

By the Committee on Criminal Justice; and Senators Crist,  
Aronberg, Joyner, and Bennett

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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.; enhancing the penalty for  
4           loitering or prowling by certain offenders within a  
5           specified distance of certain places where children  
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; transferring,  
15          renumbering, and amending s. 794.065, F.S.; preempting  
16          certain local ordinances relating to residency  
17          limitations for sexual predators and offenders and  
18          providing for repeal of such ordinances; providing for  
19          limited exceptions for distance provisions in  
20          ordinances meeting specified requirements; providing  
21          that the act does not apply to a person living in an  
22          approved residence before the establishment of a  
23          school, child care facility, park, or playground  
24          within 1,000 feet of the residence; including offenses  
25          in other jurisdictions which are similar to the  
26          offenses listed in provisions providing residency  
27          restrictions for persons convicted of certain sex  
28          offenses, applicable to offenses committed on or after  
29          a specified date; providing that the act does not

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30 apply to persons who were removed from the requirement  
31 to register as a sexual offender or sexual predator  
32 under a specified provision; amending s. 943.0435,  
33 F.S.; revising provisions relating to residence  
34 reporting requirements for sexual offenders; amending  
35 s. 943.04352, F.S.; requiring that the probation  
36 services provider search in an additional specified  
37 sex offender registry for information regarding sexual  
38 predators and sexual offenders when an offender is  
39 placed on misdemeanor probation; amending s. 944.606,  
40 F.S.; revising address reporting requirements for  
41 sexual offenders; amending s. 944.607, F.S.; requiring  
42 additional registration information from sex offenders  
43 who are under the supervision of the Department of  
44 Corrections but who are not incarcerated; amending s.  
45 947.1405, F.S.; revising provisions relating to  
46 polygraph examinations of specified conditional  
47 releasees who have committed specified sexual  
48 offenses; providing additional restrictions for  
49 certain conditional releasees who have committed  
50 specified sexual offenses against minors under the age  
51 of 18 or have similar convictions in another  
52 jurisdiction; amending s. 948.001, F.S.; revising and  
53 providing definitions; amending s. 948.30, F.S.;  
54 revising provisions relating to polygraph examinations  
55 of specified probationers or community controllees who  
56 have committed specified sexual offenses; providing  
57 additional restrictions for certain probationers or  
58 community controllees who committed specified sexual

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59 offenses against minors under the age of 18 or who  
60 have similar convictions in another jurisdiction;  
61 amending s. 948.31, F.S.; deleting a requirement for  
62 diagnosis of certain sexual predators and sexual  
63 offenders on community control; requiring evaluation  
64 by a qualified practitioner; revising provisions  
65 relating to treatment for such offenders and  
66 predators; amending s. 985.481, F.S.; providing  
67 additional address reporting requirements for sexual  
68 offenders adjudicated delinquent; amending s.  
69 985.4815, F.S.; revising provisions relating to  
70 address and residence reporting requirements for  
71 sexual offenders adjudicated delinquent; providing  
72 legislative intent; providing for severability;  
73 providing an effective date.

74  
75 Be It Enacted by the Legislature of the State of Florida:

76  
77 Section 1. Section 856.022, Florida Statutes, is created to  
78 read:

79 856.022 Loitering or prowling by certain offenders in close  
80 proximity to children; penalty.-

81 (1) Except as provided in subsection (2), this section  
82 applies to a person convicted of committing, or attempting,  
83 soliciting, or conspiring to commit, any of the criminal  
84 offenses proscribed in the following statutes in this state or  
85 similar offenses in another jurisdiction against a victim who  
86 was under the age of 18 at the time of the offense: s. 787.01,  
87 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and

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88 the offender was not the victim's parent or guardian; s.  
89 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
90 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
91 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
92 847.0145; s. 985.701(1); or any similar offense committed in  
93 this state which has been redesignated from a former statute  
94 number to one of those listed in this subsection, if the person  
95 has not received a pardon for any felony or similar law of  
96 another jurisdiction necessary for the operation of this  
97 subsection and a conviction of a felony or similar law of  
98 another jurisdiction necessary for the operation of this  
99 subsection has not been set aside in any postconviction  
100 proceeding.

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

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

108 (a) Within 300 feet of a child care facility or pre-K  
109 through 12 school or on real property comprising any child care  
110 facility or pre-K through 12 school when the child care facility  
111 or school is in operation; or

112 (b) Within 300 feet of a park, playground, or bus stop  
113 while children are present and congregating in such a manner  
114 that any reasonable person would be aware of their presence at  
115 the park, playground, or bus stop at the same time that the  
116 offender is also present.

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

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

127 (b)1. Knowingly be present in any child care facility or  
128 pre-K through 12 school or on real property comprising any child  
129 care facility or pre-K through 12 school when the child care  
130 facility or school is in operation unless the person has  
131 provided written notification of his or her intent to be present  
132 to the school board, superintendent, principal, or child care  
133 facility owner;

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

137 3. Fail to remain under direct supervision of a school  
138 official or designated chaperone when present in the vicinity of  
139 children. As used in this paragraph, the term "school official"  
140 means a principal, school resource officer, teacher or any other  
141 employee of the school, the superintendent of schools, a member  
142 of the school board, a child care facility owner, or a child  
143 care provider.

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

145 1. The child care facility or school is a voting location

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146 and the person is present for the purpose of voting during the  
147 hours designated for voting; or

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

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

154 Section 2. Paragraph (g) of subsection (2), paragraph (c)  
155 of subsection (4), paragraph (a) of subsection (5), paragraphs  
156 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of  
157 subsection (7), and paragraph (a) of subsection (8) of section  
158 775.21, Florida Statutes, are amended, and paragraph (1) is  
159 added to subsection (2) of that section, to read:

160 775.21 The Florida Sexual Predators Act.—

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

162 (g) "Temporary residence" means a place where the person  
163 abides, lodges, or resides, including, but not limited to,  
164 vacation, business, or personal travel destinations in or out of  
165 this state, for a period of 5 or more days in the aggregate  
166 during any calendar year and which is not the person's permanent  
167 address or, for a person whose permanent residence is not in  
168 this state, a place where the person is employed, practices a  
169 vocation, or is enrolled as a student for any period of time in  
170 this state.

171 (1) "Transient residence" means a place or county where a  
172 person lives, remains, or is located for a period of 5 or more  
173 days in the aggregate during a calendar year and which is not  
174 the person's permanent or temporary address. The term includes,

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175 but is not limited to, a place where the person sleeps or seeks  
176 shelter and a location that has no specific street address.

177 (4) SEXUAL PREDATOR CRITERIA.—

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

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

184 2. The offender was administratively registered as a sexual  
185 predator because the Department of Corrections, the department,  
186 or any other law enforcement agency obtained information that  
187 indicated that the offender met the criteria for designation as  
188 a sexual predator based on a violation of a similar law in  
189 another jurisdiction,

190  
191 the department shall remove that offender from the department's  
192 list of sexual predators and, for an offender described under  
193 subparagraph 1., shall notify the state attorney who prosecuted  
194 the offense that met the criteria for administrative designation  
195 as a sexual predator, and, for an offender described under this  
196 paragraph, shall notify the state attorney of the county where  
197 the offender establishes or maintains a permanent, ~~or~~ temporary,  
198 or transient residence. The state attorney shall bring the  
199 matter to the court's attention in order to establish that the  
200 offender meets the criteria for designation as a sexual  
201 predator. If the court makes a written finding that the offender  
202 is a sexual predator, the offender must be designated as a  
203 sexual predator, must register or be registered as a sexual

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204 predator with the department as provided in subsection (6), and  
205 is subject to the community and public notification as provided  
206 in subsection (7). If the court does not make a written finding  
207 that the offender is a sexual predator, the offender may not be  
208 designated as a sexual predator with respect to that offense and  
209 is not required to register or be registered as a sexual  
210 predator with the department.

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

213 (a)1. An offender who meets the sexual predator criteria  
214 described in paragraph (4)(d) is a sexual predator, and the  
215 court shall make a written finding at the time such offender is  
216 determined to be a sexually violent predator under chapter 394  
217 that such person meets the criteria for designation as a sexual  
218 predator for purposes of this section. The clerk shall transmit  
219 a copy of the order containing the written finding to the  
220 department within 48 hours after the entry of the order;

221 2. An offender who meets the sexual predator criteria  
222 described in paragraph (4)(a) who is before the court for  
223 sentencing for a current offense committed on or after October  
224 1, 1993, is a sexual predator, and the sentencing court must  
225 make a written finding at the time of sentencing that the  
226 offender is a sexual predator, and the clerk of the court shall  
227 transmit a copy of the order containing the written finding to  
228 the department within 48 hours after the entry of the order; or

229 3. If the Department of Corrections, the department, or any  
230 other law enforcement agency obtains information which indicates  
231 that an offender who establishes or maintains a permanent, ~~or~~  
232 temporary, or transient residence in this state meets the sexual



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233 predator criteria described in paragraph (4) (a) or paragraph  
234 (4) (d) because the offender was civilly committed or committed a  
235 similar violation in another jurisdiction on or after October 1,  
236 1993, the Department of Corrections, the department, or the law  
237 enforcement agency shall notify the state attorney of the county  
238 where the offender establishes or maintains a permanent, ~~or~~  
239 temporary, or transient residence of the offender's presence in  
240 the community. The state attorney shall file a petition with the  
241 criminal division of the circuit court for the purpose of  
242 holding a hearing to determine if the offender's criminal record  
243 or record of civil commitment from another jurisdiction meets  
244 the sexual predator criteria. If the court finds that the  
245 offender meets the sexual predator criteria because the offender  
246 has violated a similar law or similar laws in another  
247 jurisdiction, the court shall make a written finding that the  
248 offender is a sexual predator.

249  
250 When the court makes a written finding that an offender is a  
251 sexual predator, the court shall inform the sexual predator of  
252 the registration and community and public notification  
253 requirements described in this section. Within 48 hours after  
254 the court designating an offender as a sexual predator, the  
255 clerk of the circuit court shall transmit a copy of the court's  
256 written sexual predator finding to the department. If the  
257 offender is sentenced to a term of imprisonment or supervision,  
258 a copy of the court's written sexual predator finding must be  
259 submitted to the Department of Corrections.

260 (6) REGISTRATION.—

261 (a) A sexual predator must register with the department

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262 through the sheriff's office by providing the following  
263 information to the department:

264 1. Name, social security number, age, race, sex, date of  
265 birth, height, weight, hair and eye color, photograph, address  
266 of legal residence and address of any current temporary  
267 residence, within the state or out of state, including a rural  
268 route address and a post office box, if no permanent or  
269 temporary address, any transient residence within the state,  
270 address, location or description, and dates of any current or  
271 known future temporary residence within the state or out of  
272 state, any electronic mail address and any instant message name  
273 required to be provided pursuant to subparagraph (g)4., home  
274 telephone number and any cellular telephone number, date and  
275 place of any employment, date and place of each conviction,  
276 fingerprints, and a brief description of the crime or crimes  
277 committed by the offender. A post office box shall not be  
278 provided in lieu of a physical residential address.

279 a. If the sexual predator's place of residence is a motor  
280 vehicle, trailer, mobile home, or manufactured home, as defined  
281 in chapter 320, the sexual predator shall also provide to the  
282 department written notice of the vehicle identification number;  
283 the license tag number; the registration number; and a  
284 description, including color scheme, of the motor vehicle,  
285 trailer, mobile home, or manufactured home. If a sexual  
286 predator's place of residence is a vessel, live-aboard vessel,  
287 or houseboat, as defined in chapter 327, the sexual predator  
288 shall also provide to the department written notice of the hull  
289 identification number; the manufacturer's serial number; the  
290 name of the vessel, live-aboard vessel, or houseboat; the

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291 registration number; and a description, including color scheme,  
292 of the vessel, live-aboard vessel, or houseboat.

293       b. If the sexual predator is enrolled, employed, or  
294 carrying on a vocation at an institution of higher education in  
295 this state, the sexual predator shall also provide to the  
296 department the name, address, and county of each institution,  
297 including each campus attended, and the sexual predator's  
298 enrollment or employment status. Each change in enrollment or  
299 employment status shall be reported in person at the sheriff's  
300 office, or the Department of Corrections if the sexual predator  
301 is in the custody or control of or under the supervision of the  
302 Department of Corrections, within 48 hours after any change in  
303 status. The sheriff or the Department of Corrections shall  
304 promptly notify each institution of the sexual predator's  
305 presence and any change in the sexual predator's enrollment or  
306 employment status.

307       2. Any other information determined necessary by the  
308 department, including criminal and corrections records;  
309 nonprivileged personnel and treatment records; and evidentiary  
310 genetic markers when available.

311       (f) Within 48 hours after the registration required under  
312 paragraph (a) or paragraph (e), a sexual predator who is not  
313 incarcerated and who resides in the community, including a  
314 sexual predator under the supervision of the Department of  
315 Corrections, shall register in person at a driver's license  
316 office of the Department of Highway Safety and Motor Vehicles  
317 and shall present proof of registration. At the driver's license  
318 office the sexual predator shall:

319       1. If otherwise qualified, secure a Florida driver's

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320 license, renew a Florida driver's license, or secure an  
321 identification card. The sexual predator shall identify himself  
322 or herself as a sexual predator who is required to comply with  
323 this section, provide his or her place of permanent, ~~or~~  
324 temporary, or transient residence, including a rural route  
325 address and a post office box, and submit to the taking of a  
326 photograph for use in issuing a driver's license, renewed  
327 license, or identification card, and for use by the department  
328 in maintaining current records of sexual predators. A post  
329 office box shall not be provided in lieu of a physical  
330 residential address. If the sexual predator's place of residence  
331 is a motor vehicle, trailer, mobile home, or manufactured home,  
332 as defined in chapter 320, the sexual predator shall also  
333 provide to the Department of Highway Safety and Motor Vehicles  
334 the vehicle identification number; the license tag number; the  
335 registration number; and a description, including color scheme,  
336 of the motor vehicle, trailer, mobile home, or manufactured  
337 home. If a sexual predator's place of residence is a vessel,  
338 live-aboard vessel, or houseboat, as defined in chapter 327, the  
339 sexual predator shall also provide to the Department of Highway  
340 Safety and Motor Vehicles the hull identification number; the  
341 manufacturer's serial number; the name of the vessel, live-  
342 aboard vessel, or houseboat; the registration number; and a  
343 description, including color scheme, of the vessel, live-aboard  
344 vessel, or houseboat.

345       2. Pay the costs assessed by the Department of Highway  
346 Safety and Motor Vehicles for issuing or renewing a driver's  
347 license or identification card as required by this section. The  
348 driver's license or identification card issued to the sexual

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349 predator must be in compliance with s. 322.141(3).

350 3. Provide, upon request, any additional information  
351 necessary to confirm the identity of the sexual predator,  
352 including a set of fingerprints.

353 (g)1. Each time a sexual predator's driver's license or  
354 identification card is subject to renewal, and, without regard  
355 to the status of the predator's driver's license or  
356 identification card, within 48 hours after any change of the  
357 predator's residence or change in the predator's name by reason  
358 of marriage or other legal process, the predator shall report in  
359 person to a driver's license office and shall be subject to the  
360 requirements specified in paragraph (f). The Department of  
361 Highway Safety and Motor Vehicles shall forward to the  
362 department and to the Department of Corrections all photographs  
363 and information provided by sexual predators. Notwithstanding  
364 the restrictions set forth in s. 322.142, the Department of  
365 Highway Safety and Motor Vehicles is authorized to release a  
366 reproduction of a color-photograph or digital-image license to  
367 the Department of Law Enforcement for purposes of public  
368 notification of sexual predators as provided in this section.

369 2. A sexual predator who vacates a permanent, temporary, or  
370 transient residence and fails to establish or maintain another  
371 permanent, ~~or~~ temporary, or transient residence shall, within 48  
372 hours after vacating the permanent, temporary, or transient  
373 residence, report in person to the sheriff's office of the  
374 county in which he or she is located. The sexual predator shall  
375 specify the date upon which he or she intends to or did vacate  
376 such residence. The sexual predator must provide or update all  
377 of the registration information required under paragraph (a).

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378 The sexual predator must provide an address for the residence or  
379 other place ~~location~~ that he or she is or will be located  
380 ~~occupying~~ during the time in which he or she fails to establish  
381 or maintain a permanent or temporary residence.

382 3. A sexual predator who remains at a permanent, temporary,  
383 or transient residence after reporting his or her intent to  
384 vacate such residence shall, within 48 hours after the date upon  
385 which the predator indicated he or she would or did vacate such  
386 residence, report in person to the sheriff's office to which he  
387 or she reported pursuant to subparagraph 2. for the purpose of  
388 reporting his or her address at such residence. When the sheriff  
389 receives the report, the sheriff shall promptly convey the  
390 information to the department. An offender who makes a report as  
391 required under subparagraph 2. but fails to make a report as  
392 required under this subparagraph commits a felony of the second  
393 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
394 775.084.

395 4. A sexual predator must register any electronic mail  
396 address or instant message name with the department prior to  
397 using such electronic mail address or instant message name on or  
398 after October 1, 2007. The department shall establish an online  
399 system through which sexual predators may securely access and  
400 update all electronic mail address and instant message name  
401 information.

402 (i) A sexual predator who intends to establish a permanent,  
403 temporary, or transient residence in another state or  
404 jurisdiction other than the State of Florida shall report in  
405 person to the sheriff of the county of current residence within  
406 48 hours before the date he or she intends to leave this state

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407 to establish residence in another state or jurisdiction. The  
408 sexual predator must provide to the sheriff the address,  
409 municipality, county, and state of intended residence. The  
410 sheriff shall promptly provide to the department the information  
411 received from the sexual predator. The department shall notify  
412 the statewide law enforcement agency, or a comparable agency, in  
413 the intended state or jurisdiction of residence of the sexual  
414 predator's intended residence. The failure of a sexual predator  
415 to provide his or her intended place of residence is punishable  
416 as provided in subsection (10).

417 (j) A sexual predator who indicates his or her intent to  
418 establish a permanent, temporary, or transient residence ~~reside~~  
419 in another state or jurisdiction other than the State of Florida  
420 and later decides to remain in this state shall, within 48 hours  
421 after the date upon which the sexual predator indicated he or  
422 she would leave this state, report in person to the sheriff to  
423 which the sexual predator reported the intended change of  
424 residence, and report his or her intent to remain in this state.  
425 If the sheriff is notified by the sexual predator that he or she  
426 intends to remain in this state, the sheriff shall promptly  
427 report this information to the department. A sexual predator who  
428 reports his or her intent to establish a permanent, temporary,  
429 or transient residence ~~reside~~ in another state or jurisdiction,  
430 but who remains in this state without reporting to the sheriff  
431 in the manner required by this paragraph, commits a felony of  
432 the second degree, punishable as provided in s. 775.082, s.  
433 775.083, or s. 775.084.

434 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

435 (a) Law enforcement agencies must inform members of the

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436 community and the public of a sexual predator's presence. Upon  
437 notification of the presence of a sexual predator, the sheriff  
438 of the county or the chief of police of the municipality where  
439 the sexual predator establishes or maintains a permanent or  
440 temporary residence shall notify members of the community and  
441 the public of the presence of the sexual predator in a manner  
442 deemed appropriate by the sheriff or the chief of police. Within  
443 48 hours after receiving notification of the presence of a  
444 sexual predator, the sheriff of the county or the chief of  
445 police of the municipality where the sexual predator temporarily  
446 or permanently resides shall notify each licensed day care  
447 center, elementary school, middle school, and high school within  
448 a 1-mile radius of the temporary or permanent residence of the  
449 sexual predator of the presence of the sexual predator.  
450 Information provided to members of the community and the public  
451 regarding a sexual predator must include:

- 452 1. The name of the sexual predator;
- 453 2. A description of the sexual predator, including a  
454 photograph;
- 455 3. The sexual predator's current permanent, temporary, and  
456 transient addresses, and descriptions of registered locations  
457 that have no specific street address, including the name of the  
458 county or municipality if known;
- 459 4. The circumstances of the sexual predator's offense or  
460 offenses; and
- 461 5. Whether the victim of the sexual predator's offense or  
462 offenses was, at the time of the offense, a minor or an adult.

463  
464 This paragraph does not authorize the release of the name of any



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465 victim of the sexual predator.

466 (8) VERIFICATION.—The department and the Department of  
467 Corrections shall implement a system for verifying the addresses  
468 of sexual predators. The system must be consistent with the  
469 provisions of the federal Adam Walsh Child Protection and Safety  
470 Act of 2006 and any other federal standards applicable to such  
471 verification or required to be met as a condition for the  
472 receipt of federal funds by the state. The Department of  
473 Corrections shall verify the addresses of sexual predators who  
474 are not incarcerated but who reside in the community under the  
475 supervision of the Department of Corrections and shall report to  
476 the department any failure by a sexual predator to comply with  
477 registration requirements. County and local law enforcement  
478 agencies, in conjunction with the department, shall verify the  
479 addresses of sexual predators who are not under the care,  
480 custody, control, or supervision of the Department of  
481 Corrections. Local law enforcement agencies shall report to the  
482 department any failure by a sexual predator to comply with  
483 registration requirements.

484 (a) A sexual predator must report in person each year  
485 during the month of the sexual predator's birthday and during  
486 every third month thereafter to the sheriff's office in the  
487 county in which he or she resides or is otherwise located to  
488 reregister. The sheriff's office may determine the appropriate  
489 times and days for reporting by the sexual predator, which shall  
490 be consistent with the reporting requirements of this paragraph.  
491 Reregistration shall include any changes to the following  
492 information:

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

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494 birth; height; weight; hair and eye color; address of any  
495 permanent residence and address of any current temporary  
496 residence, within the state or out of state, including a rural  
497 route address and a post office box; if no permanent or  
498 temporary address, any transient residence within the state;  
499 address, location or description, and dates of any current or  
500 known future temporary residence within the state or out of  
501 state; any electronic mail address and any instant message name  
502 required to be provided pursuant to subparagraph (6)(g)4.; home  
503 telephone number and any cellular telephone number; date and  
504 place of any employment; vehicle make, model, color, and license  
505 tag number; fingerprints; and photograph. A post office box  
506 shall not be provided in lieu of a physical residential address.

507 2. If the sexual predator is enrolled, employed, or  
508 carrying on a vocation at an institution of higher education in  
509 this state, the sexual predator shall also provide to the  
510 department the name, address, and county of each institution,  
511 including each campus attended, and the sexual predator's  
512 enrollment or employment status.

513 3. If the sexual predator's place of residence is a motor  
514 vehicle, trailer, mobile home, or manufactured home, as defined  
515 in chapter 320, the sexual predator shall also provide the  
516 vehicle identification number; the license tag number; the  
517 registration number; and a description, including color scheme,  
518 of the motor vehicle, trailer, mobile home, or manufactured  
519 home. If the sexual predator's place of residence is a vessel,  
520 live-aboard vessel, or houseboat, as defined in chapter 327, the  
521 sexual predator shall also provide the hull identification  
522 number; the manufacturer's serial number; the name of the

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523 vessel, live-aboard vessel, or houseboat; the registration  
524 number; and a description, including color scheme, of the  
525 vessel, live-aboard vessel, or houseboat.

526 Section 3. Section 794.065, Florida Statutes, is  
527 transferred, renumbered as section 775.215, Florida Statutes,  
528 and amended to read:

529 775.215 ~~794.065~~ Residency restriction ~~Unlawful place of~~  
530 ~~residence~~ for persons convicted of certain sex offenses.—

531 (1) The creation of a residency restriction applicable to a  
532 person who is required to register as a sexual predator or a  
533 sexual offender is expressly preempted to the state, and the  
534 provisions of this section and ss. 947.1405 and 948.30  
535 establishing such exclusions supersede any municipal or county  
536 ordinance imposing different exclusions.

537 (2) (a) Any part of an ordinance adopted by a county or  
538 municipality before July 1, 2010, which imposes residency  
539 restrictions in excess of the requirements of this section, s.  
540 947.1405, or s. 948.30, is repealed and abolished as of July 1,  
541 2010, unless it meets the requirements of paragraphs (b) and  
542 (c).

543 (b) This section does not preempt any county or municipal  
544 residency restriction that applies to a distance greater than  
545 1,000 feet but not more than 2,500 feet from:

546 1. A school;

547 2. Child care facility; or

548 3. Other similar facility where multiple children  
549 congregate in one location for group activities or supervision.

550 (c) For purposes of subparagraph (b)3., the "other similar  
551 facility" must be specifically identified in a separate

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552 ordinance enacted by a county or municipality upon the written  
553 recommendation of its chief law enforcement officer.

554 (d) This section does not prevent a county or municipal  
555 ordinance from applying retroactively to a person convicted of  
556 sexual offenses before the date of the enactment of the  
557 ordinance or to apply to a person who was convicted of offenses  
558 proscribed in Florida Statutes or similar offenses in another  
559 jurisdiction.

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

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

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

566 (c) "Playground" means a designated independent area in the  
567 community or neighborhood which is designated solely for  
568 children and has one or more play structures.

569 (d) "School" has the same meaning as provided in s. 1003.01  
570 and includes a private school as defined in s. 1002.01, a  
571 voluntary prekindergarten education program as described in s.  
572 1002.53(3), a public school as described in s. 402.3025(1), the  
573 Florida School for the Deaf and the Blind, the Florida Virtual  
574 School as established in s. 1002.37, and a K-8 Virtual School as  
575 established in s. 1002.415, but does not include facilities  
576 dedicated exclusively to the education of adults.

577 (4) (a) ~~(1) No~~ It is unlawful for any person who has been  
578 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
579 s. 847.0135(5), or s. 847.0145, regardless of whether  
580 adjudication has been withheld, in which the victim of the

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581 offense was less than 16 years of age, shall ~~to~~ reside within  
582 1,000 feet of any school, child care facility ~~day care center,~~  
583 park, or playground. However, a person does not violate this  
584 subsection and may not be forced to relocate if he or she is  
585 living in a residence that meets the requirements of this  
586 subsection and a school, child care facility, park, or  
587 playground is subsequently established within 1,000 feet of his  
588 or her residence.

589 (b) A person who violates this subsection ~~section~~ and whose  
590 conviction under s. 794.011, s. 800.04, s. 827.071, s.  
591 847.0135(5), or s. 847.0145 was classified as a felony of the  
592 first degree or higher commits a felony of the third degree,  
593 punishable as provided in s. 775.082 or s. 775.083. A person who  
594 violates this subsection ~~section~~ and whose conviction under s.  
595 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145  
596 was classified as a felony of the second or third degree commits  
597 a misdemeanor of the first degree, punishable as provided in s.  
598 775.082 or s. 775.083.

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

605 (5)(a) A person who has been convicted of an offense in  
606 another jurisdiction which is similar to a violation of s.  
607 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,  
608 regardless of whether adjudication has been withheld, in which  
609 the victim of the offense was less than 16 years of age, shall

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610 not reside within 1,000 feet of any school, child care facility,  
611 park, or playground. However, a person does not violate this  
612 subsection and may not be forced to relocate if he or she is  
613 living in a residence that meets the requirements of this  
614 subsection and a school, child care facility, park, or  
615 playground is subsequently established within 1,000 feet of his  
616 or her residence.

617 (b) A person who violates this subsection and whose  
618 conviction in another jurisdiction resulted in a penalty that is  
619 substantially similar to a felony of the first degree or higher  
620 commits a felony of the third degree, punishable as provided in  
621 s. 775.082 or s. 775.083. A person who violates this subsection  
622 and whose conviction in another jurisdiction resulted in a  
623 penalty that is substantially similar to a felony of the second  
624 or third degree commits a misdemeanor of the first degree,  
625 punishable as provided in s. 775.082 or s. 775.083.

626 (c) This subsection applies to any person convicted of an  
627 offense in another jurisdiction which is similar to a violation  
628 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
629 847.0145 where such offense occurred on or after the effective  
630 date of this act, excluding persons who have been removed from  
631 the requirement to register as a sexual offender or sexual  
632 predator pursuant to s. 943.04354.

633 Section 4. Paragraph (c) of subsection (1), subsection (2),  
634 paragraphs (a), (b), and (c) of subsection (4), subsections (7),  
635 (8), and (10), and paragraph (c) of subsection (14) of section  
636 943.0435, Florida Statutes, are amended to read:

637 943.0435 Sexual offenders required to register with the  
638 department; penalty.—

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

640 (c) "Permanent residence," ~~and~~ "temporary residence," and  
641 "transient residence" have the same meaning ascribed in s.  
642 775.21.

643 (2) A sexual offender shall:

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

645 1. In the county in which the offender establishes or  
646 maintains a permanent, ~~or~~ temporary, or transient residence  
647 within 48 hours after:

648 a. Establishing permanent, ~~or~~ temporary, or transient  
649 residence in this state; or

650 b. Being released from the custody, control, or supervision  
651 of the Department of Corrections or from the custody of a  
652 private correctional facility; or

653 2. In the county where he or she was convicted within 48  
654 hours after being convicted for a qualifying offense for  
655 registration under this section if the offender is not in the  
656 custody or control of, or under the supervision of, the  
657 Department of Corrections, or is not in the custody of a private  
658 correctional facility.

659  
660 Any change in the information required to be provided pursuant  
661 to paragraph (b), including, but not limited to, any change in  
662 the sexual offender's permanent, ~~or~~ temporary, or transient  
663 residence, name, any electronic mail address and any instant  
664 message name required to be provided pursuant to paragraph  
665 (4) (d), after the sexual offender reports in person at the  
666 sheriff's office, shall be accomplished in the manner provided  
667 in subsections (4), (7), and (8).

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668 (b) Provide his or her name, date of birth, social security  
669 number, race, sex, height, weight, hair and eye color, tattoos  
670 or other identifying marks, occupation and place of employment,  
671 address of permanent or legal residence or address of any  
672 current temporary residence, within the state or ~~and~~ out of  
673 state, including a rural route address and a post office box, if  
674 no permanent or temporary address, any transient residence  
675 within the state, address, location or description, and dates of  
676 any current or known future temporary residence within the state  
677 or out of state, home telephone number and any cellular  
678 telephone number, any electronic mail address and any instant  
679 message name required to be provided pursuant to paragraph  
680 (4) (d), date and place of each conviction, and a brief  
681 description of the crime or crimes committed by the offender. A  
682 post office box shall not be provided in lieu of a physical  
683 residential address.

684 1. If the sexual offender's place of residence is a motor  
685 vehicle, trailer, mobile home, or manufactured home, as defined  
686 in chapter 320, the sexual offender shall also provide to the  
687 department through the sheriff's office written notice of the  
688 vehicle identification number; the license tag number; the  
689 registration number; and a description, including color scheme,  
690 of the motor vehicle, trailer, mobile home, or manufactured  
691 home. If the sexual offender's place of residence is a vessel,  
692 live-aboard vessel, or houseboat, as defined in chapter 327, the  
693 sexual offender shall also provide to the department written  
694 notice of the hull identification number; the manufacturer's  
695 serial number; the name of the vessel, live-aboard vessel, or  
696 houseboat; the registration number; and a description, including



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

698 2. If the sexual offender is enrolled, employed, or  
699 carrying on a vocation at an institution of higher education in  
700 this state, the sexual offender shall also provide to the  
701 department through the sheriff's office the name, address, and  
702 county of each institution, including each campus attended, and  
703 the sexual offender's enrollment or employment status. Each  
704 change in enrollment or employment status shall be reported in  
705 person at the sheriff's office, within 48 hours after any change  
706 in status. The sheriff shall promptly notify each institution of  
707 the sexual offender's presence and any change in the sexual  
708 offender's enrollment or employment status.

709  
710 When a sexual offender reports at the sheriff's office, the  
711 sheriff shall take a photograph and a set of fingerprints of the  
712 offender and forward the photographs and fingerprints to the  
713 department, along with the information provided by the sexual  
714 offender. The sheriff shall promptly provide to the department  
715 the information received from the sexual offender.

716 (4) (a) Each time a sexual offender's driver's license or  
717 identification card is subject to renewal, and, without regard  
718 to the status of the offender's driver's license or  
719 identification card, within 48 hours after any change in the  
720 offender's permanent, ~~or~~ temporary, or transient residence or  
721 change in the offender's name by reason of marriage or other  
722 legal process, the offender shall report in person to a driver's  
723 license office, and shall be subject to the requirements  
724 specified in subsection (3). The Department of Highway Safety  
725 and Motor Vehicles shall forward to the department all

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726 photographs and information provided by sexual offenders.  
727 Notwithstanding the restrictions set forth in s. 322.142, the  
728 Department of Highway Safety and Motor Vehicles is authorized to  
729 release a reproduction of a color-photograph or digital-image  
730 license to the Department of Law Enforcement for purposes of  
731 public notification of sexual offenders as provided in this  
732 section and ss. 943.043 and 944.606.

733 (b) A sexual offender who vacates a permanent, temporary,  
734 or transient residence and fails to establish or maintain  
735 another permanent, ~~or~~ temporary, or transient residence shall,  
736 within 48 hours after vacating the permanent, temporary, or  
737 transient residence, report in person to the sheriff's office of  
738 the county in which he or she is located. The sexual offender  
739 shall specify the date upon which he or she intends to or did  
740 vacate such residence. The sexual offender must provide or  
741 update all of the registration information required under  
742 paragraph (2)(b). The sexual offender must provide an address  
743 for the residence or other place ~~location~~ that he or she is or  
744 will be located ~~occupying~~ during the time in which he or she  
745 fails to establish or maintain a permanent or temporary  
746 residence.

747 (c) A sexual offender who remains at a permanent,  
748 temporary, or transient residence after reporting his or her  
749 intent to vacate such residence shall, within 48 hours after the  
750 date upon which the offender indicated he or she would or did  
751 vacate such residence, report in person to the agency to which  
752 he or she reported pursuant to paragraph (b) for the purpose of  
753 reporting his or her address at such residence. When the sheriff  
754 receives the report, the sheriff shall promptly convey the

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755 information to the department. An offender who makes a report as  
756 required under paragraph (b) but fails to make a report as  
757 required under this paragraph commits a felony of the second  
758 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
759 775.084.

760 (7) A sexual offender who intends to establish a permanent,  
761 temporary, or transient residence in another state or  
762 jurisdiction other than the State of Florida shall report in  
763 person to the sheriff of the county of current residence within  
764 48 hours before the date he or she intends to leave this state  
765 to establish residence in another state or jurisdiction. The  
766 notification must include the address, municipality, county, and  
767 state of intended residence. The sheriff shall promptly provide  
768 to the department the information received from the sexual  
769 offender. The department shall notify the statewide law  
770 enforcement agency, or a comparable agency, in the intended  
771 state or jurisdiction of residence of the sexual offender's  
772 intended residence. The failure of a sexual offender to provide  
773 his or her intended place of residence is punishable as provided  
774 in subsection (9).

775 (8) A sexual offender who indicates his or her intent to  
776 establish a permanent, temporary, or transient residence ~~reside~~  
777 in another state or jurisdiction other than the State of Florida  
778 and later decides to remain in this state shall, within 48 hours  
779 after the date upon which the sexual offender indicated he or  
780 she would leave this state, report in person to the sheriff to  
781 which the sexual offender reported the intended change of  
782 permanent, temporary, or transient residence, and report his or  
783 her intent to remain in this state. The sheriff shall promptly

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784 report this information to the department. A sexual offender who  
785 reports his or her intent to establish a permanent, temporary,  
786 or transient residence ~~reside~~ in another state or jurisdiction  
787 but who remains in this state without reporting to the sheriff  
788 in the manner required by this subsection commits a felony of  
789 the second degree, punishable as provided in s. 775.082, s.  
790 775.083, or s. 775.084.

791 (10) The department, the Department of Highway Safety and  
792 Motor Vehicles, the Department of Corrections, the Department of  
793 Juvenile Justice, any law enforcement agency in this state, and  
794 the personnel of those departments; an elected or appointed  
795 official, public employee, or school administrator; or an  
796 employee, agency, or any individual or entity acting at the  
797 request or upon the direction of any law enforcement agency is  
798 immune from civil liability for damages for good faith  
799 compliance with the requirements of this section or for the  
800 release of information under this section, and shall be presumed  
801 to have acted in good faith in compiling, recording, reporting,  
802 or releasing the information. The presumption of good faith is  
803 not overcome if a technical or clerical error is made by the  
804 department, the Department of Highway Safety and Motor Vehicles,  
805 the Department of Corrections, the Department of Juvenile  
806 Justice, the personnel of those departments, or any individual  
807 or entity acting at the request or upon the direction of any of  
808 those departments in compiling or providing information, or if  
809 information is incomplete or incorrect because a sexual offender  
810 fails to report or falsely reports his or her current place of  
811 permanent, ~~or~~ temporary, or transient residence.

812 (14)

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813 (c) The sheriff's office may determine the appropriate  
814 times and days for reporting by the sexual offender, which shall  
815 be consistent with the reporting requirements of this  
816 subsection. Reregistration shall include any changes to the  
817 following information:

818 1. Name; social security number; age; race; sex; date of  
819 birth; height; weight; hair and eye color; address of any  
820 permanent residence and address of any current temporary  
821 residence, within the state or out of state, including a rural  
822 route address and a post office box; if no permanent or  
823 temporary address, any transient residence within the state;  
824 address, location or description, and dates of any current or  
825 known future temporary residence within the state or out of  
826 state; any electronic mail address and any instant message name  
827 required to be provided pursuant to paragraph (4) (d); home  
828 telephone number and any cellular telephone number; date and  
829 place of any employment; vehicle make, model, color, and license  
830 tag number; fingerprints; and photograph. A post office box  
831 shall not be provided in lieu of a physical residential address.

832 2. If the sexual offender is enrolled, employed, or  
833 carrying on a vocation at an institution of higher education in  
834 this state, the sexual offender shall also provide to the  
835 department the name, address, and county of each institution,  
836 including each campus attended, and the sexual offender's  
837 enrollment or employment status.

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

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842 registration number; and a description, including color scheme,  
843 of the motor vehicle, trailer, mobile home, or manufactured  
844 home. If the sexual offender's place of residence is a vessel,  
845 live-aboard vessel, or houseboat, as defined in chapter 327, the  
846 sexual offender shall also provide the hull identification  
847 number; the manufacturer's serial number; the name of the  
848 vessel, live-aboard vessel, or houseboat; the registration  
849 number; and a description, including color scheme, of the  
850 vessel, live-aboard vessel or houseboat.

851 4. Any sexual offender who fails to report in person as  
852 required at the sheriff's office, or who fails to respond to any  
853 address verification correspondence from the department within 3  
854 weeks of the date of the correspondence or who fails to report  
855 electronic mail addresses or instant message names, commits a  
856 felony of the third degree, punishable as provided in s.  
857 775.082, s. 775.083, or s. 775.084.

858 Section 5. Section 943.04352, Florida Statutes, is amended  
859 to read:

860 943.04352 Search of registration information regarding  
861 sexual predators and sexual offenders required when placement on  
862 misdemeanor probation.—When the court places a defendant on  
863 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
864 public or private entity providing probation services must  
865 conduct a search of the probationer's name or other identifying  
866 information against the registration information regarding  
867 sexual predators and sexual offenders maintained by the  
868 Department of Law Enforcement under s. 943.043. The probation  
869 services provider may conduct the search using the Internet site  
870 maintained by the Department of Law Enforcement. Also, a

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871 national search must be conducted through the Dru Sjodin  
872 National Sex Offender Public Website maintained by the United  
873 States Department of Justice.

874 Section 6. Paragraph (a) of subsection (3) of section  
875 944.606, Florida Statutes, is amended to read:

876 944.606 Sexual offenders; notification upon release.—

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

880 1. The department must provide: the sexual offender's name,  
881 any change in the offender's name by reason of marriage or other  
882 legal process, and any alias, if known; the correctional  
883 facility from which the sexual offender is released; the sexual  
884 offender's social security number, race, sex, date of birth,  
885 height, weight, and hair and eye color; address of any planned  
886 permanent residence or temporary residence, within the state or  
887 out of state, including a rural route address and a post office  
888 box; if no permanent or temporary address, any transient  
889 residence within the state; address, location or description,  
890 and dates of any known future temporary residence within the  
891 state or out of state; date and county of sentence and each  
892 crime for which the offender was sentenced; a copy of the  
893 offender's fingerprints and a digitized photograph taken within  
894 60 days before release; the date of release of the sexual  
895 offender; any electronic mail address and any instant message  
896 name required to be provided pursuant to s. 943.0435(4)(d); and  
897 home telephone number and any cellular telephone number; and the  
898 ~~offender's intended residence address, if known.~~ The department  
899 shall notify the Department of Law Enforcement if the sexual

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900 offender escapes, absconds, or dies. If the sexual offender is  
901 in the custody of a private correctional facility, the facility  
902 shall take the digitized photograph of the sexual offender  
903 within 60 days before the sexual offender's release and provide  
904 this photograph to the Department of Corrections and also place  
905 it in the sexual offender's file. If the sexual offender is in  
906 the custody of a local jail, the custodian of the local jail  
907 shall register the offender within 3 business days after intake  
908 of the offender for any reason and upon release, and shall  
909 notify the Department of Law Enforcement of the sexual  
910 offender's release and provide to the Department of Law  
911 Enforcement the information specified in this paragraph and any  
912 information specified in subparagraph 2. that the Department of  
913 Law Enforcement requests.

914 2. The department may provide any other information deemed  
915 necessary, including criminal and corrections records,  
916 nonprivileged personnel and treatment records, when available.

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

920 944.607 Notification to Department of Law Enforcement of  
921 information on sexual offenders.-

922 (4) A sexual offender, as described in this section, who is  
923 under the supervision of the Department of Corrections but is  
924 not incarcerated must register with the Department of  
925 Corrections within 3 business days after sentencing for a  
926 registrable ~~registerable~~ offense and otherwise provide  
927 information as required by this subsection.

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



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929 of birth; social security number; race; sex; height; weight;  
930 hair and eye color; tattoos or other identifying marks; any  
931 electronic mail address and any instant message name required to  
932 be provided pursuant to s. 943.0435(4) (d); ~~and~~ permanent or  
933 legal residence and address of temporary residence within the  
934 state or out of state while the sexual offender is under  
935 supervision in this state, including any rural route address or  
936 post office box; if no permanent or temporary address, any  
937 transient residence within the state; and address, location or  
938 description, and dates of any current or known future temporary  
939 residence within the state or out of state. The Department of  
940 Corrections shall verify the address of each sexual offender in  
941 the manner described in ss. 775.21 and 943.0435. The department  
942 shall report to the Department of Law Enforcement any failure by  
943 a sexual predator or sexual offender to comply with registration  
944 requirements.

945 (b) If the sexual offender is enrolled, employed, or  
946 carrying on a vocation at an institution of higher education in  
947 this state, the sexual offender shall provide the name, address,  
948 and county of each institution, including each campus attended,  
949 and the sexual offender's enrollment or employment status. Each  
950 change in enrollment or employment status shall be reported to  
951 the department within 48 hours after the change in status. The  
952 Department of Corrections shall promptly notify each institution  
953 of the sexual offender's presence and any change in the sexual  
954 offender's enrollment or employment status.

955 (6) The information provided to the Department of Law  
956 Enforcement must include:

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

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958 subsection (4);

959 (b) The sexual offender's most current address, ~~and~~ and place  
960 of permanent, ~~and~~ temporary, or transient residence within the  
961 state or out of state, and address, location or description, and  
962 dates of any current or known future temporary residence within  
963 the state or out of state, while the sexual offender is under  
964 supervision in this state, including the name of the county or  
965 municipality in which the offender permanently or temporarily  
966 resides, or has a transient residence, and address, location or  
967 description, and dates of any current or known future temporary  
968 residence within the state or out of state, and, if known, the  
969 intended place of permanent, ~~or~~ temporary, or transient  
970 residence, and address, location or description, and dates of  
971 any current or known future temporary residence within the state  
972 or out of state upon satisfaction of all sanctions;

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

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

978 (e) An indication of whether the victim of the offense that  
979 resulted in the offender's status as a sexual offender was a  
980 minor;

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

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

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987 correctional facility by expiration of sentence under s. 944.275  
988 or must have been taken by January 1, 1998, or within 60 days  
989 after the onset of the department's supervision of any sexual  
990 offender who is on probation, community control, conditional  
991 release, parole, provisional release, or control release or who  
992 is supervised by the department under the Interstate Compact  
993 Agreement for Probationers and Parolees. If the sexual offender  
994 is in the custody of a private correctional facility, the  
995 facility shall take a digitized photograph of the sexual  
996 offender within the time period provided in this paragraph and  
997 shall provide the photograph to the department.

998  
999 If any information provided by the department changes during the  
1000 time the sexual offender is under the department's control,  
1001 custody, or supervision, including any change in the offender's  
1002 name by reason of marriage or other legal process, the  
1003 department shall, in a timely manner, update the information and  
1004 provide it to the Department of Law Enforcement in the manner  
1005 prescribed in subsection (2).

1006 (13)

1007 (c) The sheriff's office may determine the appropriate  
1008 times and days for reporting by the sexual offender, which shall  
1009 be consistent with the reporting requirements of this  
1010 subsection. Reregistration shall include any changes to the  
1011 following information:

1012 1. Name; social security number; age; race; sex; date of  
1013 birth; height; weight; hair and eye color; address of any  
1014 permanent residence and address of any current temporary  
1015 residence, within the state or out of state, including a rural

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1016 route address and a post office box; if no permanent or  
1017 temporary address, any transient residence; address, location or  
1018 description, and dates of any current or known future temporary  
1019 residence within the state or out of state; any electronic mail  
1020 address and any instant message name required to be provided  
1021 pursuant to s. 943.0435(4)(d); date and place of any employment;  
1022 vehicle make, model, color, and license tag number;  
1023 fingerprints; and photograph. A post office box shall not be  
1024 provided in lieu of a physical residential address.

1025 2. If the sexual offender is enrolled, employed, or  
1026 carrying on a vocation at an institution of higher education in  
1027 this state, the sexual offender shall also provide to the  
1028 department the name, address, and county of each institution,  
1029 including each campus attended, and the sexual offender's  
1030 enrollment or employment status.

1031 3. If the sexual offender's place of residence is a motor  
1032 vehicle, trailer, mobile home, or manufactured home, as defined  
1033 in chapter 320, the sexual offender shall also provide the  
1034 vehicle identification number; the license tag number; the  
1035 registration number; and a description, including color scheme,  
1036 of the motor vehicle, trailer, mobile home, or manufactured  
1037 home. If the sexual offender's place of residence is a vessel,  
1038 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1039 sexual offender shall also provide the hull identification  
1040 number; the manufacturer's serial number; the name of the  
1041 vessel, live-aboard vessel, or houseboat; the registration  
1042 number; and a description, including color scheme, of the  
1043 vessel, live-aboard vessel or houseboat.

1044 4. Any sexual offender who fails to report in person as

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1045 required at the sheriff's office, or who fails to respond to any  
1046 address verification correspondence from the department within 3  
1047 weeks of the date of the correspondence, or who fails to report  
1048 electronic mail addresses or instant message names, commits a  
1049 felony of the third degree, punishable as provided in s.  
1050 775.082, s. 775.083, or s. 775.084.

1051 Section 8. Subsections (9) and (10) of section 947.005,  
1052 Florida Statutes, is amended, and subsections (12), (13), (14),  
1053 and (15) are added to that section, to read:

1054 947.005 Definitions.—As used in this chapter, unless the  
1055 context clearly indicates otherwise:

1056 (9) "Qualified practitioner" means a social worker, mental  
1057 health counselor, or a marriage and family therapist licensed  
1058 under chapter 491 who, as determined by rule of the respective  
1059 boards, has the coursework, training, qualifications, and  
1060 experience to treat sex offenders; or a psychiatrist licensed  
1061 under chapter 458 or chapter 459; or, a psychologist licensed  
1062 under chapter 490, or a social worker, a mental health  
1063 counselor, or a marriage and family therapist licensed under  
1064 chapter 491 who practices in accordance with his or her  
1065 respective practice act.

1066 (10) "Risk assessment" means an assessment completed by a  
1067 ~~an independent~~ qualified practitioner to evaluate the level of  
1068 risk associated when a sex offender has contact with a child.

1069 (12) "Child care facility" has the same meaning as provided  
1070 in s. 402.302.

1071 (13) "Park" means all public and private property  
1072 specifically designated as being used for recreational purposes  
1073 and where children regularly congregate.

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1074       (14) "Playground" means a designated independent area in  
1075 the community or neighborhood which is designated solely for  
1076 children and has one or more play structures.

1077       (15) "School" has the same meaning as provided in s.  
1078 1003.01 and includes a private school as defined in s. 1002.01,  
1079 a voluntary prekindergarten education program as described in s.  
1080 1002.53(3), a public school as described in s. 402.3025(1), the  
1081 Florida School for the Deaf and the Blind, the Florida Virtual  
1082 School as established in s. 1002.37, and a K-8 Virtual School as  
1083 established in s. 1002.415, but does not includes facilities  
1084 dedicated exclusively to the education of adults.

1085       Section 9. Subsection (7) of section 947.1405, Florida  
1086 Statutes, is amended, and subsection (12) is added to that  
1087 section, to read:

1088       947.1405 Conditional release program.—

1089       (7) (a) Any inmate who is convicted of a crime committed on  
1090 or after October 1, 1995, or who has been previously convicted  
1091 of a crime committed on or after October 1, 1995, in violation  
1092 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
1093 847.0145, and is subject to conditional release supervision,  
1094 shall have, in addition to any other conditions imposed, the  
1095 following special conditions imposed by the commission:

1096       1. A mandatory curfew from 10 p.m. to 6 a.m. The commission  
1097 may designate another 8-hour period if the offender's employment  
1098 precludes the above specified time, and such alternative is  
1099 recommended by the Department of Corrections. If the commission  
1100 determines that imposing a curfew would endanger the victim, the  
1101 commission may consider alternative sanctions.

1102       2. If the victim was under the age of 18, a prohibition on

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1103 living within 1,000 feet of a school, child care facility ~~day~~  
1104 ~~care center~~, park, playground, designated public school bus  
1105 stop, or other place where children regularly congregate. A  
1106 releasee who is subject to this subparagraph may not relocate to  
1107 a residence that is within 1,000 feet of a public school bus  
1108 stop. Beginning October 1, 2004, the commission or the  
1109 department may not approve a residence that is located within  
1110 1,000 feet of a school, day care center, park, playground,  
1111 designated school bus stop, or other place where children  
1112 regularly congregate for any releasee who is subject to this  
1113 subparagraph. On October 1, 2004, the department shall notify  
1114 each affected school district of the location of the residence  
1115 of a releasee 30 days prior to release and thereafter, if the  
1116 releasee relocates to a new residence, shall notify any affected  
1117 school district of the residence of the releasee within 30 days  
1118 after relocation. If, on October 1, 2004, any public school bus  
1119 stop is located within 1,000 feet of the existing residence of  
1120 such releasee, the district school board shall relocate that  
1121 school bus stop. Beginning October 1, 2004, a district school  
1122 board may not establish or relocate a public school bus stop  
1123 within 1,000 feet of the residence of a releasee who is subject  
1124 to this subparagraph. The failure of the district school board  
1125 to comply with this subparagraph shall not result in a violation  
1126 of conditional release supervision. A releasee who is subject to  
1127 this subparagraph may not be forced to relocate and does not  
1128 violate his or her conditional release supervision if he or she  
1129 is living in a residence that meets the requirements of this  
1130 subparagraph and a school, child care facility, park,  
1131 playground, designated public school bus stop, or other place

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1132 where children regularly congregate is subsequently established  
1133 within 1,000 feet of his or her residence.

1134 3. Active participation in and successful completion of a  
1135 sex offender treatment program with qualified practitioners  
1136 specifically trained to treat sex offenders, at the releasee's  
1137 own expense. If a qualified practitioner is not available within  
1138 a 50-mile radius of the releasee's residence, the offender shall  
1139 participate in other appropriate therapy.

1140 4. A prohibition on any contact with the victim, directly  
1141 or indirectly, including through a third person, unless approved  
1142 by the victim, a qualified practitioner in the sexual offender  
1143 treatment program ~~the offender's therapist~~, and the sentencing  
1144 court.

1145 5. If the victim was under the age of 18, a prohibition  
1146 against contact with children under the age of 18 without review  
1147 and approval by the commission. The commission may approve  
1148 supervised contact with a child under the age of 18 if the  
1149 approval is based upon a recommendation for contact issued by a  
1150 qualified practitioner who is basing the recommendation on a  
1151 risk assessment. Further, the sex offender must be currently  
1152 enrolled in or have successfully completed a sex offender  
1153 therapy program. The commission may not grant supervised contact  
1154 with a child if the contact is not recommended by a qualified  
1155 practitioner and may deny supervised contact with a child at any  
1156 time. When considering whether to approve supervised contact  
1157 with a child, the commission must review and consider the  
1158 following:

1159 a. A risk assessment completed by a qualified practitioner.  
1160 The qualified practitioner must prepare a written report that



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1161 must include the findings of the assessment and address each of  
1162 the following components:

1163 (I) The sex offender's current legal status;

1164 (II) The sex offender's history of adult charges with  
1165 apparent sexual motivation;

1166 (III) The sex offender's history of adult charges without  
1167 apparent sexual motivation;

1168 (IV) The sex offender's history of juvenile charges,  
1169 whenever available;

1170 (V) The sex offender's offender treatment history,  
1171 including a consultation from the sex offender's treating, or  
1172 most recent treating, therapist;

1173 (VI) The sex offender's current mental status;

1174 (VII) The sex offender's mental health and substance abuse  
1175 history as provided by the Department of Corrections;

1176 (VIII) The sex offender's personal, social, educational,  
1177 and work history;

1178 (IX) The results of current psychological testing of the  
1179 sex offender if determined necessary by the qualified  
1180 practitioner;

1181 (X) A description of the proposed contact, including the  
1182 location, frequency, duration, and supervisory arrangement;

1183 (XI) The child's preference and relative comfort level with  
1184 the proposed contact, when age-appropriate;

1185 (XII) The parent's or legal guardian's preference regarding  
1186 the proposed contact; and

1187 (XIII) The qualified practitioner's opinion, along with the  
1188 basis for that opinion, as to whether the proposed contact would  
1189 likely pose significant risk of emotional or physical harm to

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1190 the child.

1191

1192 The written report of the assessment must be given to the  
1193 commission.

1194 b. A recommendation made as a part of the risk-assessment  
1195 report as to whether supervised contact with the child should be  
1196 approved;

1197 c. A written consent signed by the child's parent or legal  
1198 guardian, if the parent or legal guardian is not the sex  
1199 offender, agreeing to the sex offender having supervised contact  
1200 with the child after receiving full disclosure of the sex  
1201 offender's present legal status, past criminal history, and the  
1202 results of the risk assessment. The commission may not approve  
1203 contact with the child if the parent or legal guardian refuses  
1204 to give written consent for supervised contact;

1205 d. A safety plan prepared by the qualified practitioner,  
1206 who provides treatment to the offender, in collaboration with  
1207 the sex offender, the child's parent or legal guardian, and the  
1208 child, when age appropriate, which details the acceptable  
1209 conditions of contact between the sex offender and the child.  
1210 The safety plan must be reviewed and approved by the Department  
1211 of Corrections before being submitted to the commission; and

1212 e. Evidence that the child's parent or legal guardian, if  
1213 the parent or legal guardian is not the sex offender,  
1214 understands the need for and agrees to the safety plan and has  
1215 agreed to provide, or to designate another adult to provide,  
1216 constant supervision any time the child is in contact with the  
1217 offender.

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1219 The commission may not appoint a person to conduct a risk  
1220 assessment and may not accept a risk assessment from a person  
1221 who has not demonstrated to the commission that he or she has  
1222 met the requirements of a qualified practitioner as defined in  
1223 this section.

1224 6. If the victim was under age 18, a prohibition on working  
1225 for pay or as a volunteer at any school, day care center, park,  
1226 playground, or other place where children regularly congregate,  
1227 as prescribed by the commission.

1228 7. Unless otherwise indicated in the treatment plan  
1229 provided by a qualified practitioner in the sexual offender  
1230 treatment program, a prohibition on viewing, owning, or  
1231 possessing any obscene, pornographic, or sexually stimulating  
1232 visual or auditory material, including telephone, electronic  
1233 media, computer programs, or computer services that are relevant  
1234 to the offender's deviant behavior pattern.

1235 8. Effective for a releasee whose crime is committed on or  
1236 after July 1, 2005, a prohibition on accessing the Internet or  
1237 other computer services until a qualified practitioner in the  
1238 offender's sex offender treatment program, after a risk  
1239 assessment is completed, approves and implements a safety plan  
1240 for the offender's accessing or using the Internet or other  
1241 computer services.

1242 9. A requirement that the releasee must submit two  
1243 specimens of blood to the Florida Department of Law Enforcement  
1244 to be registered with the DNA database.

1245 10. A requirement that the releasee make restitution to the  
1246 victim, as determined by the sentencing court or the commission,  
1247 for all necessary medical and related professional services

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1248 relating to physical, psychiatric, and psychological care.

1249 11. Submission to a warrantless search by the community  
1250 control or probation officer of the probationer's or community  
1251 controllee's person, residence, or vehicle.

1252 (b) For a releasee whose crime was committed on or after  
1253 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
1254 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
1255 conditional release supervision, in addition to any other  
1256 provision of this subsection, the commission shall impose the  
1257 following additional conditions of conditional release  
1258 supervision:

1259 1. As part of a treatment program, participation in a  
1260 minimum of one annual polygraph examination to obtain  
1261 information necessary for risk management and treatment and to  
1262 reduce the sex offender's denial mechanisms. The polygraph  
1263 examination must be conducted by a polygrapher who is a member  
1264 of a national or state polygraph association and who is  
1265 certified as a postconviction sex offender polygrapher ~~trained~~  
1266 ~~specifically in the use of the polygraph for the monitoring of~~  
1267 ~~sex offenders~~, where available, and at the expense of the  
1268 releasee ~~sex offender~~. The results of the examination shall be  
1269 provided to the releasee's probation officer and qualified  
1270 practitioner and may not be used as evidence in a hearing to  
1271 prove that a violation of supervision has occurred.

1272 2. Maintenance of a driving log and a prohibition against  
1273 driving a motor vehicle alone without the prior approval of the  
1274 supervising officer.

1275 3. A prohibition against obtaining or using a post office  
1276 box without the prior approval of the supervising officer.

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1277 4. If there was sexual contact, a submission to, at the  
1278 releasee's ~~probationer's or community controllee's~~ expense, an  
1279 HIV test with the results to be released to the victim or the  
1280 victim's parent or guardian.

1281 5. Electronic monitoring of any form when ordered by the  
1282 commission. Any person who has been placed under supervision and  
1283 is electronically monitored by the department must pay the  
1284 department for the cost of the electronic monitoring service at  
1285 a rate that may not exceed the full cost of the monitoring  
1286 service. Funds collected under this subparagraph shall be  
1287 deposited into the General Revenue Fund. The department may  
1288 exempt a person from the payment of all or any part of the  
1289 electronic monitoring service cost if the department finds that  
1290 any of the factors listed in s. 948.09(3) exist.

1291 (12) In addition to all other conditions imposed, for a  
1292 releasee who is subject to conditional release for a crime that  
1293 was committed on or after the effective date of this act, and  
1294 who has been convicted at any time of committing, or attempting,  
1295 soliciting, or conspiring to commit, any of the criminal  
1296 offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar  
1297 offense in another jurisdiction, against a victim who was under  
1298 the age of 18 at the time of the offense; if the releasee has  
1299 not received a pardon for any felony or similar law of another  
1300 jurisdiction necessary for the operation of this subsection, if  
1301 a conviction of a felony or similar law of another jurisdiction  
1302 necessary for the operation of this subsection has not been set  
1303 aside in any postconviction proceeding, or if the releasee has  
1304 not been removed from the requirement to register as a sexual  
1305 offender or sexual predator pursuant to s. 943.04354, the

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1306 commission must impose the following conditions:

1307 (a) A prohibition on visiting any child care facility, pre-  
1308 K through 12 school, any real property comprising a child care  
1309 facility or pre-K through 12 school when the child care facility  
1310 or school is in operation, as well as any park, or playground,  
1311 while children are present, without prior approval from the  
1312 releasee's supervising officer. The commission may also  
1313 designate additional locations to protect a victim. The  
1314 prohibition ordered under this paragraph does not prohibit the  
1315 releasee from visiting a school, child care facility, park, or  
1316 playground for the sole purpose of attending a religious service  
1317 as defined in s. 775.0861, or picking up or dropping off the  
1318 releasee's children or grandchildren at a child care facility or  
1319 school.

1320 (b) A prohibition on distributing candy or other items to  
1321 children on Halloween; wearing a Santa Claus costume, or other  
1322 costume to appeal to children, on or preceding Christmas;  
1323 wearing an Easter Bunny costume, or other costume to appeal to  
1324 children, on or preceding Easter; entertaining at children's  
1325 parties; or wearing a clown costume without prior approval from  
1326 the commission.

1327 Section 10. Subsections (6) and (7) of section 948.001,  
1328 Florida Statutes, are amended, and subsections (11), (12), (13),  
1329 and (14) are added to that section, to read:

1330 948.001 Definitions.—As used in this chapter, the term:

1331 (6) "Qualified practitioner" means a social worker, mental  
1332 health counselor, or a marriage and family therapist licensed  
1333 under chapter 491 who, as determined by rule of the respective  
1334 boards, has the coursework, training, qualifications, and

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1335 experience to evaluate and treat sexual offenders; or a  
1336 psychiatrist licensed under chapter 458 or chapter 459; ~~or~~ a  
1337 psychologist licensed under chapter 490, ~~or a social worker, a~~  
1338 mental health counselor, or a marriage and family therapist  
1339 licensed under chapter 491 who practices in accordance with his  
1340 or her respective practice act.

1341 (7) "Risk assessment" means an assessment completed by a ~~an~~  
1342 ~~independent~~ qualified practitioner to evaluate the level of risk  
1343 associated when a sex offender has contact with a child.

1344 (11) "Child care facility" has the same meaning as provided  
1345 in s. 402.302.

1346 (12) "Park" means all public and private property  
1347 specifically designated as being used for recreational purposes  
1348 and where children regularly congregate.

1349 (13) "Playground" means a designated independent area in  
1350 the community or neighborhood which is designated solely for  
1351 children and has one or more play structures.

1352 (14) "School" has the same meaning as provided in s.  
1353 1003.01 and includes a private school as defined in s. 1002.01,  
1354 a voluntary prekindergarten education program as described in s.  
1355 1002.53(3), a public school as described in s. 402.3025(1), the  
1356 Florida School for the Deaf and the Blind, the Florida Virtual  
1357 School as established in s. 1002.37, and a K-8 Virtual School as  
1358 established in s. 1002.415, but does not includes facilities  
1359 dedicated exclusively to the education of adults.

1360 Section 11. Subsection (1) and paragraph (a) of subsection  
1361 (2) of section 948.30, Florida Statutes, are amended, and  
1362 subsection (4) is added to that section, to read:

1363 948.30 Additional terms and conditions of probation or

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1364 community control for certain sex offenses.—Conditions imposed  
1365 pursuant to this section do not require oral pronouncement at  
1366 the time of sentencing and shall be considered standard  
1367 conditions of probation or community control for offenders  
1368 specified in this section.

1369 (1) Effective for probationers or community controllees  
1370 whose crime was committed on or after October 1, 1995, and who  
1371 are placed under supervision for violation of chapter 794, s.  
1372 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court  
1373 must impose the following conditions in addition to all other  
1374 standard and special conditions imposed:

1375 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may  
1376 designate another 8-hour period if the offender's employment  
1377 precludes the above specified time, and the alternative is  
1378 recommended by the Department of Corrections. If the court  
1379 determines that imposing a curfew would endanger the victim, the  
1380 court may consider alternative sanctions.

1381 (b) If the victim was under the age of 18, a prohibition on  
1382 living within 1,000 feet of a school, child care facility ~~day~~  
1383 ~~care center~~, park, playground, or other place where children  
1384 regularly congregate, as prescribed by the court. The 1,000-foot  
1385 distance shall be measured in a straight line from the  
1386 offender's place of residence to the nearest boundary line of  
1387 the school, day care center, park, playground, or other place  
1388 where children congregate. The distance may not be measured by a  
1389 pedestrian route or automobile route. A probationer or community  
1390 controllee who is subject to this paragraph may not be forced to  
1391 relocate and does not violate his or her probation or community  
1392 control if he or she is living in a residence that meets the



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1393 requirements of this paragraph and a school, child care  
1394 facility, park, playground, or other place where children  
1395 regularly congregate is subsequently established within 1,000  
1396 feet of his or her residence.

1397 (c) Active participation in and successful completion of a  
1398 sex offender treatment program with qualified practitioners  
1399 specifically trained to treat sex offenders, at the  
1400 probationer's or community controllee's own expense. If a  
1401 qualified practitioner is not available within a 50-mile radius  
1402 of the probationer's or community controllee's residence, the  
1403 offender shall participate in other appropriate therapy.

1404 (d) A prohibition on any contact with the victim, directly  
1405 or indirectly, including through a third person, unless approved  
1406 by the victim, a qualified practitioner in the sexual offender  
1407 treatment program ~~the offender's therapist~~, and the sentencing  
1408 court.

1409 (e) If the victim was under the age of 18, a prohibition on  
1410 contact with a child under the age of 18 except as provided in  
1411 this paragraph. The court may approve supervised contact with a  
1412 child under the age of 18 if the approval is based upon a  
1413 recommendation for contact issued by a qualified practitioner  
1414 who is basing the recommendation on a risk assessment. Further,  
1415 the sex offender must be currently enrolled in or have  
1416 successfully completed a sex offender therapy program. The court  
1417 may not grant supervised contact with a child if the contact is  
1418 not recommended by a qualified practitioner and may deny  
1419 supervised contact with a child at any time. When considering  
1420 whether to approve supervised contact with a child, the court  
1421 must review and consider the following:

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- 1422           1. A risk assessment completed by a qualified practitioner.  
1423 The qualified practitioner must prepare a written report that  
1424 must include the findings of the assessment and address each of  
1425 the following components:
- 1426           a. The sex offender's current legal status;
  - 1427           b. The sex offender's history of adult charges with  
1428 apparent sexual motivation;
  - 1429           c. The sex offender's history of adult charges without  
1430 apparent sexual motivation;
  - 1431           d. The sex offender's history of juvenile charges, whenever  
1432 available;
  - 1433           e. The sex offender's offender treatment history, including  
1434 consultations with the sex offender's treating, or most recent  
1435 treating, therapist;
  - 1436           f. The sex offender's current mental status;
  - 1437           g. The sex offender's mental health and substance abuse  
1438 treatment history as provided by the Department of Corrections;
  - 1439           h. The sex offender's personal, social, educational, and  
1440 work history;
  - 1441           i. The results of current psychological testing of the sex  
1442 offender if determined necessary by the qualified practitioner;
  - 1443           j. A description of the proposed contact, including the  
1444 location, frequency, duration, and supervisory arrangement;
  - 1445           k. The child's preference and relative comfort level with  
1446 the proposed contact, when age appropriate;
  - 1447           l. The parent's or legal guardian's preference regarding  
1448 the proposed contact; and
  - 1449           m. The qualified practitioner's opinion, along with the  
1450 basis for that opinion, as to whether the proposed contact would

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1451 likely pose significant risk of emotional or physical harm to  
1452 the child.

1453

1454 The written report of the assessment must be given to the court;

1455 2. A recommendation made as a part of the risk assessment  
1456 report as to whether supervised contact with the child should be  
1457 approved;

1458 3. A written consent signed by the child's parent or legal  
1459 guardian, if the parent or legal guardian is not the sex  
1460 offender, agreeing to the sex offender having supervised contact  
1461 with the child after receiving full disclosure of the sex  
1462 offender's present legal status, past criminal history, and the  
1463 results of the risk assessment. The court may not approve  
1464 contact with the child if the parent or legal guardian refuses  
1465 to give written consent for supervised contact;

1466 4. A safety plan prepared by the qualified practitioner,  
1467 who provides treatment to the offender, in collaboration with  
1468 the sex offender, the child's parent or legal guardian, if the  
1469 parent or legal guardian is not the sex offender, and the child,  
1470 when age appropriate, which details the acceptable conditions of  
1471 contact between the sex offender and the child. The safety plan  
1472 must be reviewed and approved by the court; and

1473 5. Evidence that the child's parent or legal guardian  
1474 understands the need for and agrees to the safety plan and has  
1475 agreed to provide, or to designate another adult to provide,  
1476 constant supervision any time the child is in contact with the  
1477 offender.

1478

1479 The court may not appoint a person to conduct a risk assessment

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1480 and may not accept a risk assessment from a person who has not  
1481 demonstrated to the court that he or she has met the  
1482 requirements of a qualified practitioner as defined in this  
1483 section.

1484 (f) If the victim was under age 18, a prohibition on  
1485 working for pay or as a volunteer at any place where children  
1486 regularly congregate, including, but not limited to, schools,  
1487 day care centers, parks, playgrounds, pet stores, libraries,  
1488 zoos, theme parks, and malls.

1489 (g) Unless otherwise indicated in the treatment plan  
1490 provided by a qualified practitioner in the sexual offender  
1491 treatment program, a prohibition on viewing, accessing, owning,  
1492 or possessing any obscene, pornographic, or sexually stimulating  
1493 visual or auditory material, including telephone, electronic  
1494 media, computer programs, or computer services that are relevant  
1495 to the offender's deviant behavior pattern.

1496 (h) Effective for probationers and community controllees  
1497 whose crime is committed on or after July 1, 2005, a prohibition  
1498 on accessing the Internet or other computer services until a  
1499 qualified practitioner in the offender's sex offender treatment  
1500 program, after a risk assessment is completed, approves and  
1501 implements a safety plan for the offender's accessing or using  
1502 the Internet or other computer services.

1503 (i) A requirement that the probationer or community  
1504 controllee must submit a specimen of blood or other approved  
1505 biological specimen to the Department of Law Enforcement to be  
1506 registered with the DNA data bank.

1507 (j) A requirement that the probationer or community  
1508 controllee make restitution to the victim, as ordered by the

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1509 court under s. 775.089, for all necessary medical and related  
1510 professional services relating to physical, psychiatric, and  
1511 psychological care.

1512 (k) Submission to a warrantless search by the community  
1513 control or probation officer of the probationer's or community  
1514 controllee's person, residence, or vehicle.

1515 (2) Effective for a probationer or community controllee  
1516 whose crime was committed on or after October 1, 1997, and who  
1517 is placed on community control or sex offender probation for a  
1518 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
1519 or s. 847.0145, in addition to any other provision of this  
1520 section, the court must impose the following conditions of  
1521 probation or community control:

1522 (a) As part of a treatment program, participation at least  
1523 annually in polygraph examinations to obtain information  
1524 necessary for risk management and treatment and to reduce the  
1525 sex offender's denial mechanisms. A polygraph examination must  
1526 be conducted by a polygrapher who is a member of a national or  
1527 state polygraph association and who is certified as a  
1528 postconviction sex offender polygrapher ~~trained specifically in~~  
1529 ~~the use of the polygraph for the monitoring of sex offenders,~~  
1530 where available, and shall be paid for by the probationer or  
1531 community controllee ~~sex offender~~. The results of the polygraph  
1532 examination shall be provided to the probationer's or community  
1533 controllee's probation officer and qualified practitioner and  
1534 shall not be used as evidence in court to prove that a violation  
1535 of community supervision has occurred.

1536 (4) In addition to all other conditions imposed, for a  
1537 probationer or community controllee who is subject to

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1538 supervision for a crime that was committed on or after the  
1539 effective date of this act, and who has been convicted at any  
1540 time of committing, or attempting, soliciting, or conspiring to  
1541 commit, any of the criminal offenses listed in s.  
1542 943.0435(1)(a)1.a.(I), or a similar offense in another  
1543 jurisdiction, against a victim who was under the age of 18 at  
1544 the time of the offense; if the offender has not received a  
1545 pardon for any felony or similar law of another jurisdiction  
1546 necessary for the operation of this subsection, if a conviction  
1547 of a felony or similar law of another jurisdiction necessary for  
1548 the operation of this subsection has not been set aside in any  
1549 postconviction proceeding, or if the offender has not been  
1550 removed from the requirement to register as a sexual offender or  
1551 sexual predator pursuant to s. 943.04354, the court must impose  
1552 the following conditions:

1553 (a) A prohibition on visiting schools, child care  
1554 facilities, parks, and playgrounds, without prior approval from  
1555 the offender's supervising officer. The court may also designate  
1556 additional locations to protect a victim. The prohibition  
1557 ordered under this paragraph does not prohibit the offender from  
1558 visiting a school, child care facility, park, or playground for  
1559 the sole purpose of attending a religious service as defined in  
1560 s. 775.0861, or picking up or dropping off the offender's  
1561 children or grandchildren at a child care facility or school.

1562 (b) A prohibition on distributing candy or other items to  
1563 children on Halloween; wearing a Santa Claus costume, or other  
1564 costume to appeal to children, on or preceding Christmas;  
1565 wearing an Easter Bunny costume, or other costume to appeal to  
1566 children, on or preceding Easter; entertaining at children's

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1567 parties; or wearing a clown costume without prior approval from  
1568 the court.

1569 Section 12. Section 948.31, Florida Statutes, is amended to  
1570 read:

1571 948.31 ~~Diagnosis, Evaluation, and treatment of sexual~~  
1572 ~~predators and offenders placed on probation or community control~~  
1573 ~~for certain sex offenses or child exploitation.~~—The court shall  
1574 require an a diagnosis and evaluation by a qualified  
1575 practitioner to determine the need of a probationer or community  
1576 controlee offender in community control for treatment. If the  
1577 court determines that a need therefor is established by the such  
1578 diagnosis and evaluation process, the court shall require sexual  
1579 offender treatment outpatient counseling as a term or condition  
1580 of probation or community control for any person who is required  
1581 to register as a sexual predator under s. 775.21 or sexual  
1582 offender under s. 943.0435, s. 944.606, or s. 944.607. ~~was found~~  
1583 ~~guilty of any of the following, or whose plea of guilty or nolo~~  
1584 ~~contendere to any of the following was accepted by the court:~~

1585 (1) ~~Lewd or lascivious battery, lewd or lascivious~~  
1586 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1587 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1588 (2) ~~Sexual battery, as defined in chapter 794, against a~~  
1589 ~~child.~~

1590 (3) ~~Exploitation of a child as provided in s. 450.151, or~~  
1591 ~~for prostitution.~~

1592  
1593 Such treatment counseling shall be required to be obtained from  
1594 a qualified practitioner as defined in s. 948.001. Treatment may  
1595 not be administered by a qualified practitioner who has been

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1596 convicted or adjudicated delinquent of committing, or  
1597 attempting, soliciting, or conspiring to commit, any offense  
1598 that is listed in s. 943.0435(1) (a)1.a.(I). The court shall  
1599 impose a restriction against contact with minors if sexual  
1600 offender treatment is recommended ~~a community mental health~~  
1601 ~~center, a recognized social service agency providing mental~~  
1602 ~~health services, or a private mental health professional or~~  
1603 ~~through other professional counseling.~~ The evaluation and  
1604 recommendations ~~plan~~ for treatment of ~~counseling for~~ the  
1605 probationer or community controlee individual shall be provided  
1606 to the court for review.

1607 Section 13. Paragraph (a) of subsection (3) of section  
1608 985.481, Florida Statutes, is amended to read:

1609 985.481 Sexual offenders adjudicated delinquent;  
1610 notification upon release.-

1611 (3) (a) The department must provide information regarding  
1612 any sexual offender who is being released after serving a period  
1613 of residential commitment under the department for any offense,  
1614 as follows:

1615 1. The department must provide the sexual offender's name,  
1616 any change in the offender's name by reason of marriage or other  
1617 legal process, and any alias, if known; the correctional  
1618 facility from which the sexual offender is released; the sexual  
1619 offender's social security number, race, sex, date of birth,  
1620 height, weight, and hair and eye color; address of any planned  
1621 permanent residence or temporary residence, within the state or  
1622 out of state, including a rural route address and a post office  
1623 box; if no permanent or temporary address, any transient  
1624 residence within the state; address, location or description,



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1625 and dates of any known future temporary residence within the  
1626 state or out of state; date and county of disposition and each  
1627 crime for which there was a disposition; a copy of the  
1628 offender's fingerprints and a digitized photograph taken within  
1629 60 days before release; the date of release of the sexual  
1630 offender; and home telephone number and any cellular telephone  
1631 number; ~~and the offender's intended residence address, if known.~~  
1632 The department shall notify the Department of Law Enforcement if  
1633 the sexual offender escapes, absconds, or dies. If the sexual  
1634 offender is in the custody of a private correctional facility,  
1635 the facility shall take the digitized photograph of the sexual  
1636 offender within 60 days before the sexual offender's release and  
1637 also place it in the sexual offender's file. If the sexual  
1638 offender is in the custody of a local jail, the custodian of the  
1639 local jail shall register the offender within 3 business days  
1640 after intake of the offender for any reason and upon release,  
1641 and shall notify the Department of Law Enforcement of the sexual  
1642 offender's release and provide to the Department of Law  
1643 Enforcement the information specified in this subparagraph and  
1644 any information specified in subparagraph 2. which the  
1645 Department of Law Enforcement requests.

1646 2. The department may provide any other information  
1647 considered necessary, including criminal and delinquency  
1648 records, when available.

1649 Section 14. Paragraph (a) of subsection (4), paragraph (a)  
1650 of subsection (6), and paragraph (b) of subsection (13) of  
1651 section 985.4815, Florida Statutes, are amended to read:

1652 985.4815 Notification to Department of Law Enforcement of  
1653 information on juvenile sexual offenders.—

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1654 (4) A sexual offender, as described in this section, who is  
1655 under the supervision of the department but who is not committed  
1656 must register with the department within 3 business days after  
1657 adjudication and disposition for a registrable offense and  
1658 otherwise provide information as required by this subsection.

1659 (a) The sexual offender shall provide his or her name; date  
1660 of birth; social security number; race; sex; height; weight;  
1661 hair and eye color; tattoos or other identifying marks; ~~and~~  
1662 permanent or legal residence and address of temporary residence  
1663 within the state or out of state while the sexual offender is in  
1664 the care or custody or under the jurisdiction or supervision of  
1665 the department in this state, including any rural route address  
1666 or post office box; if no permanent or temporary address, any  
1667 transient residence; address, location or description, and dates  
1668 of any current or known future temporary residence within the  
1669 state or out of state; and the name and address of each school  
1670 attended. The department shall verify the address of each sexual  
1671 offender and shall report to the Department of Law Enforcement  
1672 any failure by a sexual offender to comply with registration  
1673 requirements.

1674 (6) (a) The information provided to the Department of Law  
1675 Enforcement must include the following:

1676 1. The information obtained from the sexual offender under  
1677 subsection (4).

1678 2. The sexual offender's most current address and place of  
1679 permanent, ~~or~~ temporary, or transient residence within the state  
1680 or out of state, and address, location or description, and dates  
1681 of any current or known future temporary residence within the  
1682 state or out of state, while the sexual offender is in the care

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1683 or custody or under the jurisdiction or supervision of the  
1684 department in this state, including the name of the county or  
1685 municipality in which the offender permanently or temporarily  
1686 resides, or has a transient residence, and address, location or  
1687 description, and dates of any current or known future temporary  
1688 residence within the state or out of state; and, if known, the  
1689 intended place of permanent, ~~or~~ temporary, or transient  
1690 residence, and address, location or description, and dates of  
1691 any current or known future temporary residence within the state  
1692 or out of state upon satisfaction of all sanctions.

1693 3. The legal status of the sexual offender and the  
1694 scheduled termination date of that legal status.

1695 4. The location of, and local telephone number for, any  
1696 department office that is responsible for supervising the sexual  
1697 offender.

1698 5. An indication of whether the victim of the offense that  
1699 resulted in the offender's status as a sexual offender was a  
1700 minor.

1701 6. The offense or offenses at adjudication and disposition  
1702 that resulted in the determination of the offender's status as a  
1703 sex offender.

1704 7. A digitized photograph of the sexual offender, which  
1705 must have been taken within 60 days before the offender was  
1706 released from the custody of the department or a private  
1707 correctional facility by expiration of sentence under s.  
1708 944.275, or within 60 days after the onset of the department's  
1709 supervision of any sexual offender who is on probation,  
1710 postcommitment probation, residential commitment, nonresidential  
1711 commitment, licensed child-caring commitment, community control,

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1712 conditional release, parole, provisional release, or control  
1713 release or who is supervised by the department under the  
1714 Interstate Compact Agreement for Probationers and Parolees. If  
1715 the sexual offender is in the custody of a private correctional  
1716 facility, the facility shall take a digitized photograph of the  
1717 sexual offender within the time period provided in this  
1718 subparagraph and shall provide the photograph to the department.

1719 (13)

1720 (b) The sheriff's office may determine the appropriate  
1721 times and days for reporting by the sexual offender, which shall  
1722 be consistent with the reporting requirements of this  
1723 subsection. Reregistration shall include any changes to the  
1724 following information:

1725 1. Name; social security number; age; race; sex; date of  
1726 birth; height; weight; hair and eye color; address of any  
1727 permanent residence and address of any current temporary  
1728 residence, within the state or out of state, including a rural  
1729 route address and a post office box; if no permanent or  
1730 temporary address, any transient residence; address, location or  
1731 description, and dates of any current or known future temporary  
1732 residence within the state or out of state; name and address of  
1733 each school attended; date and place of any employment; vehicle  
1734 make, model, color, and license tag number; fingerprints; and  
1735 photograph. A post office box shall not be provided in lieu of a  
1736 physical residential address.

1737 2. If the sexual offender is enrolled, employed, or  
1738 carrying on a vocation at an institution of higher education in  
1739 this state, the sexual offender shall also provide to the  
1740 department the name, address, and county of each institution,

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1741 including each campus attended, and the sexual offender's  
1742 enrollment or employment status.

1743 3. If the sexual offender's place of residence is a motor  
1744 vehicle, trailer, mobile home, or manufactured home, as defined  
1745 in chapter 320, the sexual offender shall also provide the  
1746 vehicle identification number; the license tag number; the  
1747 registration number; and a description, including color scheme,  
1748 of the motor vehicle, trailer, mobile home, or manufactured  
1749 home. If the sexual offender's place of residence is a vessel,  
1750 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1751 sexual offender shall also provide the hull identification  
1752 number; the manufacturer's serial number; the name of the  
1753 vessel, live-aboard vessel, or houseboat; the registration  
1754 number; and a description, including color scheme, of the  
1755 vessel, live-aboard vessel, or houseboat.

1756 4. Any sexual offender who fails to report in person as  
1757 required at the sheriff's office, or who fails to respond to any  
1758 address verification correspondence from the department within 3  
1759 weeks after the date of the correspondence, commits a felony of  
1760 the third degree, punishable as provided in ss. 775.082,  
1761 775.083, and 775.084.

1762 Section 15. The Legislature intends that nothing in this  
1763 act reduce or diminish a court's jurisdiction.

1764 Section 16. If any provision of this act or its application  
1765 to any person or circumstance is held invalid, the invalidity  
1766 does not affect other provisions or applications of this act  
1767 which can be given effect without the invalid provision or  
1768 application, and to this end the provisions of this act are  
1769 severable.

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