

By Senator Sachs

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1                   A bill to be entitled  
2           An act relating to residency restrictions for persons  
3           convicted of certain sex offenses and required to  
4           register as a sexual offender or sexual predator;  
5           creating s. 775.2155, F.S.; defining the terms  
6           "convicted," "permanently reside," and "unrelated  
7           child"; prohibiting a person who is required to  
8           register as a sexual offender or sexual predator and  
9           who has been convicted of committing certain specified  
10          offenses in which the victim of the offense was  
11          younger than 12 years of age from permanently residing  
12          with an unrelated child; providing that a person who  
13          resides with such a child in violation of the act  
14          commits a felony of the third degree or a misdemeanor  
15          of the first degree, depending upon the classification  
16          of the underlying felony conviction; providing for the  
17          applicability of the act; amending ss. 775.21,  
18          943.0435, and 944.607, F.S.; requiring a sexual  
19          predator or sexual offender subject to the act to  
20          report to the sheriff's office, the Department of Law  
21          Enforcement, or the Department of Corrections, as  
22          appropriate, the name and age of any child permanently  
23          residing with the offender; providing an effective  
24          date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

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28           Section 1. Section 775.2155, Florida Statutes, is created  
29           to read:

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30 775.2155 Residency restriction for persons convicted of  
31 certain sex offenses and required to register as a sexual  
32 offender or sexual predator; application date.-

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

34 (a) "Convicted" has the same meaning as provided in s.  
35 943.0435.

36 (b) "Permanently reside" means to dwell or reside in a  
37 place for 5 or more consecutive days.

38 (c) "Unrelated child" means a child younger than 12 years  
39 of age who is not related by blood to the offender within the  
40 third degree of consanguinity and is not a stepchild of the  
41 offender.

42 (2) (a) A person who has been convicted of a violation of s.  
43 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145  
44 in which the victim of the offense was younger than 12 years of  
45 age, and who is required to register as a sexual offender or a  
46 sexual predator, may not permanently reside with an unrelated  
47 child.

48 (b) A person who violates this subsection whose conviction  
49 under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
50 847.0145 was classified as a felony of the first degree or  
51 higher and who is required to register as a sexual offender or a  
52 sexual predator commits a felony of the third degree, punishable  
53 as provided in s. 775.082 or s. 775.083. A person who violates  
54 this subsection whose conviction under s. 794.011, s. 800.04, s.  
55 827.071, s. 847.0135(5), or s. 847.0145 was classified as a  
56 felony of the second or third degree and who is required to  
57 register as a sexual offender or a sexual predator commits a  
58 misdemeanor of the first degree, punishable as provided in s.

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59 775.082 or s. 775.083.

60 (c) This subsection applies to a person convicted of a  
61 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),  
62 or s. 847.0145 for an offense that occurs on or after October 1,  
63 2012, and who is required to register as a sexual offender or a  
64 sexual predator on or after October 1, 2012.

65 Section 2. Paragraph (a) of subsection (6) of section  
66 775.21, Florida Statutes, is amended to read:

67 775.21 The Florida Sexual Predators Act.—

68 (6) REGISTRATION.—

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

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

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

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

116 2. Any other information determined necessary by the

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117 department, including criminal and corrections records;  
118 nonprivileged personnel and treatment records; and evidentiary  
119 genetic markers when available.

120 Section 3. Paragraph (b) of subsection (2) of section  
121 943.0435, Florida Statutes, is amended to read:

122 943.0435 Sexual offenders required to register with the  
123 department; penalty.—

124 (2) A sexual offender shall:

125 (b) Provide his or her name; date of birth; social security  
126 number; race; sex; height; weight; hair and eye color; tattoos  
127 or other identifying marks; occupation and place of employment;  
128 the name and age of any child permanently residing with the  
129 sexual offender; address of permanent or legal residence or  
130 address of any current temporary residence, within the state or  
131 out of state, including a rural route address and a post office  
132 box; if no permanent or temporary address, any transient  
133 residence within the state, address, location or description,  
134 and dates of any current or known future temporary residence  
135 within the state or out of state; home telephone number and any  
136 cellular telephone number; any electronic mail address and any  
137 instant message name required to be provided pursuant to  
138 paragraph (4) (d); date and place of each conviction; and a brief  
139 description of the crime or crimes committed by the offender. A  
140 post office box may ~~shall~~ not be provided in lieu of a physical  
141 residential address.

142 1. If the sexual offender's place of residence is a motor  
143 vehicle, trailer, mobile home, or manufactured home, as defined  
144 in chapter 320, the sexual offender shall also provide to the  
145 department through the sheriff's office written notice of the

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146 vehicle identification number; the license tag number; the  
147 registration number; and a description, including color scheme,  
148 of the motor vehicle, trailer, mobile home, or manufactured  
149 home. If the sexual offender's place of residence is a vessel,  
150 live-aboard vessel, or houseboat, as defined in chapter 327, the  
151 sexual offender shall also provide to the department written  
152 notice of the hull identification number; the manufacturer's  
153 serial number; the name of the vessel, live-aboard vessel, or  
154 houseboat; the registration number; and a description, including  
155 color scheme, of the vessel, live-aboard vessel, or houseboat.

156 2. If the sexual offender is enrolled, employed, or  
157 carrying on a vocation at an institution of higher education in  
158 this state, the sexual offender shall also provide to the  
159 department through the sheriff's office the name, address, and  
160 county of each institution, including each campus attended, and  
161 the sexual offender's enrollment or employment status. Each  
162 change in enrollment or employment status shall be reported in  
163 person at the sheriff's office, within 48 hours after any change  
164 in status. The sheriff shall promptly notify each institution of  
165 the sexual offender's presence and any change in the sexual  
166 offender's enrollment or employment status.

167  
168 When a sexual offender reports at the sheriff's office, the  
169 sheriff shall take a photograph and a set of fingerprints of the  
170 offender and forward the photographs and fingerprints to the  
171 department, along with the information provided by the sexual  
172 offender. The sheriff shall promptly provide to the department  
173 the information received from the sexual offender.

174 Section 4. Paragraph (a) of subsection (4) of section

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175 944.607, Florida Statutes, is amended to read:

176 944.607 Notification to Department of Law Enforcement of  
177 information on sexual offenders.-

178 (4) A sexual offender, as described in this section, who is  
179 under the supervision of the Department of Corrections but is  
180 not incarcerated must register with the Department of  
181 Corrections within 3 business days after sentencing for a  
182 registrable offense and otherwise provide information as  
183 required by this subsection.

184 (a) The sexual offender shall provide his or her name; date  
185 of birth; social security number; race; sex; height; weight;  
186 hair and eye color; tattoos or other identifying marks; the name  
187 and age of any child permanently residing with the sexual  
188 offender; any electronic mail address and any instant message  
189 name required to be provided pursuant to s. 943.0435(4)(d);  
190 permanent or legal residence and address of temporary residence  
191 within the state or out of state while the sexual offender is  
192 under supervision in this state, including any rural route  
193 address or post office box; if no permanent or temporary  
194 address, any transient residence within the state; and address,  
195 location or description, and dates of any current or known  
196 future temporary residence within the state or out of state. The  
197 Department of Corrections shall verify the address of each  
198 sexual offender in the manner described in ss. 775.21 and  
199 943.0435. The department shall report to the Department of Law  
200 Enforcement any failure by a sexual predator or sexual offender  
201 to comply with registration requirements.

202 Section 5. This act shall take effect October 1, 2012.