

By Senator Sachs

30-00217B-12

20121004

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:

30-00217B-12

20121004

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.

30-00217B-12

20121004

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.

30-00217B-12

20121004

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

30-00217B-12

20121004

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

30-00217B-12

20121004

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.

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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

30-00217B-12

20121004

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.