



213290

LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or



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

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

32 (3) A person described in subsection (1) commits loitering
33 or prowling by a person convicted of a sexual offense against a
34 minor if, in committing loitering or prowling in violation of s.
35 865.021, he or she was within 300 feet of a place where children
36 were congregating.

37 (4) It is unlawful for a person described in subsection (1)
38 to:

39 (a) Knowingly approach, contact, or communicate with a
40 child under 18 years of age in any public park building or on
41 real property comprising any public park or playground with



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42 intent to engage in conduct of a sexual nature, or to make a
43 communication of any type containing any content of a sexual
44 nature. This paragraph applies only to a person described in
45 subsection (1) whose offense was committed on or after the
46 effective date of this act.

47 (b)1. Knowingly be present in any child care facility or
48 pre-K through 12 school or on real property comprising any child
49 care facility or pre-K through 12 school when the child care
50 facility or school is in operation unless the person has
51 provided written notification of his or her intent to be present
52 to the school board, superintendent, principal, or child care
53 facility owner;

54 2. Fail to notify the child care facility owner or the
55 school principal's office when he or she arrives and departs the
56 child care facility or school; or

57 3. Fail to remain under direct supervision of a school
58 official or designated chaperone when present in the vicinity of
59 children. As used in this paragraph, the term "school official"
60 means a principal, school resource officer, teacher or any other
61 employee of the school, the superintendent of schools, a member
62 of the school board, a child care facility owner, or a child
63 care provider.

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

65 1. The child care facility or school is a voting location
66 and the person is present for the purpose of voting during the
67 hours designated for voting; or

68 2. The person is only dropping off or picking up his or her
69 own children or grandchildren at the child care facility or
70 school.



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71 (5) Any person who violates this section commits a
72 misdemeanor of the first degree, punishable as provided in s.
73 775.082 or s. 775.083.

74 Section 2. Paragraph (g) of subsection (2), paragraph (c)
75 of subsection (4), paragraph (a) of subsection (5), paragraphs
76 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of
77 subsection (7), and paragraph (a) of subsection (8) of section
78 775.21, Florida Statutes, are amended, and paragraph (l) is
79 added to subsection (2) of that section, to read:

80 775.21 The Florida Sexual Predators Act.—

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

82 (g) "Temporary residence" means a place where the person
83 abides, lodges, or resides, including, but not limited to,
84 vacation, business, or personal travel destinations in or out of
85 this state, for a period of 5 or more days in the aggregate
86 during any calendar year and which is not the person's permanent
87 address or, for a person whose permanent residence is not in
88 this state, a place where the person is employed, practices a
89 vocation, or is enrolled as a student for any period of time in
90 this state.

91 (l) "Transient residence" means a place or county where a
92 person lives, remains, or is located for a period of 5 or more
93 days in the aggregate during a calendar year and which is not
94 the person's permanent or temporary address. The term includes,
95 but is not limited to, a place where the person sleeps or seeks
96 shelter and a location that has no specific street address.

97 (4) SEXUAL PREDATOR CRITERIA.—

98 (c) If an offender has been registered as a sexual predator
99 by the Department of Corrections, the department, or any other



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100 law enforcement agency and if:

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

104 2. The offender was administratively registered as a sexual
105 predator because the Department of Corrections, the department,
106 or any other law enforcement agency obtained information that
107 indicated that the offender met the criteria for designation as
108 a sexual predator based on a violation of a similar law in
109 another jurisdiction,

110
111 the department shall remove that offender from the department's
112 list of sexual predators and, for an offender described under
113 subparagraph 1., shall notify the state attorney who prosecuted
114 the offense that met the criteria for administrative designation
115 as a sexual predator, and, for an offender described under this
116 paragraph, shall notify the state attorney of the county where
117 the offender establishes or maintains a permanent, ~~or~~ temporary,
118 or transient residence. The state attorney shall bring the
119 matter to the court's attention in order to establish that the
120 offender meets the criteria for designation as a sexual
121 predator. If the court makes a written finding that the offender
122 is a sexual predator, the offender must be designated as a
123 sexual predator, must register or be registered as a sexual
124 predator with the department as provided in subsection (6), and
125 is subject to the community and public notification as provided
126 in subsection (7). If the court does not make a written finding
127 that the offender is a sexual predator, the offender may not be
128 designated as a sexual predator with respect to that offense and



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129 is not required to register or be registered as a sexual
130 predator with the department.

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

133 (a)1. An offender who meets the sexual predator criteria
134 described in paragraph (4)(d) is a sexual predator, and the
135 court shall make a written finding at the time such offender is
136 determined to be a sexually violent predator under chapter 394
137 that such person meets the criteria for designation as a sexual
138 predator for purposes of this section. The clerk shall transmit
139 a copy of the order containing the written finding to the
140 department within 48 hours after the entry of the order;

141 2. An offender who meets the sexual predator criteria
142 described in paragraph (4)(a) who is before the court for
143 sentencing for a current offense committed on or after October
144 1, 1993, is a sexual predator, and the sentencing court must
145 make a written finding at the time of sentencing that the
146 offender is a sexual predator, and the clerk of the court shall
147 transmit a copy of the order containing the written finding to
148 the department within 48 hours after the entry of the order; or

149 3. If the Department of Corrections, the department, or any
150 other law enforcement agency obtains information which indicates
151 that an offender who establishes or maintains a permanent, ~~or~~
152 temporary, or transient residence in this state meets the sexual
153 predator criteria described in paragraph (4)(a) or paragraph
154 (4)(d) because the offender was civilly committed or committed a
155 similar violation in another jurisdiction on or after October 1,
156 1993, the Department of Corrections, the department, or the law
157 enforcement agency shall notify the state attorney of the county



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158 where the offender establishes or maintains a permanent, ~~or~~
159 temporary, or transient residence of the offender's presence in
160 the community. The state attorney shall file a petition with the
161 criminal division of the circuit court for the purpose of
162 holding a hearing to determine if the offender's criminal record
163 or record of civil commitment from another jurisdiction meets
164 the sexual predator criteria. If the court finds that the
165 offender meets the sexual predator criteria because the offender
166 has violated a similar law or similar laws in another
167 jurisdiction, the court shall make a written finding that the
168 offender is a sexual predator.

169
170 When the court makes a written finding that an offender is a
171 sexual predator, the court shall inform the sexual predator of
172 the registration and community and public notification
173 requirements described in this section. Within 48 hours after
174 the court designating an offender as a sexual predator, the
175 clerk of the circuit court shall transmit a copy of the court's
176 written sexual predator finding to the department. If the
177 offender is sentenced to a term of imprisonment or supervision,
178 a copy of the court's written sexual predator finding must be
179 submitted to the Department of Corrections.

180 (6) REGISTRATION.—

181 (a) A sexual predator must register with the department
182 through the sheriff's office by providing the following
183 information to the department:

184 1. Name, social security number, age, race, sex, date of
185 birth, height, weight, hair and eye color, photograph, address
186 of legal residence and address of any current temporary



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187 residence, within the state or out of state, including a rural
188 route address and a post office box, if no permanent or
189 temporary address, any transient residence within the state,
190 address, location or description, and dates of any current or
191 known future temporary residence within the state or out of
192 state, any electronic mail address and any instant message name
193 required to be provided pursuant to subparagraph (g)4., home
194 telephone number and any cellular telephone number, date and
195 place of any employment, date and place of each conviction,
196 fingerprints, and a brief description of the crime or crimes
197 committed by the offender. A post office box shall not be
198 provided in lieu of a physical residential address.

199 a. If the sexual predator's place of residence is a motor
200 vehicle, trailer, mobile home, or manufactured home, as defined
201 in chapter 320, the sexual predator shall also provide to the
202 department written notice of the vehicle identification number;
203 the license tag number; the registration number; and a
204 description, including color scheme, of the motor vehicle,
205 trailer, mobile home, or manufactured home. If a sexual
206 predator's place of residence is a vessel, live-aboard vessel,
207 or houseboat, as defined in chapter 327, the sexual predator
208 shall also provide to the department written notice of the hull
209 identification number; the manufacturer's serial number; the
210 name of the vessel, live-aboard vessel, or houseboat; the
211 registration number; and a description, including color scheme,
212 of the vessel, live-aboard vessel, or houseboat.

213 b. If the sexual predator is enrolled, employed, or
214 carrying on a vocation at an institution of higher education in
215 this state, the sexual predator shall also provide to the



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216 department the name, address, and county of each institution,
217 including each campus attended, and the sexual predator's
218 enrollment or employment status. Each change in enrollment or
219 employment status shall be reported in person at the sheriff's
220 office, or the Department of Corrections if the sexual predator
221 is in the custody or control of or under the supervision of the
222 Department of Corrections, within 48 hours after any change in
223 status. The sheriff or the Department of Corrections shall
224 promptly notify each institution of the sexual predator's
225 presence and any change in the sexual predator's enrollment or
226 employment status.

227 2. Any other information determined necessary by the
228 department, including criminal and corrections records;
229 nonprivileged personnel and treatment records; and evidentiary
230 genetic markers when available.

231 (f) Within 48 hours after the registration required under
232 paragraph (a) or paragraph (e), a sexual predator who is not
233 incarcerated and who resides in the community, including a
234 sexual predator under the supervision of the Department of
235 Corrections, shall register in person at a driver's license
236 office of the Department of Highway Safety and Motor Vehicles
237 and shall present proof of registration. At the driver's license
238 office the sexual predator shall:

239 1. If otherwise qualified, secure a Florida driver's
240 license, renew a Florida driver's license, or secure an
241 identification card. The sexual predator shall identify himself
242 or herself as a sexual predator who is required to comply with
243 this section, provide his or her place of permanent, ~~or~~
244 temporary, or transient residence, including a rural route



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245 address and a post office box, and submit to the taking of a
246 photograph for use in issuing a driver's license, renewed
247 license, or identification card, and for use by the department
248 in maintaining current records of sexual predators. A post
249 office box shall not be provided in lieu of a physical
250 residential address. If the sexual predator's place of residence
251 is a motor vehicle, trailer, mobile home, or manufactured home,
252 as defined in chapter 320, the sexual predator shall also
253 provide to the Department of Highway Safety and Motor Vehicles
254 the vehicle identification number; the license tag number; the
255 registration number; and a description, including color scheme,
256 of the motor vehicle, trailer, mobile home, or manufactured
257 home. If a sexual predator's place of residence is a vessel,
258 live-aboard vessel, or houseboat, as defined in chapter 327, the
259 sexual predator shall also provide to the Department of Highway
260 Safety and Motor Vehicles the hull identification number; the
261 manufacturer's serial number; the name of the vessel, live-
262 aboard vessel, or houseboat; the registration number; and a
263 description, including color scheme, of the vessel, live-aboard
264 vessel, or houseboat.

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

270 3. Provide, upon request, any additional information
271 necessary to confirm the identity of the sexual predator,
272 including a set of fingerprints.

273 (g)1. Each time a sexual predator's driver's license or



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274 identification card is subject to renewal, and, without regard
275 to the status of the predator's driver's license or
276 identification card, within 48 hours after any change of the
277 predator's residence or change in the predator's name by reason
278 of marriage or other legal process, the predator shall report in
279 person to a driver's license office and shall be subject to the
280 requirements specified in paragraph (f). The Department of
281 Highway Safety and Motor Vehicles shall forward to the
282 department and to the Department of Corrections all photographs
283 and information provided by sexual predators. Notwithstanding
284 the restrictions set forth in s. 322.142, the Department of
285 Highway Safety and Motor Vehicles is authorized to release a
286 reproduction of a color-photograph or digital-image license to
287 the Department of Law Enforcement for purposes of public
288 notification of sexual predators as provided in this section.

289 2. A sexual predator who vacates a permanent, temporary, or
290 transient residence and fails to establish or maintain another
291 permanent, ~~or~~ temporary, or transient residence shall, within 48
292 hours after vacating the permanent, temporary, or transient
293 residence, report in person to the sheriff's office of the
294 county in which he or she is located. The sexual predator shall
295 specify the date upon which he or she intends to or did vacate
296 such residence. The sexual predator must provide or update all
297 of the registration information required under paragraph (a).
298 The sexual predator must provide an address for the residence or
299 other place location that he or she is or will be located
300 ~~occupying~~ during the time in which he or she fails to establish
301 or maintain a permanent or temporary residence.

302 3. A sexual predator who remains at a permanent, temporary,



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303 or transient residence after reporting his or her intent to
304 vacate such residence shall, within 48 hours after the date upon
305 which the predator indicated he or she would or did vacate such
306 residence, report in person to the sheriff's office to which he
307 or she reported pursuant to subparagraph 2. for the purpose of
308 reporting his or her address at such residence. When the sheriff
309 receives the report, the sheriff shall promptly convey the
310 information to the department. An offender who makes a report as
311 required under subparagraph 2. but fails to make a report as
312 required under this subparagraph commits a felony of the second
313 degree, punishable as provided in s. 775.082, s. 775.083, or s.
314 775.084.

315 4. A sexual predator must register any electronic mail
316 address or instant message name with the department prior to
317 using such electronic mail address or instant message name on or
318 after October 1, 2007. The department shall establish an online
319 system through which sexual predators may securely access and
320 update all electronic mail address and instant message name
321 information.

322 (i) A sexual predator who intends to establish a permanent,
323 temporary, or transient residence in another state or
324 jurisdiction other than the State of Florida shall report in
325 person to the sheriff of the county of current residence within
326 48 hours before the date he or she intends to leave this state
327 to establish residence in another state or jurisdiction. The
328 sexual predator must provide to the sheriff the address,
329 municipality, county, and state of intended residence. The
330 sheriff shall promptly provide to the department the information
331 received from the sexual predator. The department shall notify



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332 the statewide law enforcement agency, or a comparable agency, in
333 the intended state or jurisdiction of residence of the sexual
334 predator's intended residence. The failure of a sexual predator
335 to provide his or her intended place of residence is punishable
336 as provided in subsection (10).

337 (j) A sexual predator who indicates his or her intent to
338 establish a permanent, temporary, or transient residence ~~reside~~
339 in another state or jurisdiction other than the State of Florida
340 and later decides to remain in this state shall, within 48 hours
341 after the date upon which the sexual predator indicated he or
342 she would leave this state, report in person to the sheriff to
343 which the sexual predator reported the intended change of
344 residence, and report his or her intent to remain in this state.
345 If the sheriff is notified by the sexual predator that he or she
346 intends to remain in this state, the sheriff shall promptly
347 report this information to the department. A sexual predator who
348 reports his or her intent to establish a permanent, temporary,
349 or transient residence ~~reside~~ in another state or jurisdiction,
350 but who remains in this state without reporting to the sheriff
351 in the manner required by this paragraph, commits a felony of
352 the second degree, punishable as provided in s. 775.082, s.
353 775.083, or s. 775.084.

354 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

355 (a) Law enforcement agencies must inform members of the
356 community and the public of a sexual predator's presence. Upon
357 notification of the presence of a sexual predator, the sheriff
358 of the county or the chief of police of the municipality where
359 the sexual predator establishes or maintains a permanent or
360 temporary residence shall notify members of the community and



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361 the public of the presence of the sexual predator in a manner
362 deemed appropriate by the sheriff or the chief of police. Within
363 48 hours after receiving notification of the presence of a
364 sexual predator, the sheriff of the county or the chief of
365 police of the municipality where the sexual predator temporarily
366 or permanently resides shall notify each licensed day care
367 center, elementary school, middle school, and high school within
368 a 1-mile radius of the temporary or permanent residence of the
369 sexual predator of the presence of the sexual predator.

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

- 372 1. The name of the sexual predator;
- 373 2. A description of the sexual predator, including a
374 photograph;
- 375 3. The sexual predator's current permanent, temporary, and
376 transient addresses, and descriptions of registered locations
377 that have no specific street address, including the name of the
378 county or municipality if known;
- 379 4. The circumstances of the sexual predator's offense or
380 offenses; and
- 381 5. Whether the victim of the sexual predator's offense or
382 offenses was, at the time of the offense, a minor or an adult.

383
384 This paragraph does not authorize the release of the name of any
385 victim of the sexual predator.

386 (8) VERIFICATION.—The department and the Department of
387 Corrections shall implement a system for verifying the addresses
388 of sexual predators. The system must be consistent with the
389 provisions of the federal Adam Walsh Child Protection and Safety



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390 Act of 2006 and any other federal standards applicable to such
391 verification or required to be met as a condition for the
392 receipt of federal funds by the state. The Department of
393 Corrections shall verify the addresses of sexual predators who
394 are not incarcerated but who reside in the community under the
395 supervision of the Department of Corrections and shall report to
396 the department any failure by a sexual predator to comply with
397 registration requirements. County and local law enforcement
398 agencies, in conjunction with the department, shall verify the
399 addresses of sexual predators who are not under the care,
400 custody, control, or supervision of the Department of
401 Corrections. Local law enforcement agencies shall report to the
402 department any failure by a sexual predator to comply with
403 registration requirements.

404 (a) A sexual predator must report in person each year
405 during the month of the sexual predator's birthday and during
406 every third month thereafter to the sheriff's office in the
407 county in which he or she resides or is otherwise located to
408 reregister. The sheriff's office may determine the appropriate
409 times and days for reporting by the sexual predator, which shall
410 be consistent with the reporting requirements of this paragraph.
411 Reregistration shall include any changes to the following
412 information:

413 1. Name; social security number; age; race; sex; date of
414 birth; height; weight; hair and eye color; address of any
415 permanent residence and address of any current temporary
416 residence, within the state or out of state, including a rural
417 route address and a post office box; if no permanent or
418 temporary address, any transient residence within the state;



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419 address, location or description, and dates of any current or
420 known future temporary residence within the state or out of
421 state; any electronic mail address and any instant message name
422 required to be provided pursuant to subparagraph (6)(g)4.; home
423 telephone number and any cellular telephone number; date and
424 place of any employment; vehicle make, model, color, and license
425 tag number; fingerprints; and photograph. A post office box
426 shall not be provided in lieu of a physical residential address.

427 2. If the sexual predator is enrolled, employed, or
428 carrying on a vocation at an institution of higher education in
429 this state, the sexual predator shall also provide to the
430 department the name, address, and county of each institution,
431 including each campus attended, and the sexual predator's
432 enrollment or employment status.

433 3. If the sexual predator's place of residence is a motor
434 vehicle, trailer, mobile home, or manufactured home, as defined
435 in chapter 320, the sexual predator shall also provide the
436 vehicle identification number; the license tag number; the
437 registration number; and a description, including color scheme,
438 of the motor vehicle, trailer, mobile home, or manufactured
439 home. If the sexual predator's place of residence is a vessel,
440 live-aboard vessel, or houseboat, as defined in chapter 327, the
441 sexual predator shall also provide the hull identification
442 number; the manufacturer's serial number; the name of the
443 vessel, live-aboard vessel, or houseboat; the registration
444 number; and a description, including color scheme, of the
445 vessel, live-aboard vessel, or houseboat.

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



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448 775.215 794.065 Residency restriction Unlawful place of
449 residence for persons convicted of certain sex offenses.-

450 (1) LEGISLATIVE INTENT - It is the intent of the
451 legislature that there be one state-established residency
452 restriction distance applicable to the residence of persons
453 described in this section and that such state-established
454 residency restriction distance be uniformly applied throughout
455 the state.

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

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

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

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

465 (d) "School" has the same meaning as provided in s. 1003.01
466 and includes a private school as defined in s. 1002.01, a
467 voluntary prekindergarten education program as described in s.
468 1002.53(3), a public school as described in s. 402.3025(1), the
469 Florida School for the Deaf and the Blind, the Florida Virtual
470 School as established in s. 1002.37, and a K-8 Virtual School as
471 established in s. 1002.415, but does not include facilities
472 dedicated exclusively to the education of adults.

473 (3) (a) ~~(1)~~ No It is unlawful for any person who has been
474 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
475 s. 847.0135(5), or s. 847.0145, regardless of whether
476 adjudication has been withheld, in which the victim of the



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477 offense was less than 16 years of age, shall ~~to~~ reside within
478 1,000 feet of any school, child care facility ~~day care center~~,
479 park, or playground. However, a person does not violate this
480 subsection and may not be forced to relocate if he or she is
481 living in a residence that meets the requirements of this
482 subsection and a school, child care facility, park, or
483 playground is subsequently established within 1,000 feet of his
484 or her residence.

485 (b) A person who violates this subsection and whose
486 conviction under s. 794.011, s. 800.04, s. 827.071, s.
487 847.0135(5), or s. 847.0145 was classified as a felony of the
488 first degree or higher commits a felony of the third degree,
489 punishable as provided in s. 775.082 or s. 775.083. A person who
490 violates this subsection and whose conviction under s. 794.011,
491 s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was
492 classified as a felony of the second or third degree commits a
493 misdemeanor of the first degree, punishable as provided in s.
494 775.082 or s. 775.083.

495 (c) ~~(2)~~ This subsection applies to any person convicted of a
496 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
497 or s. 847.0145 for offenses that occur on or after October 1,
498 2004, excluding persons who have been removed from the
499 requirement to register as a sexual offender or sexual predator
500 pursuant to s. 943.04354.

501 (4) (a) No person who has been convicted of an offense in
502 another jurisdiction that is similar to a violation of s.
503 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
504 regardless of whether adjudication has been withheld, in which
505 the victim of the offense was less than 16 years of age, shall



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506 reside within 1,000 feet of any school, child care facility,
507 park, or playground. However, a person does not violate this
508 subsection and may not be forced to relocate if he or she is
509 living in a residence that meets the requirements of this
510 subsection and a school, child care facility, park, or
511 playground is subsequently established within 1,000 feet of his
512 or her residence.

513 (b) A person who violates this subsection and whose
514 conviction in another jurisdiction resulted in a penalty that is
515 substantially similar to a felony of the first degree or higher
516 commits a felony of the third degree, punishable as provided in
517 s. 775.082 or s. 775.083. A person who violates this subsection
518 and whose conviction in another jurisdiction resulted in a
519 penalty that is substantially similar to a felony of the second
520 or third degree commits a misdemeanor of the first degree,
521 punishable as provided in s. 775.082 or s. 775.083.

522 (c) This subsection applies to any person convicted of an
523 offense in another jurisdiction that is similar to a violation
524 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
525 847.0145 where such offense occurred on or after the effective
526 date of this bill, excluding persons who have been removed from
527 the requirement to register as a sexual offender or sexual
528 predator pursuant to s. 943.04354.

529 Section 4. Paragraph (c) of subsection (1), subsection (2),
530 paragraphs (a), (b), and (c) of subsection (4), subsections (7),
531 (8), and (10), and paragraph (c) of subsection (14) of section
532 943.0435, Florida Statutes, are amended to read:

533 943.0435 Sexual offenders required to register with the
534 department; penalty.-



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535 (1) As used in this section, the term:
536 (c) "Permanent residence," ~~and~~ "temporary residence," and
537 "transient residence" have the same meaning ascribed in s.
538 775.21.

539 (2) A sexual offender shall:

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

541 1. In the county in which the offender establishes or
542 maintains a permanent, ~~or~~ temporary, or transient residence
543 within 48 hours after:

544 a. Establishing permanent, ~~or~~ temporary, or transient
545 residence in this state; or

546 b. Being released from the custody, control, or supervision
547 of the Department of Corrections or from the custody of a
548 private correctional facility; or

549 2. In the county where he or she was convicted within 48
550 hours after being convicted for a qualifying offense for
551 registration under this section if the offender is not in the
552 custody or control of, or under the supervision of, the
553 Department of Corrections, or is not in the custody of a private
554 correctional facility.

555

556 Any change in the information required to be provided pursuant
557 to paragraph (b), including, but not limited to, any change in
558 the sexual offender's permanent, ~~or~~ temporary, or transient
559 residence, name, any electronic mail address and any instant
560 message name required to be provided pursuant to paragraph
561 (4) (d), after the sexual offender reports in person at the
562 sheriff's office, shall be accomplished in the manner provided
563 in subsections (4), (7), and (8).



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564 (b) Provide his or her name, date of birth, social security
565 number, race, sex, height, weight, hair and eye color, tattoos
566 or other identifying marks, occupation and place of employment,
567 address of permanent or legal residence or address of any
568 current temporary residence, within the state or ~~and~~ out of
569 state, including a rural route address and a post office box, if
570 no permanent or temporary address, any transient residence
571 within the state, address, location or description, and dates of
572 any current or known future temporary residence within the state
573 or out of state, home telephone number and any cellular
574 telephone number, any electronic mail address and any instant
575 message name required to be provided pursuant to paragraph
576 (4) (d), date and place of each conviction, and a brief
577 description of the crime or crimes committed by the offender. A
578 post office box shall not be provided in lieu of a physical
579 residential address.

580 1. If the sexual offender's place of residence is a motor
581 vehicle, trailer, mobile home, or manufactured home, as defined
582 in chapter 320, the sexual offender shall also provide to the
583 department through the sheriff's office written notice of the
584 vehicle identification number; the license tag number; the
585 registration number; and a description, including color scheme,
586 of the motor vehicle, trailer, mobile home, or manufactured
587 home. If the sexual offender's place of residence is a vessel,
588 live-aboard vessel, or houseboat, as defined in chapter 327, the
589 sexual offender shall also provide to the department written
590 notice of the hull identification number; the manufacturer's
591 serial number; the name of the vessel, live-aboard vessel, or
592 houseboat; the registration number; and a description, including



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593 color scheme, of the vessel, live-aboard vessel, or houseboat.

594 2. If the sexual offender is enrolled, employed, or
595 carrying on a vocation at an institution of higher education in
596 this state, the sexual offender shall also provide to the
597 department through the sheriff's office the name, address, and
598 county of each institution, including each campus attended, and
599 the sexual offender's enrollment or employment status. Each
600 change in enrollment or employment status shall be reported in
601 person at the sheriff's office, within 48 hours after any change
602 in status. The sheriff shall promptly notify each institution of
603 the sexual offender's presence and any change in the sexual
604 offender's enrollment or employment status.

605
606 When a sexual offender reports at the sheriff's office, the
607 sheriff shall take a photograph and a set of fingerprints of the
608 offender and forward the photographs and fingerprints to the
609 department, along with the information provided by the sexual
610 offender. The sheriff shall promptly provide to the department
611 the information received from the sexual offender.

612 (4)(a) Each time a sexual offender's driver's license or
613 identification card is subject to renewal, and, without regard
614 to the status of the offender's driver's license or
615 identification card, within 48 hours after any change in the
616 offender's permanent, ~~or~~ temporary, or transient residence or
617 change in the offender's name by reason of marriage or other
618 legal process, the offender shall report in person to a driver's
619 license office, and shall be subject to the requirements
620 specified in subsection (3). The Department of Highway Safety
621 and Motor Vehicles shall forward to the department all



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622 photographs and information provided by sexual offenders.
623 Notwithstanding the restrictions set forth in s. 322.142, the
624 Department of Highway Safety and Motor Vehicles is authorized to
625 release a reproduction of a color-photograph or digital-image
626 license to the Department of Law Enforcement for purposes of
627 public notification of sexual offenders as provided in this
628 section and ss. 943.043 and 944.606.

629 (b) A sexual offender who vacates a permanent, temporary,
630 or transient residence and fails to establish or maintain
631 another permanent, ~~or~~ temporary, or transient residence shall,
632 within 48 hours after vacating the permanent, temporary, or
633 transient residence, report in person to the sheriff's office of
634 the county in which he or she is located. The sexual offender
635 shall specify the date upon which he or she intends to or did
636 vacate such residence. The sexual offender must provide or
637 update all of the registration information required under
638 paragraph (2) (b). The sexual offender must provide an address
639 for the residence or other place location that he or she is or
640 will be located occupying during the time in which he or she
641 fails to establish or maintain a permanent or temporary
642 residence.

643 (c) A sexual offender who remains at a permanent,
644 temporary, or transient residence after reporting his or her
645 intent to vacate such residence shall, within 48 hours after the
646 date upon which the offender indicated he or she would or did
647 vacate such residence, report in person to the agency to which
648 he or she reported pursuant to paragraph (b) for the purpose of
649 reporting his or her address at such residence. When the sheriff
650 receives the report, the sheriff shall promptly convey the



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651 information to the department. An offender who makes a report as
652 required under paragraph (b) but fails to make a report as
653 required under this paragraph commits a felony of the second
654 degree, punishable as provided in s. 775.082, s. 775.083, or s.
655 775.084.

656 (7) A sexual offender who intends to establish a permanent,
657 temporary, or transient residence in another state or
658 jurisdiction other than the State of Florida shall report in
659 person to the sheriff of the county of current residence within
660 48 hours before the date he or she intends to leave this state
661 to establish residence in another state or jurisdiction. The
662 notification must include the address, municipality, county, and
663 state of intended residence. The sheriff shall promptly provide
664 to the department the information received from the sexual
665 offender. The department shall notify the statewide law
666 enforcement agency, or a comparable agency, in the intended
667 state or jurisdiction of residence of the sexual offender's
668 intended residence. The failure of a sexual offender to provide
669 his or her intended place of residence is punishable as provided
670 in subsection (9).

671 (8) A sexual offender who indicates his or her intent to
672 establish a permanent, temporary, or transient residence ~~reside~~
673 in another state or jurisdiction other than the State of Florida
674 and later decides to remain in this state shall, within 48 hours
675 after the date upon which the sexual offender indicated he or
676 she would leave this state, report in person to the sheriff to
677 which the sexual offender reported the intended change of
678 permanent, temporary, or transient residence, and report his or
679 her intent to remain in this state. The sheriff shall promptly



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680 report this information to the department. A sexual offender who
681 reports his or her intent to establish a permanent, temporary,
682 or transient residence ~~reside~~ in another state or jurisdiction
683 but who remains in this state without reporting to the sheriff
684 in the manner required by this subsection commits a felony of
685 the second degree, punishable as provided in s. 775.082, s.
686 775.083, or s. 775.084.

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

708 (14)



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709 (c) The sheriff's office may determine the appropriate
710 times and days for reporting by the sexual offender, which shall
711 be consistent with the reporting requirements of this
712 subsection. Reregistration shall include any changes to the
713 following information:

714 1. Name; social security number; age; race; sex; date of
715 birth; height; weight; hair and eye color; address of any
716 permanent residence and address of any current temporary
717 residence, within the state or out of state, including a rural
718 route address and a post office box; if no permanent or
719 temporary address, any transient residence within the state;
720 address, location or description, and dates of any current or
721 known future temporary residence within the state or out of
722 state; any electronic mail address and any instant message name
723 required to be provided pursuant to paragraph (4) (d); home
724 telephone number and any cellular telephone number; date and
725 place of any employment; vehicle make, model, color, and license
726 tag number; fingerprints; and photograph. A post office box
727 shall not be provided in lieu of a physical residential address.

728 2. If the sexual offender is enrolled, employed, or
729 carrying on a vocation at an institution of higher education in
730 this state, the sexual offender shall also provide to the
731 department the name, address, and county of each institution,
732 including each campus attended, and the sexual offender's
733 enrollment or employment status.

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



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738 registration number; and a description, including color scheme,
739 of the motor vehicle, trailer, mobile home, or manufactured
740 home. If the sexual offender's place of residence is a vessel,
741 live-aboard vessel, or houseboat, as defined in chapter 327, the
742 sexual offender shall also provide the hull identification
743 number; the manufacturer's serial number; the name of the
744 vessel, live-aboard vessel, or houseboat; the registration
745 number; and a description, including color scheme, of the
746 vessel, live-aboard vessel or houseboat.

747 4. Any sexual offender who fails to report in person as
748 required at the sheriff's office, or who fails to respond to any
749 address verification correspondence from the department within 3
750 weeks of the date of the correspondence or who fails to report
751 electronic mail addresses or instant message names, commits a
752 felony of the third degree, punishable as provided in s.
753 775.082, s. 775.083, or s. 775.084.

754 Section 5. Section 943.04352, Florida Statutes, is amended
755 to read:

756 943.04352 Search of registration information regarding
757 sexual predators and sexual offenders required when placement on
758 misdemeanor probation.—When the court places a defendant on
759 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
760 public or private entity providing probation services must
761 conduct a search of the probationer's name or other identifying
762 information against the registration information regarding
763 sexual predators and sexual offenders maintained by the
764 Department of Law Enforcement under s. 943.043. The probation
765 services provider may conduct the search using the Internet site
766 maintained by the Department of Law Enforcement. Also, a



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767 national search must be conducted through the Dru Sjodin
768 National Sex Offender Public Website maintained by the United
769 States Department of Justice.

770 Section 6. Paragraph (a) of subsection (3) of section
771 944.606, Florida Statutes, is amended to read:

772 944.606 Sexual offenders; notification upon release.-

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

776 1. The department must provide: the sexual offender's name,
777 any change in the offender's name by reason of marriage or other
778 legal process, and any alias, if known; the correctional
779 facility from which the sexual offender is released; the sexual
780 offender's social security number, race, sex, date of birth,
781 height, weight, and hair and eye color; address of any planned
782 permanent residence or temporary residence, within the state or
783 out of state, including a rural route address and a post office
784 box; if no permanent or temporary address, any transient
785 residence within the state; address, location or description,
786 and dates of any known future temporary residence within the
787 state or out of state; date and county of sentence and each
788 crime for which the offender was sentenced; a copy of the
789 offender's fingerprints and a digitized photograph taken within
790 60 days before release; the date of release of the sexual
791 offender; any electronic mail address and any instant message
792 name required to be provided pursuant to s. 943.0435(4) (d); and
793 home telephone number and any cellular telephone number; ~~and the~~
794 ~~offender's intended residence address, if known.~~ The department
795 shall notify the Department of Law Enforcement if the sexual



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796 offender escapes, absconds, or dies. If the sexual offender is
797 in the custody of a private correctional facility, the facility
798 shall take the digitized photograph of the sexual offender
799 within 60 days before the sexual offender's release and provide
800 this photograph to the Department of Corrections and also place
801 it in the sexual offender's file. If the sexual offender is in
802 the custody of a local jail, the custodian of the local jail
803 shall register the offender within 3 business days after intake
804 of the offender for any reason and upon release, and shall
805 notify the Department of Law Enforcement of the sexual
806 offender's release and provide to the Department of Law
807 Enforcement the information specified in this paragraph and any
808 information specified in subparagraph 2. that the Department of
809 Law Enforcement requests.

810 2. The department may provide any other information deemed
811 necessary, including criminal and corrections records,
812 nonprivileged personnel and treatment records, when available.

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

816 944.607 Notification to Department of Law Enforcement of
817 information on sexual offenders.—

818 (4) A sexual offender, as described in this section, who is
819 under the supervision of the Department of Corrections but is
820 not incarcerated must register with the Department of
821 Corrections within 3 business days after sentencing for a
822 registrable ~~registerable~~ offense and otherwise provide
823 information as required by this subsection.

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



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825 of birth; social security number; race; sex; height; weight;
826 hair and eye color; tattoos or other identifying marks; any
827 electronic mail address and any instant message name required to
828 be provided pursuant to s. 943.0435(4) (d); ~~and~~ permanent or
829 legal residence and address of temporary residence within the
830 state or out of state while the sexual offender is under
831 supervision in this state, including any rural route address or
832 post office box; if no permanent or temporary address, any
833 transient residence within the state; and address, location or
834 description, and dates of any current or known future temporary
835 residence within the state or out of state. The Department of
836 Corrections shall verify the address of each sexual offender in
837 the manner described in ss. 775.21 and 943.0435. The department
838 shall report to the Department of Law Enforcement any failure by
839 a sexual predator or sexual offender to comply with registration
840 requirements.

841 (b) If the sexual offender is enrolled, employed, or
842 carrying on a vocation at an institution of higher education in
843 this state, the sexual offender shall provide the name, address,
844 and county of each institution, including each campus attended,
845 and the sexual offender's enrollment or employment status. Each
846 change in enrollment or employment status shall be reported to
847 the department within 48 hours after the change in status. The
848 Department of Corrections shall promptly notify each institution
849 of the sexual offender's presence and any change in the sexual
850 offender's enrollment or employment status.

851 (6) The information provided to the Department of Law
852 Enforcement must include:

853 (a) The information obtained from the sexual offender under



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854 subsection (4);

855 (b) The sexual offender's most current address, ~~and~~ place
856 of permanent, ~~and~~ temporary, or transient residence within the
857 state or out of state, and address, location or description, and
858 dates of any current or known future temporary residence within
859 the state or out of state, while the sexual offender is under
860 supervision in this state, including the name of the county or
861 municipality in which the offender permanently or temporarily
862 resides, or has a transient residence, and address, location or
863 description, and dates of any current or known future temporary
864 residence within the state or out of state, and, if known, the
865 intended place of permanent, ~~or~~ temporary, or transient
866 residence, and address, location or description, and dates of
867 any current or known future temporary residence within the state
868 or out of state upon satisfaction of all sanctions;

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

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

874 (e) An indication of whether the victim of the offense that
875 resulted in the offender's status as a sexual offender was a
876 minor;

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

880 (g) A digitized photograph of the sexual offender which
881 must have been taken within 60 days before the offender is
882 released from the custody of the department or a private



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883 correctional facility by expiration of sentence under s. 944.275
884 or must have been taken by January 1, 1998, or within 60 days
885 after the onset of the department's supervision of any sexual
886 offender who is on probation, community control, conditional
887 release, parole, provisional release, or control release or who
888 is supervised by the department under the Interstate Compact
889 Agreement for Probationers and Parolees. If the sexual offender
890 is in the custody of a private correctional facility, the
891 facility shall take a digitized photograph of the sexual
892 offender within the time period provided in this paragraph and
893 shall provide the photograph to the department.

894
895 If any information provided by the department changes during the
896 time the sexual offender is under the department's control,
897 custody, or supervision, including any change in the offender's
898 name by reason of marriage or other legal process, the
899 department shall, in a timely manner, update the information and
900 provide it to the Department of Law Enforcement in the manner
901 prescribed in subsection (2).

902 (13)

903 (c) The sheriff's office may determine the appropriate
904 times and days for reporting by the sexual offender, which shall
905 be consistent with the reporting requirements of this
906 subsection. Reregistration shall include any changes to the
907 following information:

908 1. Name; social security number; age; race; sex; date of
909 birth; height; weight; hair and eye color; address of any
910 permanent residence and address of any current temporary
911 residence, within the state or out of state, including a rural



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912 route address and a post office box; if no permanent or
913 temporary address, any transient residence; address, location or
914 description, and dates of any current or known future temporary
915 residence within the state or out of state; any electronic mail
916 address and any instant message name required to be provided
917 pursuant to s. 943.0435(4)(d); date and place of any employment;
918 vehicle make, model, color, and license tag number;
919 fingerprints; and photograph. A post office box shall not be
920 provided in lieu of a physical residential address.

921 2. If the sexual offender is enrolled, employed, or
922 carrying on a vocation at an institution of higher education in
923 this state, the sexual offender shall also provide to the
924 department the name, address, and county of each institution,
925 including each campus attended, and the sexual offender's
926 enrollment or employment status.

927 3. If the sexual offender's place of residence is a motor
928 vehicle, trailer, mobile home, or manufactured home, as defined
929 in chapter 320, the sexual offender shall also provide the
930 vehicle identification number; the license tag number; the
931 registration number; and a description, including color scheme,
932 of the motor vehicle, trailer, mobile home, or manufactured
933 home. If the sexual offender's place of residence is a vessel,
934 live-aboard vessel, or houseboat, as defined in chapter 327, the
935 sexual offender shall also provide the hull identification
936 number; the manufacturer's serial number; the name of the
937 vessel, live-aboard vessel, or houseboat; the registration
938 number; and a description, including color scheme, of the
939 vessel, live-aboard vessel or houseboat.

940 4. Any sexual offender who fails to report in person as



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941 required at the sheriff's office, or who fails to respond to any
942 address verification correspondence from the department within 3
943 weeks of the date of the correspondence, or who fails to report
944 electronic mail addresses or instant message names, commits a
945 felony of the third degree, punishable as provided in s.
946 775.082, s. 775.083, or s. 775.084.

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

950 947.005 Definitions.—As used in this chapter, unless the
951 context clearly indicates otherwise:

952 (9) "Qualified practitioner" means a social worker, mental
953 health counselor, or a marriage and family therapist licensed
954 under ch. 491 who, as determined by rule of the respective
955 boards, has the coursework, training, qualifications, and
956 experience to treat sex offenders; or a psychiatrist licensed
957 under chapter 458 or chapter 459~~7~~; or a psychologist licensed
958 under chapter 490, or a social worker, a mental health
959 counselor, or a marriage and family therapist licensed under
960 chapter 491 who practices in accordance with his or her
961 respective practice act.

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

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

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



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

973 (15) "School" has the same meaning as provided in s.
974 1003.01 and includes a private school as defined in s. 1002.01,
975 a voluntary prekindergarten education program as described in s.
976 1002.53(3), a public school as described in s. 402.3025(1), the
977 Florida School for the Deaf and Blind, the Florida Virtual
978 School as established in s. 1002.37, and a K-8 Virtual School as
979 established in s. 1002.415, but does not includes facilities
980 dedicated exclusively to the education of adults.

981 Section 9. Subsection (7) of section 947.1405, Florida
982 Statutes, is amended, and subsection (12) is added to that
983 section, to read:

984 947.1405 Conditional release program.—

985 (7) (a) Any inmate who is convicted of a crime committed on
986 or after October 1, 1995, or who has been previously convicted
987 of a crime committed on or after October 1, 1995, in violation
988 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
989 847.0145, and is subject to conditional release supervision,
990 shall have, in addition to any other conditions imposed, the
991 following special conditions imposed by the commission:

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

998 2. If the victim was under the age of 18, a prohibition on



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999 living within 1,000 feet of a school, child care facility ~~day~~
1000 ~~care center~~, park, playground, designated public school bus
1001 stop, or other place where children regularly congregate. A
1002 releasee who is subject to this subparagraph may not relocate to
1003 a residence that is within 1,000 feet of a public school bus
1004 stop. Beginning October 1, 2004, the commission or the
1005 department may not approve a residence that is located within
1006 1,000 feet of a school, day care center, park, playground,
1007 designated school bus stop, or other place where children
1008 regularly congregate for any releasee who is subject to this
1009 subparagraph. On October 1, 2004, the department shall notify
1010 each affected school district of the location of the residence
1011 of a releasee 30 days prior to release and thereafter, if the
1012 releasee relocates to a new residence, shall notify any affected
1013 school district of the residence of the releasee within 30 days
1014 after relocation. If, on October 1, 2004, any public school bus
1015 stop is located within 1,000 feet of the existing residence of
1016 such releasee, the district school board shall relocate that
1017 school bus stop. Beginning October 1, 2004, a district school
1018 board may not establish or relocate a public school bus stop
1019 within 1,000 feet of the residence of a releasee who is subject
1020 to this subparagraph. The failure of the district school board
1021 to comply with this subparagraph shall not result in a violation
1022 of conditional release supervision. A releasee who is subject to
1023 this subparagraph may not be forced to relocate and does not
1024 violate his or her conditional release supervision if he or she
1025 is living in a residence that meets the requirements of this
1026 subparagraph and a school, child care facility, park,
1027 playground, designated public school bus stop, or other place



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1028 where children regularly congregate is subsequently established
1029 within 1,000 feet of his or her residence.

1030 3. Active participation in and successful completion of a
1031 sex offender treatment program with qualified practitioners
1032 specifically trained to treat sex offenders, at the releasee's
1033 own expense. If a qualified practitioner is not available within
1034 a 50-mile radius of the releasee's residence, the offender shall
1035 participate in other appropriate therapy.

1036 4. A prohibition on any contact with the victim, directly
1037 or indirectly, including through a third person, unless approved
1038 by the victim, a qualified practitioner in the sexual offender
1039 treatment program ~~the offender's therapist~~, and the sentencing
1040 court.

1041 5. If the victim was under the age of 18, a prohibition
1042 against contact with children under the age of 18 without review
1043 and approval by the commission. The commission may approve
1044 supervised contact with a child under the age of 18 if the
1045 approval is based upon a recommendation for contact issued by a
1046 qualified practitioner who is basing the recommendation on a
1047 risk assessment. Further, the sex offender must be currently
1048 enrolled in or have successfully completed a sex offender
1049 therapy program. The commission may not grant supervised contact
1050 with a child if the contact is not recommended by a qualified
1051 practitioner and may deny supervised contact with a child at any
1052 time. When considering whether to approve supervised contact
1053 with a child, the commission must review and consider the
1054 following:

1055 a. A risk assessment completed by a qualified practitioner.
1056 The qualified practitioner must prepare a written report that



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1057 must include the findings of the assessment and address each of
1058 the following components:

1059 (I) The sex offender's current legal status;

1060 (II) The sex offender's history of adult charges with
1061 apparent sexual motivation;

1062 (III) The sex offender's history of adult charges without
1063 apparent sexual motivation;

1064 (IV) The sex offender's history of juvenile charges,
1065 whenever available;

1066 (V) The sex offender's offender treatment history,
1067 including a consultation from the sex offender's treating, or
1068 most recent treating, therapist;

1069 (VI) The sex offender's current mental status;

1070 (VII) The sex offender's mental health and substance abuse
1071 history as provided by the Department of Corrections;

1072 (VIII) The sex offender's personal, social, educational,
1073 and work history;

1074 (IX) The results of current psychological testing of the
1075 sex offender if determined necessary by the qualified
1076 practitioner;

1077 (X) A description of the proposed contact, including the
1078 location, frequency, duration, and supervisory arrangement;

1079 (XI) The child's preference and relative comfort level with
1080 the proposed contact, when age-appropriate;

1081 (XII) The parent's or legal guardian's preference regarding
1082 the proposed contact; and

1083 (XIII) The qualified practitioner's opinion, along with the
1084 basis for that opinion, as to whether the proposed contact would
1085 likely pose significant risk of emotional or physical harm to



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1086 the child.

1087

1088 The written report of the assessment must be given to the
1089 commission.

1090 b. A recommendation made as a part of the risk-assessment
1091 report as to whether supervised contact with the child should be
1092 approved;

1093 c. A written consent signed by the child's parent or legal
1094 guardian, if the parent or legal guardian is not the sex
1095 offender, agreeing to the sex offender having supervised contact
1096 with the child after receiving full disclosure of the sex
1097 offender's present legal status, past criminal history, and the
1098 results of the risk assessment. The commission may not approve
1099 contact with the child if the parent or legal guardian refuses
1100 to give written consent for supervised contact;

1101 d. A safety plan prepared by the qualified practitioner,
1102 who provides treatment to the offender, in collaboration with
1103 the sex offender, the child's parent or legal guardian, and the
1104 child, when age appropriate, which details the acceptable
1105 conditions of contact between the sex offender and the child.
1106 The safety plan must be reviewed and approved by the Department
1107 of Corrections before being submitted to the commission; and

1108 e. Evidence that the child's parent or legal guardian, if
1109 the parent or legal guardian is not the sex offender,
1110 understands the need for and agrees to the safety plan and has
1111 agreed to provide, or to designate another adult to provide,
1112 constant supervision any time the child is in contact with the
1113 offender.

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1115 The commission may not appoint a person to conduct a risk
1116 assessment and may not accept a risk assessment from a person
1117 who has not demonstrated to the commission that he or she has
1118 met the requirements of a qualified practitioner as defined in
1119 this section.

1120 6. If the victim was under age 18, a prohibition on working
1121 for pay or as a volunteer at any school, day care center, park,
1122 playground, or other place where children regularly congregate,
1123 as prescribed by the commission.

1124 7. Unless otherwise indicated in the treatment plan
1125 provided by a qualified practitioner in the sexual offender
1126 treatment program, a prohibition on viewing, owning, or
1127 possessing any obscene, pornographic, or sexually stimulating
1128 visual or auditory material, including telephone, electronic
1129 media, computer programs, or computer services that are relevant
1130 to the offender's deviant behavior pattern.

1131 8. Effective for a releasee whose crime is committed on or
1132 after July 1, 2005, a prohibition on accessing the Internet or
1133 other computer services until a qualified practitioner in the
1134 offender's sex offender treatment program, after a risk
1135 assessment is completed, approves and implements a safety plan
1136 for the offender's accessing or using the Internet or other
1137 computer services.

1138 9. A requirement that the releasee must submit two
1139 specimens of blood to the Florida Department of Law Enforcement
1140 to be registered with the DNA database.

1141 10. A requirement that the releasee make restitution to the
1142 victim, as determined by the sentencing court or the commission,
1143 for all necessary medical and related professional services



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1144 relating to physical, psychiatric, and psychological care.

1145 11. Submission to a warrantless search by the community
1146 control or probation officer of the probationer's or community
1147 controllee's person, residence, or vehicle.

1148 (b) For a releasee whose crime was committed on or after
1149 October 1, 1997, in violation of chapter 794, s. 800.04, s.
1150 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
1151 conditional release supervision, in addition to any other
1152 provision of this subsection, the commission shall impose the
1153 following additional conditions of conditional release
1154 supervision:

1155 1. As part of a treatment program, participation in a
1156 minimum of one annual polygraph examination to obtain
1157 information necessary for risk management and treatment and to
1158 reduce the sex offender's denial mechanisms. The polygraph
1159 examination must be conducted by a polygrapher who is a member
1160 of a national or state polygraph association and who is
1161 certified as a post-conviction sex offender polygrapher trained
1162 specifically in the use of the polygraph for the monitoring of
1163 sex offenders, where available, and at the expense of the
1164 releasee sex offender. The results of the examination shall be
1165 provided to the releasee's probation officer and qualified
1166 practitioner and may not be used as evidence in a hearing to
1167 prove that a violation of supervision has occurred.

1168 2. Maintenance of a driving log and a prohibition against
1169 driving a motor vehicle alone without the prior approval of the
1170 supervising officer.

1171 3. A prohibition against obtaining or using a post office
1172 box without the prior approval of the supervising officer.



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1173 4. If there was sexual contact, a submission to, at the
1174 releasee's ~~probationer's or community controllee's~~ expense, an
1175 HIV test with the results to be released to the victim or the
1176 victim's parent or guardian.

1177 5. Electronic monitoring of any form when ordered by the
1178 commission. Any person who has been placed under supervision and
1179 is electronically monitored by the department must pay the
1180 department for the cost of the electronic monitoring service at
1181 a rate that may not exceed the full cost of the monitoring
1182 service. Funds collected under this subparagraph shall be
1183 deposited into the General Revenue Fund. The department may
1184 exempt a person from the payment of all or any part of the
1185 electronic monitoring service cost if the department finds that
1186 any of the factors listed in s. 948.09(3) exist.

1187 (12) In addition to all other conditions imposed, for a
1188 releasee who is subject to conditional release for a crime that
1189 was committed on or after the effective date of this act, and
1190 who has been convicted at any time of committing, or attempting,
1191 soliciting, or conspiring to commit, any of the criminal
1192 offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar
1193 offense in another jurisdiction, against a victim who was under
1194 the age of 18 at the time of the offense; if the releasee has
1195 not received a pardon for any felony or similar law of another
1196 jurisdiction necessary for the operation of this subsection, if
1197 a conviction of a felony or similar law of another jurisdiction
1198 necessary for the operation of this subsection has not been set
1199 aside in any postconviction proceeding, or if the releasee has
1200 not been removed from the requirement to register as a sexual
1201 offender or sexual predator pursuant to s. 943.04354, the



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1202 commission must impose the following conditions:

1203 (a) A prohibition on visiting schools, child care
1204 facilities, parks, and playgrounds, without prior approval from
1205 the releasee's supervising officer. The commission may also
1206 designate additional locations to protect a victim. The
1207 prohibition ordered under this paragraph does not prohibit the
1208 releasee from visiting a school, child care facility, park, or
1209 playground for the sole purpose of attending a religious service
1210 as defined in s. 775.0861, or picking up or dropping off the
1211 releasee's children or grandchildren at a child care facility or
1212 school.

1213 (b) A prohibition on distributing candy or other items to
1214 children on Halloween; wearing a Santa Claus costume, or other
1215 costume to appeal to children, on or preceding Christmas;
1216 wearing an Easter Bunny costume, or other costume to appeal to
1217 children, on or preceding Easter; entertaining at children's
1218 parties; or wearing a clown costume; without prior approval from
1219 the commission.

1220 Section 10. Subsections (6) and (7) of s. 948.001, Florida
1221 Statutes, are amended to read and subsections (11), (12), (13),
1222 and (14) of that section are added to read:

1223 948.001 Definitions.—As used in this chapter, the term:

1224 (6) "Qualified practitioner" means a social worker, mental
1225 health counselor, or a marriage and family therapist licensed
1226 under ch. 491 who, as determined by rule of the respective
1227 boards, has the coursework, training, qualifications, and
1228 experience to evaluate and treat sexual offenders; or a
1229 psychiatrist licensed under chapter 458 or chapter 459; or a
1230 psychologist licensed under chapter 490, ~~or a social worker, a~~



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1231 ~~mental health counselor, or a marriage and family therapist~~
1232 ~~licensed under chapter 491 who practices in accordance with his~~
1233 ~~or her respective practice act.~~

1234 (7) "Risk assessment" means an assessment completed by a an
1235 ~~independent~~ qualified practitioner to evaluate the level of risk
1236 associated when a sex offender has contact with a child.

1237 (11) "Child care facility" has the same meaning as provided
1238 in s. 402.302.

1239 (12) "Park" means all public and private property
1240 specifically designated as being used for recreational purposes
1241 and where children regularly congregate.

1242 (13) "Playground" means a designated independent area in
1243 the community or neighborhood that is designated solely for
1244 children and has one or more play structures.

1245 (14) "School" has the same meaning as provided in s.
1246 1003.01 and includes a private school as defined in s. 1002.01,
1247 a voluntary prekindergarten education program as described in s.
1248 1002.53(3), a public school as described in s. 402.3025(1), the
1249 Florida School for the Deaf and Blind, the Florida Virtual
1250 School as established in s. 1002.37, and a K-8 Virtual School as
1251 established in s. 1002.415, but does not includes facilities
1252 dedicated exclusively to the education of adults.

1253 Section 11. Subsection (1) and paragraph (a) of subsection
1254 (2) of section 948.30, Florida Statutes, is amended, and
1255 subsection (4) is added to that section, to read:

1256 948.30 Additional terms and conditions of probation or
1257 community control for certain sex offenses.—Conditions imposed
1258 pursuant to this section do not require oral pronouncement at
1259 the time of sentencing and shall be considered standard



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1260 conditions of probation or community control for offenders
1261 specified in this section.

1262 (1) Effective for probationers or community controllees
1263 whose crime was committed on or after October 1, 1995, and who
1264 are placed under supervision for violation of chapter 794, s.
1265 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
1266 must impose the following conditions in addition to all other
1267 standard and special conditions imposed:

1268 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
1269 designate another 8-hour period if the offender's employment
1270 precludes the above specified time, and the alternative is
1271 recommended by the Department of Corrections. If the court
1272 determines that imposing a curfew would endanger the victim, the
1273 court may consider alternative sanctions.

1274 (b) If the victim was under the age of 18, a prohibition on
1275 living within 1,000 feet of a school, child care facility ~~day~~
1276 ~~care center~~, park, playground, or other place where children
1277 regularly congregate, as prescribed by the court. The 1,000-foot
1278 distance shall be measured in a straight line from the
1279 offender's place of residence to the nearest boundary line of
1280 the school, day care center, park, playground, or other place
1281 where children congregate. The distance may not be measured by a
1282 pedestrian route or automobile route. A probationer or community
1283 controllee who is subject to this paragraph may not be forced to
1284 relocate and does not violate his or her probation or community
1285 control if he or she is living in a residence that meets the
1286 requirements of this paragraph and a school, child care
1287 facility, park, playground, or other place where children
1288 regularly congregate is subsequently established within 1,000



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1289 feet of his or her residence.

1290 (c) Active participation in and successful completion of a
1291 sex offender treatment program with qualified practitioners
1292 specifically trained to treat sex offenders, at the
1293 probationer's or community controllee's own expense. If a
1294 qualified practitioner is not available within a 50-mile radius
1295 of the probationer's or community controllee's residence, the
1296 offender shall participate in other appropriate therapy.

1297 (d) A prohibition on any contact with the victim, directly
1298 or indirectly, including through a third person, unless approved
1299 by the victim, a qualified practitioner in the sexual offender
1300 treatment program ~~the offender's therapist~~, and the sentencing
1301 court.

1302 (e) If the victim was under the age of 18, a prohibition on
1303 contact with a child under the age of 18 except as provided in
1304 this paragraph. The court may approve supervised contact with a
1305 child under the age of 18 if the approval is based upon a
1306 recommendation for contact issued by a qualified practitioner
1307 who is basing the recommendation on a risk assessment. Further,
1308 the sex offender must be currently enrolled in or have
1309 successfully completed a sex offender therapy program. The court
1310 may not grant supervised contact with a child if the contact is
1311 not recommended by a qualified practitioner and may deny
1312 supervised contact with a child at any time. When considering
1313 whether to approve supervised contact with a child, the court
1314 must review and consider the following:

1315 1. A risk assessment completed by a qualified practitioner.
1316 The qualified practitioner must prepare a written report that
1317 must include the findings of the assessment and address each of



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- 1318 the following components:
- 1319 a. The sex offender's current legal status;
 - 1320 b. The sex offender's history of adult charges with
 - 1321 apparent sexual motivation;
 - 1322 c. The sex offender's history of adult charges without
 - 1323 apparent sexual motivation;
 - 1324 d. The sex offender's history of juvenile charges, whenever
 - 1325 available;
 - 1326 e. The sex offender's offender treatment history, including
 - 1327 consultations with the sex offender's treating, or most recent
 - 1328 treating, therapist;
 - 1329 f. The sex offender's current mental status;
 - 1330 g. The sex offender's mental health and substance abuse
 - 1331 treatment history as provided by the Department of Corrections;
 - 1332 h. The sex offender's personal, social, educational, and
 - 1333 work history;
 - 1334 i. The results of current psychological testing of the sex
 - 1335 offender if determined necessary by the qualified practitioner;
 - 1336 j. A description of the proposed contact, including the
 - 1337 location, frequency, duration, and supervisory arrangement;
 - 1338 k. The child's preference and relative comfort level with
 - 1339 the proposed contact, when age appropriate;
 - 1340 l. The parent's or legal guardian's preference regarding
 - 1341 the proposed contact; and
 - 1342 m. The qualified practitioner's opinion, along with the
 - 1343 basis for that opinion, as to whether the proposed contact would
 - 1344 likely pose significant risk of emotional or physical harm to
 - 1345 the child.
 - 1346



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1347 The written report of the assessment must be given to the court;

1348 2. A recommendation made as a part of the risk assessment
1349 report as to whether supervised contact with the child should be
1350 approved;

1351 3. A written consent signed by the child's parent or legal
1352 guardian, if the parent or legal guardian is not the sex
1353 offender, agreeing to the sex offender having supervised contact
1354 with the child after receiving full disclosure of the sex
1355 offender's present legal status, past criminal history, and the
1356 results of the risk assessment. The court may not approve
1357 contact with the child if the parent or legal guardian refuses
1358 to give written consent for supervised contact;

1359 4. A safety plan prepared by the qualified practitioner,
1360 who provides treatment to the offender, in collaboration with
1361 the sex offender, the child's parent or legal guardian, if the
1362 parent or legal guardian is not the sex offender, and the child,
1363 when age appropriate, which details the acceptable conditions of
1364 contact between the sex offender and the child. The safety plan
1365 must be reviewed and approved by the court; and

1366 5. Evidence that the child's parent or legal guardian
1367 understands the need for and agrees to the safety plan and has
1368 agreed to provide, or to designate another adult to provide,
1369 constant supervision any time the child is in contact with the
1370 offender.

1371
1372 The court may not appoint a person to conduct a risk assessment
1373 and may not accept a risk assessment from a person who has not
1374 demonstrated to the court that he or she has met the
1375 requirements of a qualified practitioner as defined in this



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1376 section.

1377 (f) If the victim was under age 18, a prohibition on
1378 working for pay or as a volunteer at any place where children
1379 regularly congregate, including, but not limited to, schools,
1380 day care centers, parks, playgrounds, pet stores, libraries,
1381 zoos, theme parks, and malls.

1382 (g) Unless otherwise indicated in the treatment plan
1383 provided by a qualified practitioner in the sexual offender
1384 treatment program, a prohibition on viewing, accessing, owning,
1385 or possessing any obscene, pornographic, or sexually stimulating
1386 visual or auditory material, including telephone, electronic
1387 media, computer programs, or computer services that are relevant
1388 to the offender's deviant behavior pattern.

1389 (h) Effective for probationers and community controllees
1390 whose crime is committed on or after July 1, 2005, a prohibition
1391 on accessing the Internet or other computer services until a
1392 qualified practitioner in the offender's sex offender treatment
1393 program, after a risk assessment is completed, approves and
1394 implements a safety plan for the offender's accessing or using
1395 the Internet or other computer services.

1396 (i) A requirement that the probationer or community
1397 controllee must submit a specimen of blood or other approved
1398 biological specimen to the Department of Law Enforcement to be
1399 registered with the DNA data bank.

1400 (j) A requirement that the probationer or community
1401 controllee make restitution to the victim, as ordered by the
1402 court under s. 775.089, for all necessary medical and related
1403 professional services relating to physical, psychiatric, and
1404 psychological care.



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1405 (k) Submission to a warrantless search by the community
1406 control or probation officer of the probationer's or community
1407 controllee's person, residence, or vehicle.

1408 (2) Effective for a probationer or community controllee
1409 whose crime was committed on or after October 1, 1997, and who
1410 is placed on community control or sex offender probation for a
1411 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
1412 or s. 847.0145, in addition to any other provision of this
1413 section, the court must impose the following conditions of
1414 probation or community control:

1415 (a) As part of a treatment program, participation at least
1416 annually in polygraph examinations to obtain information
1417 necessary for risk management and treatment and to reduce the
1418 sex offender's denial mechanisms. A polygraph examination must
1419 be conducted by a polygrapher who is a member of a national or
1420 state polygraph association and who is certified as a post-
1421 conviction sex offender polygrapher trained specifically in the
1422 use of the polygraph for the monitoring of sex offenders, where
1423 available, and shall be paid for by the probationer or community
1424 controllee sex offender. The results of the polygraph
1425 examination shall be provided to the probationer's or community
1426 controllee's probation officer and qualified practitioner and
1427 shall not be used as evidence in court to prove that a violation
1428 of community supervision has occurred.

1429 (4) In addition to all other conditions imposed, for a
1430 probationer or community controllee who is subject to
1431 supervision for a crime that was committed on or after the
1432 effective date of this act, and who has been convicted at any
1433 time of committing, or attempting, soliciting, or conspiring to



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1434 commit, any of the criminal offenses listed in s.
1435 943.0435(1)(a)1.a.(I), or a similar offense in another
1436 jurisdiction, against a victim who was under the age of 18 at
1437 the time of the offense; if the offender has not received a
1438 pardon for any felony or similar law of another jurisdiction
1439 necessary for the operation of this subsection, if a conviction
1440 of a felony or similar law of another jurisdiction necessary for
1441 the operation of this subsection has not been set aside in any
1442 postconviction proceeding, or if the offender has not been
1443 removed from the requirement to register as a sexual offender or
1444 sexual predator pursuant to s. 943.04354, the court must impose
1445 the following conditions:

1446 (a) A prohibition on visiting schools, child care
1447 facilities, parks, and playgrounds, without prior approval from
1448 the offender's supervising officer. The court may also designate
1449 additional locations to protect a victim. The prohibition
1450 ordered under this paragraph does not prohibit the offender from
1451 visiting a school, child care facility, park, or playground for
1452 the sole purpose of attending a religious service as defined in
1453 s. 775.0861, or picking up or dropping off the offender's
1454 children or grandchildren at a child care facility or school.

1455 (b) A prohibition on distributing candy or other items to
1456 children on Halloween; wearing a Santa Claus costume, or other
1457 costume to appeal to children, on or preceding Christmas;
1458 wearing an Easter Bunny costume, or other costume to appeal to
1459 children, on or preceding Easter; entertaining at children's
1460 parties; or wearing a clown costume; without prior approval from
1461 the court.

1462 Section 12. Section 948.31, Florida Statutes, is amended to



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1463 read:

1464 948.31 ~~Diagnosis, Evaluation, and treatment of sexual~~
1465 ~~predators and offenders placed on probation or community control~~
1466 ~~for certain sex offenses or child exploitation.~~—The court shall
1467 require an a diagnosis and evaluation by a qualified
1468 practitioner to determine the need of a probationer or community
1469 controlee offender in community control for treatment. If the
1470 court determines that a need therefor is established by the such
1471 diagnosis and evaluation process, the court shall require sexual
1472 offender treatment outpatient counseling as a term or condition
1473 of probation or community control for any person who is required
1474 to register as a sexual predator under s. 775.21 or sexual
1475 offender under s. 943.0435, s. 944.606, or s. 944.607. ~~was found~~
1476 ~~guilty of any of the following, or whose plea of guilty or nolo~~
1477 ~~contendere to any of the following was accepted by the court:~~

1478 (1) ~~Lewd or lascivious battery, lewd or lascivious~~
1479 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
1480 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1481 (2) ~~Sexual battery, as defined in chapter 794, against a~~
1482 ~~child.~~

1483 (3) ~~Exploitation of a child as provided in s. 450.151, or~~
1484 ~~for prostitution.~~

1485
1486 Such treatment counseling shall be required to be obtained from
1487 a qualified practitioner as defined in s. 948.001. Treatment may
1488 not be administered by a qualified practitioner who has been
1489 convicted or adjudicated delinquent of committing, or
1490 attempting, soliciting, or conspiring to commit, any offense
1491 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall



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1492 impose a restriction against contact with minors if sexual
1493 offender treatment is recommended ~~a community mental health~~
1494 ~~center, a recognized social service agency providing mental~~
1495 ~~health services, or a private mental health professional or~~
1496 ~~through other professional counseling.~~ The evaluation and
1497 recommendations plan for treatment of counseling for the
1498 probationer or community controllee individual shall be provided
1499 to the court for review.

1500 Section 13. Paragraph (a) of subsection (3) of section
1501 985.481, Florida Statutes, is amended to read:

1502 985.481 Sexual offenders adjudicated delinquent;
1503 notification upon release.-

1504 (3) (a) The department must provide information regarding
1505 any sexual offender who is being released after serving a period
1506 of residential commitment under the department for any offense,
1507 as follows:

1508 1. The department must provide the sexual offender's name,
1509 any change in the offender's name by reason of marriage or other
1510 legal process, and any alias, if known; the correctional
1511 facility from which the sexual offender is released; the sexual
1512 offender's social security number, race, sex, date of birth,
1513 height, weight, and hair and eye color; address of any planned
1514 permanent residence or temporary residence, within the state or
1515 out of state, including a rural route address and a post office
1516 box; if no permanent or temporary address, any transient
1517 residence within the state; address, location or description,
1518 and dates of any known future temporary residence within the
1519 state or out of state; date and county of disposition and each
1520 crime for which there was a disposition; a copy of the



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1521 offender's fingerprints and a digitized photograph taken within
1522 60 days before release; the date of release of the sexual
1523 offender; and home telephone number and any cellular telephone
1524 number; ~~and the offender's intended residence address, if known.~~
1525 The department shall notify the Department of Law Enforcement if
1526 the sexual offender escapes, absconds, or dies. If the sexual
1527 offender is in the custody of a private correctional facility,
1528 the facility shall take the digitized photograph of the sexual
1529 offender within 60 days before the sexual offender's release and
1530 also place it in the sexual offender's file. If the sexual
1531 offender is in the custody of a local jail, the custodian of the
1532 local jail shall register the offender within 3 business days
1533 after intake of the offender for any reason and upon release,
1534 and shall notify the Department of Law Enforcement of the sexual
1535 offender's release and provide to the Department of Law
1536 Enforcement the information specified in this subparagraph and
1537 any information specified in subparagraph 2. which the
1538 Department of Law Enforcement requests.

1539 2. The department may provide any other information
1540 considered necessary, including criminal and delinquency
1541 records, when available.

1542 Section 14. Paragraph (a) of subsection (4), paragraph (a)
1543 of subsection (6), and paragraph (b) of subsection (13) of
1544 section 985.4815, Florida Statutes, are amended to read:

1545 985.4815 Notification to Department of Law Enforcement of
1546 information on juvenile sexual offenders.—

1547 (4) A sexual offender, as described in this section, who is
1548 under the supervision of the department but who is not committed
1549 must register with the department within 3 business days after



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1550 adjudication and disposition for a registrable offense and
1551 otherwise provide information as required by this subsection.

1552 (a) The sexual offender shall provide his or her name; date
1553 of birth; social security number; race; sex; height; weight;
1554 hair and eye color; tattoos or other identifying marks; ~~and~~
1555 permanent or legal residence and address of temporary residence
1556 within the state or out of state while the sexual offender is in
1557 the care or custody or under the jurisdiction or supervision of
1558 the department in this state, including any rural route address
1559 or post office box; if no permanent or temporary address, any
1560 transient residence; address, location or description, and dates
1561 of any current or known future temporary residence within the
1562 state or out of state; and the name and address of each school
1563 attended. The department shall verify the address of each sexual
1564 offender and shall report to the Department of Law Enforcement
1565 any failure by a sexual offender to comply with registration
1566 requirements.

1567 (6) (a) The information provided to the Department of Law
1568 Enforcement must include the following:

1569 1. The information obtained from the sexual offender under
1570 subsection (4).

1571 2. The sexual offender's most current address and place of
1572 permanent, ~~or~~ temporary, or transient residence within the state
1573 or out of state, and address, location or description, and dates
1574 of any current or known future temporary residence within the
1575 state or out of state, while the sexual offender is in the care
1576 or custody or under the jurisdiction or supervision of the
1577 department in this state, including the name of the county or
1578 municipality in which the offender permanently or temporarily



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1579 resides, or has a transient residence, and address, location or
1580 description, and dates of any current or known future temporary
1581 residence within the state or out of state; and, if known, the
1582 intended place of permanent, ~~or~~ temporary, or transient
1583 residence, and address, location or description, and dates of
1584 any current or known future temporary residence within the state
1585 or out of state upon satisfaction of all sanctions.

1586 3. The legal status of the sexual offender and the
1587 scheduled termination date of that legal status.

1588 4. The location of, and local telephone number for, any
1589 department office that is responsible for supervising the sexual
1590 offender.

1591 5. An indication of whether the victim of the offense that
1592 resulted in the offender's status as a sexual offender was a
1593 minor.

1594 6. The offense or offenses at adjudication and disposition
1595 that resulted in the determination of the offender's status as a
1596 sex offender.

1597 7. A digitized photograph of the sexual offender, which
1598 must have been taken within 60 days before the offender was
1599 released from the custody of the department or a private
1600 correctional facility by expiration of sentence under s.
1601 944.275, or within 60 days after the onset of the department's
1602 supervision of any sexual offender who is on probation,
1603 postcommitment probation, residential commitment, nonresidential
1604 commitment, licensed child-caring commitment, community control,
1605 conditional release, parole, provisional release, or control
1606 release or who is supervised by the department under the
1607 Interstate Compact Agreement for Probationers and Parolees. If



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1608 the sexual offender is in the custody of a private correctional
1609 facility, the facility shall take a digitized photograph of the
1610 sexual offender within the time period provided in this
1611 subparagraph and shall provide the photograph to the department.

1612 (13)

1613 (b) The sheriff's office may determine the appropriate
1614 times and days for reporting by the sexual offender, which shall
1615 be consistent with the reporting requirements of this
1616 subsection. Reregistration shall include any changes to the
1617 following information:

1618 1. Name; social security number; age; race; sex; date of
1619 birth; height; weight; hair and eye color; address of any
1620 permanent residence and address of any current temporary
1621 residence, within the state or out of state, including a rural
1622 route address and a post office box; if no permanent or
1623 temporary address, any transient residence; address, location or
1624 description, and dates of any current or known future temporary
1625 residence within the state or out of state; name and address of
1626 each school attended; date and place of any employment; vehicle
1627 make, model, color, and license tag number; fingerprints; and
1628 photograph. A post office box shall not be provided in lieu of a
1629 physical residential address.

1630 2. If the sexual offender is enrolled, employed, or
1631 carrying on a vocation at an institution of higher education in
1632 this state, the sexual offender shall also provide to the
1633 department the name, address, and county of each institution,
1634 including each campus attended, and the sexual offender's
1635 enrollment or employment status.

1636 3. If the sexual offender's place of residence is a motor



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1637 vehicle, trailer, mobile home, or manufactured home, as defined
1638 in chapter 320, the sexual offender shall also provide the
1639 vehicle identification number; the license tag number; the
1640 registration number; and a description, including color scheme,
1641 of the motor vehicle, trailer, mobile home, or manufactured
1642 home. If the sexual offender's place of residence is a vessel,
1643 live-aboard vessel, or houseboat, as defined in chapter 327, the
1644 sexual offender shall also provide the hull identification
1645 number; the manufacturer's serial number; the name of the
1646 vessel, live-aboard vessel, or houseboat; the registration
1647 number; and a description, including color scheme, of the
1648 vessel, live-aboard vessel, or houseboat.

1649 4. Any sexual offender who fails to report in person as
1650 required at the sheriff's office, or who fails to respond to any
1651 address verification correspondence from the department within 3
1652 weeks after the date of the correspondence, commits a felony of
1653 the third degree, punishable as provided in ss. 775.082,
1654 775.083, and 775.084.

1655 Section 15. The Legislature intends that nothing in this
1656 act reduce or diminish a court's jurisdiction.

1657 Section 16. If any provision of this act or its application
1658 to any person or circumstance is held invalid, the invalidity
1659 does not affect other provisions or applications of this act
1660 which can be given effect without the invalid provision or
1661 application, and to this end the provisions of this act are
1662 declared severable.

1663 Section 17. This act shall take effect upon becoming a law.
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1666 ===== T I T L E A M E N D M E N T =====

1667 And the title is amended as follows:

1668 Delete everything before the enacting clause

1669 and insert:

1670 A bill to be entitled

1671 An act relating to sexual offenders and predators;
1672 creating s. 856.022, F.S.; prohibiting loitering or
1673 prowling by certain offenders within a specified
1674 distance of places where children were congregating;
1675 prohibiting certain actions toward a child at a public
1676 park or playground by certain offenders; prohibiting
1677 the presence of certain offenders at or on real
1678 property comprising a child care facility or pre-K
1679 through 12 school without notice and supervision;
1680 providing exceptions; providing penalties; amending s.
1681 775.21, F.S.; revising and providing definitions;
1682 revising provisions relating to residence reporting
1683 requirements for sexual predators; renumbering s.
1684 794.065, F.S., as s. 775.215, F.S.; providing
1685 definitions; substituting the term "child care
1686 facility" for the term "day care center"; providing
1687 that the section does not apply to a person living in
1688 an approved residence before the establishment of a
1689 school, child care facility, park, or playground
1690 within 1,000 feet of the residence; including offenses
1691 in other jurisdictions that are similar to the
1692 offenses listed in provisions providing residency
1693 restrictions for persons convicted of certain sex
1694 offenses, applicable to offenses committed on or after



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1695 a specified date; providing that the section does not
1696 apply to persons who were removed from the requirement
1697 to register as a sexual offender or sexual predator
1698 under a specified provision; amending s. 943.0435,
1699 F.S.; revising provisions relating to residence
1700 reporting requirements for sexual offenders; amending
1701 s. 943.04352, F.S.; requiring that the probation
1702 services provider search in an additional specified
1703 sex offender registry for information regarding sexual
1704 predators and sexual offenders when an offender is
1705 placed on misdemeanor probation; amending s. 944.606,
1706 F.S.; revising address reporting requirements for
1707 sexual offenders; amending s. 944.607, F.S.; requiring
1708 additional registration information from sex offenders
1709 who are under the supervision of the Department of
1710 Corrections but who are not incarcerated; amending s.
1711 947.1405, F.S.; revising provisions relating to
1712 polygraph examinations of specified conditional
1713 releasees who have committed specified sexual
1714 offenses; providing additional restrictions for
1715 certain conditional releasees who have committed
1716 specified sexual offenses against minors under the age
1717 of 18 or have similar convictions in another
1718 jurisdiction; amending s. 948.30, F.S.; revising
1719 provisions relating to polygraph examinations of
1720 specified probationers or community controllees who
1721 have committed specified sexual offenses; providing
1722 additional restrictions for certain probationers or
1723 community controllees who committed specified sexual



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1724 offenses against minors under the age of 18 or who
1725 have similar convictions in another jurisdiction;
1726 amending s. 948.31, F.S.; deleting a requirement for
1727 diagnosis of certain sexual predators and sexual
1728 offenders on community control; revising provisions
1729 relating to treatment for such offenders and
1730 predators; amending s. 985.481, F.S.; providing
1731 additional address reporting requirements for sexual
1732 offenders adjudicated delinquent; amending s.
1733 985.4815, F.S.; revising provisions relating to
1734 address and residence reporting requirements for
1735 sexual offenders adjudicated delinquent; providing
1736 legislative intent; providing severability; providing
1737 an effective date.