



412196

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/25/2011	.	
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The Committee on Judiciary (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

775.21 The Florida Sexual Predators Act.—

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

(i) "Internet identifier ~~Instant message name~~" means all
electronic mail, chat, instant messenger, social networking, or
similar name used for Internet communication, but does not



412196

14 include a date of birth, social security number, or personal
15 identification number (PIN) ~~an identifier that allows a person~~
16 ~~to communicate in real time with another person using the~~
17 ~~Internet.~~ Voluntary disclosure by the sexual predator of his or
18 her date of birth, social security number, or personal
19 identification number (PIN) as an Internet identifier waives the
20 disclosure exemption in this paragraph for such personal
21 information.

22 (6) REGISTRATION.—

23 (a) A sexual predator must register with the department
24 through the sheriff's office by providing the following
25 information to the department:

26 1. Name; social security number; age; race; sex; date of
27 birth; height; weight; hair and eye color; photograph; address
28 of legal residence and address of any current temporary
29 residence, within the state or out of state, including a rural
30 route address and a post office box; if no permanent or
31 temporary address, any transient residence within the state;
32 address, location or description, and dates of any current or
33 known future temporary residence within the state or out of
34 state; all any electronic mail addresses address and all
35 Internet identifiers any instant message name required to be
36 provided pursuant to subparagraph (g)4.; all home telephone
37 numbers number and any cellular telephone numbers number; date
38 and place of any employment; date and place of each conviction;
39 fingerprints; and a brief description of the crime or crimes
40 committed by the offender. A post office box shall not be
41 provided in lieu of a physical residential address. The sexual
42 predator must also produce or provide information about his or



412196

43 her passport, if he or she has a passport, and, if he or she is
44 an alien, must produce or provide information about documents
45 establishing his or her immigration status.

46 a. If the sexual predator's place of residence is a motor
47 vehicle, trailer, mobile home, or manufactured home, as defined
48 in chapter 320, the sexual predator shall also provide to the
49 department written notice of the vehicle identification number;
50 the license tag number; the registration number; and a
51 description, including color scheme, of the motor vehicle,
52 trailer, mobile home, or manufactured home. If a sexual
53 predator's place of residence is a vessel, live-aboard vessel,
54 or houseboat, as defined in chapter 327, the sexual predator
55 shall also provide to the department written notice of the hull
56 identification number; the manufacturer's serial number; the
57 name of the vessel, live-aboard vessel, or houseboat; the
58 registration number; and a description, including color scheme,
59 of the vessel, live-aboard vessel, or houseboat.

60 b. If the sexual predator is enrolled, employed, or
61 carrying on a vocation at an institution of higher education in
62 this state, the sexual predator shall also provide to the
63 department the name, address, and county of each institution,
64 including each campus attended, and the sexual predator's
65 enrollment or employment status. Each change in enrollment or
66 employment status shall be reported in person at the sheriff's
67 office, or the Department of Corrections if the sexual predator
68 is in the custody or control of or under the supervision of the
69 Department of Corrections, within 48 hours after any change in
70 status. The sheriff or the Department of Corrections shall
71 promptly notify each institution of the sexual predator's



412196

72 presence and any change in the sexual predator's enrollment or
73 employment status.

74 2. Any other information determined necessary by the
75 department, including criminal and corrections records;
76 nonprivileged personnel and treatment records; and evidentiary
77 genetic markers when available.

78 (e)1. If the sexual predator is not in the custody or
79 control of, or under the supervision of, the Department of
80 Corrections or is not in the custody of a private correctional
81 facility, the sexual predator shall register in person:

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

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

88 2. Any change in the sexual predator's permanent or
89 temporary residence, name, or all any electronic mail addresses
90 ~~address~~ and all Internet identifiers ~~any instant message name~~
91 required to be provided pursuant to subparagraph (g)4., after
92 the sexual predator registers in person at the sheriff's office
93 as provided in subparagraph 1., shall be accomplished in the
94 manner provided in paragraphs (g), (i), and (j). When a sexual
95 predator registers with the sheriff's office, the sheriff shall
96 take a photograph and a set of fingerprints of the predator and
97 forward the photographs and fingerprints to the department,
98 along with the information that the predator is required to
99 provide pursuant to this section.

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



412196

101 identification card is subject to renewal, and, without regard
102 to the status of the predator's driver's license or
103 identification card, within 48 hours after any change of the
104 predator's residence or change in the predator's name by reason
105 of marriage or other legal process, the predator shall report in
106 person to a driver's license office and shall be subject to the
107 requirements specified in paragraph (f). The Department of
108 Highway Safety and Motor Vehicles shall forward to the
109 department and to the Department of Corrections all photographs
110 and information provided by sexual predators. Notwithstanding
111 the restrictions set forth in s. 322.142, the Department of
112 Highway Safety and Motor Vehicles is authorized to release a
113 reproduction of a color-photograph or digital-image license to
114 the Department of Law Enforcement for purposes of public
115 notification of sexual predators as provided in this section. A
116 sexual predator who is unable to secure or update a driver's
117 license or identification card with the Department of Highway
118 Safety and Motor Vehicles as provided in paragraph (f) and this
119 paragraph must also report any change of the predator's
120 residence or change in the predator's name by reason of marriage
121 or other legal process within 48 hours after the change to the
122 sheriff's office in the county where the predator resides or is
123 located and provide confirmation that he or she reported such
124 information to the Department of Highway Safety and Motor
125 Vehicles.

126 2. A sexual predator who vacates a permanent, temporary, or
127 transient residence and fails to establish or maintain another
128 permanent, temporary, or transient residence shall, within 48
129 hours after vacating the permanent, temporary, or transient



412196

130 residence, report in person to the sheriff's office of the
131 county in which he or she is located. The sexual predator shall
132 specify the date upon which he or she intends to or did vacate
133 such residence. The sexual predator must provide or update all
134 of the registration information required under paragraph (a).
135 The sexual predator must provide an address for the residence or
136 other place that he or she is or will be located during the time
137 in which he or she fails to establish or maintain a permanent or
138 temporary residence.

139 3. A sexual predator who remains at a permanent, temporary,
140 or transient residence after reporting his or her intent to
141 vacate such residence shall, within 48 hours after the date upon
142 which the predator indicated he or she would or did vacate such
143 residence, report in person to the sheriff's office to which he
144 or she reported pursuant to subparagraph 2. for the purpose of
145 reporting his or her address at such residence. When the sheriff
146 receives the report, the sheriff shall promptly convey the
147 information to the department. An offender who makes a report as
148 required under subparagraph 2. but fails to make a report as
149 required under this subparagraph commits a felony of the second
150 degree, punishable as provided in s. 775.082, s. 775.083, or s.
151 775.084.

152 4. A sexual predator must register all ~~any~~ electronic mail
153 addresses and Internet identifiers ~~address or instant message~~
154 ~~name~~ with the department prior to using such electronic mail
155 addresses and Internet identifiers ~~address or instant message~~
156 ~~name on or after October 1, 2007~~. The department shall establish
157 an online system through which sexual predators may securely
158 access and update all electronic mail address and Internet



412196

159 identifier ~~instant message name~~ information.

160 (i) A sexual predator who intends to establish a permanent,
161 temporary, or transient residence in another state or
162 jurisdiction other than the State of Florida shall report in
163 person to the sheriff of the county of current residence within
164 48 hours before the date he or she intends to leave this state
165 to establish residence in another state or jurisdiction or
166 within 21 days before his or her planned departure date if the
167 intended residence of 7 days or more is outside of the United
168 States. The sexual predator must provide to the sheriff the
169 address, municipality, county, ~~and~~ state, and country of
170 intended residence. The sheriff shall promptly provide to the
171 department the information received from the sexual predator.
172 The department shall notify the statewide law enforcement
173 agency, or a comparable agency, in the intended state, ~~or~~
174 jurisdiction, or country of residence of the sexual predator's
175 intended residence. The failure of a sexual predator to provide
176 his or her intended place of residence is punishable as provided
177 in subsection (10).

178 (j) A sexual predator who indicates his or her intent to
179 establish a permanent, temporary, or transient residence in
180 another state, a ~~or~~ jurisdiction other than the State of
181 Florida, or another country and later decides to remain in this
182 state shall, within 48 hours after the date upon which the
183 sexual predator indicated he or she would leave this state,
184 report in person to the sheriff to which the sexual predator
185 reported the intended change of residence, and report his or her
186 intent to remain in this state. If the sheriff is notified by
187 the sexual predator that he or she intends to remain in this



412196

188 state, the sheriff shall promptly report this information to the
189 department. A sexual predator who reports his or her intent to
190 establish a permanent, temporary, or transient residence in
191 another state, a ~~or~~ jurisdiction other than the State of
192 Florida, or another country, but who remains in this state
193 without reporting to the sheriff in the manner required by this
194 paragraph, commits a felony of the second degree, punishable as
195 provided in s. 775.082, s. 775.083, or s. 775.084.

196 (8) VERIFICATION.—The department and the Department of
197 Corrections shall implement a system for verifying the addresses
198 of sexual predators. The system must be consistent with the
199 provisions of the federal Adam Walsh Child Protection and Safety
200 Act of 2006 and any other federal standards applicable to such
201 verification or required to be met as a condition for the
202 receipt of federal funds by the state. The Department of
203 Corrections shall verify the addresses of sexual predators who
204 are not incarcerated but who reside in the community under the
205 supervision of the Department of Corrections and shall report to
206 the department any failure by a sexual predator to comply with
207 registration requirements. County and local law enforcement
208 agencies, in conjunction with the department, shall verify the
209 addresses of sexual predators who are not under the care,
210 custody, control, or supervision of the Department of
211 Corrections. Local law enforcement agencies shall report to the
212 department any failure by a sexual predator to comply with
213 registration requirements.

214 (a) A sexual predator must report in person each year
215 during the month of the sexual predator's birthday and during
216 every third month thereafter to the sheriff's office in the



412196

217 county in which he or she resides or is otherwise located to
218 reregister. The sheriff's office may determine the appropriate
219 times and days for reporting by the sexual predator, which shall
220 be consistent with the reporting requirements of this paragraph.
221 Reregistration shall include any changes to the following
222 information:

223 1. Name; social security number; age; race; sex; date of
224 birth; height; weight; hair and eye color; address of any
225 permanent residence and address of any current temporary
226 residence, within the state or out of state, including a rural
227 route address and a post office box; if no permanent or
228 temporary address, any transient residence within the state;
229 address, location or description, and dates of any current or
230 known future temporary residence within the state or out of
231 state; all any electronic mail addresses address and all
232 Internet identifiers any instant message name required to be
233 provided pursuant to subparagraph (6)(g)4.; all home telephone
234 numbers number and any cellular telephone numbers number; date
235 and place of any employment; vehicle make, model, color, and
236 license tag number; fingerprints; and photograph. A post office
237 box shall not be provided in lieu of a physical residential
238 address. The sexual predator must also produce or provide
239 information about his or her passport, if he or she has a
240 passport, and, if he or she is an alien, must produce or provide
241 information about documents establishing his or her immigration
242 status.

243 2. If the sexual predator is enrolled, employed, or
244 carrying on a vocation at an institution of higher education in
245 this state, the sexual predator shall also provide to the



412196

246 department the name, address, and county of each institution,
247 including each campus attended, and the sexual predator's
248 enrollment or employment status.

249 3. If the sexual predator's place of residence is a motor
250 vehicle, trailer, mobile home, or manufactured home, as defined
251 in chapter 320, the sexual predator shall also provide the
252 vehicle identification number; the license tag number; the
253 registration number; and a description, including color scheme,
254 of the motor vehicle, trailer, mobile home, or manufactured
255 home. If the sexual predator's place of residence is a vessel,
256 live-aboard vessel, or houseboat, as defined in chapter 327, the
257 sexual predator shall also provide the hull identification
258 number; the manufacturer's serial number; the name of the
259 vessel, live-aboard vessel, or houseboat; the registration
260 number; and a description, including color scheme, of the
261 vessel, live-aboard vessel, or houseboat.

262 (10) PENALTIES.—

263 (a) Except as otherwise specifically provided, a sexual
264 predator who fails to register; who fails, after registration,
265 to maintain, acquire, or renew a driver's license or
266 identification card; who fails to provide required location
267 information, electronic mail address information, Internet
268 identifier ~~instant message name~~ information, all home telephone
269 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or
270 change-of-name information; who fails to make a required report
271 in connection with vacating a permanent residence; who fails to
272 reregister as required; who fails to respond to any address
273 verification correspondence from the department within 3 weeks
274 of the date of the correspondence; or who otherwise fails, by



412196

275 act or omission, to comply with the requirements of this
276 section, commits a felony of the third degree, punishable as
277 provided in s. 775.082, s. 775.083, or s. 775.084.

278 Section 2. Section 847.0141, Florida Statutes, is created
279 to read:

280 847.0141 Unlawful electronic communication between minors;
281 possession of visual depiction of another minor.-

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

286 (2) (a) It is unlawful for a minor to intentionally or
287 knowingly possess a visual depiction of another minor that
288 depicts nudity and is harmful to minors.

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

291 1. The minor did not solicit the visual depiction.

292 2. The minor took reasonable steps to report the visual
293 depiction to the minor's legal guardian or to a school or law
294 enforcement official.

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

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

298 (a) Commits a noncriminal violation for a first violation,
299 punishable by 8 hours of community service or, if ordered by the
300 court in lieu of community service, a \$60 fine. The court may
301 also order suitable training concerning such offenses and may
302 prohibit the use or possession of electronic devices, which may
303 include, but are not limited to, cellular telephones, cameras,



412196

304 computers, or other electronic media devices. The court shall
305 order the confiscation of such unlawful material and authorize
306 the law enforcement agency in which the material is held to
307 destroy the unlawful material.

308 (b) Commits a misdemeanor of the second degree for a
309 violation that occurs after being found to have committed a
310 noncriminal violation under paragraph (a), punishable as
311 provided in s. 775.082 or s. 775.083. The court must order
312 suitable training concerning such offenses and prohibit the use
313 or possession of electronic communication devices, which may
314 include, but are not limited to, cellular telephones, cameras,
315 computers, or other electronic media devices. The court shall
316 order the confiscation of such unlawful material and authorize
317 the law enforcement agency in which the material is held to
318 destroy the unlawful material.

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

330 (d) Commits a felony of the third degree for a violation
331 that occurs after being found to have committed a misdemeanor of
332 the first degree under paragraph (c), punishable as provided in



412196

333 s. 775.082, s. 775.083, or s. 775.084. The court must order a
334 mental health evaluation by a qualified practitioner, as defined
335 in s. 948.001, and treatment, if recommended by the
336 practitioner. The court shall order confiscation of such
337 unlawful material and authorize the law enforcement agency in
338 which the material is held to destroy the unlawful material.

339 (4) Whenever any law enforcement officer arrests any person
340 charged with any offense under this section, the officer shall
341 seize the prohibited material and take the material into his or
342 her custody to await the sentence of the court upon the trial of
343 the offender.

344 (5) This section does not prohibit the prosecution of a
345 minor for a violation of any law of this state if the electronic
346 communication includes the depiction of sexual conduct or sexual
347 excitement and does not prohibit the prosecution of a minor for
348 stalking under s. 784.048.

349 Section 3. Paragraphs (a) and (g) of subsection (1),
350 subsection (2), paragraphs (a) and (d) of subsection (4),
351 subsections (7) and (8), and paragraph (c) of subsection (14) of
352 section 943.0435, Florida Statutes, are amended to read:

353 943.0435 Sexual offenders required to register with the
354 department; penalty.—

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

356 (a)1. "Sexual offender" means a person who meets the
357 criteria in sub-subparagraph a., sub-subparagraph b., sub-
358 subparagraph c., or sub-subparagraph d., as follows:

359 a.(I) Has been convicted of committing, or attempting,
360 soliciting, or conspiring to commit, any of the criminal
361 offenses proscribed in the following statutes in this state or



412196

362 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
363 or s. 787.025(2)(c), where the victim is a minor and the
364 defendant is not the victim's parent or guardian; s. 794.011,
365 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
366 800.04; s. 825.1025; s. 826.04 where the victim is a minor and
367 the defendant is 18 years of age or older; s. 827.071; s.
368 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
369 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
370 committed in this state which has been redesignated from a
371 former statute number to one of those listed in this sub-sub-
372 subparagraph; and

373 (II) Has been released on or after October 1, 1997, from
374 the sanction imposed for any conviction of an offense described
375 in sub-sub-subparagraph (I). For purposes of sub-sub-
376 subparagraph (I), a sanction imposed in this state or in any
377 other jurisdiction includes, but is not limited to, a fine,
378 probation, community control, parole, conditional release,
379 control release, or incarceration in a state prison, federal
380 prison, private correctional facility, or local detention
381 facility;

382 b. Establishes or maintains a residence in this state and
383 who has not been designated as a sexual predator by a court of
384 this state but who has been designated as a sexual predator, as
385 a sexually violent predator, or by another sexual offender
386 designation in another state or jurisdiction and was, as a
387 result of such designation, subjected to registration or
388 community or public notification, or both, or would be if the
389 person were a resident of that state or jurisdiction, without
390 regard to whether the person otherwise meets the criteria for



412196

391 registration as a sexual offender;

392 c. Establishes or maintains a residence in this state who
393 is in the custody or control of, or under the supervision of,
394 any other state or jurisdiction as a result of a conviction for
395 committing, or attempting, soliciting, or conspiring to commit,
396 any of the criminal offenses proscribed in the following
397 statutes or similar offense in another jurisdiction: s. 787.01,
398 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
399 the defendant is not the victim's parent or guardian; s.
400 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
401 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a
402 minor and the defendant is 18 years of age or older; s. 827.071;
403 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;
404 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
405 offense committed in this state which has been redesignated from
406 a former statute number to one of those listed in this sub-
407 subparagraph; or

408 d. On or after July 1, 2007, has been adjudicated
409 delinquent for committing, or attempting, soliciting, or
410 conspiring to commit, any of the criminal offenses proscribed in
411 the following statutes in this state or similar offenses in
412 another jurisdiction when the juvenile was 14 years of age or
413 older at the time of the offense:

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

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

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



412196

420 (IV) Section 800.04(5)(d) where the court finds the use of
421 force or coercion and unclothed genitals.

422 2. For all qualifying offenses listed in sub-subparagraph
423 (1)(a)1.d., the court shall make a written finding of the age of
424 the offender at the time of the offense.

425
426 For each violation of a qualifying offense listed in this
427 subsection, the court shall make a written finding of the age of
428 the victim at the time of the offense. For a violation of s.
429 800.04(4), the court shall additionally make a written finding
430 indicating that the offense did or did not involve sexual
431 activity and indicating that the offense did or did not involve
432 force or coercion. For a violation of s. 800.04(5), the court
433 shall additionally make a written finding that the offense did
434 or did not involve unclothed genitals or genital area and that
435 the offense did or did not involve the use of force or coercion.

436 (g) "Internet identifier Instant message name" has the same
437 meaning as provided in s. 775.21 ~~means an identifier that allows~~
438 ~~a person to communicate in real time with another person using~~
439 ~~the Internet.~~

440 (2) A sexual offender shall:

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

442 1. In the county in which the offender establishes or
443 maintains a permanent, temporary, or transient residence within
444 48 hours after:

445 a. Establishing permanent, temporary, or transient
446 residence in this state; or

447 b. Being released from the custody, control, or supervision
448 of the Department of Corrections or from the custody of a



412196

449 private correctional facility; or

450 2. In the county where he or she was convicted within 48
451 hours after being convicted for a qualifying offense for
452 registration under this section if the offender is not in the
453 custody or control of, or under the supervision of, the
454 Department of Corrections, or is not in the custody of a private
455 correctional facility.

456

457 Any change in the information required to be provided pursuant
458 to paragraph (b), including, but not limited to, any change in
459 the sexual offender's permanent, temporary, or transient
460 residence, name, all any electronic mail addresses ~~address~~ and
461 all Internet identifiers ~~any instant message name~~ required to be
462 provided pursuant to paragraph (4)(d), after the sexual offender
463 reports in person at the sheriff's office, shall be accomplished
464 in the manner provided in subsections (4), (7), and (8).

465 (b) Provide his or her name; date of birth; social security
466 number; race; sex; height; weight; hair and eye color; tattoos
467 or other identifying marks; occupation and place of employment;
468 address of permanent or legal residence or address of any
469 current temporary residence, within the state or out of state,
470 including a rural route address and a post office box; if no
471 permanent or temporary address, any transient residence within
472 the state, address, location or description, and dates of any
473 current or known future temporary residence within the state or
474 out of state; all home telephone numbers ~~number~~ and ~~any~~ cellular
475 telephone numbers ~~number~~; all any electronic mail addresses
476 ~~address~~ and all Internet identifiers ~~any instant message name~~
477 required to be provided pursuant to paragraph (4)(d); date and



412196

478 place of each conviction; and a brief description of the crime
479 or crimes committed by the offender. A post office box shall not
480 be provided in lieu of a physical residential address. The
481 sexual offender must also produce or provide information about
482 his or her passport, if he or she has a passport, and, if he or
483 she is an alien, must produce or provide information about
484 documents establishing his or her immigration status.

485 1. If the sexual offender's place of residence is a motor
486 vehicle, trailer, mobile home, or manufactured home, as defined
487 in chapter 320, the sexual offender shall also provide to the
488 department through the sheriff's office written notice of the
489 vehicle identification number; the license tag number; the
490 registration number; and a description, including color scheme,
491 of the motor vehicle, trailer, mobile home, or manufactured
492 home. If the sexual offender's place of residence is a vessel,
493 live-aboard vessel, or houseboat, as defined in chapter 327, the
494 sexual offender shall also provide to the department written
495 notice of the hull identification number; the manufacturer's
496 serial number; the name of the vessel, live-aboard vessel, or
497 houseboat; the registration number; and a description, including
498 color scheme, of the vessel, live-aboard vessel, or houseboat.

499 2. If the sexual offender is enrolled, employed, or
500 carrying on a vocation at an institution of higher education in
501 this state, the sexual offender shall also provide to the
502 department through the sheriff's office the name, address, and
503 county of each institution, including each campus attended, and
504 the sexual offender's enrollment or employment status. Each
505 change in enrollment or employment status shall be reported in
506 person at the sheriff's office, within 48 hours after any change



412196

507 in status. The sheriff shall promptly notify each institution of
508 the sexual offender's presence and any change in the sexual
509 offender's enrollment or employment status.

510
511 When a sexual offender reports at the sheriff's office, the
512 sheriff shall take a photograph and a set of fingerprints of the
513 offender and forward the photographs and fingerprints to the
514 department, along with the information provided by the sexual
515 offender. The sheriff shall promptly provide to the department
516 the information received from the sexual offender.

517 (4) (a) Each time a sexual offender's driver's license or
518 identification card is subject to renewal, and, without regard
519 to the status of the offender's driver's license or
520 identification card, within 48 hours after any change in the
521 offender's permanent, temporary, or transient residence or
522 change in the offender's name by reason of marriage or other
523 legal process, the offender shall report in person to a driver's
524 license office, and shall be subject to the requirements
525 specified in subsection (3). The Department of Highway Safety
526 and Motor Vehicles shall forward to the department all
527 photographs and information provided by sexual offenders.
528 Notwithstanding the restrictions set forth in s. 322.142, the
529 Department of Highway Safety and Motor Vehicles is authorized to
530 release a reproduction of a color-photograph or digital-image
531 license to the Department of Law Enforcement for purposes of
532 public notification of sexual offenders as provided in this
533 section and ss. 943.043 and 944.606. A sexual offender who is
534 unable to secure or update a driver's license or identification
535 card with the Department of Highway Safety and Motor Vehicles as



412196

536 provided in subsection (3) and this subsection must also report
537 any change in the sexual offender's permanent, temporary, or
538 transient residence or change in the offender's name by reason
539 of marriage or other legal process within 48 hours after the
540 change to the sheriff's office in the county where the offender
541 resides or is located and provide confirmation that he or she
542 reported such information to Department of Highway Safety and
543 Motor Vehicles.

544 (d) A sexual offender must register all ~~any~~ electronic mail
545 addresses and Internet identifiers ~~address or instant message~~
546 ~~name~~ with the department prior to using such electronic mail
547 addresses and Internet identifiers ~~address or instant message~~
548 ~~name on or after October 1, 2007~~. The department shall establish
549 an online system through which sexual offenders may securely
550 access and update all electronic mail address and Internet
551 identifier ~~instant message name~~ information.

552 (7) A sexual offender who intends to establish a permanent,
553 temporary, or transient residence in another state or
554 jurisdiction other than the State of Florida shall report in
555 person to the sheriff of the county of current residence within
556 48 hours before the date he or she intends to leave this state
557 to establish residence in another state or jurisdiction or
558 within 21 days before his or her planned departure date if the
559 intended residence of 7 days or more is outside of the United
560 States. The notification must include the address, municipality,
561 county, ~~and~~ state, and country of intended residence. The
562 sheriff shall promptly provide to the department the information
563 received from the sexual offender. The department shall notify
564 the statewide law enforcement agency, or a comparable agency, in



412196

565 the intended state, ~~or~~ jurisdiction, or country of residence of
566 the sexual offender's intended residence. The failure of a
567 sexual offender to provide his or her intended place of
568 residence is punishable as provided in subsection (9).

569 (8) A sexual offender who indicates his or her intent to
570 establish a permanent, temporary, or transient residence in
571 another state, a ~~or~~ jurisdiction other than the State of
572 Florida, or another country and later decides to remain in this
573 state shall, within 48 hours after the date upon which the
574 sexual offender indicated he or she would leave this state,
575 report in person to the sheriff to which the sexual offender
576 reported the intended change of permanent, temporary, or
577 transient residence, and report his or her intent to remain in
578 this state. The sheriff shall promptly report this information
579 to the department. A sexual offender who reports his or her
580 intent to establish a permanent, temporary, or transient
581 residence in another state, a ~~or~~ jurisdiction other than the
582 State of Florida, or another country but who remains in this
583 state without reporting to the sheriff in the manner required by
584 this subsection commits a felony of the second degree,
585 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

586 (14)

587 (c) The sheriff's office may determine the appropriate
588 times and days for reporting by the sexual offender, which shall
589 be consistent with the reporting requirements of this
590 subsection. Reregistration shall include any changes to the
591 following information:

592 1. Name; social security number; age; race; sex; date of
593 birth; height; weight; hair and eye color; address of any



412196

594 permanent residence and address of any current temporary
595 residence, within the state or out of state, including a rural
596 route address and a post office box; if no permanent or
597 temporary address, any transient residence within the state;
598 address, location or description, and dates of any current or
599 known future temporary residence within the state or out of
600 state; all any electronic mail addresses address and all
601 Internet identifiers any instant message name required to be
602 provided pursuant to paragraph (4) (d); all home telephone
603 numbers number and all any cellular telephone numbers number;
604 date and place of any employment; vehicle make, model, color,
605 and license tag number; fingerprints; and photograph. A post
606 office box shall not be provided in lieu of a physical
607 residential address. The sexual offender must also produce or
608 provide information about his or her passport, if he or she has
609 a passport, and, if he or she is an alien, must produce or
610 provide information about documents establishing his or her
611 immigration status.

612 2. If the sexual offender is enrolled, employed, or
613 carrying on a vocation at an institution of higher education in
614 this state, the sexual offender shall also provide to the
615 department the name, address, and county of each institution,
616 including each campus attended, and the sexual offender's
617 enrollment or employment status.

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



412196

623 of the motor vehicle, trailer, mobile home, or manufactured
624 home. If the sexual offender's place of residence is a vessel,
625 live-aboard vessel, or houseboat, as defined in chapter 327, the
626 sexual offender shall also provide the hull identification
627 number; the manufacturer's serial number; the name of the
628 vessel, live-aboard vessel, or houseboat; the registration
629 number; and a description, including color scheme, of the
630 vessel, live-aboard vessel or houseboat.

631 4. Any sexual offender who fails to report in person as
632 required at the sheriff's office, or who fails to respond to any
633 address verification correspondence from the department within 3
634 weeks of the date of the correspondence or who fails to report
635 all electronic mail addresses and all Internet identifiers ~~or~~
636 ~~instant message names~~, commits a felony of the third degree,
637 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

638 Section 4. Section 943.04351, Florida Statutes, is amended
639 to read:

640 943.04351 Search of registration information regarding
641 sexual predators and sexual offenders required prior to
642 appointment or employment.—A state agency or governmental
643 subdivision, prior to making any decision to appoint or employ a
644 person to work, whether for compensation or as a volunteer, at
645 any park, playground, day care center, or other place where
646 children regularly congregate, must conduct a search of that
647 person's name or other identifying information against the
648 registration information regarding sexual predators and sexual
649 offenders maintained by the Department of Law Enforcement under
650 s. 943.043. The agency or governmental subdivision may conduct
651 the search using the Internet site maintained by the Department



412196

652 of Law Enforcement. Also, a national search must be conducted
653 through the Dru Sjodin National Sex Offender Public Website
654 maintained by the United States Department of Justice. This
655 section does not apply to those positions or appointments within
656 a state agency or governmental subdivision for which a state and
657 national criminal history background check is conducted.

658 Section 5. Section 943.04354, Florida Statutes, is amended
659 to read:

660 943.04354 Removal of the requirement to register as a
661 sexual offender or sexual predator in special circumstances.—

662 (1) For purposes of this section, a person shall be
663 considered for removal of the requirement to register as a
664 sexual offender or sexual predator only if the person:

665 (a) Was or will be convicted or adjudicated delinquent of a
666 violation of s. 794.011, s. 800.04, s. 827.071, or s.
667 847.0135(5) or the person committed a violation of s. 794.011,
668 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
669 of guilt was or will be withheld, and the person does not have
670 any other conviction, adjudication of delinquency, or withhold
671 of adjudication of guilt for a violation of s. 794.011, s.
672 800.04, s. 827.071, or s. 847.0135(5);

673 (b) Is required to register as a sexual offender or sexual
674 predator solely on the basis of this violation; and

675 (c) Is not more than 4 years older than the victim of this
676 violation who was 13 ~~14~~ years of age or older but not more than
677 18 ~~17~~ years of age at the time the person committed this
678 violation.

679 (2) If a person meets the criteria in subsection (1) ~~and~~
680 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~



412196

681 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person
682 may move the court that will sentence or dispose of this
683 violation to remove the requirement that the person register as
684 a sexual offender or sexual predator. The person must allege in
685 the motion that he or she meets the criteria in subsection (1)
686 and that removal of the registration requirement will not
687 conflict with federal law. The state attorney must be given
688 notice of the motion at least 21 days before the date of
689 sentencing or disposition of this violation and may present
690 evidence in opposition to the requested relief or may otherwise
691 demonstrate why the motion should be denied. At sentencing or
692 disposition of this violation, the court shall rule on this
693 motion and, if the court determines the person meets the
694 criteria in subsection (1) and the removal of the registration
695 requirement will not conflict with federal law, it may grant the
696 motion and order the removal of the registration requirement. If
697 the court denies the motion, the person is not authorized under
698 this section to petition for removal of the registration
699 requirement.

700 (3) (a) This subsection applies to a person who:

701 ~~1. Is not a person described in subsection (2) because the~~
702 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
703 ~~committed on or after July 1, 2007;~~

704 ~~1.2.~~ Is subject to registration as a sexual offender or
705 sexual predator for a violation of s. 794.011, s. 800.04, or s.
706 827.071; and

707 ~~2.3.~~ Meets the criteria in subsection (1).

708 (b) A person may petition the court in which the sentence
709 or disposition for the violation of s. 794.011, s. 800.04, or s.



412196

710 827.071 occurred for removal of the requirement to register as a
711 sexual offender or sexual predator. The person must allege in
712 the petition that he or she meets the criteria in subsection (1)
713 and removal of the registration requirement will not conflict
714 with federal law. The state attorney must be given notice of the
715 petition at least 21 days before the hearing on the petition and
716 may present evidence in opposition to the requested relief or
717 may otherwise demonstrate why the petition should be denied. The
718 court shall rule on the petition and, if the court determines
719 the person meets the criteria in subsection (1) and removal of
720 the registration requirement will not conflict with federal law,
721 it may grant the petition and order the removal of the
722 registration requirement. If the court denies the petition, the
723 person is not authorized under this section to file any further
724 petition for removal of the registration requirement.

725 (4) If a person provides to the Department of Law
726 Enforcement a certified copy of the court's order removing the
727 requirement that the person register as a sexual offender or
728 sexual predator for the violation of s. 794.011, s. 800.04, s.
729 827.071, or s. 847.0135(5), the registration requirement will
730 not apply to the person and the department shall remove all
731 information about the person from the public registry of sexual
732 offenders and sexual predators maintained by the department.
733 However, the removal of this information from the public
734 registry does not mean that the public is denied access to
735 information about the person's criminal history or record that
736 is otherwise available as a public record.

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



412196

739 943.0437 Commercial social networking websites.-

740 (2) The department may provide information relating to
741 electronic mail addresses and Internet identifiers ~~instant~~
742 ~~message names~~ maintained as part of the sexual offender registry
743 to commercial social networking websites or third parties
744 designated by commercial social networking websites. The
745 commercial social networking website may use this information
746 for the purpose of comparing registered users and screening
747 potential users of the commercial social networking website
748 against the list of electronic mail addresses and Internet
749 identifiers ~~instant message names~~ provided by the department.

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

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

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

759 944.606 Sexual offenders; notification upon release.-

760 (1) As used in this section:

761 (b) "Sexual offender" means a person who has been convicted
762 of committing, or attempting, soliciting, or conspiring to
763 commit, any of the criminal offenses proscribed in the following
764 statutes in this state or similar offenses in another
765 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
766 the victim is a minor and the defendant is not the victim's
767 parent or guardian; s. 794.011, excluding s. 794.011(10); s.



412196

768 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04
769 where the victim is a minor and the defendant is 18 years of age
770 or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
771 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
772 985.701(1); or any similar offense committed in this state which
773 has been redesignated from a former statute number to one of
774 those listed in this subsection, when the department has
775 received verified information regarding such conviction; an
776 offender's computerized criminal history record is not, in and
777 of itself, verified information.

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

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

785 1. The department must provide: the sexual offender's name,
786 any change in the offender's name by reason of marriage or other
787 legal process, and any alias, if known; the correctional
788 facility from which the sexual offender is released; the sexual
789 offender's social security number, race, sex, date of birth,
790 height, weight, and hair and eye color; address of any planned
791 permanent residence or temporary residence, within the state or
792 out of state, including a rural route address and a post office
793 box; if no permanent or temporary address, any transient
794 residence within the state; address, location or description,
795 and dates of any known future temporary residence within the
796 state or out of state; date and county of sentence and each



412196

797 crime for which the offender was sentenced; a copy of the
798 offender's fingerprints and a digitized photograph taken within
799 60 days before release; the date of release of the sexual
800 offender; all any electronic mail addresses ~~address~~ and all
801 Internet identifiers ~~any instant message name~~ required to be
802 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone
803 numbers ~~number~~ and ~~any~~ cellular telephone numbers; and passport
804 information, if he or she has a passport, and, if he or she is
805 an alien, information about documents establishing his or her
806 immigration status ~~number~~. The department shall notify the
807 Department of Law Enforcement if the sexual offender escapes,
808 absconds, or dies. If the sexual offender is in the custody of a
809 private correctional facility, the facility shall take the
810 digitized photograph of the sexual offender within 60 days
811 before the sexual offender's release and provide this photograph
812 to the Department of Corrections and also place it in the sexual
813 offender's file. If the sexual offender is in the custody of a
814 local jail, the custodian of the local jail shall register the
815 offender within 3 business days after intake of the offender for
816 any reason and upon release, and shall notify the Department of
817 Law Enforcement of the sexual offender's release and provide to
818 the Department of Law Enforcement the information specified in
819 this paragraph and any information specified in subparagraph 2.
820 that the Department of Law Enforcement requests.

821 2. The department may provide any other information deemed
822 necessary, including criminal and corrections records,
823 nonprivileged personnel and treatment records, when available.

824 Section 8. Paragraphs (a) and (f) of subsection (1),
825 paragraph (a) of subsection (4), paragraph (b) of subsection



412196

826 (6), and paragraph (c) of subsection (13) of section 944.607,
827 Florida Statutes, are amended to read:

828 944.607 Notification to Department of Law Enforcement of
829 information on sexual offenders.—

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

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

834 1. On or after October 1, 1997, as a result of a conviction
835 for committing, or attempting, soliciting, or conspiring to
836 commit, any of the criminal offenses proscribed in the following
837 statutes in this state or similar offenses in another
838 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
839 the victim is a minor and the defendant is not the victim's
840 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
841 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04
842 where the victim is a minor and the defendant is 18 years of age
843 or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
844 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
845 985.701(1); or any similar offense committed in this state which
846 has been redesignated from a former statute number to one of
847 those listed in this paragraph; or

848 2. Who establishes or maintains a residence in this state
849 and who has not been designated as a sexual predator by a court
850 of this state but who has been designated as a sexual predator,
851 as a sexually violent predator, or by another sexual offender
852 designation in another state or jurisdiction and was, as a
853 result of such designation, subjected to registration or
854 community or public notification, or both, or would be if the



412196

855 person were a resident of that state or jurisdiction, without
856 regard as to whether the person otherwise meets the criteria for
857 registration as a sexual offender.

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

862 (4) A sexual offender, as described in this section, who is
863 under the supervision of the Department of Corrections but is
864 not incarcerated must register with the Department of
865 Corrections within 3 business days after sentencing for a
866 registrable offense and otherwise provide information as
867 required by this subsection.

868 (a) The sexual offender shall provide his or her name; date
869 of birth; social security number; race; sex; height; weight;
870 hair and eye color; tattoos or other identifying marks; all any
871 electronic mail addresses ~~address~~ and all Internet identifiers
872 ~~any instant message name~~ required to be provided pursuant to s.
873 943.0435(4)(d); permanent or legal residence and address of
874 temporary residence within the state or out of state while the
875 sexual offender is under supervision in this state, including
876 any rural route address or post office box; if no permanent or
877 temporary address, any transient residence within the state; and
878 address, location or description, and dates of any current or
879 known future temporary residence within the state or out of
880 state. The sexual offender must also produce or provide
881 information about his or her passport, if he or she has a
882 passport, and, if he or she is an alien, must produce or provide
883 information about documents establishing his or her immigration



412196

884 status. The Department of Corrections shall verify the address
885 of each sexual offender in the manner described in ss. 775.21
886 and 943.0435. The department shall report to the Department of
887 Law Enforcement any failure by a sexual predator or sexual
888 offender to comply with registration requirements.

889 (6) The information provided to the Department of Law
890 Enforcement must include:

891 (b) The sexual offender's most current address, place of
892 permanent, temporary, or transient residence within the state or
893 out of state, and address, location or description, and dates of
894 any current or known future temporary residence within the state
895 or out of state, while the sexual offender is under supervision
896 in this state, including the name of the county or municipality
897 in which the offender permanently or temporarily resides, or has
898 a transient residence, and address, location or description, and
899 dates of any current or known future temporary residence within
900 the state or out of state, and, if known, the intended place of
901 permanent, temporary, or transient residence, and address,
902 location or description, and dates of any current or known
903 future temporary residence within the state or out of state upon
904 satisfaction of all sanctions. The sexual offender must also
905 produce or provide information about his or her passport, if he
906 or she has a passport, and, if he or she is an alien, must
907 produce or provide information about documents establishing his
908 or her immigration status;

909
910 If any information provided by the department changes during the
911 time the sexual offender is under the department's control,
912 custody, or supervision, including any change in the offender's



412196

913 name by reason of marriage or other legal process, the
914 department shall, in a timely manner, update the information and
915 provide it to the Department of Law Enforcement in the manner
916 prescribed in subsection (2).

917 (13)

918 (c) The sheriff's office may determine the appropriate
919 times and days for reporting by the sexual offender, which shall
920 be consistent with the reporting requirements of this
921 subsection. Reregistration shall include any changes to the
922 following information:

923 1. Name; social security number; age; race; sex; date of
924 birth; height; weight; hair and eye color; address of any
925 permanent residence and address of any current temporary
926 residence, within the state or out of state, including a rural
927 route address and a post office box; if no permanent or
928 temporary address, any transient residence; address, location or
929 description, and dates of any current or known future temporary
930 residence within the state or out of state; all ~~any~~ electronic
931 mail addresses ~~address~~ and all Internet identifiers ~~any instant~~
932 ~~message name~~ required to be provided pursuant to s.

933 943.0435(4)(d); date and place of any employment; vehicle make,
934 model, color, and license tag number; fingerprints; and
935 photograph. A post office box shall not be provided in lieu of a
936 physical residential address. The sexual offender must also
937 produce or provide information about his or her passport, if he
938 or she has a passport, and, if he or she is an alien, must
939 produce or provide information about documents establishing his
940 or her immigration status.

941 2. If the sexual offender is enrolled, employed, or



412196

942 carrying on a vocation at an institution of higher education in
943 this state, the sexual offender shall also provide to the
944 department the name, address, and county of each institution,
945 including each campus attended, and the sexual offender's
946 enrollment or employment status.

947 3. If the sexual offender's place of residence is a motor
948 vehicle, trailer, mobile home, or manufactured home, as defined
949 in chapter 320, the sexual offender shall also provide the
950 vehicle identification number; the license tag number; the
951 registration number; and a description, including color scheme,
952 of the motor vehicle, trailer, mobile home, or manufactured
953 home. If the sexual offender's place of residence is a vessel,
954 live-aboard vessel, or houseboat, as defined in chapter 327, the
955 sexual offender shall also provide the hull identification
956 number; the manufacturer's serial number; the name of the
957 vessel, live-aboard vessel, or houseboat; the registration
958 number; and a description, including color scheme, of the
959 vessel, live-aboard vessel or houseboat.

960 4. Any sexual offender who fails to report in person as
961 required at the sheriff's office, or who fails to respond to any
962 address verification correspondence from the department within 3
963 weeks of the date of the correspondence, or who fails to report
964 all electronic mail addresses and all Internet identifiers ~~or~~
965 ~~instant message names~~, commits a felony of the third degree,
966 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

969 947.005 Definitions.—As used in this chapter, unless the
970 context clearly indicates otherwise:



412196

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

974 Section 10. Section 948.31, Florida Statutes, is amended to
975 read:

976 948.31 Evaluation and treatment of sexual predators and
977 offenders on probation or community control.~~Conditions imposed~~
978 pursuant to this section do not require oral pronouncement at
979 the time of sentencing and shall be considered standard
980 conditions of probation or community control for offenders
981 specified in this section. The court shall require an evaluation
982 by a qualified practitioner to determine the need of a
983 probationer or community controllee for treatment. If the court
984 determines that a need therefor is established by the evaluation
985 process, the court shall require sexual offender treatment as a
986 term or condition of probation or community control for any
987 person who is required to register as a sexual predator under s.
988 775.21 or sexual offender under s. 943.0435, s. 944.606, or s.
989 944.607. Such treatment shall be required to be obtained from a
990 qualified practitioner as defined in s. 948.001. Treatment may
991 not be administered by a qualified practitioner who has been
992 convicted or adjudicated delinquent of committing, or
993 attempting, soliciting, or conspiring to commit, any offense
994 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~
995 ~~impose a restriction against contact with minors if sexual~~
996 ~~offender treatment is recommended.~~ The evaluation and
997 recommendations for treatment of the probationer or community
998 controllee shall be provided to the court for review.

999 Section 11. Paragraph (a) of subsection (3) of section



412196

1000 985.481, Florida Statutes, is amended to read:

1001 985.481 Sexual offenders adjudicated delinquent;
1002 notification upon release.—

1003 (3)(a) The department must provide information regarding
1004 any sexual offender who is being released after serving a period
1005 of residential commitment under the department for any offense,
1006 as follows:

1007 1. The department must provide the sexual offender's name,
1008 any change in the offender's name by reason of marriage or other
1009 legal process, and any alias, if known; the correctional
1010 facility from which the sexual offender is released; the sexual
1011 offender's social security number, race, sex, date of birth,
1012 height, weight, and hair and eye color; address of any planned
1013 permanent residence or temporary residence, within the state or
1014 out of state, including a rural route address and a post office
1015 box; if no permanent or temporary address, any transient
1016 residence within the state; address, location or description,
1017 and dates of any known future temporary residence within the
1018 state or out of state; date and county of disposition and each
1019 crime for which there was a disposition; a copy of the
1020 offender's fingerprints and a digitized photograph taken within
1021 60 days before release; the date of release of the sexual
1022 offender; all and home telephone numbers number and any cellular
1023 telephone numbers; and passport information, if he or she has a
1024 passport, and, if he or she is an alien, information about
1025 documents establishing his or her immigration status number. The
1026 department shall notify the Department of Law Enforcement if the
1027 sexual offender escapes, absconds, or dies. If the sexual
1028 offender is in the custody of a private correctional facility,



412196

1029 the facility shall take the digitized photograph of the sexual
1030 offender within 60 days before the sexual offender's release and
1031 also place it in the sexual offender's file. If the sexual
1032 offender is in the custody of a local jail, the custodian of the
1033 local jail shall register the offender within 3 business days
1034 after intake of the offender for any reason and upon release,
1035 and shall notify the Department of Law Enforcement of the sexual
1036 offender's release and provide to the Department of Law
1037 Enforcement the information specified in this subparagraph and
1038 any information specified in subparagraph 2. which the
1039 Department of Law Enforcement requests.

1040 2. The department may provide any other information
1041 considered necessary, including criminal and delinquency
1042 records, when available.

1043 Section 12. Paragraph (a) of subsection (4), paragraph (a)
1044 of subsection (6), and paragraph (b) of subsection (13) of
1045 section 985.4815, Florida Statutes, are amended to read:

1046 985.4815 Notification to Department of Law Enforcement of
1047 information on juvenile sexual offenders.-

1048 (4) A sexual offender, as described in this section, who is
1049 under the supervision of the department but who is not committed
1050 must register with the department within 3 business days after
1051 adjudication and disposition for a registrable offense and
1052 otherwise provide information as required by this subsection.

1053 (a) The sexual offender shall provide his or her name; date
1054 of birth; social security number; race; sex; height; weight;
1055 hair and eye color; tattoos or other identifying marks;
1056 permanent or legal residence and address of temporary residence
1057 within the state or out of state while the sexual offender is in



412196

1058 the care or custody or under the jurisdiction or supervision of
1059 the department in this state, including any rural route address
1060 or post office box; if no permanent or temporary address, any
1061 transient residence; address, location or description, and dates
1062 of any current or known future temporary residence within the
1063 state or out of state; passport information, if he or she has a
1064 passport, and, if he or she is an alien, information about
1065 documents establishing his or her immigration status; and the
1066 name and address of each school attended. The department shall
1067 verify the address of each sexual offender and shall report to
1068 the Department of Law Enforcement any failure by a sexual
1069 offender to comply with registration requirements.

1070 (6) (a) The information provided to the Department of Law
1071 Enforcement must include the following:

1072 1. The information obtained from the sexual offender under
1073 subsection (4).

1074 2. The sexual offender's most current address and place of
1075 permanent, temporary, or transient residence within the state or
1076 out of state, and address, location or description, and dates of
1077 any current or known future temporary residence within the state
1078 or out of state, while the sexual offender is in the care or
1079 custody or under the jurisdiction or supervision of the
1080 department in this state, including the name of the county or
1081 municipality in which the offender permanently or temporarily
1082 resides, or has a transient residence, and address, location or
1083 description, and dates of any current or known future temporary
1084 residence within the state or out of state; and, if known, the
1085 intended place of permanent, temporary, or transient residence,
1086 and address, location or description, and dates of any current



412196

1087 or known future temporary residence within the state or out of
1088 state upon satisfaction of all sanctions. The sexual offender
1089 must also produce or provide information about his or her
1090 passport, if he or she has a passport, and, if he or she is an
1091 alien, must produce or provide information about documents
1092 establishing his or her immigration status.

1093 3. The legal status of the sexual offender and the
1094 scheduled termination date of that legal status.

1095 4. The location of, and local telephone number for, any
1096 department office that is responsible for supervising the sexual
1097 offender.

1098 5. An indication of whether the victim of the offense that
1099 resulted in the offender's status as a sexual offender was a
1100 minor.

1101 6. The offense or offenses at adjudication and disposition
1102 that resulted in the determination of the offender's status as a
1103 sex offender.

1104 7. A digitized photograph of the sexual offender, which
1105 must have been taken within 60 days before the offender was
1106 released from the custody of the department or a private
1107 correctional facility by expiration of sentence under s.
1108 944.275, or within 60 days after the onset of the department's
1109 supervision of any sexual offender who is on probation,
1110 postcommitment probation, residential commitment, nonresidential
1111 commitment, licensed child-caring commitment, community control,
1112 conditional release, parole, provisional release, or control
1113 release or who is supervised by the department under the
1114 Interstate Compact Agreement for Probationers and Parolees. If
1115 the sexual offender is in the custody of a private correctional



412196

1116 facility, the facility shall take a digitized photograph of the
1117 sexual offender within the time period provided in this
1118 subparagraph and shall provide the photograph to the department.

1119 (13)

1120 (b) The sheriff's office may determine the appropriate
1121 times and days for reporting by the sexual offender, which shall
1122 be consistent with the reporting requirements of this
1123 subsection. Reregistration shall include any changes to the
1124 following information:

1125 1. Name; social security number; age; race; sex; date of
1126 birth; height; weight; hair and eye color; address of any
1127 permanent residence and address of any current temporary
1128 residence, within the state or out of state, including a rural
1129 route address and a post office box; if no permanent or
1130 temporary address, any transient residence; address, location or
1131 description, and dates of any current or known future temporary
1132 residence within the state or out of state; passport
1133 information, if he or she has a passport, and, if he or she is
1134 an alien, information about documents establishing his or her
1135 immigration status; name and address of each school attended;
1136 date and place of any employment; vehicle make, model, color,
1137 and license tag number; fingerprints; and photograph. A post
1138 office box shall not be provided in lieu of a physical
1139 residential address.

1140 2. If the sexual offender is enrolled, employed, or
1141 carrying on a vocation at an institution of higher education in
1142 this state, the sexual offender shall also provide to the
1143 department the name, address, and county of each institution,
1144 including each campus attended, and the sexual offender's



412196

1145 enrollment or employment status.

1146 3. If the sexual offender's place of residence is a motor
1147 vehicle, trailer, mobile home, or manufactured home, as defined
1148 in chapter 320, the sexual offender shall also provide the
1149 vehicle identification number; the license tag number; the
1150 registration number; and a description, including color scheme,
1151 of the motor vehicle, trailer, mobile home, or manufactured
1152 home. If the sexual offender's place of residence is a vessel,
1153 live-aboard vessel, or houseboat, as defined in chapter 327, the
1154 sexual offender shall also provide the hull identification
1155 number; the manufacturer's serial number; the name of the
1156 vessel, live-aboard vessel, or houseboat; the registration
1157 number; and a description, including color scheme, of the
1158 vessel, live-aboard vessel, or houseboat.

1159 4. Any sexual offender who fails to report in person as
1160 required at the sheriff's office, or who fails to respond to any
1161 address verification correspondence from the department within 3
1162 weeks after the date of the correspondence, commits a felony of
1163 the third degree, punishable as provided in ss. 775.082,
1164 775.083, and 775.084.

1165 Section 13. If any provision of this act or its application
1166 to any person or circumstance is held invalid, the invalidity
1167 does not affect other provisions or applications of this act
1168 which can be given effect without the invalid provision or
1169 application, and to this end the provisions of this act are
1170 severable.

1171 Section 14. This act shall take effect April 20, 2012.

1172
1173 ===== T I T L E A M E N D M E N T =====



412196

1174 And the title is amended as follows:

1175 Delete everything before the enacting clause
1176 and insert:

1177 A bill to be entitled

1178 An act relating to sexual offenders and predators;
1179 amending s. 775.21, F.S.; replacing the definition of
1180 the term "instant message name" with the definition of
1181 the term "Internet identifier"; providing that
1182 voluntary disclosure of specified information waives a
1183 disclosure exemption for such information; conforming
1184 provisions; requiring disclosure of passport and
1185 immigration status information; requiring that a
1186 sexual predator who is unable to secure or update a
1187 driver's license or identification card within a
1188 specified period must report specified information to
1189 the local sheriff's office within a specified period
1190 after such change with confirmation that he or she
1191 also reported such information to the Department of
1192 Highway Safety and Motor Vehicles; revising reporting
1193 requirements if a sexual predator plans to leave the
1194 United States for more than a specified period;
1195 creating s. 847.0141, F.S.; prohibiting a minor's
1196 intentional or knowing use of an electronic
1197 communication device to transmit, distribute, or
1198 display a visual depiction of himself or herself that
1199 depicts nudity and is harmful to minors; providing
1200 penalties; prohibiting a minor's intentional or
1201 knowing possession of a visual depiction of another
1202 minor that depicts nudity and is harmful to minors;



412196

1203 providing an exception; providing penalties; providing
1204 duties for law enforcement officers; providing for
1205 prosecution of a minor under other provisions;
1206 amending s. 943.0435, F.S.; replacing the definition
1207 of the term "instant message name" with the definition
1208 of the term "Internet identifier"; conforming
1209 provisions; requiring disclosure of passport and
1210 immigration status information; requiring that a
1211 sexual predator who is unable to secure or update a
1212 driver's license or identification card within a
1213 specified period must report specified information to
1214 the local sheriff's office within a specified period
1215 of such change with confirmation that he or she also
1216 reported such information to the Department of Highway
1217 Safety and Motor Vehicles; providing additional
1218 requirements for sexual offenders intending to reside
1219 outside of the United States; amending s. 943.04351,
1220 F.S.; requiring a specified national search of
1221 registration information regarding sexual predators
1222 and sexual offenders prior to appointment or
1223 employment of persons by state agencies and
1224 governmental subdivisions; amending s. 943.04354,
1225 F.S.; revising the age range applicable to provisions
1226 allowing removal of the requirement to register as a
1227 sexual offender or sexual predator in certain
1228 circumstances; revising eligibility requirements for
1229 removal of the requirement to register as a sexual
1230 offender or sexual predator; amending s. 943.0437,
1231 F.S.; replacing the definition of the term "instant



412196

1232 message name" with the definition of the term
1233 "Internet identifier"; conforming provisions; amending
1234 ss. 944.606 and 944.607, F.S.; replacing the
1235 definition of the term "instant message name" with the
1236 definition of the term "Internet identifier";
1237 conforming provisions; requiring disclosure of
1238 passport and immigration status information; amending
1239 s. 947.005, F.S.; revising the definition of the term
1240 "risk assessment"; amending s. 948.31, F.S.; providing
1241 that conditions imposed under that section do not
1242 require oral pronouncement at the time of sentencing
1243 and shall be considered standard conditions of
1244 probation or community control for certain offenders;
1245 removing a provision prohibiting contact with minors
1246 if sexual offender treatment is recommended; amending
1247 ss. 985.481 and 985.4815, F.S.; requiring disclosure
1248 of passport and immigration status information by
1249 certain sexual offenders adjudicated delinquent and
1250 certain juvenile sexual offenders; providing
1251 severability; providing an effective date.