

HB 1277

2011

1 A bill to be entitled  
2 An act relating to sexual offenders and predators;  
3 amending s. 775.21, F.S.; replacing the definition of the  
4 term "instant message name" with the definition of the  
5 term "Internet identifier"; conforming provisions;  
6 providing that a sexual predator is not in violation of  
7 specified reporting provisions if he or she reports an  
8 address or location change to the local sheriff's office  
9 within a specified period of such change with proof that  
10 he or she also promptly reported such information to the  
11 Department of Highway Safety and Motor Vehicles; creating  
12 s. 847.0141, F.S.; prohibiting a minor's use of an  
13 electronic communication device to transmit, distribute,  
14 or display a visual depiction of himself or herself that  
15 depicts nudity and is harmful to minors; providing  
16 penalties; prohibiting a minor's intentional or knowing  
17 possession of a visual depiction of another minor that  
18 depicts nudity and is harmful to minors; providing an  
19 exception; providing penalties; providing duties for law  
20 enforcement officers; providing for prosecution of a minor  
21 under other provisions; amending s. 943.0435, F.S.;

22 revising the definition of the term "sexual offender" to  
23 include additional offenses and persons released for  
24 sanctions for certain offenses after a specified date;  
25 replacing the definition of the term "instant message  
26 name" with the definition of the term "Internet  
27 identifier"; conforming provisions; providing that a  
28 sexual offender is not in violation of specified reporting

29 provisions if he or she reports an address or location  
30 change to the local sheriff's office within a specified  
31 period of such change with proof that he or she also  
32 promptly reported such information to the Department of  
33 Highway Safety and Motor Vehicles; providing additional  
34 requirements for offenders intending to reside outside of  
35 the United States; amending s. 943.04351, F.S.; requiring  
36 a specified national search of registration information  
37 regarding sexual predators and sexual offenders prior to  
38 appointment or employment of persons by state agencies and  
39 governmental subdivisions; creating s. 943.04355, F.S.;  
40 allowing persons required to register as sexual offenders  
41 or sexual predators who were under a specified age when  
42 they committed the act giving rise to the requirements to  
43 petition for the removal of the obligation for  
44 registration or for an exemption from community and public  
45 notification; providing eligibility requirements;  
46 providing duties of state attorneys; providing  
47 requirements for a subsequent petition if a petition is  
48 denied; providing a definition; providing duties for the  
49 Department of Law Enforcement if a petition is granted;  
50 providing for an order for nonpublic registration for a  
51 juvenile sexual offender at any time if certain conditions  
52 are met; providing for revocation of such an order for  
53 nonpublic registration; amending s. 943.0437, F.S.;  
54 replacing the definition of the term "instant message  
55 name" with the definition of the term "Internet  
56 identifier"; conforming provisions; amending ss. 944.606

57 and 944.607, F.S.; revising the definition of the term  
 58 "sexual offender" to include additional offenses and  
 59 persons released for sanctions for certain offenses after  
 60 a specified date; replacing the definition of the term  
 61 "instant message name" with the definition of the term  
 62 "Internet identifier"; conforming provisions; amending s.  
 63 947.005, F.S.; revising the definition of the term "risk  
 64 assessment"; amending s. 948.31, F.S.; providing that  
 65 conditions imposed under that section do not require oral  
 66 pronouncement at the time of sentencing and shall be  
 67 considered standard conditions of probation or community  
 68 control for certain offenders; providing severability;  
 69 providing an effective date.

70  
 71 Be It Enacted by the Legislature of the State of Florida:

72  
 73 Section 1. Paragraph (i) of subsection (2), paragraphs  
 74 (a), (e), and (g) of subsection (6), paragraph (a) of subsection  
 75 (8), and paragraph (a) of subsection (10) of section 775.21,  
 76 Florida Statutes, are amended to read:

77 775.21 The Florida Sexual Predators Act.—

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

79 (i) "Internet identifier ~~Instant message name~~" means any  
 80 electronic mail, chat, instant messenger, social networking, or  
 81 similar name used for Internet communication, but does not  
 82 include a date of birth, social security number, or PIN number  
 83 ~~an identifier that allows a person to communicate in real time~~  
 84 ~~with another person using the Internet.~~

HB 1277

2011

85 (6) REGISTRATION.—

86 (a) A sexual predator must register with the department  
87 through the sheriff's office by providing the following  
88 information to the department:

89 1. Name; social security number; age; race; sex; date of  
90 birth; height; weight; hair and eye color; photograph; address  
91 of legal residence and address of any current temporary  
92 residence, within the state or out of state, including a rural  
93 route address and a post office box; if no permanent or  
94 temporary address, any transient residence within the state;  
95 address, location or description, and dates of any current or  
96 known future temporary residence within the state or out of  
97 state; any electronic mail address and any Internet identifier  
98 ~~instant message name~~ required to be provided pursuant to  
99 subparagraph (g)4.; home telephone number and any cellular  
100 telephone number; date and place of any employment; date and  
101 place of each conviction; fingerprints; and a brief description  
102 of the crime or crimes committed by the offender. A post office  
103 box shall not be provided in lieu of a physical residential  
104 address.

105 a. If the sexual predator's place of residence is a motor  
106 vehicle, trailer, mobile home, or manufactured home, as defined  
107 in chapter 320, the sexual predator shall also provide to the  
108 department written notice of the vehicle identification number;  
109 the license tag number; the registration number; and a  
110 description, including color scheme, of the motor vehicle,  
111 trailer, mobile home, or manufactured home. If a sexual  
112 predator's place of residence is a vessel, live-aboard vessel,

113 or houseboat, as defined in chapter 327, the sexual predator  
 114 shall also provide to the department written notice of the hull  
 115 identification number; the manufacturer's serial number; the  
 116 name of the vessel, live-aboard vessel, or houseboat; the  
 117 registration number; and a description, including color scheme,  
 118 of the vessel, live-aboard vessel, or houseboat.

119       b. If the sexual predator is enrolled, employed, or  
 120 carrying on a vocation at an institution of higher education in  
 121 this state, the sexual predator shall also provide to the  
 122 department the name, address, and county of each institution,  
 123 including each campus attended, and the sexual predator's  
 124 enrollment or employment status. Each change in enrollment or  
 125 employment status shall be reported in person at the sheriff's  
 126 office, or the Department of Corrections if the sexual predator  
 127 is in the custody or control of or under the supervision of the  
 128 Department of Corrections, within 48 hours after any change in  
 129 status. The sheriff or the Department of Corrections shall  
 130 promptly notify each institution of the sexual predator's  
 131 presence and any change in the sexual predator's enrollment or  
 132 employment status.

133       2. Any other information determined necessary by the  
 134 department, including criminal and corrections records;  
 135 nonprivileged personnel and treatment records; and evidentiary  
 136 genetic markers when available.

137       (e)1. If the sexual predator is not in the custody or  
 138 control of, or under the supervision of, the Department of  
 139 Corrections or is not in the custody of a private correctional  
 140 facility, the sexual predator shall register in person:

HB 1277

2011

141 a. At the sheriff's office in the county where he or she  
142 establishes or maintains a residence within 48 hours after  
143 establishing or maintaining a residence in this state; and

144 b. At the sheriff's office in the county where he or she  
145 was designated a sexual predator by the court within 48 hours  
146 after such finding is made.

147 2. Any change in the sexual predator's permanent or  
148 temporary residence, name, or any electronic mail address and  
149 any Internet identifier ~~instant message name~~ required to be  
150 provided pursuant to subparagraph (g)4., after the sexual  
151 predator registers in person at the sheriff's office as provided  
152 in subparagraph 1., shall be accomplished in the manner provided  
153 in paragraphs (g), (i), and (j). When a sexual predator  
154 registers with the sheriff's office, the sheriff shall take a  
155 photograph and a set of fingerprints of the predator and forward  
156 the photographs and fingerprints to the department, along with  
157 the information that the predator is required to provide  
158 pursuant to this section.

159 (g)1. Each time a sexual predator's driver's license or  
160 identification card is subject to renewal, and, without regard  
161 to the status of the predator's driver's license or  
162 identification card, within 48 hours after any change of the  
163 predator's residence or change in the predator's name by reason  
164 of marriage or other legal process, the predator shall report in  
165 person to a driver's license office and shall be subject to the  
166 requirements specified in paragraph (f). The Department of  
167 Highway Safety and Motor Vehicles shall forward to the  
168 department and to the Department of Corrections all photographs

HB 1277

2011

169 and information provided by sexual predators. Notwithstanding  
170 the restrictions set forth in s. 322.142, the Department of  
171 Highway Safety and Motor Vehicles is authorized to release a  
172 reproduction of a color-photograph or digital-image license to  
173 the Department of Law Enforcement for purposes of public  
174 notification of sexual predators as provided in this section. A  
175 sexual predator is not in violation of this paragraph if he or  
176 she reports an address or location change to the local sheriff's  
177 office within 48 hours after such change with proof that he or  
178 she also promptly reported such information to the Department of  
179 Highway Safety and Motor Vehicles.

180 2. A sexual predator who vacates a permanent, temporary,  
181 or transient residence and fails to establish or maintain  
182 another permanent, temporary, or transient residence shall,  
183 within 48 hours after vacating the permanent, temporary, or  
184 transient residence, report in person to the sheriff's office of  
185 the county in which he or she is located. The sexual predator  
186 shall specify the date upon which he or she intends to or did  
187 vacate such residence. The sexual predator must provide or  
188 update all of the registration information required under  
189 paragraph (a). The sexual predator must provide an address for  
190 the residence or other place that he or she is or will be  
191 located during the time in which he or she fails to establish or  
192 maintain a permanent or temporary residence.

193 3. A sexual predator who remains at a permanent,  
194 temporary, or transient residence after reporting his or her  
195 intent to vacate such residence shall, within 48 hours after the  
196 date upon which the predator indicated he or she would or did

HB 1277

2011

197 vacate such residence, report in person to the sheriff's office  
 198 to which he or she reported pursuant to subparagraph 2. for the  
 199 purpose of reporting his or her address at such residence. When  
 200 the sheriff receives the report, the sheriff shall promptly  
 201 convey the information to the department. An offender who makes  
 202 a report as required under subparagraph 2. but fails to make a  
 203 report as required under this subparagraph commits a felony of  
 204 the second degree, punishable as provided in s. 775.082, s.  
 205 775.083, or s. 775.084.

206 4. A sexual predator must register any electronic mail  
 207 address or Internet identifier ~~instant message name~~ with the  
 208 department prior to using such electronic mail address or  
 209 Internet identifier ~~instant message name on or after October 1,~~  
 210 ~~2007~~. The department shall establish an online system through  
 211 which sexual predators may securely access and update all  
 212 electronic mail address and Internet identifier ~~instant message~~  
 213 ~~name~~ information.

214 (8) VERIFICATION.—The department and the Department of  
 215 Corrections shall implement a system for verifying the addresses  
 216 of sexual predators. The system must be consistent with the  
 217 provisions of the federal Adam Walsh Child Protection and Safety  
 218 Act of 2006 and any other federal standards applicable to such  
 219 verification or required to be met as a condition for the  
 220 receipt of federal funds by the state. The Department of  
 221 Corrections shall verify the addresses of sexual predators who  
 222 are not incarcerated but who reside in the community under the  
 223 supervision of the Department of Corrections and shall report to  
 224 the department any failure by a sexual predator to comply with



HB 1277

2011

225 registration requirements. County and local law enforcement  
 226 agencies, in conjunction with the department, shall verify the  
 227 addresses of sexual predators who are not under the care,  
 228 custody, control, or supervision of the Department of  
 229 Corrections. Local law enforcement agencies shall report to the  
 230 department any failure by a sexual predator to comply with  
 231 registration requirements.

232 (a) A sexual predator must report in person each year  
 233 during the month of the sexual predator's birthday and during  
 234 every third month thereafter to the sheriff's office in the  
 235 county in which he or she resides or is otherwise located to  
 236 reregister. The sheriff's office may determine the appropriate  
 237 times and days for reporting by the sexual predator, which shall  
 238 be consistent with the reporting requirements of this paragraph.  
 239 Reregistration shall include any changes to the following  
 240 information:

- 241 1. Name; social security number; age; race; sex; date of  
 242 birth; height; weight; hair and eye color; address of any  
 243 permanent residence and address of any current temporary  
 244 residence, within the state or out of state, including a rural  
 245 route address and a post office box; if no permanent or  
 246 temporary address, any transient residence within the state;  
 247 address, location or description, and dates of any current or  
 248 known future temporary residence within the state or out of  
 249 state; any electronic mail address and any Internet identifier  
 250 ~~instant message name~~ required to be provided pursuant to  
 251 subparagraph (6) (g) 4.; home telephone number and any cellular  
 252 telephone number; date and place of any employment; vehicle

HB 1277

2011

253 make, model, color, and license tag number; fingerprints; and  
254 photograph. A post office box shall not be provided in lieu of a  
255 physical residential address.

256 2. If the sexual predator is enrolled, employed, or  
257 carrying on a vocation at an institution of higher education in  
258 this state, the sexual predator shall also provide to the  
259 department the name, address, and county of each institution,  
260 including each campus attended, and the sexual predator's  
261 enrollment or employment status.

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

275 (10) PENALTIES.—

276 (a) Except as otherwise specifically provided, a sexual  
277 predator who fails to register; who fails, after registration,  
278 to maintain, acquire, or renew a driver's license or  
279 identification card; who fails to provide required location  
280 information, electronic mail address information, Internet

281 identifier ~~instant message name~~ information, home telephone  
 282 number and any cellular telephone number, or change-of-name  
 283 information; who fails to make a required report in connection  
 284 with vacating a permanent residence; who fails to reregister as  
 285 required; who fails to respond to any address verification  
 286 correspondence from the department within 3 weeks of the date of  
 287 the correspondence; or who otherwise fails, by act or omission,  
 288 to comply with the requirements of this section, commits a  
 289 felony of the third degree, punishable as provided in s.  
 290 775.082, s. 775.083, or s. 775.084.

291 Section 2. Section 847.0141, Florida Statutes, is created  
 292 to read:

293 847.0141 Unlawful electronic communication between minors;  
 294 possession of visual depiction of another minor.—

295 (1) It is unlawful for a minor to intentionally or  
 296 knowingly use an electronic communication device to transmit,  
 297 distribute, or display a visual depiction of himself or herself  
 298 that depicts nudity and is harmful to minors.

299 (2) (a) It is unlawful for a minor to intentionally or  
 300 knowingly posses a visual depiction of another minor that  
 301 depicts nudity and is harmful to minors.

302 (b) A minor does not violate paragraph (a) if all of the  
 303 following apply:

- 304 1. The minor did not solicit the visual depiction.
- 305 2. The minor took reasonable steps to destroy or eliminate  
 306 the visual depiction or report the visual depiction to the  
 307 minor's parent or guardian or to a school or law enforcement  
 308 official.

HB 1277

2011

309       3. The minor did not transmit or distribute the visual  
310 depiction to a third party.

311       (3) A minor who violates subsection (1) or subsection (2):

312       (a) Commits a noncriminal violation for a first violation,  
313 punishable by 8 hours of community service or, if ordered by the  
314 court in lieu of community service, a \$60 fine. The court may  
315 also order suitable training concerning such offenses and may  
316 prohibit the use or possession of electronic devices, which may  
317 include, but are not limited to, cellular telephones, cameras,  
318 computers, or other electronic media devices. The court shall  
319 order the confiscation of such unlawful material and authorize  
320 the law enforcement agency in which the material is held to  
321 destroy the unlawful material.

322       (b) Commits a misdemeanor of the second degree for a  
323 violation that occurs after being found to have committed a  
324 noncriminal violation under paragraph (a), punishable as  
325 provided in s. 775.082 or s. 775.083. The court must order  
326 suitable training concerning such offenses and prohibit the use  
327 or possession of electronic communication devices, which may  
328 include, but are not limited to, cellular telephones, cameras,  
329 computers, or other electronic media devices. The court shall  
330 order the confiscation of such unlawful material and authorize  
331 the law enforcement agency in which the material is held to  
332 destroy the unlawful material.

333       (c) Commits a misdemeanor of the first degree for a  
334 violation that occurs after being found to have committed a  
335 misdemeanor of the second degree under paragraph (b), punishable  
336 as provided in s. 775.082 or s. 775.083. The court must order

HB 1277

2011

337 suitable training concerning such offenses or, if ordered by the  
338 court in lieu of training, counseling and prohibit the use or  
339 possession of electronic devices, which may include, but are not  
340 limited to, cellular telephones, cameras, computers, or other  
341 electronic media devices. The court shall order confiscation of  
342 such unlawful material and authorize the law enforcement agency  
343 in which the material is held to destroy the unlawful material.

344 (d) Commits a felony of the third degree for a violation  
345 that occurs after being found to have committed a misdemeanor of  
346 the first degree under paragraph (c), punishable as provided in  
347 s. 775.082, s. 775.083, or s. 775.084. The court must order a  
348 mental health evaluation by a qualified practitioner, as defined  
349 in s. 948.001, and treatment, if recommended by the  
350 practitioner. The court shall order confiscation of such  
351 unlawful material and authorize the law enforcement agency in  
352 which the material is held to destroy the unlawful material.

353 (4) Whenever any law enforcement officer arrests any  
354 person charged with any offense under this section, the officer  
355 shall seize the prohibited material and take the material into  
356 his or her custody to await the sentence of the court upon the  
357 trial of the offender.

358 (5) This section does not prohibit the prosecution of a  
359 minor for a violation of any law of this state if the electronic  
360 communication includes the depiction of sexual conduct or sexual  
361 excitement and does not prohibit the prosecution of a minor for  
362 stalking under s. 784.048.

363 Section 3. Paragraphs (a) and (g) of subsection (1),  
364 subsection (2), paragraphs (a) and (d) of subsection (4),

HB 1277

2011

365 subsection (7), and paragraph (c) of subsection (14) of section  
 366 943.0435, Florida Statutes, are amended to read:

367 943.0435 Sexual offenders required to register with the  
 368 department; penalty.—

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

370 (a)1. "Sexual offender" means a person who meets the  
 371 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 372 subparagraph c., ~~or~~ sub-subparagraph d., or sub-subparagraph e.,  
 373 as follows:

374 a.(I) Has been convicted of committing, or attempting,  
 375 soliciting, or conspiring to commit, any of the criminal  
 376 offenses proscribed in the following statutes in this state or  
 377 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
 378 or s. 787.025(2)(c), where the victim is a minor and the  
 379 defendant is not the victim's parent or guardian; s. 794.011,  
 380 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
 381 800.04; s. 825.1025; s. 826.04 where the victim is a minor and  
 382 the defendant is 18 years of age or older; s. 827.071; s.  
 383 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
 384 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense  
 385 committed in this state which has been redesignated from a  
 386 former statute number to one of those listed in this sub-sub-  
 387 subparagraph; and

388 (II) Has been released on or after October 1, 1997, from  
 389 the sanction imposed for any conviction of an offense described  
 390 in sub-sub-subparagraph (I). For purposes of sub-sub-  
 391 subparagraph (I), a sanction imposed in this state or in any  
 392 other jurisdiction includes, but is not limited to, a fine,

393 probation, community control, parole, conditional release,  
 394 control release, or incarceration in a state prison, federal  
 395 prison, private correctional facility, or local detention  
 396 facility;

397 b. Establishes or maintains a residence in this state and  
 398 who has not been designated as a sexual predator by a court of  
 399 this state but who has been designated as a sexual predator, as  
 400 a sexually violent predator, or by another sexual offender  
 401 designation in another state or jurisdiction and was, as a  
 402 result of such designation, subjected to registration or  
 403 community or public notification, or both, or would be if the  
 404 person were a resident of that state or jurisdiction, without  
 405 regard to whether the person otherwise meets the criteria for  
 406 registration as a sexual offender;

407 c. Establishes or maintains a residence in this state who  
 408 is in the custody or control of, or under the supervision of,  
 409 any other state or jurisdiction as a result of a conviction for  
 410 committing, or attempting, soliciting, or conspiring to commit,  
 411 any of the criminal offenses proscribed in the following  
 412 statutes or similar offense in another jurisdiction: s. 787.01,  
 413 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 414 the defendant is not the victim's parent or guardian; s.  
 415 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
 416 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a  
 417 minor and the defendant is 18 years of age or older; s. 827.071;  
 418 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;  
 419 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
 420 offense committed in this state which has been redesignated from

HB 1277

2011

421 a former statute number to one of those listed in this sub-  
422 subparagraph; ~~or~~

423 d. On or after July 1, 2007, has been adjudicated  
424 delinquent for committing, or attempting, soliciting, or  
425 conspiring to commit, any of the criminal offenses proscribed in  
426 the following statutes in this state or similar offenses in  
427 another jurisdiction when the juvenile was 14 years of age or  
428 older at the time of the offense:

429 (I) Section 794.011, excluding s. 794.011(10);

430 (II) Section 800.04(4)(b) where the victim is under 12  
431 years of age or where the court finds sexual activity by the use  
432 of force or coercion;

433 (III) Section 800.04(5)(c)1. where the court finds  
434 molestation involving unclothed genitals; or

435 (IV) Section 800.04(5)(d) where the court finds the use of  
436 force or coercion and unclothed genitals; or

437 e. Has been released on or after October 1, 2011, from any  
438 sanction imposed for any felony conviction or similar offense in  
439 another jurisdiction, and:

440 (I) Has been convicted of committing, or attempting,  
441 soliciting, or conspiring to commit, any of the criminal  
442 offenses proscribed in the following statutes in this state or  
443 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
444 or s. 787.025(2)(c), where the victim is a minor and the  
445 defendant is not the victim's parent or guardian; s. 794.011,  
446 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
447 800.04; s. 825.1025; s. 826.04 where the victim is a minor and  
448 the defendant is 18 years of age or older; s. 827.071; s.



HB 1277

2011

449 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
 450 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense  
 451 committed in this state which has been redesignated from a  
 452 former statute number to one of those listed in this sub-sub-  
 453 subparagraph; or

454 (II) Has been adjudicated delinquent for committing, or  
 455 attempting, soliciting, or conspiring to commit, any of the  
 456 criminal offenses proscribed in the following statutes in this  
 457 state or similar offenses in another jurisdiction when the  
 458 juvenile was 14 years of age or older at the time of the  
 459 offense:

460 (A) Section 794.011, excluding s. 794.011(10);

461 (B) Section 800.04(4)(b) where the victim is under 12  
 462 years of age or where the court finds sexual activity by the use  
 463 of force or coercion;

464 (C) Section 800.04(5)(c)1. where the court finds  
 465 molestation involving unclothed genitals; or

466 (D) Section 800.04(5)(d) where the court finds the use of  
 467 force or coercion and unclothed genitals.

468  
 469 For purposes of this sub-subparagraph, a sanction imposed in  
 470 this state or in any other jurisdiction includes, but is not  
 471 limited to, a fine, probation, community control, parole,  
 472 conditional release, control release, or incarceration in a  
 473 state prison, federal prison, private correctional facility, or  
 474 local detention facility.

475 2. For all qualifying offenses listed in sub-subparagraph  
 476 (1)(a)1.d., the court shall make a written finding of the age of

477 | the offender at the time of the offense.

478 |  
 479 | For each violation of a qualifying offense listed in this  
 480 | subsection, the court shall make a written finding of the age of  
 481 | the victim at the time of the offense. For a violation of s.  
 482 | 800.04(4), the court shall additionally make a written finding  
 483 | indicating that the offense did or did not involve sexual  
 484 | activity and indicating that the offense did or did not involve  
 485 | force or coercion. For a violation of s. 800.04(5), the court  
 486 | shall additionally make a written finding that the offense did  
 487 | or did not involve unclothed genitals or genital area and that  
 488 | the offense did or did not involve the use of force or coercion.

489 |       (g) "Internet identifier ~~Instant message name~~" has the  
 490 | same meaning as provided in s. 775.21 ~~means an identifier that~~  
 491 | ~~allows a person to communicate in real time with another person~~  
 492 | ~~using the Internet.~~

493 |       (2) A sexual offender shall:

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

495 |           1. In the county in which the offender establishes or  
 496 | maintains a permanent, temporary, or transient residence within  
 497 | 48 hours after:

498 |           a. Establishing permanent, temporary, or transient  
 499 | residence in this state; or

500 |           b. Being released from the custody, control, or  
 501 | supervision of the Department of Corrections or from the custody  
 502 | of a private correctional facility; or

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

HB 1277

2011

505 registration under this section if the offender is not in the  
506 custody or control of, or under the supervision of, the  
507 Department of Corrections, or is not in the custody of a private  
508 correctional facility.

509  
510 Any change in the information required to be provided pursuant  
511 to paragraph (b), including, but not limited to, any change in  
512 the sexual offender's permanent, temporary, or transient  
513 residence, name, any electronic mail address and any Internet  
514 identifier ~~instant message name~~ required to be provided pursuant  
515 to paragraph (4)(d), after the sexual offender reports in person  
516 at the sheriff's office, shall be accomplished in the manner  
517 provided in subsections (4), (7), and (8).

518 (b) Provide his or her name; date of birth; social  
519 security number; race; sex; height; weight; hair and eye color;  
520 tattoos or other identifying marks; occupation and place of  
521 employment; address of permanent or legal residence or address  
522 of any current temporary residence, within the state or out of  
523 state, including a rural route address and a post office box; if  
524 no permanent or temporary address, any transient residence  
525 within the state, address, location or description, and dates of  
526 any current or known future temporary residence within the state  
527 or out of state; home telephone number and any cellular  
528 telephone number; any electronic mail address and any Internet  
529 identifier ~~instant message name~~ required to be provided pursuant  
530 to paragraph (4)(d); date and place of each conviction; and a  
531 brief description of the crime or crimes committed by the  
532 offender. A post office box shall not be provided in lieu of a

HB 1277

2011

533 physical residential address.

534 1. If the sexual offender's place of residence is a motor  
535 vehicle, trailer, mobile home, or manufactured home, as defined  
536 in chapter 320, the sexual offender shall also provide to the  
537 department through the sheriff's office written notice of the  
538 vehicle identification number; the license tag number; the  
539 registration number; and a description, including color scheme,  
540 of the motor vehicle, trailer, mobile home, or manufactured  
541 home. If the sexual offender's place of residence is a vessel,  
542 live-aboard vessel, or houseboat, as defined in chapter 327, the  
543 sexual offender shall also provide to the department written  
544 notice of the hull identification number; the manufacturer's  
545 serial number; the name of the vessel, live-aboard vessel, or  
546 houseboat; the registration number; and a description, including  
547 color scheme, of the vessel, live-aboard vessel, or houseboat.

548 2. If the sexual offender is enrolled, employed, or  
549 carrying on a vocation at an institution of higher education in  
550 this state, the sexual offender shall also provide to the  
551 department through the sheriff's office the name, address, and  
552 county of each institution, including each campus attended, and  
553 the sexual offender's enrollment or employment status. Each  
554 change in enrollment or employment status shall be reported in  
555 person at the sheriff's office, within 48 hours after any change  
556 in status. The sheriff shall promptly notify each institution of  
557 the sexual offender's presence and any change in the sexual  
558 offender's enrollment or employment status.

559

560 When a sexual offender reports at the sheriff's office, the

HB 1277

2011

561 sheriff shall take a photograph and a set of fingerprints of the  
562 offender and forward the photographs and fingerprints to the  
563 department, along with the information provided by the sexual  
564 offender. The sheriff shall promptly provide to the department  
565 the information received from the sexual offender.

566 (4) (a) Each time a sexual offender's driver's license or  
567 identification card is subject to renewal, and, without regard  
568 to the status of the offender's driver's license or  
569 identification card, within 48 hours after any change in the  
570 offender's permanent, temporary, or transient residence or  
571 change in the offender's name by reason of marriage or other  
572 legal process, the offender shall report in person to a driver's  
573 license office, and shall be subject to the requirements  
574 specified in subsection (3). The Department of Highway Safety  
575 and Motor Vehicles shall forward to the department all  
576 photographs and information provided by sexual offenders.  
577 Notwithstanding the restrictions set forth in s. 322.142, the  
578 Department of Highway Safety and Motor Vehicles is authorized to  
579 release a reproduction of a color-photograph or digital-image  
580 license to the Department of Law Enforcement for purposes of  
581 public notification of sexual offenders as provided in this  
582 section and ss. 943.043 and 944.606. A sexual offender is not in  
583 violation of this paragraph if he or she reports an address or  
584 location change to the local sheriff's office within 48 hours  
585 after such change with proof that he or she also promptly  
586 reported such information to the Department of Highway Safety  
587 and Motor Vehicles.

588 (d) A sexual offender must register any electronic mail

HB 1277

2011

589 address or Internet identifier ~~instant message name~~ with the  
 590 department prior to using such electronic mail address or  
 591 Internet identifier ~~instant message name on or after October 1,~~  
 592 2007. The department shall establish an online system through  
 593 which sexual offenders may securely access and update all  
 594 electronic mail address and Internet identifier ~~instant message~~  
 595 ~~name~~ information.

596 (7) A sexual offender who intends to establish a  
 597 permanent, temporary, or transient residence in another state or  
 598 jurisdiction other than the State of Florida shall report in  
 599 person to the sheriff of the county of current residence within  
 600 48 hours before the date he or she intends to leave this state  
 601 to establish residence in another state or jurisdiction or  
 602 within 21 days before his or her planned departure date if the  
 603 intended residence of 7 days or more is outside of the United  
 604 States. The notification must include the address, municipality,  
 605 county, ~~and state,~~ and country of intended residence. The  
 606 sheriff shall promptly provide to the department the information  
 607 received from the sexual offender. The department shall notify  
 608 the statewide law enforcement agency, or a comparable agency, in  
 609 the intended state or jurisdiction of residence of the sexual  
 610 offender's intended residence. The failure of a sexual offender  
 611 to provide his or her intended place of residence is punishable  
 612 as provided in subsection (9).

613 (14)

614 (c) The sheriff's office may determine the appropriate  
 615 times and days for reporting by the sexual offender, which shall  
 616 be consistent with the reporting requirements of this

HB 1277

2011

617 subsection. Reregistration shall include any changes to the  
618 following information:

619 1. Name; social security number; age; race; sex; date of  
620 birth; height; weight; hair and eye color; address of any  
621 permanent residence and address of any current temporary  
622 residence, within the state or out of state, including a rural  
623 route address and a post office box; if no permanent or  
624 temporary address, any transient residence within the state;  
625 address, location or description, and dates of any current or  
626 known future temporary residence within the state or out of  
627 state; any electronic mail address and any Internet identifier  
628 ~~instant message name~~ required to be provided pursuant to  
629 paragraph (4) (d); home telephone number and any cellular  
630 telephone number; date and place of any employment; vehicle  
631 make, model, color, and license tag number; fingerprints; and  
632 photograph. A post office box shall not be provided in lieu of a  
633 physical residential address.

634 2. If the sexual offender is enrolled, employed, or  
635 carrying on a vocation at an institution of higher education in  
636 this state, the sexual offender shall also provide to the  
637 department the name, address, and county of each institution,  
638 including each campus attended, and the sexual offender's  
639 enrollment or employment status.

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

645 of the motor vehicle, trailer, mobile home, or manufactured  
 646 home. If the sexual offender's place of residence is a vessel,  
 647 live-aboard vessel, or houseboat, as defined in chapter 327, the  
 648 sexual offender shall also provide the hull identification  
 649 number; the manufacturer's serial number; the name of the  
 650 vessel, live-aboard vessel, or houseboat; the registration  
 651 number; and a description, including color scheme, of the  
 652 vessel, live-aboard vessel or houseboat.

653 4. Any sexual offender who fails to report in person as  
 654 required at the sheriff's office, or who fails to respond to any  
 655 address verification correspondence from the department within 3  
 656 weeks of the date of the correspondence or who fails to report  
 657 electronic mail addresses or Internet identifiers ~~instant~~  
 658 ~~message names~~, commits a felony of the third degree, punishable  
 659 as provided in s. 775.082, s. 775.083, or s. 775.084.

660 Section 4. Section 943.04351, Florida Statutes, is amended  
 661 to read:

662 943.04351 Search of registration information regarding  
 663 sexual predators and sexual offenders required prior to  
 664 appointment or employment.—A state agency or governmental  
 665 subdivision, prior to making any decision to appoint or employ a  
 666 person to work, whether for compensation or as a volunteer, at  
 667 any park, playground, day care center, or other place where  
 668 children regularly congregate, must conduct a search of that  
 669 person's name or other identifying information against the  
 670 registration information regarding sexual predators and sexual  
 671 offenders maintained by the Department of Law Enforcement under  
 672 s. 943.043. The agency or governmental subdivision may conduct



673 the search using the Internet site maintained by the Department  
 674 of Law Enforcement. Also, a national search must be conducted  
 675 through the Dru Sjodin National Sex Offender Public Website  
 676 maintained by the United States Department of Justice. This  
 677 section does not apply to those positions or appointments within  
 678 a state agency or governmental subdivision for which a state and  
 679 national criminal history background check is conducted.

680 Section 5. Section 943.04355, Florida Statutes, is created  
 681 to read:

682 943.04355 Juvenile and youthful sex offender and predator  
 683 registration; exceptions.—

684 (1) If a person obligated to register as a sexual offender  
 685 or sexual predator was less than 22 years of age at the time he  
 686 or she committed the act or acts giving rise to the requirement  
 687 to register as such, he or she may petition the criminal  
 688 division of the circuit court of the circuit in which he or she  
 689 resides for the purpose of the removal of the registration  
 690 obligation or for an exemption from community and public  
 691 notification.

692 (2) To be eligible for removal from the obligation to  
 693 register as a sexual offender or sexual predator, the petitioner  
 694 must show by clear and convincing evidence that all of the  
 695 following criteria have been met:

696 (a) The requested relief complies with the provisions of  
 697 the federal Adam Walsh Child Protection and Safety Act of 2006  
 698 and any other federal standards applicable to the removal of  
 699 registration requirements for a sexual offender or sexual  
 700 predator or required to be met as a condition for the receipt of

HB 1277

2011

701 federal funds by the state and that the removal of the  
702 registration obligation requirement will not otherwise conflict  
703 with federal law.

704 (b) The petitioner was less than 22 years of age when he  
705 or she committed the sex offense subjecting him or her to the  
706 obligation to registration.

707 (c) The circumstances surrounding the crime requiring  
708 registration did not involve a child less than 13 years of age  
709 while the offender was 18 years of age or older but less than 22  
710 years of age.

711 (d) The petitioner demonstrates to the satisfaction of the  
712 court that he or she does not pose a risk or danger to the  
713 community.

714 (e) The petitioner has not been arrested for any crime  
715 since being released from the sanctions relevant to the  
716 qualifying offense requiring registration.

717 (f) The petitioner has participated in and satisfactorily  
718 completed a sexual offender treatment program obtained from a  
719 qualified practitioner as defined in s. 948.001.

720 (g) The petitioner has paid restitution to either the  
721 victim or crimes compensation trust fund, if applicable.

722 (h) The petitioner successfully completed the terms of  
723 supervision and substantially complied with registration  
724 requirements.

725 (i) The petitioner is not required to register as a sexual  
726 offender or sexual predator in another state or jurisdiction as  
727 a result of committing a sexual offense in a jurisdiction  
728 outside of this state.

HB 1277

2011

729       (3) (a) The state attorney in the circuit in which the  
730 petition is filed must be given notice of the petition at least  
731 3 weeks before the hearing on the matter. As soon as practicable  
732 after a petition has been filed under this section, the state  
733 attorney shall make a reasonable effort to notify the victim of  
734 the crime that the person has filed a petition seeking relief  
735 under this section. Also, the state attorney may present  
736 evidence in opposition to the requested relief or may otherwise  
737 demonstrate the reasons why the petition should be denied. If  
738 the court denies the petition, the court may set a future date  
739 at which the sexual offender or sexual predator may again  
740 petition the court for relief, subject to the standards for  
741 relief provided in this section. A subsequent petition for  
742 relief may not be submitted under this section unless a future  
743 date for eligibility to file such a petition is set by the  
744 court. The court shall order removal of the sexual offender or  
745 sexual predator from classification as a sexual offender or  
746 sexual predator for the purpose of registration if the petition  
747 is granted. The court may also grant the petition, in part, and  
748 order nonpublic registration.

749       (b) For the purpose of this section, the term "nonpublic  
750 registration" means an exemption from community and public  
751 notification. The offender or predator is still obligated to  
752 report in person and register with the local sheriff's office  
753 and the Department of Highway Safety and Motor Vehicles pursuant  
754 to s. 775.21 and s. 943.0435. The offender's or predator's  
755 registration information will not be visible on the public  
756 registry, but it will continue to be updated; however, the

HB 1277

2011

757 information will only be available for use by law enforcement  
758 agencies for investigative purposes.

759 (4) The department shall remove an offender or predator  
760 from classification as a sexual offender or sexual predator for  
761 purposes of registration if he or she provides the department  
762 with a certified copy of the court's written findings or order  
763 that indicates that he or she is no longer required to comply  
764 with the requirements for registration as a sexual offender or  
765 sexual predator. If the sexual offender or sexual predator is  
766 granted nonpublic registration or a court order or findings  
767 exempting him or her from community and public notification, the  
768 department must promptly remove the offender's or predator's  
769 registration information from the public registry of sexual  
770 offenders and sexual predators maintained by the department.  
771 However, the removal of this information from the public  
772 registry of sexual offenders and sexual predators shall not  
773 prevent public access to information about the person's criminal  
774 history or record that is otherwise available as a public  
775 record.

776 (5) The court may order nonpublic registration for a  
777 juvenile sexual offender as defined in s. 985.475 at any time if  
778 he or she has completed a juvenile sexual offender commitment  
779 program or if the court is satisfied that he or she is not a  
780 current or potential threat to public safety. The court may  
781 revoke a nonpublic registration order made under this subsection  
782 for any reason.

783 Section 6. Subsection (2) and paragraph (a) of subsection  
784 (3) of section 943.0437, Florida Statutes, are amended to read:

785 943.0437 Commercial social networking websites.—  
 786 (2) The department may provide information relating to  
 787 electronic mail addresses and Internet identifiers ~~instant~~  
 788 ~~message names~~ maintained as part of the sexual offender registry  
 789 to commercial social networking websites or third parties  
 790 designated by commercial social networking websites. The  
 791 commercial social networking website may use this information  
 792 for the purpose of comparing registered users and screening  
 793 potential users of the commercial social networking website  
 794 against the list of electronic mail addresses and Internet  
 795 identifiers ~~instant message names~~ provided by the department.

796 (3) This section shall not be construed to impose any  
 797 civil liability on a commercial social networking website for:

798 (a) Any action voluntarily taken in good faith to remove  
 799 or disable any profile of a registered user associated with an  
 800 electronic mail address or Internet identifier ~~instant message~~  
 801 ~~name~~ contained in the sexual offender registry.

802 Section 7. Paragraphs (b) and (d) of subsection (1) and  
 803 paragraph (a) of subsection (3) of section 944.606, Florida  
 804 Statutes, are amended to read:

805 944.606 Sexual offenders; notification upon release.—

806 (1) As used in this section:

807 (b) "Sexual offender" means a person who has been  
 808 convicted of committing, or attempting, soliciting, or  
 809 conspiring to commit, any of the criminal offenses proscribed in  
 810 the following statutes in this state or similar offenses in  
 811 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
 812 where the victim is a minor and the defendant is not the

813 victim's parent or guardian; s. 794.011, excluding s.  
 814 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
 815 825.1025; s. 826.04 where the victim is a minor and the  
 816 defendant is 18 years of age or older; s. 827.071; s. 847.0133;  
 817 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;  
 818 s. 847.0145; or s. 985.701(1); or any similar offense committed  
 819 in this state which has been redesignated from a former statute  
 820 number to one of those listed in this subsection, when the  
 821 department has received verified information regarding such  
 822 conviction; an offender's computerized criminal history record  
 823 is not, in and of itself, verified information.

824 (d) "Internet identifier ~~Instant message name~~" has the  
 825 same meaning as provided in s. 775.21 ~~means an identifier that~~  
 826 ~~allows a person to communicate in real time with another person~~  
 827 ~~using the Internet.~~

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

831 1. The department must provide: the sexual offender's  
 832 name, any change in the offender's name by reason of marriage or  
 833 other legal process, and any alias, if known; the correctional  
 834 facility from which the sexual offender is released; the sexual  
 835 offender's social security number, race, sex, date of birth,  
 836 height, weight, and hair and eye color; address of any planned  
 837 permanent residence or temporary residence, within the state or  
 838 out of state, including a rural route address and a post office  
 839 box; if no permanent or temporary address, any transient  
 840 residence within the state; address, location or description,

HB 1277

2011

841 and dates of any known future temporary residence within the  
842 state or out of state; date and county of sentence and each  
843 crime for which the offender was sentenced; a copy of the  
844 offender's fingerprints and a digitized photograph taken within  
845 60 days before release; the date of release of the sexual  
846 offender; any electronic mail address and any Internet  
847 identifier ~~instant message name~~ required to be provided pursuant  
848 to s. 943.0435(4)(d); and home telephone number and any cellular  
849 telephone number. The department shall notify the Department of  
850 Law Enforcement if the sexual offender escapes, absconds, or  
851 dies. If the sexual offender is in the custody of a private  
852 correctional facility, the facility shall take the digitized  
853 photograph of the sexual offender within 60 days before the  
854 sexual offender's release and provide this photograph to the  
855 Department of Corrections and also place it in the sexual  
856 offender's file. If the sexual offender is in the custody of a  
857 local jail, the custodian of the local jail shall register the  
858 offender within 3 business days after intake of the offender for  
859 any reason and upon release, and shall notify the Department of  
860 Law Enforcement of the sexual offender's release and provide to  
861 the Department of Law Enforcement the information specified in  
862 this paragraph and any information specified in subparagraph 2.  
863 that the Department of Law Enforcement requests.

864 2. The department may provide any other information deemed  
865 necessary, including criminal and corrections records,  
866 nonprivileged personnel and treatment records, when available.

867 Section 8. Paragraphs (a) and (f) of subsection (1),  
868 paragraph (a) of subsection (4), and paragraph (c) of subsection

HB 1277

2011

869 (13) of section 944.607, Florida Statutes, are amended to read:

870 944.607 Notification to Department of Law Enforcement of  
871 information on sexual offenders.-

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

873 (a) "Sexual offender" means a person who is in the custody  
874 or control of, or under the supervision of, the department or is  
875 in the custody of a private correctional facility:

876 1. On or after October 1, 1997, as a result of a  
877 conviction for committing, or attempting, soliciting, or  
878 conspiring to commit, any of the criminal offenses proscribed in  
879 the following statutes in this state or similar offenses in  
880 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
881 where the victim is a minor and the defendant is not the  
882 victim's parent or guardian; s. 794.011, excluding s.  
883 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
884 825.1025; s. 826.04 where the victim is a minor and the  
885 defendant is 18 years of age or older; s. 827.071; s. 847.0133;  
886 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;  
887 s. 847.0145; or s. 985.701(1); or any similar offense committed  
888 in this state which has been redesignated from a former statute  
889 number to one of those listed in this subparagraph ~~paragraph~~; ~~or~~

890 2. On or after October 1, 2011, as a result of committing  
891 any felony, if the offender has a prior conviction for  
892 committing, or attempting, soliciting, or conspiring to commit,  
893 any of the criminal offenses proscribed in the following  
894 statutes in this state or similar offenses in another  
895 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
896 the victim is a minor and the defendant is not the victim's



HB 1277

2011

897 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
898 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04  
899 where the victim is a minor and the defendant is 18 years of age  
900 or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
901 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
902 985.701(1); or any similar offense committed in this state which  
903 has been redesignated from a former statute number to one of  
904 those listed in this subparagraph; or

905 3.2. Who establishes or maintains a residence in this  
906 state and who has not been designated as a sexual predator by a  
907 court of this state but who has been designated as a sexual  
908 predator, as a sexually violent predator, or by another sexual  
909 offender designation in another state or jurisdiction and was,  
910 as a result of such designation, subjected to registration or  
911 community or public notification, or both, or would be if the  
912 person were a resident of that state or jurisdiction, without  
913 regard as to whether the person otherwise meets the criteria for  
914 registration as a sexual offender.

915 (f) "Internet identifier ~~Instant message name~~" has the  
916 same meaning as provided in s. 775.21 ~~means an identifier that~~  
917 ~~allows a person to communicate in real time with another person~~  
918 ~~using the Internet.~~

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

HB 1277

2011

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

942 (13)

943 (c) The sheriff's office may determine the appropriate  
 944 times and days for reporting by the sexual offender, which shall  
 945 be consistent with the reporting requirements of this  
 946 subsection. Reregistration shall include any changes to the  
 947 following information:

948 1. Name; social security number; age; race; sex; date of  
 949 birth; height; weight; hair and eye color; address of any  
 950 permanent residence and address of any current temporary  
 951 residence, within the state or out of state, including a rural  
 952 route address and a post office box; if no permanent or

953 temporary address, any transient residence; address, location or  
 954 description, and dates of any current or known future temporary  
 955 residence within the state or out of state; any electronic mail  
 956 address and any Internet identifier ~~instant message name~~  
 957 required to be provided pursuant to s. 943.0435(4)(d); date and  
 958 place of any employment; vehicle make, model, color, and license  
 959 tag number; fingerprints; and photograph. A post office box  
 960 shall not be provided in lieu of a physical residential address.

961 2. If the sexual offender is enrolled, employed, or  
 962 carrying on a vocation at an institution of higher education in  
 963 this state, the sexual offender shall also provide to the  
 964 department the name, address, and county of each institution,  
 965 including each campus attended, and the sexual offender's  
 966 enrollment or employment status.

967 3. If the sexual offender's place of residence is a motor  
 968 vehicle, trailer, mobile home, or manufactured home, as defined  
 969 in chapter 320, the sexual offender shall also provide the  
 970 vehicle identification number; the license tag number; the  
 971 registration number; and a description, including color scheme,  
 972 of the motor vehicle, trailer, mobile home, or manufactured  
 973 home. If the sexual offender's place of residence is a vessel,  
 974 live-aboard vessel, or houseboat, as defined in chapter 327, the  
 975 sexual offender shall also provide the hull identification  
 976 number; the manufacturer's serial number; the name of the  
 977 vessel, live-aboard vessel, or houseboat; the registration  
 978 number; and a description, including color scheme, of the  
 979 vessel, live-aboard vessel or houseboat.

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

HB 1277

2011

981 required at the sheriff's office, or who fails to respond to any  
 982 address verification correspondence from the department within 3  
 983 weeks of the date of the correspondence, or who fails to report  
 984 electronic mail addresses or Internet identifiers ~~instant~~  
 985 ~~message names~~, commits a felony of the third degree, punishable  
 986 as provided in s. 775.082, s. 775.083, or s. 775.084.

987 Section 9. Subsection (11) of section 947.005, Florida  
 988 Statutes, is amended to read:

989 947.005 Definitions.—As used in this chapter, unless the  
 990 context clearly indicates otherwise:

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

994 Section 10. Section 948.31, Florida Statutes, is amended  
 995 to read:

996 948.31 Evaluation and treatment of sexual predators and  
 997 offenders on probation or community control.—Conditions imposed  
 998 pursuant to this section do not require oral pronouncement at  
 999 the time of sentencing and shall be considered standard  
 1000 conditions of probation or community control for offenders  
 1001 specified in this section. The court shall require an evaluation  
 1002 by a qualified practitioner to determine the need of a  
 1003 probationer or community controllee for treatment. If the court  
 1004 determines that a need therefor is established by the evaluation  
 1005 process, the court shall require sexual offender treatment as a  
 1006 term or condition of probation or community control for any  
 1007 person who is required to register as a sexual predator under s.  
 1008 775.21 or sexual offender under s. 943.0435, s. 944.606, or s.

HB 1277

2011

1009 944.607. Such treatment shall be required to be obtained from a  
1010 qualified practitioner as defined in s. 948.001. Treatment may  
1011 not be administered by a qualified practitioner who has been  
1012 convicted or adjudicated delinquent of committing, or  
1013 attempting, soliciting, or conspiring to commit, any offense  
1014 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall  
1015 impose a restriction against contact with minors if sexual  
1016 offender treatment is recommended. The evaluation and  
1017 recommendations for treatment of the probationer or community  
1018 controllee shall be provided to the court for review.

1019 Section 11. If any provision of this act or its  
1020 application to any person or circumstance is held invalid, the  
1021 invalidity does not affect other provisions or applications of  
1022 this act which can be given effect without the invalid provision  
1023 or application, and to this end the provisions of this act are  
1024 severable.

1025 Section 12. This act shall take effect upon becoming a  
1026 law.