control for treatment. If the
1506 court determines that a need therefor is established by the such
1507 diagnosis and evaluation process, the court shall require sexual
1508 offender treatment outpatient counseling as a term or condition
1509 of probation or community control for any person who is required
1510 to register as a sexual predator under s. 775.21 or sexual
1511 offender under s. 943.0435, s. 944.606, or s. 944.607. ~~was found~~
1512 ~~guilty of any of the following, or whose plea of guilty or nolo~~
1513 ~~contendere to any of the following was accepted by the court:~~

1514 (1) ~~Lewd or lascivious battery, lewd or lascivious~~
1515 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
1516 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1517 (2) ~~Sexual battery, as defined in chapter 794, against a~~
1518 ~~child.~~

1519 (3) ~~Exploitation of a child as provided in s. 450.151, or~~
1520 ~~for prostitution.~~



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1521
1522 Such treatment ~~counseling~~ shall be required to be obtained
1523 from a qualified practitioner as defined in s. 948.001.
1524 Treatment may not be administered by a qualified practitioner
1525 who has been convicted or adjudicated delinquent of committing,
1526 or attempting, soliciting, or conspiring to commit, any offense
1527 that is listed in s. 943.0435(1) (a)1.a.(I). The court shall
1528 impose a restriction against contact with minors if sexual
1529 offender treatment is recommended ~~a community mental health~~
1530 ~~center, a recognized social service agency providing mental~~
1531 ~~health services, or a private mental health professional or~~
1532 ~~through other professional counseling.~~ The evaluation and
1533 recommendations ~~plan for treatment of counseling for the~~
1534 probationer or community controlee individual shall be provided
1535 to the court for review.

1536 Section 13. Paragraph (a) of subsection (3) of section
1537 985.481, Florida Statutes, is amended to read:

1538 985.481 Sexual offenders adjudicated delinquent;
1539 notification upon release.-

1540 (3) (a) The department must provide information regarding
1541 any sexual offender who is being released after serving a period
1542 of residential commitment under the department for any offense,
1543 as follows:

1544 1. The department must provide the sexual offender's name,
1545 any change in the offender's name by reason of marriage or other
1546 legal process, and any alias, if known; the correctional
1547 facility from which the sexual offender is released; the sexual
1548 offender's social security number, race, sex, date of birth,
1549 height, weight, and hair and eye color; address of any planned



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1550 permanent residence or temporary residence, within the state or
1551 out of state, including a rural route address and a post office
1552 box; if no permanent or temporary address, any transient
1553 residence within the state; address, location or description,
1554 and dates of any known future temporary residence within the
1555 state or out of state; date and county of disposition and each
1556 crime for which there was a disposition; a copy of the
1557 offender's fingerprints and a digitized photograph taken within
1558 60 days before release; the date of release of the sexual
1559 offender; and home telephone number and any cellular telephone
1560 number; ~~and the offender's intended residence address, if known.~~
1561 The department shall notify the Department of Law Enforcement if
1562 the sexual offender escapes, absconds, or dies. If the sexual
1563 offender is in the custody of a private correctional facility,
1564 the facility shall take the digitized photograph of the sexual
1565 offender within 60 days before the sexual offender's release and
1566 also place it in the sexual offender's file. If the sexual
1567 offender is in the custody of a local jail, the custodian of the
1568 local jail shall register the offender within 3 business days
1569 after intake of the offender for any reason and upon release,
1570 and shall notify the Department of Law Enforcement of the sexual
1571 offender's release and provide to the Department of Law
1572 Enforcement the information specified in this subparagraph and
1573 any information specified in subparagraph 2. which the
1574 Department of Law Enforcement requests.

1575 2. The department may provide any other information
1576 considered necessary, including criminal and delinquency
1577 records, when available.

1578 Section 14. Paragraph (a) of subsection (4), paragraph (a)



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1579 of subsection (6), and paragraph (b) of subsection (13) of
1580 section 985.4815, Florida Statutes, are amended to read:

1581 985.4815 Notification to Department of Law Enforcement of
1582 information on juvenile sexual offenders.—

1583 (4) A sexual offender, as described in this section, who is
1584 under the supervision of the department but who is not committed
1585 must register with the department within 3 business days after
1586 adjudication and disposition for a registrable offense and
1587 otherwise provide information as required by this subsection.

1588 (a) The sexual offender shall provide his or her name; date
1589 of birth; social security number; race; sex; height; weight;
1590 hair and eye color; tattoos or other identifying marks; ~~and~~
1591 permanent or legal residence and address of temporary residence
1592 within the state or out of state while the sexual offender is in
1593 the care or custody or under the jurisdiction or supervision of
1594 the department in this state, including any rural route address
1595 or post office box; if no permanent or temporary address, any
1596 transient residence; address, location or description, and dates
1597 of any current or known future temporary residence within the
1598 state or out of state; and the name and address of each school
1599 attended. The department shall verify the address of each sexual
1600 offender and shall report to the Department of Law Enforcement
1601 any failure by a sexual offender to comply with registration
1602 requirements.

1603 (6) (a) The information provided to the Department of Law
1604 Enforcement must include the following:

1605 1. The information obtained from the sexual offender under
1606 subsection (4).

1607 2. The sexual offender's most current address and place of



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1608 permanent, ~~or~~ temporary, or transient residence within the state
1609 or out of state, and address, location or description, and dates
1610 of any current or known future temporary residence within the
1611 state or out of state, while the sexual offender is in the care
1612 or custody or under the jurisdiction or supervision of the
1613 department in this state, including the name of the county or
1614 municipality in which the offender permanently or temporarily
1615 resides, or has a transient residence, and address, location or
1616 description, and dates of any current or known future temporary
1617 residence within the state or out of state; and, if known, the
1618 intended place of permanent, ~~or~~ temporary, or transient
1619 residence, and address, location or description, and dates of
1620 any current or known future temporary residence within the state
1621 or out of state upon satisfaction of all sanctions.

1622 3. The legal status of the sexual offender and the
1623 scheduled termination date of that legal status.

1624 4. The location of, and local telephone number for, any
1625 department office that is responsible for supervising the sexual
1626 offender.

1627 5. An indication of whether the victim of the offense that
1628 resulted in the offender's status as a sexual offender was a
1629 minor.

1630 6. The offense or offenses at adjudication and disposition
1631 that resulted in the determination of the offender's status as a
1632 sex offender.

1633 7. A digitized photograph of the sexual offender, which
1634 must have been taken within 60 days before the offender was
1635 released from the custody of the department or a private
1636 correctional facility by expiration of sentence under s.



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1637 944.275, or within 60 days after the onset of the department's
1638 supervision of any sexual offender who is on probation,
1639 postcommitment probation, residential commitment, nonresidential
1640 commitment, licensed child-caring commitment, community control,
1641 conditional release, parole, provisional release, or control
1642 release or who is supervised by the department under the
1643 Interstate Compact Agreement for Probationers and Parolees. If
1644 the sexual offender is in the custody of a private correctional
1645 facility, the facility shall take a digitized photograph of the
1646 sexual offender within the time period provided in this
1647 subparagraph and shall provide the photograph to the department.

1648 (13)

1649 (b) The sheriff's office may determine the appropriate
1650 times and days for reporting by the sexual offender, which shall
1651 be consistent with the reporting requirements of this
1652 subsection. Reregistration shall include any changes to the
1653 following information:

1654 1. Name; social security number; age; race; sex; date of
1655 birth; height; weight; hair and eye color; address of any
1656 permanent residence and address of any current temporary
1657 residence, within the state or out of state, including a rural
1658 route address and a post office box; if no permanent or
1659 temporary address, any transient residence; address, location or
1660 description, and dates of any current or known future temporary
1661 residence within the state or out of state; name and address of
1662 each school attended; date and place of any employment; vehicle
1663 make, model, color, and license tag number; fingerprints; and
1664 photograph. A post office box shall not be provided in lieu of a
1665 physical residential address.



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1666 2. If the sexual offender is enrolled, employed, or
1667 carrying on a vocation at an institution of higher education in
1668 this state, the sexual offender shall also provide to the
1669 department the name, address, and county of each institution,
1670 including each campus attended, and the sexual offender's
1671 enrollment or employment status.

1672 3. If the sexual offender's place of residence is a motor
1673 vehicle, trailer, mobile home, or manufactured home, as defined
1674 in chapter 320, the sexual offender shall also provide the
1675 vehicle identification number; the license tag number; the
1676 registration number; and a description, including color scheme,
1677 of the motor vehicle, trailer, mobile home, or manufactured
1678 home. If the sexual offender's place of residence is a vessel,
1679 live-aboard vessel, or houseboat, as defined in chapter 327, the
1680 sexual offender shall also provide the hull identification
1681 number; the manufacturer's serial number; the name of the
1682 vessel, live-aboard vessel, or houseboat; the registration
1683 number; and a description, including color scheme, of the
1684 vessel, live-aboard vessel, or houseboat.

1685 4. Any sexual offender who fails to report in person as
1686 required at the sheriff's office, or who fails to respond to any
1687 address verification correspondence from the department within 3
1688 weeks after the date of the correspondence, commits a felony of
1689 the third degree, punishable as provided in ss. 775.082,
1690 775.083, and 775.084.

1691 Section 15. The Legislature intends that nothing in this
1692 act reduce or diminish a court's jurisdiction.

1693 Section 16. If any provision of this act or its application
1694 to any person or circumstance is held invalid, the invalidity



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1695 does not affect other provisions or applications of this act
1696 which can be given effect without the invalid provision or
1697 application, and to this end the provisions of this act are
1698 declared severable.

1699 Section 17. This act shall take effect upon becoming a law.

1700

1701

1702 ===== T I T L E A M E N D M E N T =====

1703 And the title is amended as follows:

1704 Delete everything before the enacting clause
1705 and insert:

1706

A bill to be entitled

1707 An act relating to sexual offenders and predators;
1708 creating s. 856.022, F.S.; prohibiting loitering or
1709 prowling by certain offenders within a specified
1710 distance of places where children were congregating;
1711 prohibiting certain actions toward a child at a public
1712 park or playground by certain offenders; prohibiting
1713 the presence of certain offenders at or on real
1714 property comprising a child care facility or pre-K
1715 through 12 school without notice and supervision;
1716 providing exceptions; providing penalties; amending s.
1717 775.21, F.S.; revising and providing definitions;
1718 revising provisions relating to residence reporting
1719 requirements for sexual predators; renumbering s.
1720 794.065, F.S., as s. 775.215, F.S.; preempting certain
1721 local ordinances relating to residency limitations for
1722 sexual predators and offenders and providing for
1723 repeal of such ordinances; providing for limited



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1724 exceptions for distance provisions in ordinances
1725 meeting specified requirements; providing that the
1726 section does not apply to a person living in an
1727 approved residence before the establishment of a
1728 school, child care facility, park, or playground
1729 within 1,000 feet of the residence; including offenses
1730 in other jurisdictions that are similar to the
1731 offenses listed in provisions providing residency
1732 restrictions for persons convicted of certain sex
1733 offenses, applicable to offenses committed on or after
1734 a specified date; providing that the section does not
1735 apply to persons who were removed from the requirement
1736 to register as a sexual offender or sexual predator
1737 under a specified provision; amending s. 943.0435,
1738 F.S.; revising provisions relating to residence
1739 reporting requirements for sexual offenders; amending
1740 s. 943.04352, F.S.; requiring that the probation
1741 services provider search in an additional specified
1742 sex offender registry for information regarding sexual
1743 predators and sexual offenders when an offender is
1744 placed on misdemeanor probation; amending s. 944.606,
1745 F.S.; revising address reporting requirements for
1746 sexual offenders; amending s. 944.607, F.S.; requiring
1747 additional registration information from sex offenders
1748 who are under the supervision of the Department of
1749 Corrections but who are not incarcerated; amending s.
1750 947.1405, F.S.; revising provisions relating to
1751 polygraph examinations of specified conditional
1752 releasees who have committed specified sexual



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1753 offenses; providing additional restrictions for
1754 certain conditional releasees who have committed
1755 specified sexual offenses against minors under the age
1756 of 18 or have similar convictions in another
1757 jurisdiction; amending s. 948.30, F.S.; revising
1758 provisions relating to polygraph examinations of
1759 specified probationers or community controllees who
1760 have committed specified sexual offenses; providing
1761 additional restrictions for certain probationers or
1762 community controllees who committed specified sexual
1763 offenses against minors under the age of 18 or who
1764 have similar convictions in another jurisdiction;
1765 amending s. 948.31, F.S.; deleting a requirement for
1766 diagnosis of certain sexual predators and sexual
1767 offenders on community control; revising provisions
1768 relating to treatment for such offenders and
1769 predators; amending s. 985.481, F.S.; providing
1770 additional address reporting requirements for sexual
1771 offenders adjudicated delinquent; amending s.
1772 985.4815, F.S.; revising provisions relating to
1773 address and residence reporting requirements for
1774 sexual offenders adjudicated delinquent; providing
1775 legislative intent; providing severability; providing
1776 an effective date.