

By Senator Storms

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1 A bill to be entitled
2 An act relating to sexual predator identifiers;
3 amending s. 775.21, F.S.; defining the term "Internet
4 identifier" to include an electronic mail, chat,
5 instant messenger, social networking, or similar name
6 used for Internet communication, but excluding date of
7 birth, social security number, or Personal
8 Identification Numbers; requiring that a sexual
9 predator supply the Internet identifier used by the
10 sexual predator rather than the instant message name
11 upon registration as a sexual predator; clarifying
12 provisions requiring that a sexual predator report to
13 the sheriff of any plan to leave this state; providing
14 that a sexual predator is not in violation of the act
15 if he or she reports a change of address or location
16 to the local sheriff's office within 48 hours after
17 the change of address or location, along with proof
18 that he or she also promptly reported the information
19 to the Department of Highway Safety and Motor
20 Vehicles; creating s. 847.0141, F.S.; prohibiting a
21 minor from intentionally or knowingly using an
22 electronic communication device to transmit,
23 distribute, or display a visual depiction of himself
24 or herself which depicts nudity or for the minor to
25 intentionally or knowingly possess a visual depiction
26 of another minor that depicts nudity and is harmful to
27 minors; providing an exception; providing criminal
28 penalties; requiring a law enforcement officer to
29 seize prohibited electronic communication devices and

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30 to take such material into his or her custody to await
31 the sentence of the court upon the trial of the
32 offender; amending s. 943.0435, F.S.; defining the
33 term "Internet identifier" to include an electronic
34 mail, chat, instant messenger, social networking, or
35 similar name used for Internet communication, but
36 excluding date of birth, social security number, or
37 Personal Identification Numbers; providing that a
38 sexual predator is not in violation of the law if he
39 or she reports a change of address or location to the
40 local sheriff's office within 48 hours after the
41 change of address or location, along with proof that
42 he or she also promptly reported the information to
43 the Department of Highway Safety and Motor Vehicles;
44 requiring that a sexual offender supply the Internet
45 identifier used by the sexual offender rather than the
46 instant message name upon registration as a sexual
47 offender; amending ss. 943.0437, 944.606, and 944.607,
48 F.S.; conforming provisions to changes made by the
49 act; providing for severability; providing an
50 effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Paragraph (i) of subsection (2), paragraphs (a),
55 (e), (g), and (i) of subsection (6), paragraph (a) of subsection
56 (8), and paragraph (a) of subsection (10) of section 775.21,
57 Florida Statutes, are amended to read:

58 775.21 The Florida Sexual Predators Act.—

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

60 (i) “Internet identifier” means any electronic mail, chat,
61 instant messenger, social networking, or similar name used for
62 Internet communication, but does not include date of birth,
63 social security number, or Personal Identification Numbers
64 (PIN). ~~“Instant message name” means an identifier that allows a~~
65 ~~person to communicate in real time with another person using the~~
66 ~~Internet.~~

67 (6) REGISTRATION.—

68 (a) A sexual predator must register with the department
69 through the sheriff’s office by providing the following
70 information to the department:

71 1. Name; social security number; age; race; sex; date of
72 birth; height; weight; hair and eye color; photograph; address
73 of legal residence and address of any current temporary
74 residence, within the state or out of state, including a rural
75 route address and a post office box; if no permanent or
76 temporary address, any transient residence within the state;
77 address, location or description, and dates of any current or
78 known future temporary residence within the state or out of
79 state; any electronic mail address and any Internet identifier
80 ~~instant message name~~ required to be provided pursuant to
81 subparagraph (g)4.; home telephone number and any cellular
82 telephone number; date and place of any employment; date and
83 place of each conviction; fingerprints; and a brief description
84 of the crime or crimes committed by the offender. A post office
85 box shall not be provided in lieu of a physical residential
86 address.

87 a. If the sexual predator’s place of residence is a motor

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88 vehicle, trailer, mobile home, or manufactured home, as defined
89 in chapter 320, the sexual predator shall also provide to the
90 department written notice of the vehicle identification number;
91 the license tag number; the registration number; and a
92 description, including color scheme, of the motor vehicle,
93 trailer, mobile home, or manufactured home. If a sexual
94 predator's place of residence is a vessel, live-aboard vessel,
95 or houseboat, as defined in chapter 327, the sexual predator
96 shall also provide to the department written notice of the hull
97 identification number; the manufacturer's serial number; the
98 name of the vessel, live-aboard vessel, or houseboat; the
99 registration number; and a description, including color scheme,
100 of the vessel, live-aboard vessel, or houseboat.

101 b. If the sexual predator is enrolled, employed, or
102 carrying on a vocation at an institution of higher education in
103 this state, the sexual predator shall also provide to the
104 department the name, address, and county of each institution,
105 including each campus attended, and the sexual predator's
106 enrollment or employment status. Each change in enrollment or
107 employment status shall be reported in person at the sheriff's
108 office, or the Department of Corrections if the sexual predator
109 is in the custody or control of or under the supervision of the
110 Department of Corrections, within 48 hours after any change in
111 status. The sheriff or the Department of Corrections shall
112 promptly notify each institution of the sexual predator's
113 presence and any change in the sexual predator's enrollment or
114 employment status.

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

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117 nonprivileged personnel and treatment records; and evidentiary
118 genetic markers when available.

119 (e)1. If the sexual predator is not in the custody or
120 control of, or under the supervision of, the Department of
121 Corrections or is not in the custody of a private correctional
122 facility, the sexual predator shall register in person:

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

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

129 2. Any change in the sexual predator's permanent or
130 temporary residence, name, or any electronic mail address and
131 any Internet identifier ~~instant message name~~ required to be
132 provided pursuant to subparagraph (g)4., after the sexual
133 predator registers in person at the sheriff's office as provided
134 in subparagraph 1., shall be accomplished in the manner provided
135 in paragraphs (g), (i), and (j). When a sexual predator
136 registers with the sheriff's office, the sheriff shall take a
137 photograph and a set of fingerprints of the predator and forward
138 the photographs and fingerprints to the department, along with
139 the information that the predator is required to provide
140 pursuant to this section.

141 (g)1. Each time a sexual predator's driver's license or
142 identification card is subject to renewal, and, without regard
143 to the status of the predator's driver's license or
144 identification card, within 48 hours after any change of the
145 predator's residence or change in the predator's name by reason

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146 of marriage or other legal process, the predator shall report in
147 person to a driver's license office and shall be subject to the
148 requirements specified in paragraph (f). The Department of
149 Highway Safety and Motor Vehicles shall forward to the
150 department and to the Department of Corrections all photographs
151 and information provided by sexual predators. Notwithstanding
152 the restrictions set forth in s. 322.142, the Department of
153 Highway Safety and Motor Vehicles is authorized to release a
154 reproduction of a color-photograph or digital-image license to
155 the Department of Law Enforcement for purposes of public
156 notification of sexual predators as provided in this section. A
157 sexual predator is not in violation of this subsection if he or
158 she reports a change of address or location to the local
159 sheriff's office within 48 hours after the change of address or
160 location, along with proof that he or she also promptly reported
161 the change of address or location to the Department of Highway
162 Safety and Motor Vehicles.

163 2. A sexual predator who vacates a permanent, temporary, or
164 transient residence and fails to establish or maintain another
165 permanent, temporary, or transient residence shall, within 48
166 hours after vacating the permanent, temporary, or transient
167 residence, report in person to the sheriff's office of the
168 county in which he or she is located. The sexual predator shall
169 specify the date upon which he or she intends to or did vacate
170 such residence. The sexual predator must provide or update all
171 of the registration information required under paragraph (a).
172 The sexual predator must provide an address for the residence or
173 other place that he or she is or will be located during the time
174 in which he or she fails to establish or maintain a permanent or

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175 temporary residence.

176 3. A sexual predator who remains at a permanent, temporary,
177 or transient residence after reporting his or her intent to
178 vacate such residence shall, within 48 hours after the date upon
179 which the predator indicated he or she would or did vacate such
180 residence, report in person to the sheriff's office to which he
181 or she reported pursuant to subparagraph 2. for the purpose of
182 reporting his or her address at such residence. When the sheriff
183 receives the report, the sheriff shall promptly convey the
184 information to the department. An offender who makes a report as
185 required under subparagraph 2. but fails to make a report as
186 required under this subparagraph commits a felony of the second
187 degree, punishable as provided in s. 775.082, s. 775.083, or s.
188 775.084.

189 4. A sexual predator must register any electronic mail
190 address or Internet identifier ~~instant message name~~ with the
191 department prior to using such electronic mail address or
192 Internet identifier ~~instant message name~~ on or after October 1,
193 2007. The department shall establish an online system through
194 which sexual predators may securely access and update all
195 electronic mail address and Internet identifier ~~instant message~~
196 ~~name~~ information.

197 (i) A sexual predator who intends to establish a permanent,
198 temporary, or transient residence in another state or
199 jurisdiction other than the State of Florida shall report in
200 person to the sheriff of the county of current residence within
201 48 hours before the date he or she intends to leave this state
202 to establish residence in another state or jurisdiction or
203 within 21 days before the planned departure date if the intended

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204 residence of 7 days or more is outside the United States. The
205 sexual predator must provide to the sheriff the address,
206 municipality, county, ~~and~~ state, and country of intended
207 residence. The sheriff shall promptly provide to the department
208 the information received from the sexual predator. The
209 department shall notify the statewide law enforcement agency, or
210 a comparable agency, in the intended state or jurisdiction of
211 residence of the sexual predator's intended residence. The
212 failure of a sexual predator to provide his or her intended
213 place of residence is punishable as provided in subsection (10).

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
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

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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
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.

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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.

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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) A minor may not intentionally or knowingly use an
296 electronic communication device to transmit, distribute, or
297 display a visual depiction of himself or herself which depicts
298 nudity and is harmful to minors.

299 (2) (a) A minor may not intentionally or knowingly possess a
300 visual depiction of another minor which depicts nudity and is
301 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.

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, without limitation, cellular telephones, cameras,
318 computers, or other electronic media devices. The court shall
319 order the confiscation of such unlawful material and authorize

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320 the law enforcement agency holding the material to destroy the
321 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 shall order
326 suitable training concerning such offenses and prohibit the use
327 or possession of electronic communication devices, which may
328 include, without limitation, 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 holding the material to destroy the
332 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 shall order
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, without
340 limitation, 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 holding the material 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 shall order a
348 mental health evaluation by a qualified practitioner, as defined

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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
352 holding the material to destroy the unlawful material.

353 (4) If a law enforcement officer arrests any person charged
354 with any offense under this section, the officer shall seize the
355 prohibited material and take the material into his or her
356 custody to await the sentence of the court upon the trial of the
357 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. Paragraph (g) of subsection (1), subsection (2),
364 paragraphs (a) and (d) of subsection (4), and paragraph (c) of
365 subsection (14) of section 943.0435, Florida Statutes, are
366 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 (g) "Internet identifier" means any electronic mail, chat,
371 instant messenger, social networking, or similar name used for
372 Internet communication, but does not include date of birth,
373 social security number, or Personal Identification Numbers
374 (PIN). ~~"Instant message name" means an identifier that allows a~~
375 ~~person to communicate in real time with another person using the~~
376 ~~Internet.~~

377 (2) A sexual offender shall:

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

379 1. In the county in which the offender establishes or
380 maintains a permanent, temporary, or transient residence within
381 48 hours after:

382 a. Establishing permanent, temporary, or transient
383 residence in this state; or

384 b. Being released from the custody, control, or supervision
385 of the Department of Corrections or from the custody of a
386 private correctional facility; or

387 2. In the county where he or she was convicted within 48
388 hours after being convicted for a qualifying offense for
389 registration under this section if the offender is not in the
390 custody or control of, or under the supervision of, the
391 Department of Corrections, or is not in the custody of a private
392 correctional facility.

393
394 Any change in the information required to be provided pursuant
395 to paragraph (b), including, but not limited to, any change in
396 the sexual offender's permanent, temporary, or transient
397 residence, name, any electronic mail address and any Internet
398 identifier ~~instant message name~~ required to be provided pursuant
399 to paragraph (4)(d), after the sexual offender reports in person
400 at the sheriff's office, shall be accomplished in the manner
401 provided in subsections (4), (7), and (8).

402 (b) Provide his or her name; date of birth; social security
403 number; race; sex; height; weight; hair and eye color; tattoos
404 or other identifying marks; occupation and place of employment;
405 address of permanent or legal residence or address of any
406 current temporary residence, within the state or out of state,

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407 including a rural route address and a post office box; if no
408 permanent or temporary address, any transient residence within
409 the state, address, location or description, and dates of any
410 current or known future temporary residence within the state or
411 out of state; home telephone number and any cellular telephone
412 number; any electronic mail address and any Internet identifier
413 ~~instant message name~~ required to be provided pursuant to
414 paragraph (4) (d); date and place of each conviction; and a brief
415 description of the crime or crimes committed by the offender. A
416 post office box shall not be provided in lieu of a physical
417 residential address.

418 1. If the sexual offender's place of residence is a motor
419 vehicle, trailer, mobile home, or manufactured home, as defined
420 in chapter 320, the sexual offender shall also provide to the
421 department through the sheriff's office written notice of the
422 vehicle identification number; the license tag number; the
423 registration number; and a description, including color scheme,
424 of the motor vehicle, trailer, mobile home, or manufactured
425 home. If the sexual offender's place of residence is a vessel,
426 live-aboard vessel, or houseboat, as defined in chapter 327, the
427 sexual offender shall also provide to the department written
428 notice of the hull identification number; the manufacturer's
429 serial number; the name of the vessel, live-aboard vessel, or
430 houseboat; the registration number; and a description, including
431 color scheme, of the vessel, live-aboard vessel, or houseboat.

432 2. If the sexual offender is enrolled, employed, or
433 carrying on a vocation at an institution of higher education in
434 this state, the sexual offender shall also provide to the
435 department through the sheriff's office the name, address, and

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436 county of each institution, including each campus attended, and
437 the sexual offender's enrollment or employment status. Each
438 change in enrollment or employment status shall be reported in
439 person at the sheriff's office, within 48 hours after any change
440 in status. The sheriff shall promptly notify each institution of
441 the sexual offender's presence and any change in the sexual
442 offender's enrollment or employment status.

443

444 When a sexual offender reports at the sheriff's office, the
445 sheriff shall take a photograph and a set of fingerprints of the
446 offender and forward the photographs and fingerprints to the
447 department, along with the information provided by the sexual
448 offender. The sheriff shall promptly provide to the department
449 the information received from the sexual offender.

450 (4) (a) Each time a sexual offender's driver's license or
451 identification card is subject to renewal, and, without regard
452 to the status of the offender's driver's license or
453 identification card, within 48 hours after any change in the
454 offender's permanent, temporary, or transient residence or
455 change in the offender's name by reason of marriage or other
456 legal process, the offender shall report in person to a driver's
457 license office, and shall be subject to the requirements
458 specified in subsection (3). The Department of Highway Safety
459 and Motor Vehicles shall forward to the department all
460 photographs and information provided by sexual offenders.
461 Notwithstanding the restrictions set forth in s. 322.142, the
462 Department of Highway Safety and Motor Vehicles is authorized to
463 release a reproduction of a color-photograph or digital-image
464 license to the Department of Law Enforcement for purposes of

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465 public notification of sexual offenders as provided in this
466 section and ss. 943.043 and 944.606. A sexual predator is not in
467 violation of this paragraph if he or she reports a change of
468 address or location to the local sheriff's office within 48
469 hours after the change of address or location, along with proof
470 that he or she also promptly reported the change of address or
471 location to the Department of Highway Safety and Motor Vehicles.

472 (d) A sexual offender must register any electronic mail
473 address or Internet identifier ~~instant message name~~ with the
474 department prior to using such electronic mail address or
475 Internet identifier ~~instant message name~~ on or after October 1,
476 2007. The department shall establish an online system through
477 which sexual offenders may securely access and update all
478 electronic mail address and Internet identifier ~~instant message~~
479 ~~name~~ information.

480 (14)

481 (c) The sheriff's office may determine the appropriate
482 times and days for reporting by the sexual offender, which shall
483 be consistent with the reporting requirements of this
484 subsection. Reregistration shall include any changes to the
485 following information:

486 1. Name; social security number; age; race; sex; date of
487 birth; height; weight; hair and eye color; address of any
488 permanent residence and address of any current temporary
489 residence, within the state or out of state, including a rural
490 route address and a post office box; if no permanent or
491 temporary address, any transient residence within the state;
492 address, location or description, and dates of any current or
493 known future temporary residence within the state or out of

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494 state; any electronic mail address and any Internet identifier
495 ~~instant message name~~ required to be provided pursuant to
496 paragraph (4) (d); home telephone number and any cellular
497 telephone number; date and place of any employment; vehicle
498 make, model, color, and license tag number; fingerprints; and
499 photograph. A post office box shall not be provided in lieu of a
500 physical residential address.

501 2. If the sexual offender is enrolled, employed, or
502 carrying on a vocation at an institution of higher education in
503 this state, the sexual offender shall also provide to the
504 department the name, address, and county of each institution,
505 including each campus attended, and the sexual offender's
506 enrollment or employment status.

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

520 4. Any sexual offender who fails to report in person as
521 required at the sheriff's office, or who fails to respond to any
522 address verification correspondence from the department within 3

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523 weeks of the date of the correspondence or who fails to report
524 electronic mail addresses or instant message names, commits a
525 felony of the third degree, punishable as provided in s.
526 775.082, s. 775.083, or s. 775.084.

527 Section 4. Paragraph (a) of subsection (3) of section
528 943.0437, Florida Statutes, is amended to read:

529 943.0437 Commercial social networking websites.—

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

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

536 Section 5. Paragraph (f) of subsection (1), paragraph (a)
537 of subsection (4), and paragraph (c) of subsection (13) of
538 section 944.607, Florida Statutes, are amended to read:

539 944.607 Notification to Department of Law Enforcement of
540 information on sexual offenders.—

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

542 (f) "Internet identifier" means any electronic mail, chat,
543 instant messenger, social networking, or similar name used for
544 Internet communication, but does not include date of birth,
545 social security number, or Personal Identification Numbers
546 (PIN). ~~"Instant message name" means an identifier that allows a~~
547 ~~person to communicate in real time with another person using the~~
548 ~~Internet.~~

549 (4) A sexual offender, as described in this section, who is
550 under the supervision of the Department of Corrections but is
551 not incarcerated must register with the Department of

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552 Corrections within 3 business days after sentencing for a
553 registrable offense and otherwise provide information as
554 required by this subsection.

555 (a) The sexual offender shall provide his or her name; date
556 of birth; social security number; race; sex; height; weight;
557 hair and eye color; tattoos or other identifying marks; any
558 electronic mail address and any Internet identifier ~~instant~~
559 ~~message name~~ required to be provided pursuant to s.

560 943.0435(4)(d); permanent or legal residence and address of
561 temporary residence within the state or out of state while the
562 sexual offender is under supervision in this state, including
563 any rural route address or post office box; if no permanent or
564 temporary address, any transient residence within the state; and
565 address, location or description, and dates of any current or
566 known future temporary residence within the state or out of
567 state. The Department of Corrections shall verify the address of
568 each sexual offender in the manner described in ss. 775.21 and
569 943.0435. The department shall report to the Department of Law
570 Enforcement any failure by a sexual predator or sexual offender
571 to comply with registration requirements.

572 (13)

573 (c) The sheriff's office may determine the appropriate
574 times and days for reporting by the sexual offender, which shall
575 be consistent with the reporting requirements of this
576 subsection. Reregistration shall include any changes to the
577 following information:

578 1. Name; social security number; age; race; sex; date of
579 birth; height; weight; hair and eye color; address of any
580 permanent residence and address of any current temporary

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581 residence, within the state or out of state, including a rural
582 route address and a post office box; if no permanent or
583 temporary address, any transient residence; address, location or
584 description, and dates of any current or known future temporary
585 residence within the state or out of state; any electronic mail
586 address and any Internet identifier ~~instant message name~~
587 required to be provided pursuant to s. 943.0435(4)(d); date and
588 place of any employment; vehicle make, model, color, and license
589 tag number; fingerprints; and photograph. A post office box
590 shall not be provided in lieu of a physical residential address.

591 2. If the sexual offender is enrolled, employed, or
592 carrying on a vocation at an institution of higher education in
593 this state, the sexual offender shall also provide to the
594 department the name, address, and county of each institution,
595 including each campus attended, and the sexual offender's
596 enrollment or employment status.

597 3. If the sexual offender's place of residence is a motor
598 vehicle, trailer, mobile home, or manufactured home, as defined
599 in chapter 320, the sexual offender shall also provide the
600 vehicle identification number; the license tag number; the
601 registration number; and a description, including color scheme,
602 of the motor vehicle, trailer, mobile home, or manufactured
603 home. If the sexual offender's place of residence is a vessel,
604 live-aboard vessel, or houseboat, as defined in chapter 327, the
605 sexual offender shall also provide the hull identification
606 number; the manufacturer's serial number; the name of the
607 vessel, live-aboard vessel, or houseboat; the registration
608 number; and a description, including color scheme, of the
609 vessel, live-aboard vessel or houseboat.

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610 4. Any sexual offender who fails to report in person as
611 required at the sheriff's office, or who fails to respond to any
612 address verification correspondence from the department within 3
613 weeks of the date of the correspondence, or who fails to report
614 electronic mail addresses or instant message names, commits a
615 felony of the third degree, punishable as provided in s.
616 775.082, s. 775.083, or s. 775.084.

617 Section 6. Paragraph (d) of subsection (1) and paragraph
618 (a) of subsection (3) of section 944.606, Florida Statutes, are
619 amended to read:

620 944.606 Sexual offenders; notification upon release.—

621 (1) As used in this section:

622 (d) "Internet identifier" means any electronic mail, chat,
623 instant messenger, social networking, or similar name used for
624 Internet communication, but does not include date of birth,
625 social security number, or Personal Identification Numbers
626 (PIN). "Instant message name" means an identifier that allows a
627 person to communicate in real time with another person using the
628 Internet.

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

632 1. The department must provide: the sexual offender's name,
633 any change in the offender's name by reason of marriage or other
634 legal process, and any alias, if known; the correctional
635 facility from which the sexual offender is released; the sexual
636 offender's social security number, race, sex, date of birth,
637 height, weight, and hair and eye color; address of any planned
638 permanent residence or temporary residence, within the state or

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639 out of state, including a rural route address and a post office
640 box; if no permanent or temporary address, any transient
641 residence within the state; address, location or description,
642 and dates of any known future temporary residence within the
643 state or out of state; date and county of sentence and each
644 crime for which the offender was sentenced; a copy of the
645 offender's fingerprints and a digitized photograph taken within
646 60 days before release; the date of release of the sexual
647 offender; any electronic mail address and any Internet
648 identifier ~~instant message name~~ required to be provided pursuant
649 to s. 943.0435(4)(d); and home telephone number and any cellular
650 telephone number. The department shall notify the Department of
651 Law Enforcement if the sexual offender escapes, absconds, or
652 dies. If the sexual offender is in the custody of a private
653 correctional facility, the facility shall take the digitized
654 photograph of the sexual offender within 60 days before the
655 sexual offender's release and provide this photograph to the
656 Department of Corrections and also place it in the sexual
657 offender's file. If the sexual offender is in the custody of a
658 local jail, the custodian of the local jail shall register the
659 offender within 3 business days after intake of the offender for
660 any reason and upon release, and shall notify the Department of
661 Law Enforcement of the sexual offender's release and provide to
662 the Department of Law Enforcement the information specified in
663 this paragraph and any information specified in subparagraph 2.
664 which ~~that~~ the Department of Law Enforcement requests.

665 2. The department may provide any other information deemed
666 necessary, including criminal and corrections records,
667 nonprivileged personnel and treatment records, when available.

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668 Section 7. If any provision of this act or the application
669 thereof to any person or circumstance is held invalid, the
670 invalidity shall not affect other provisions or applications of
671 the act which can be given effect without the invalid provision
672 or application, and to this end the provisions of this act are
673 declared severable.

674 Section 8. This act shall take effect July 1, 2011.