

By Senators Crist and Aronberg

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1 A bill to be entitled
2 An act relating to sexual offenders and predators;
3 creating s. 856.022, F.S.; prohibiting loitering or
4 prowling by certain offenders within a specified
5 distance of places where children regularly
6 congregate; prohibiting certain actions toward a child
7 at a public park or playground by certain offenders;
8 prohibiting the presence of certain offenders at or on
9 real property comprising a child care facility or pre-
10 K through 12 school without notice and supervision;
11 providing exceptions; providing penalties; amending s.
12 775.21, F.S.; revising and providing definitions;
13 revising provisions relating to residence reporting
14 requirements for sexual predators; creating s.
15 775.215, F.S.; preempting certain local ordinances
16 relating to residency limitations for sexual predators
17 and offenders and providing for repeal of such
18 ordinances; providing for limited exceptions for
19 distance provisions in ordinances meeting specified
20 requirements; amending s. 943.0435, F.S.; revising
21 provisions relating to residence reporting
22 requirements for sexual offenders; amending s.
23 943.04352, F.S.; requiring that the probation services
24 provider search in an additional specified sex
25 offender registry for information regarding sexual
26 predators and sexual offenders when an offender is
27 placed on misdemeanor probation; amending s. 944.606,
28 F.S.; revising address reporting requirements for
29 sexual offenders; amending s. 944.607, F.S.; requiring

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30 additional registration information from sex offenders
31 who are under the supervision of the Department of
32 Corrections but who are not incarcerated; amending s.
33 947.1405, F.S.; revising provisions relating to
34 polygraph examinations of specified conditional
35 releasees who have committed specified sexual
36 offenses; providing additional restrictions for
37 certain conditional releasees who committed sexual
38 offenses with minors under the age of 16 or who have
39 been designated as sexual predators or received
40 similar designations or determinations in another
41 jurisdiction; amending s. 948.30, F.S.; revising
42 provisions relating to polygraph examinations of
43 specified probationers or community controllees who
44 have committed specified sexual offenses; providing
45 additional restrictions for certain probationers or
46 community controllees who committed specified sexual
47 offenses against minors under the age of 16 or who
48 have been designated as sexual predators or received
49 similar designations or determinations in another
50 jurisdiction; amending s. 948.31, F.S.; deleting a
51 requirement for diagnosis of certain sexual predators
52 and sexual offenders on community control; revising
53 provisions relating to treatment for such offenders
54 and predators; amending s. 985.481, F.S.; providing
55 additional address reporting requirements for sexual
56 offenders adjudicated delinquent; amending s.
57 985.4815, F.S.; providing transient and temporary
58 residence reporting requirements for sexual offenders

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59 adjudicated delinquent; providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Section 856.022, Florida Statutes, is created to
64 read:

65 856.022 Loitering or prowling by certain offenders in close
66 proximity to children; penalty.-

67 (1) This section applies to an offender convicted of
68 committing, or attempting, soliciting, or conspiring to commit,
69 any of the criminal offenses proscribed in the following
70 statutes in this state or similar offenses in another
71 jurisdiction against a victim who was under 18 years of age at
72 the time of the offense: s. 787.01, s. 787.02, or s.
73 787.025(2)(c), where the victim is a minor and the offender was
74 not the victim's parent or guardian; s. 794.011, excluding s.
75 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
76 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
77 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
78 985.701(1); or any similar offense committed in this state which
79 has been redesignated from a former statute number to one of
80 those listed in this subsection, if the offender has not
81 received a pardon for any felony or similar law of another
82 jurisdiction which is necessary for the operation of this
83 subsection and a conviction of a felony or similar law of
84 another jurisdiction which is necessary to the operation of this
85 subsection has not been set aside in any postconviction
86 proceeding.

87 (2) An offender described in subsection (1) commits

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88 loitering and prowling by a person convicted of a sexual offense
89 against a minor if, in committing loitering and prowling, he or
90 she was within 300 feet of a place where children regularly
91 congregate, including, but not limited to, a school, day care
92 center, playground, or park.

93 (3) An offender described in subsection (1) may not:

94 (a) Knowingly approach, contact, or communicate with a
95 child under 18 years of age in any public park building or on
96 real property comprising any public park or playground with
97 intent to engage in conduct of a sexual nature, or to engage in
98 communication of any type containing any content of a sexual
99 nature. This paragraph applies only to an offender described in
100 subsection (1) whose offense was committed on or after July 1,
101 2010.

102 (b)1. Knowingly be present in any child care facility or
103 pre-K through 12 school or on real property comprising any child
104 care facility or pre-K through 12 school when the child care
105 facility or school is in operation unless the offender has
106 provided written notification of his or her intent to be present
107 to the school board, superintendent, principal, or child care
108 facility owner, and the offender is a parent or guardian of a
109 person under 18 years of age who is also present within close
110 proximity in the building or on the grounds. The offender is
111 responsible for notifying the child care facility owner or the
112 principal's office when he or she arrives and departs the child
113 care facility or school. If the offender is to be present in the
114 vicinity of children, the offender shall remain under direct
115 supervision of a child care facility or school official or
116 designated chaperone.

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117 2. Fail to notify the child care facility owner or the
118 principal's office when he or she arrives and departs the child
119 care facility or school.

120 3. Fail to remain under direct supervision of a school
121 official or designated chaperone when present in the vicinity of
122 children. As used in this paragraph, the term "school official"
123 means a principal, school resource officer, teacher or any other
124 employee of the school, the superintendent of schools, a child
125 care facility owner, or a child care provider.

126 (4) The offender is not in violation of subsection (3) if:

127 (a) The child care facility or school is a voting location
128 and the offender is present for the purpose of voting during the
129 hours designated for voting; or

130 (b) The offender is only dropping off or picking up his or
131 her own children or grandchildren at the child care facility or
132 school.

133 (5) Any person who violates this section commits a
134 misdemeanor of the first degree, punishable as provided in s.
135 775.082 or s. 775.083.

136 Section 2. Paragraph (g) of subsection (2), paragraph (c)
137 of subsection (4), paragraph (a) of subsection (5), paragraphs
138 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of
139 subsection (7), and paragraph (a) of subsection (8) of section
140 775.21, Florida Statutes, are amended, and paragraph (1) is
141 added to subsection (2) of that section, to read:

142 775.21 The Florida Sexual Predators Act.—

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

144 (g) "Temporary residence" means a place where the person
145 abides, lodges, or resides, including, but not limited to,

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146 vacation, business, or personal travel destinations in or out of
147 this state, for a period of 5 or more days in the aggregate
148 during any calendar year and which is not the person's permanent
149 address or, for a person whose permanent residence is not in
150 this state, a place where the person is employed, practices a
151 vocation, or is enrolled as a student for any period of time in
152 this state.

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

159 (4) SEXUAL PREDATOR CRITERIA.—

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

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

166 2. The offender was administratively registered as a sexual
167 predator because the Department of Corrections, the department,
168 or any other law enforcement agency obtained information that
169 indicated that the offender met the criteria for designation as
170 a sexual predator based on a violation of a similar law in
171 another jurisdiction,

172
173 the department shall remove that offender from the department's
174 list of sexual predators and, for an offender described under

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175 subparagraph 1., shall notify the state attorney who prosecuted
176 the offense that met the criteria for administrative designation
177 as a sexual predator, and, for an offender described under this
178 paragraph, shall notify the state attorney of the county where
179 the offender establishes or maintains a permanent, ~~or~~ temporary,
180 or transient residence. The state attorney shall bring the
181 matter to the court's attention in order to establish that the
182 offender meets the criteria for designation as a sexual
183 predator. If the court makes a written finding that the offender
184 is a sexual predator, the offender must be designated as a
185 sexual predator, must register or be registered as a sexual
186 predator with the department as provided in subsection (6), and
187 is subject to the community and public notification as provided
188 in subsection (7). If the court does not make a written finding
189 that the offender is a sexual predator, the offender may not be
190 designated as a sexual predator with respect to that offense and
191 is not required to register or be registered as a sexual
192 predator with the department.

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

195 (a)1. An offender who meets the sexual predator criteria
196 described in paragraph (4)(d) is a sexual predator, and the
197 court shall make a written finding at the time such offender is
198 determined to be a sexually violent predator under chapter 394
199 that such person meets the criteria for designation as a sexual
200 predator for purposes of this section. The clerk shall transmit
201 a copy of the order containing the written finding to the
202 department within 48 hours after the entry of the order;

203 2. An offender who meets the sexual predator criteria

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204 described in paragraph (4) (a) who is before the court for
205 sentencing for a current offense committed on or after October
206 1, 1993, is a sexual predator, and the sentencing court must
207 make a written finding at the time of sentencing that the
208 offender is a sexual predator, and the clerk of the court shall
209 transmit a copy of the order containing the written finding to
210 the department within 48 hours after the entry of the order; or

211 3. If the Department of Corrections, the department, or any
212 other law enforcement agency obtains information which indicates
213 that an offender who establishes or maintains a permanent, ~~or~~
214 temporary, or transient residence in this state meets the sexual
215 predator criteria described in paragraph (4) (a) or paragraph
216 (4) (d) because the offender was civilly committed or committed a
217 similar violation in another jurisdiction on or after October 1,
218 1993, the Department of Corrections, the department, or the law
219 enforcement agency shall notify the state attorney of the county
220 where the offender establishes or maintains a permanent, ~~or~~
221 temporary, or transient residence of the offender's presence in
222 the community. The state attorney shall file a petition with the
223 criminal division of the circuit court for the purpose of
224 holding a hearing to determine if the offender's criminal record
225 or record of civil commitment from another jurisdiction meets
226 the sexual predator criteria. If the court finds that the
227 offender meets the sexual predator criteria because the offender
228 has violated a similar law or similar laws in another
229 jurisdiction, the court shall make a written finding that the
230 offender is a sexual predator.

231
232 When the court makes a written finding that an offender is a

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233 sexual predator, the court shall inform the sexual predator of
234 the registration and community and public notification
235 requirements described in this section. Within 48 hours after
236 the court designating an offender as a sexual predator, the
237 clerk of the circuit court shall transmit a copy of the court's
238 written sexual predator finding to the department. If the
239 offender is sentenced to a term of imprisonment or supervision,
240 a copy of the court's written sexual predator finding must be
241 submitted to the Department of Corrections.

242 (6) REGISTRATION.—

243 (a) A sexual predator must register with the department
244 through the sheriff's office by providing the following
245 information to the department:

246 1. Name, social security number, age, race, sex, date of
247 birth, height, weight, hair and eye color, photograph, address
248 of legal residence and address of any current temporary
249 residence, within the state or out of state, including a rural
250 route address and a post office box, if no permanent or
251 temporary address, any transient residence within the state,
252 address, location, or description and dates of any current or
253 known future temporary residence within the state or out of
254 state, any electronic mail address and any instant message name
255 required to be provided pursuant to subparagraph (g)4., home
256 telephone number and any cellular telephone number, date and
257 place of any employment, date and place of each conviction,
258 fingerprints, and a brief description of the crime or crimes
259 committed by the offender. A post office box shall not be
260 provided in lieu of a physical residential address.

261 a. If the sexual predator's place of residence is a motor

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262 vehicle, trailer, mobile home, or manufactured home, as defined
263 in chapter 320, the sexual predator shall also provide to the
264 department written notice of the vehicle identification number;
265 the license tag number; the registration number; and a
266 description, including color scheme, of the motor vehicle,
267 trailer, mobile home, or manufactured home. If a sexual
268 predator's place of residence is a vessel, live-aboard vessel,
269 or houseboat, as defined in chapter 327, the sexual predator
270 shall also provide to the department written notice of the hull
271 identification number; the manufacturer's serial number; the
272 name of the vessel, live-aboard vessel, or houseboat; the
273 registration number; and a description, including color scheme,
274 of the vessel, live-aboard vessel, or houseboat.

275 b. If the sexual predator is enrolled, employed, or
276 carrying on a vocation at an institution of higher education in
277 this state, the sexual predator shall also provide to the
278 department the name, address, and county of each institution,
279 including each campus attended, and the sexual predator's
280 enrollment or employment status. Each change in enrollment or
281 employment status shall be reported in person at the sheriff's
282 office, or the Department of Corrections if the sexual predator
283 is in the custody or control of or under the supervision of the
284 Department of Corrections, within 48 hours after any change in
285 status. The sheriff or the Department of Corrections shall
286 promptly notify each institution of the sexual predator's
287 presence and any change in the sexual predator's enrollment or
288 employment status.

289 2. Any other information determined necessary by the
290 department, including criminal and corrections records;

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291 nonprivileged personnel and treatment records; and evidentiary
292 genetic markers when available.

293 (f) Within 48 hours after the registration required under
294 paragraph (a) or paragraph (e), a sexual predator who is not
295 incarcerated and who resides in the community, including a
296 sexual predator under the supervision of the Department of
297 Corrections, shall register in person at a driver's license
298 office of the Department of Highway Safety and Motor Vehicles
299 and shall present proof of registration. At the driver's license
300 office the sexual predator shall:

301 1. If otherwise qualified, secure a Florida driver's
302 license, renew a Florida driver's license, or secure an
303 identification card. The sexual predator shall identify himself
304 or herself as a sexual predator who is required to comply with
305 this section, provide his or her place of permanent, ~~or~~
306 temporary, or transient residence, including a rural route
307 address and a post office box, and submit to the taking of a
308 photograph for use in issuing a driver's license, renewed
309 license, or identification card, and for use by the department
310 in maintaining current records of sexual predators. A post
311 office box shall not be provided in lieu of a physical
312 residential address. If the sexual predator's place of residence
313 is a motor vehicle, trailer, mobile home, or manufactured home,
314 as defined in chapter 320, the sexual predator shall also
315 provide to the Department of Highway Safety and Motor Vehicles
316 the vehicle identification number; the license tag number; the
317 registration number; and a description, including color scheme,
318 of the motor vehicle, trailer, mobile home, or manufactured
319 home. If a sexual predator's place of residence is a vessel,

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320 live-aboard vessel, or houseboat, as defined in chapter 327, the
321 sexual predator shall also provide to the Department of Highway
322 Safety and Motor Vehicles the hull identification number; the
323 manufacturer's serial number; the name of the vessel, live-
324 aboard vessel, or houseboat; the registration number; and a
325 description, including color scheme, of the vessel, live-aboard
326 vessel, or houseboat.

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

332 3. Provide, upon request, any additional information
333 necessary to confirm the identity of the sexual predator,
334 including a set of fingerprints.

335 (g)1. Each time a sexual predator's driver's license or
336 identification card is subject to renewal, and, without regard
337 to the status of the predator's driver's license or
338 identification card, within 48 hours after any change of the
339 predator's residence or change in the predator's name by reason
340 of marriage or other legal process, the predator shall report in
341 person to a driver's license office and shall be subject to the
342 requirements specified in paragraph (f). The Department of
343 Highway Safety and Motor Vehicles shall forward to the
344 department and to the Department of Corrections all photographs
345 and information provided by sexual predators. Notwithstanding
346 the restrictions set forth in s. 322.142, the Department of
347 Highway Safety and Motor Vehicles is authorized to release a
348 reproduction of a color-photograph or digital-image license to

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349 the Department of Law Enforcement for purposes of public
350 notification of sexual predators as provided in this section.

351 2. A sexual predator who vacates a permanent, temporary, or
352 transient residence and fails to establish or maintain another
353 permanent, ~~or~~ temporary, or transient residence shall, within 48
354 hours after vacating the permanent, temporary, or transient
355 residence, report in person to the sheriff's office of the
356 county in which he or she is located. The sexual predator shall
357 specify the date upon which he or she intends to or did vacate
358 such residence. The sexual predator must provide or update all
359 of the registration information required under paragraph (a).
360 The sexual predator must provide an address for the residence or
361 other place ~~location~~ that he or she is or will be located
362 ~~occupying~~ during the time in which he or she fails to establish
363 or maintain a permanent or temporary residence.

364 3. A sexual predator who remains at a permanent, temporary,
365 or transient residence after reporting his or her intent to
366 vacate such residence shall, within 48 hours after the date upon
367 which the predator indicated he or she would or did vacate such
368 residence, report in person to the sheriff's office to which he
369 or she reported pursuant to subparagraph 2. for the purpose of
370 reporting his or her address at such residence. When the sheriff
371 receives the report, the sheriff shall promptly convey the
372 information to the department. An offender who makes a report as
373 required under subparagraph 2. but fails to make a report as
374 required under this subparagraph commits a felony of the second
375 degree, punishable as provided in s. 775.082, s. 775.083, or s.
376 775.084.

377 4. A sexual predator must register any electronic mail

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378 address or instant message name with the department prior to
379 using such electronic mail address or instant message name on or
380 after October 1, 2007. The department shall establish an online
381 system through which sexual predators may securely access and
382 update all electronic mail address and instant message name
383 information.

384 (i) A sexual predator who intends to establish a permanent,
385 temporary, or transient residence in another state or
386 jurisdiction other than the State of Florida shall report in
387 person to the sheriff of the county of current residence within
388 48 hours before the date he or she intends to leave this state
389 to establish residence in another state or jurisdiction. The
390 sexual predator must provide to the sheriff the address,
391 municipality, county, and state of intended residence. The
392 sheriff shall promptly provide to the department the information
393 received from the sexual predator. The department shall notify
394 the statewide law enforcement agency, or a comparable agency, in
395 the intended state or jurisdiction of residence of the sexual
396 predator's intended residence. The failure of a sexual predator
397 to provide his or her intended place of residence is punishable
398 as provided in subsection (10).

399 (j) A sexual predator who indicates his or her intent to
400 reside or establish a permanent, temporary, or transient
401 residence in another state or jurisdiction other than the State
402 of Florida and later decides to remain in this state shall,
403 within 48 hours after the date upon which the sexual predator
404 indicated he or she would leave this state, report in person to
405 the sheriff to which the sexual predator reported the intended
406 change of residence, and report his or her intent to remain in

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407 this state. If the sheriff is notified by the sexual predator
408 that he or she intends to remain in this state, the sheriff
409 shall promptly report this information to the department. A
410 sexual predator who reports his or her intent to reside or
411 establish a permanent, temporary, or transient residence in
412 another state or jurisdiction, but who remains in this state
413 without reporting to the sheriff in the manner required by this
414 paragraph, commits a felony of the second degree, punishable as
415 provided in s. 775.082, s. 775.083, or s. 775.084.

416 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

417 (a) Law enforcement agencies must inform members of the
418 community and the public of a sexual predator's presence. Upon
419 notification of the presence of a sexual predator, the sheriff
420 of the county or the chief of police of the municipality where
421 the sexual predator establishes or maintains a permanent or
422 temporary residence shall notify members of the community and
423 the public of the presence of the sexual predator in a manner
424 deemed appropriate by the sheriff or the chief of police. Within
425 48 hours after receiving notification of the presence of a
426 sexual predator, the sheriff of the county or the chief of
427 police of the municipality where the sexual predator temporarily
428 or permanently resides shall notify each licensed day care
429 center, elementary school, middle school, and high school within
430 a 1-mile radius of the temporary or permanent residence of the
431 sexual predator of the presence of the sexual predator.

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

- 434 1. The name of the sexual predator;
- 435 2. A description of the sexual predator, including a

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436 photograph;

437 3. The sexual predator's current permanent, temporary, and
438 transient addresses, and descriptions of registered locations
439 that have no specific street address, including the name of the
440 county or municipality if known;

441 4. The circumstances of the sexual predator's offense or
442 offenses; and

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

445

446 This paragraph does not authorize the release of the name of any
447 victim of the sexual predator.

448 (8) VERIFICATION.—The department and the Department of
449 Corrections shall implement a system for verifying the addresses
450 of sexual predators. The system must be consistent with the
451 provisions of the federal Adam Walsh Child Protection and Safety
452 Act of 2006 and any other federal standards applicable to such
453 verification or required to be met as a condition for the
454 receipt of federal funds by the state. The Department of
455 Corrections shall verify the addresses of sexual predators who
456 are not incarcerated but who reside in the community under the
457 supervision of the Department of Corrections and shall report to
458 the department any failure by a sexual predator to comply with
459 registration requirements. County and local law enforcement
460 agencies, in conjunction with the department, shall verify the
461 addresses of sexual predators who are not under the care,
462 custody, control, or supervision of the Department of
463 Corrections. Local law enforcement agencies shall report to the
464 department any failure by a sexual predator to comply with

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465 registration requirements.

466 (a) A sexual predator must report in person each year
467 during the month of the sexual predator's birthday and during
468 every third month thereafter to the sheriff's office in the
469 county in which he or she resides or is otherwise located to
470 reregister. The sheriff's office may determine the appropriate
471 times and days for reporting by the sexual predator, which shall
472 be consistent with the reporting requirements of this paragraph.
473 Reregistration shall include any changes to the following
474 information:

475 1. Name; social security number; age; race; sex; date of
476 birth; height; weight; hair and eye color; address of any
477 permanent residence and address of any current temporary
478 residence, within the state or out of state, including a rural
479 route address and a post office box; if no permanent or
480 temporary address, any transient residence within the state;
481 address, location, or description and dates of any current or
482 known future temporary residence within the state or out of
483 state; any electronic mail address and any instant message name
484 required to be provided pursuant to subparagraph (6)(g)4.; home
485 telephone number and any cellular telephone number; date and
486 place of any employment; vehicle make, model, color, and license
487 tag number; fingerprints; and photograph. A post office box
488 shall not be provided in lieu of a physical residential address.

489 2. If the sexual predator is enrolled, employed, or
490 carrying on a vocation at an institution of higher education in
491 this state, the sexual predator shall also provide to the
492 department the name, address, and county of each institution,
493 including each campus attended, and the sexual predator's

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494 enrollment or employment status.

495 3. If the sexual predator's place of residence is a motor
496 vehicle, trailer, mobile home, or manufactured home, as defined
497 in chapter 320, the sexual predator shall also provide the
498 vehicle identification number; the license tag number; the
499 registration number; and a description, including color scheme,
500 of the motor vehicle, trailer, mobile home, or manufactured
501 home. If the sexual predator's place of residence is a vessel,
502 live-aboard vessel, or houseboat, as defined in chapter 327, the
503 sexual predator shall also provide the hull identification
504 number; the manufacturer's serial number; the name of the
505 vessel, live-aboard vessel, or houseboat; the registration
506 number; and a description, including color scheme, of the
507 vessel, live-aboard vessel, or houseboat.

508 Section 3. Section 775.215, Florida Statutes, is created to
509 read:

510 775.215 Residency exclusions for sexual offenders or
511 predators; local ordinances preempted.-

512 (1) The creation of a residency restriction applicable to a
513 person required to register as a sexual predator is expressly
514 preempted to the state, and the provisions of ss. 794.065,
515 947.1405, and 948.30 establishing such exclusions supersede any
516 municipal or county ordinance imposing different exclusions.

517 (2) (a) An ordinance adopted by a county or municipality
518 before July 1, 2010, imposing residency restrictions for a
519 person subject to s. 794.065, s. 947.1405, or s. 948.30, which
520 are in excess of the requirements of those sections, are
521 repealed and abolished as of July 1, 2010, except to the extent
522 that an ordinance as provided in paragraph (b) is adopted before

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523 that date.

524 (b) A county or municipality may, upon the recommendation
525 of its chief law enforcement officer and upon a finding of
526 public necessity, adopt an ordinance that increases the distance
527 exclusions for the residence of a person subject to s. 794.065,
528 s. 947.1405, or s. 948.30 up to a maximum distance of 1,750
529 feet.

530 Section 4. Paragraph (c) of subsection (1), subsection (2),
531 paragraphs (a), (b), and (c) of subsection (4), subsections (7),
532 (8), and (10), and paragraph (c) of subsection (14) of section
533 943.0435, Florida Statutes, are amended to read:

534 943.0435 Sexual offenders required to register with the
535 department; penalty.—

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

537 (c) "Permanent residence," ~~and~~ "temporary residence," and
538 "transient residence" have the same meaning ascribed in s.
539 775.21.

540 (2) A sexual offender shall:

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

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

545 a. Establishing permanent, ~~or~~ temporary, or transient
546 residence in this state or attaining transient status; or

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

550 2. In the county where he or she was convicted within 48
551 hours after being convicted for a qualifying offense for

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552 registration under this section if the offender is not in the
553 custody or control of, or under the supervision of, the
554 Department of Corrections, or is not in the custody of a private
555 correctional facility.

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

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

580 1. If the sexual offender's place of residence is a motor

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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
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

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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
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 residence, report
633 in person to the sheriff's office of the county in which he or
634 she is located. The sexual offender shall specify the date upon
635 which he or she intends to or did vacate such residence. The
636 sexual offender must provide or update all of the registration
637 information required under paragraph (2) (b). The sexual offender
638 must provide an address for the residence or other place

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639 ~~location~~ that he or she is or will be located ~~occupying~~ during
640 the time in which he or she fails to establish or maintain a
641 permanent or temporary residence.

642 (c) A sexual offender who remains at a permanent,
643 temporary, or transient residence after reporting his or her
644 intent to vacate such residence shall, within 48 hours after the
645 date upon which the offender indicated he or she would or did
646 vacate such residence, report in person to the agency to which
647 he or she reported pursuant to paragraph (b) for the purpose of
648 reporting his or her address at such residence. When the sheriff
649 receives the report, the sheriff shall promptly convey the
650 information to the department. An offender who makes a report as
651 required under paragraph (b) but fails to make a report as
652 required under this paragraph commits a felony of the second
653 degree, punishable as provided in s. 775.082, s. 775.083, or s.
654 775.084.

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

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668 his or her intended place of residence is punishable as provided
669 in subsection (9).

670 (8) A sexual offender who indicates his or her intent to
671 reside or establish a temporary or transient residence in
672 another state or jurisdiction other than the State of Florida
673 and later decides to remain in this state shall, within 48 hours
674 after the date upon which the sexual offender indicated he or
675 she would leave this state, report in person to the sheriff to
676 which the sexual offender reported the intended change of
677 permanent, temporary, or transient residence, and report his or
678 her intent to remain in this state. The sheriff shall promptly
679 report this information to the department. A sexual offender who
680 reports his or her intent to reside or establish a permanent,
681 temporary, or transient residence in another state or
682 jurisdiction but who remains in this state without reporting to
683 the sheriff in the manner required by this subsection commits a
684 felony of the second degree, punishable as provided in s.
685 775.082, s. 775.083, or s. 775.084.

686 (10) The department, the Department of Highway Safety and
687 Motor Vehicles, the Department of Corrections, the Department of
688 Juvenile Justice, any law enforcement agency in this state, and
689 the personnel of those departments; an elected or appointed
690 official, public employee, or school administrator; or an
691 employee, agency, or any individual or entity acting at the
692 request or upon the direction of any law enforcement agency is
693 immune from civil liability for damages for good faith
694 compliance with the requirements of this section or for the
695 release of information under this section, and shall be presumed
696 to have acted in good faith in compiling, recording, reporting,

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697 or releasing the information. The presumption of good faith is
698 not overcome if a technical or clerical error is made by the
699 department, the Department of Highway Safety and Motor Vehicles,
700 the Department of Corrections, the Department of Juvenile
701 Justice, the personnel of those departments, or any individual
702 or entity acting at the request or upon the direction of any of
703 those departments in compiling or providing information, or if
704 information is incomplete or incorrect because a sexual offender
705 fails to report or falsely reports his or her current place of
706 permanent, ~~or~~ temporary, or transient residence.

707 (14)

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

713 1. Name; social security number; age; race; sex; date of
714 birth; height; weight; hair and eye color; address of any
715 permanent residence and address of any current temporary
716 residence, within the state or out of state, including a rural
717 route address and a post office box; if no permanent or
718 temporary address, any transient residence within the state;
719 address, location, or description and dates of any current or
720 known future temporary residence within the state or out of
721 state; any electronic mail address and any instant message name
722 required to be provided pursuant to paragraph (4) (d); home
723 telephone number and any cellular telephone number; date and
724 place of any employment; vehicle make, model, color, and license
725 tag number; fingerprints; and photograph. A post office box

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726 shall not be provided in lieu of a physical residential address.

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

733 3. If the sexual offender's place of residence is a motor
734 vehicle, trailer, mobile home, or manufactured home, as defined
735 in chapter 320, the sexual offender shall also provide the
736 vehicle identification number; the license tag number; the
737 registration number; and a description, including color scheme,
738 of the motor vehicle, trailer, mobile home, or manufactured
739 home. If the sexual offender's place of residence is a vessel,
740 live-aboard vessel, or houseboat, as defined in chapter 327, the
741 sexual offender shall also provide the hull identification
742 number; the manufacturer's serial number; the name of the
743 vessel, live-aboard vessel, or houseboat; the registration
744 number; and a description, including color scheme, of the
745 vessel, live-aboard vessel or houseboat.

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

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

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755 943.04352 Search of registration information regarding
756 sexual predators and sexual offenders required when placement on
757 misdemeanor probation.—When the court places a defendant on
758 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
759 public or private entity providing probation services must
760 conduct a search of the probationer's name or other identifying
761 information against the registration information regarding
762 sexual predators and sexual offenders maintained by the
763 Department of Law Enforcement under s. 943.043. The probation
764 services provider may conduct the search using the Internet site
765 maintained by the Department of Law Enforcement. Also, a
766 national search must be conducted through the National Sex
767 Offender Registry maintained by the United States Department of
768 Justice.

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

771 944.606 Sexual offenders; notification upon release.—

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

775 1. The department must provide: the sexual offender's name,
776 any change in the offender's name by reason of marriage or other
777 legal process, and any alias, if known; the correctional
778 facility from which the sexual offender is released; the sexual
779 offender's social security number, race, sex, date of birth,
780 height, weight, and hair and eye color; address of any planned
781 permanent residence or temporary residence within the state or
782 out of state, including a rural route address and a post office
783 box; if no permanent or temporary address, any transient

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784 residence within the state; address, location, or description
785 and dates of any known future temporary residence within the
786 state or out of state; date and county of sentence and each
787 crime for which the offender was sentenced; a copy of the
788 offender's fingerprints and a digitized photograph taken within
789 60 days before release; the date of release of the sexual
790 offender; any electronic mail address and any instant message
791 name required to be provided pursuant to s. 943.0435(4)(d); home
792 telephone number and any cellular telephone number; and the
793 offender's intended residence address, if known. The department
794 shall notify the Department of Law Enforcement if the sexual
795 offender escapes, absconds, or dies. If the sexual offender is
796 in the custody of a private correctional facility, the facility
797 shall take the digitized photograph of the sexual offender
798 within 60 days before the sexual offender's release and provide
799 this photograph to the Department of Corrections and also place
800 it in the sexual offender's file. If the sexual offender is in
801 the custody of a local jail, the custodian of the local jail
802 shall register the offender within 3 business days after intake
803 of the offender for any reason and upon release, and shall
804 notify the Department of Law Enforcement of the sexual
805 offender's release and provide to the Department of Law
806 Enforcement the information specified in this paragraph and any
807 information specified in subparagraph 2. that the Department of
808 Law Enforcement requests.

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

812 Section 7. Subsections (4) and (6) and paragraph (c) of

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813 subsection (13) of section 944.607, Florida Statutes, are
814 amended to read:

815 944.607 Notification to Department of Law Enforcement of
816 information on sexual offenders.—

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

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

840 (b) If the sexual offender is enrolled, employed, or
841 carrying on a vocation at an institution of higher education in

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842 this state, the sexual offender shall provide the name, address,
843 and county of each institution, including each campus attended,
844 and the sexual offender's enrollment or employment status. Each
845 change in enrollment or employment status shall be reported to
846 the department within 48 hours after the change in status. The
847 Department of Corrections shall promptly notify each institution
848 of the sexual offender's presence and any change in the sexual
849 offender's enrollment or employment status.

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

852 (a) The information obtained from the sexual offender under
853 subsection (4);

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

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

870 (d) The location of, and local telephone number for, any

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871 Department of Corrections' office that is responsible for
872 supervising the sexual offender;

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

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

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

893
894 If any information provided by the department changes during the
895 time the sexual offender is under the department's control,
896 custody, or supervision, including any change in the offender's
897 name by reason of marriage or other legal process, the
898 department shall, in a timely manner, update the information and
899 provide it to the Department of Law Enforcement in the manner

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900 prescribed in subsection (2).

901 (13)

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

907 1. Name; social security number; age; race; sex; date of
908 birth; height; weight; hair and eye color; address of any
909 permanent residence and address of any current temporary
910 residence, within the state or out of state, including a rural
911 route address and a post office box; if no permanent or
912 temporary address, any transient residence; address, location,
913 or description and dates of any current or known future
914 temporary residence both within the state and out of state; any
915 electronic mail address and any instant message name required to
916 be provided pursuant to s. 943.0435(4) (d); date and place of any
917 employment; vehicle make, model, color, and license tag number;
918 fingerprints; and photograph. A post office box shall not be
919 provided in lieu of a physical residential address.

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

926 3. If the sexual offender's place of residence is a motor
927 vehicle, trailer, mobile home, or manufactured home, as defined
928 in chapter 320, the sexual offender shall also provide the

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

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

946 Section 8. Paragraph (b) of subsection (7) of section
947 947.1405, Florida Statutes, is amended, and subsection (12) is
948 added to that section, to read:

949 947.1405 Conditional release program.-

950 (7)

951 (b) For a releasee whose crime was committed on or after
952 October 1, 1997, in violation of chapter 794, s. 800.04, s.
953 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
954 conditional release supervision, in addition to any other
955 provision of this subsection, the commission shall impose the
956 following additional conditions of conditional release
957 supervision:

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958 1. As part of a treatment program, participation in a
959 minimum of one annual polygraph examination to obtain
960 information necessary for risk management and treatment and to
961 reduce the sex offender's denial mechanisms. The polygraph
962 examination must be conducted by a polygrapher trained
963 specifically in the use of the polygraph for the monitoring of
964 sex offenders who has been authorized by the department, where
965 available, and at the expense of the releasee ~~sex offender~~. The
966 results of the examination shall be provided to the releasee's
967 probation officer and therapist and may not be used as evidence
968 in a hearing to prove that a violation of supervision has
969 occurred.

970 2. Maintenance of a driving log and a prohibition against
971 driving a motor vehicle alone without the prior approval of the
972 supervising officer.

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

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

979 5. Electronic monitoring of any form when ordered by the
980 commission. Any person who has been placed under supervision and
981 is electronically monitored by the department must pay the
982 department for the cost of the electronic monitoring service at
983 a rate that may not exceed the full cost of the monitoring
984 service. Funds collected under this subparagraph shall be
985 deposited into the General Revenue Fund. The department may
986 exempt a person from the payment of all or any part of the

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987 electronic monitoring service cost if the department finds that
988 any of the factors listed in s. 948.09(3) exist.

989 (12) In addition to any other condition imposed on a person
990 who has been placed under supervision who is subject to
991 conditional release for a crime that was committed on or after
992 July 1, 2010, and who has been convicted at any time of
993 committing, or attempting, soliciting, or conspiring to commit,
994 any of the criminal offenses proscribed in the following
995 statutes in this state or similar offenses in another
996 jurisdiction against a victim who was under the age of 18 at the
997 time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c),
998 where the victim is a minor and the offender was not the
999 victim's parent or guardian; s. 794.011, excluding s.
1000 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1001 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1002 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
1003 985.701(1); or any similar offense committed in this state which
1004 has been redesignated from a former statute number to one of
1005 those listed in this subsection, if the offender has not
1006 received a pardon for any felony or similar law of another
1007 jurisdiction necessary for the operation of this subsection and
1008 a conviction of a felony or similar law of another jurisdiction
1009 necessary for the operation of this subsection has not been set
1010 aside in any postconviction proceeding, unless at the time of
1011 the crime was committed the victim was 16 or 17 years of age and
1012 the releasee was not more than 21 years of age, the commission
1013 must impose the following conditions:

1014 (a) A prohibition on visiting areas where children
1015 regularly congregate, including, but not limited to, schools,

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1016 day care centers, parks, and playgrounds. The commission may
1017 also designate additional locations to protect a victim. The
1018 prohibition ordered under this paragraph does not prohibit the
1019 releasee's attendance at religious services as defined in s.
1020 775.0861.

1021 (b) A prohibition on distributing candy or other items to
1022 children on Halloween; wearing a Santa Claus costume, or other
1023 costume that is intended to appeal to children, on or
1024 immediately preceding Christmas; wearing an Easter Bunny
1025 costume, or other costume that is intended to appeal to children
1026 on or immediately preceding Easter; entertaining at children's
1027 parties; or wearing a clown costume, without prior approval from
1028 the commission.

1029 Section 9. Paragraph (a) of subsection (2) of section
1030 948.30, Florida Statutes, is amended, and subsection (4) is
1031 added to that section, to read:

1032 948.30 Additional terms and conditions of probation or
1033 community control for certain sex offenses.—Conditions imposed
1034 pursuant to this section do not require oral pronouncement at
1035 the time of sentencing and shall be considered standard
1036 conditions of probation or community control for offenders
1037 specified in this section.

1038 (2) Effective for a probationer or community controllee
1039 whose crime was committed on or after October 1, 1997, and who
1040 is placed on community control or sex offender probation for a
1041 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
1042 or s. 847.0145, in addition to any other provision of this
1043 section, the court must impose the following conditions of
1044 probation or community control:

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1045 (a) As part of a treatment program, participation at least
1046 annually in polygraph examinations to obtain information
1047 necessary for risk management and treatment and to reduce the
1048 sex offender's denial mechanisms. A polygraph examination must
1049 be conducted by a polygrapher trained specifically in the use of
1050 the polygraph for the monitoring of sex offenders who has been
1051 authorized by the department and approved by the court, where
1052 available, and shall be paid for by the probationer or community
1053 controllee ~~sex offender~~. The results of the polygraph
1054 examination shall be provided to the probationer's or community
1055 controllee's probation officer and therapist and shall not be
1056 used as evidence in court to prove that a violation of community
1057 supervision has occurred.

1058 (4) In addition to any other condition imposed on a
1059 probationer or community controllee who has been placed under
1060 supervision for a crime that was committed on or after July 1,
1061 2010, and who has been convicted at any time of committing, or
1062 attempting, soliciting, or conspiring to commit, any of the
1063 criminal offenses proscribed in the following statutes in this
1064 state or similar offenses in another jurisdiction against a
1065 victim who was under the age of 18 at the time of the offense:
1066 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
1067 minor and the offender was not the victim's parent or guardian;
1068 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
1069 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
1070 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
1071 847.0145; s. 985.701(1); or any similar offense committed in
1072 this state which has been redesignated from a former statute
1073 number to one of those listed in this subsection, if the

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1074 offender has not received a pardon for any felony or similar law
1075 of another jurisdiction necessary for the operation of this
1076 subsection and a conviction of a felony or similar law of
1077 another jurisdiction necessary for the operation of this
1078 subsection has not been set aside in any postconviction
1079 proceeding, unless at the time the crime was committed the
1080 victim was 16 or 17 years of age and the offender was not more
1081 than 21 years of age, the court must impose the following
1082 conditions:

1083 (a) A prohibition on visiting areas where children
1084 regularly congregate, including, but not limited to, schools,
1085 day care centers, parks, and playgrounds. The court may also
1086 designate additional locations to protect the victim. The
1087 prohibition ordered under this paragraph does not prohibit the
1088 probationer or community controllee's attendance at religious
1089 services as defined in s. 775.0861.

1090 (b) A prohibition on participation in holiday events where
1091 children are present without prior approval from the court,
1092 including, but not limited to, distributing candy or other items
1093 to children on Halloween, entertaining at children's parties, or
1094 wearing a costume to appeal to children. Such costumes include,
1095 but are not limited to, a Santa Claus costume, an Easter Bunny
1096 costume, or a clown costume.

1097 Section 10. Section 948.31, Florida Statutes, is amended to
1098 read:

1099 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual
1100 predators and offenders placed on probation or community control
1101 ~~for certain sex offenses or child exploitation.~~ The court shall
1102 require an ~~a diagnosis and~~ evaluation to determine the need of a

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1103 probationer or community controllee ~~offender in community~~
1104 ~~control~~ for treatment. If the court determines that a need
1105 therefor is established by the such diagnosis and evaluation
1106 process, the court shall require sexual offender treatment
1107 ~~outpatient counseling~~ as a term or condition of probation or
1108 community control for any person who meets the criteria to be
1109 designated as a sexual predator under s. 775.21 or to be subject
1110 to registration as a sexual offender under s. 943.0435, s.
1111 944.606, or s. 944.607. ~~was found guilty of any of the~~
1112 ~~following, or whose plea of guilty or nolo contendere to any of~~
1113 ~~the following was accepted by the court:~~

1114 (1) ~~Lewd or lascivious battery, lewd or lascivious~~
1115 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
1116 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1117 (2) ~~Sexual battery, as defined in chapter 794, against a~~
1118 ~~child.~~

1119 (3) ~~Exploitation of a child as provided in s. 450.151, or~~
1120 ~~for prostitution.~~

1121
1122 Such treatment must ~~counseling shall~~ be required to be obtained
1123 from a qualified practitioner as defined in s. 948.001.

1124 Treatment may not be administered by a qualified practitioner
1125 who has been convicted or adjudicated delinquent of committing,
1126 or attempting, soliciting, or conspiring to commit, any offense
1127 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall
1128 impose a restriction against contact with minors if sexual
1129 offender treatment is recommended ~~community mental health~~
1130 ~~center, a recognized social service agency providing mental~~
1131 ~~health services, or a private mental health professional or~~

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1132 ~~through other professional counseling.~~ The evaluation and
1133 recommendations plan for treatment of counseling ~~for~~ the
1134 probationer or community controllee individual shall be provided
1135 to the court for review.

1136 Section 11. Paragraph (a) of subsection (3) of section
1137 985.481, Florida Statutes, is amended to read:

1138 985.481 Sexual offenders adjudicated delinquent;
1139 notification upon release.-

1140 (3) (a) The department must provide information regarding
1141 any sexual offender who is being released after serving a period
1142 of residential commitment under the department for any offense,
1143 as follows:

1144 1. The department must provide the sexual offender's name,
1145 any change in the offender's name by reason of marriage or other
1146 legal process, and any alias, if known; the correctional
1147 facility from which the sexual offender is released; the sexual
1148 offender's social security number, race, sex, date of birth,
1149 height, weight, and hair and eye color; address of any planned
1150 permanent residence or temporary residence, within the state or
1151 out of state, including a rural route address and a post office
1152 box; if no permanent or temporary address, any transient
1153 residence within the state; address, location, or description
1154 and dates of any known future temporary residence within the
1155 state or out of state; date and county of disposition and each
1156 crime for which there was a disposition; a copy of the
1157 offender's fingerprints and a digitized photograph taken within
1158 60 days before release; the date of release of the sexual
1159 offender; home telephone number and any cellular telephone
1160 number; and the offender's intended residence address, if known.

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1161 The department shall notify the Department of Law Enforcement if
1162 the sexual offender escapes, absconds, or dies. If the sexual
1163 offender is in the custody of a private correctional facility,
1164 the facility shall take the digitized photograph of the sexual
1165 offender within 60 days before the sexual offender's release and
1166 also place it in the sexual offender's file. If the sexual
1167 offender is in the custody of a local jail, the custodian of the
1168 local jail shall register the offender within 3 business days
1169 after intake of the offender for any reason and upon release,
1170 and shall notify the Department of Law Enforcement of the sexual
1171 offender's release and provide to the Department of Law
1172 Enforcement the information specified in this subparagraph and
1173 any information specified in subparagraph 2. which the
1174 Department of Law Enforcement requests.

1175 2. The department may provide any other information
1176 considered necessary, including criminal and delinquency
1177 records, when available.

1178 Section 12. Paragraph (a) of subsection (4), paragraph (a)
1179 of subsection (6), and paragraph (b) of subsection (13) of
1180 section 985.4815, Florida Statutes, are amended to read:

1181 985.4815 Notification to Department of Law Enforcement of
1182 information on juvenile sexual offenders.-

1183 (4) A sexual offender, as described in this section, who is
1184 under the supervision of the department but who is not committed
1185 must register with the department within 3 business days after
1186 adjudication and disposition for a registrable offense and
1187 otherwise provide information as required by this subsection.

1188 (a) The sexual offender shall provide his or her name; date
1189 of birth; social security number; race; sex; height; weight;

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1190 hair and eye color; tattoos or other identifying marks; and
1191 permanent or legal residence and address of temporary residence
1192 within the state or out of state while the sexual offender is in
1193 the care or custody or under the jurisdiction or supervision of
1194 the department in this state, including any rural route address
1195 or post office box, if no permanent or temporary address, any
1196 transient residence; address, location, or description and dates
1197 of any current or known future temporary residence within the
1198 state or out of state, and the name and address of each school
1199 attended. The department shall verify the address of each sexual
1200 offender and shall report to the Department of Law Enforcement
1201 any failure by a sexual offender to comply with registration
1202 requirements.

1203 (6) (a) The information provided to the Department of Law
1204 Enforcement must include the following:

1205 1. The information obtained from the sexual offender under
1206 subsection (4).

1207 2. The sexual offender's most current address and place of
1208 permanent, ~~or~~ temporary, or transient residence within the state
1209 or out of state; and address, location, or description and dates
1210 of any current or known future temporary residence within the
1211 state or out of state, while the sexual offender is in the care
1212 or custody or under the jurisdiction or supervision of the
1213 department in this state, including the name of the county or
1214 municipality in which the offender permanently, ~~or~~ temporarily,
1215 or transiently resides; and address, location, or description
1216 and dates of any current or known future temporary residence
1217 within the state or out of state; and, if known, the intended
1218 place of permanent, ~~or~~ temporary, or transient residence; and

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1219 address, location, or description and dates of any current or
1220 known future temporary residence within the state or out of
1221 state upon satisfaction of all sanctions.

1222 3. The legal status of the sexual offender and the
1223 scheduled termination date of that legal status.

1224 4. The location of, and local telephone number for, any
1225 department office that is responsible for supervising the sexual
1226 offender.

1227 5. An indication of whether the victim of the offense that
1228 resulted in the offender's status as a sexual offender was a
1229 minor.

1230 6. The offense or offenses at adjudication and disposition
1231 that resulted in the determination of the offender's status as a
1232 sex offender.

1233 7. A digitized photograph of the sexual offender, which
1234 must have been taken within 60 days before the offender was
1235 released from the custody of the department or a private
1236 correctional facility by expiration of sentence under s.
1237 944.275, or within 60 days after the onset of the department's
1238 supervision of any sexual offender who is on probation,
1239 postcommitment probation, residential commitment, nonresidential
1240 commitment, licensed child-caring commitment, community control,
1241 conditional release, parole, provisional release, or control
1242 release or who is supervised by the department under the
1243 Interstate Compact Agreement for Probationers and Parolees. If
1244 the sexual offender is in the custody of a private correctional
1245 facility, the facility shall take a digitized photograph of the
1246 sexual offender within the time period provided in this
1247 subparagraph and shall provide the photograph to the department.

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1248 (13)

1249 (b) The sheriff's office may determine the appropriate
1250 times and days for reporting by the sexual offender, which shall
1251 be consistent with the reporting requirements of this
1252 subsection. Reregistration shall include any changes to the
1253 following information:

1254 1. Name; social security number; age; race; sex; date of
1255 birth; height; weight; hair and eye color; address of any
1256 permanent residence and address of any current temporary
1257 residence, within the state or out of state, including a rural
1258 route address and a post office box; if no permanent or
1259 temporary address, any transient residence; address, location,
1260 or description and dates of any current or known future
1261 temporary residence within the state or out of state; name and
1262 address of each school attended; date and place of any
1263 employment; vehicle make, model, color, and license tag number;
1264 fingerprints; and photograph. A post office box shall not be
1265 provided in lieu of a physical residential address.

1266 2. If the sexual offender is enrolled, employed, or
1267 carrying on a vocation at an institution of higher education in
1268 this state, the sexual offender shall also provide to the
1269 department the name, address, and county of each institution,
1270 including each campus attended, and the sexual offender's
1271 enrollment or employment status.

1272 3. If the sexual offender's place of residence is a motor
1273 vehicle, trailer, mobile home, or manufactured home, as defined
1274 in chapter 320, the sexual offender shall also provide the
1275 vehicle identification number; the license tag number; the
1276 registration number; and a description, including color scheme,

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1277 of the motor vehicle, trailer, mobile home, or manufactured
1278 home. If the sexual offender's place of residence is a vessel,
1279 live-aboard vessel, or houseboat, as defined in chapter 327, the
1280 sexual offender shall also provide the hull identification
1281 number; the manufacturer's serial number; the name of the
1282 vessel, live-aboard vessel, or houseboat; the registration
1283 number; and a description, including color scheme, of the
1284 vessel, live-aboard vessel, or houseboat.

1285 4. Any sexual offender who fails to report in person as
1286 required at the sheriff's office, or who fails to respond to any
1287 address verification correspondence from the department within 3
1288 weeks after the date of the correspondence, commits a felony of
1289 the third degree, punishable as provided in ss. 775.082,
1290 775.083, and 775.084.

1291 Section 13. This act shall take effect July 1, 2010.