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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2012	.	
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The Committee on Criminal Justice (Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) of subsection (2), paragraph (a) of subsection (4), subsections (6) and (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



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13 similar name used for Internet communication, but does not  
14 include a date of birth, social security number, or personal  
15 identification number (PIN). Voluntary disclosure by the sexual  
16 predator of his or her date of birth, social security number, or  
17 personal identification number (PIN) as an Internet identifier  
18 waives the disclosure exemption in this paragraph for such  
19 personal information an identifier that allows a person to  
20 communicate in real time with another person using the Internet.

21 (4) SEXUAL PREDATOR CRITERIA.—

22 (a) For a current offense committed on or after October 1,  
23 1993, upon conviction, an offender shall be designated as a  
24 “sexual predator” under subsection (5), and subject to  
25 registration under subsection (6) and community and public  
26 notification under subsection (7) if:

27 1. The felony is:

28 a. A capital, life, or first-degree felony violation, or  
29 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
30 is a minor and the defendant is not the victim’s parent or  
31 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
32 violation of a similar law of another jurisdiction; or

33 b. Any felony violation, or any attempt thereof, of s.  
34 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
35 787.025(2)(c), where the victim is a minor and the defendant is  
36 not the victim’s parent or guardian; s. 794.011, excluding s.  
37 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.  
38 800.04; s. 825.1025 ~~825.1025(2)(b)~~; s. 827.071; s. 847.0135(5);  
39 s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of  
40 a similar law of another jurisdiction, and the offender has  
41 previously been convicted of or found to have committed, or has



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42 pled nolo contendere or guilty to, regardless of adjudication,  
43 any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
44 787.02, or s. 787.025(2)(c), where the victim is a minor and the  
45 defendant is not the victim's parent or guardian; s. 794.011,  
46 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
47 796.045; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
48 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 916.1075(2);  
49 or s. 985.701(1); or a violation of a similar law of another  
50 jurisdiction;

51 2. The offender has not received a pardon for any felony or  
52 similar law of another jurisdiction that is necessary for the  
53 operation of this paragraph; and

54 3. A conviction of a felony or similar law of another  
55 jurisdiction necessary to the operation of this paragraph has  
56 not been set aside in any postconviction proceeding.

57 (6) REGISTRATION.—

58 (a) A sexual predator must register with the department  
59 through the sheriff's office by providing the following  
60 information to the department:

61 1. Name; social security number; age; race; sex; date of  
62 birth; height; weight; tattoos or other identifying marks; hair  
63 and eye color; photograph; address of legal residence and  
64 address of any current temporary residence, within the state or  
65 out of state, including a rural route address and a post office  
66 box; if no permanent or temporary address, any transient  
67 residence within the state; address, location or description,  
68 and dates of any current or known future temporary residence  
69 within the state or out of state; all ~~any~~ electronic mail  
70 addresses ~~address~~ and all Internet identifiers ~~any instant~~



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71 ~~message name~~ required to be provided pursuant to subparagraph  
72 (g)4.; all home telephone numbers number and ~~any~~ cellular  
73 telephone numbers number; date and place of any employment; the  
74 make, model, color, registration number, and license tag number  
75 of all vehicles owned; date and place of each conviction;  
76 fingerprints; palm prints; and a brief description of the crime  
77 or crimes committed by the offender. A post office box shall not  
78 be provided in lieu of a physical residential address. The  
79 sexual predator must also produce his or her passport, if he or  
80 she has a passport, and, if he or she is an alien, must produce  
81 or provide information about documents establishing his or her  
82 immigration status. The sexual predator must also provide  
83 information about any professional licenses he or she may have.

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

98 b. If the sexual predator is enrolled, employed,  
99 volunteering, or carrying on a vocation at an institution of



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

112 2. Any other information determined necessary by the  
113 department, including criminal and corrections records;  
114 nonprivileged personnel and treatment records; and evidentiary  
115 genetic markers when available.

116 (b) If the sexual predator is in the custody or control of,  
117 or under the supervision of, the Department of Corrections, or  
118 is in the custody of a private correctional facility, the sexual  
119 predator must register with the Department of Corrections. A  
120 sexual predator who is under the supervision of the Department  
121 of Corrections but who is not incarcerated must register with  
122 the Department of Corrections within 3 business days after the  
123 court finds the offender to be a sexual predator. The Department  
124 of Corrections shall provide to the department registration  
125 information and the location of, and local telephone number for,  
126 any Department of Corrections office that is responsible for  
127 supervising the sexual predator. In addition, the Department of  
128 Corrections shall notify the department if the sexual predator



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129 escapes or absconds from custody or supervision or if the sexual  
130 predator dies.

131 (c) If the sexual predator is in the custody of a local  
132 jail, the custodian of the local jail shall register the sexual  
133 predator within 3 business days after intake of the sexual  
134 predator for any reason and upon release, and shall forward the  
135 registration information to the department. The custodian of the  
136 local jail shall also take a digitized photograph of the sexual  
137 predator while the sexual predator remains in custody and shall  
138 provide the digitized photograph to the department. The  
139 custodian shall notify the department if the sexual predator  
140 escapes from custody or dies.

141 (d) If the sexual predator is under federal supervision,  
142 the federal agency responsible for supervising the sexual  
143 predator may forward to the department any information regarding  
144 the sexual predator which is consistent with the information  
145 provided by the Department of Corrections under this section,  
146 and may indicate whether use of the information is restricted to  
147 law enforcement purposes only or may be used by the department  
148 for purposes of public notification.

149 (e)1. If the sexual predator is not in the custody or  
150 control of, or under the supervision of, the Department of  
151 Corrections or is not in the custody of a private correctional  
152 facility, the sexual predator shall register in person:

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

156 b. At the sheriff's office in the county where he or she  
157 was designated a sexual predator by the court within 48 hours



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158 after such finding is made.

159 2. Any change in the sexual predator's permanent or  
160 temporary residence, name, or all any electronic mail addresses  
161 ~~address~~ and all Internet identifiers ~~any instant message name~~  
162 required to be provided pursuant to subparagraph (g)4., after  
163 the sexual predator registers in person at the sheriff's office  
164 as provided in subparagraph 1., shall be accomplished in the  
165 manner provided in paragraphs (g), (i), and (j). When a sexual  
166 predator registers with the sheriff's office, the sheriff shall  
167 take a photograph, ~~and~~ a set of fingerprints, and palm prints of  
168 the predator and forward the photographs, palm prints, and  
169 fingerprints to the department, along with the information that  
170 the predator is required to provide pursuant to this section.

171 (f) Within 48 hours after the registration required under  
172 paragraph (a) or paragraph (e), a sexual predator who is not  
173 incarcerated and who resides in the community, including a  
174 sexual predator under the supervision of the Department of  
175 Corrections, shall register in person at a driver ~~driver's~~  
176 license office of the Department of Highway Safety and Motor  
177 Vehicles and shall present proof of registration. At the driver  
178 ~~driver's~~ license office the sexual predator shall:

179 1. If otherwise qualified, secure a Florida driver ~~driver's~~  
180 license, renew a Florida driver ~~driver's~~ license, or secure an  
181 identification card. The sexual predator shall identify himself  
182 or herself as a sexual predator who is required to comply with  
183 this section, provide his or her place of permanent, temporary,  
184 or transient residence, including a rural route address and a  
185 post office box, and submit to the taking of a photograph for  
186 use in issuing a driver ~~driver's~~ license, renewed license, or



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187 identification card, and for use by the department in  
188 maintaining current records of sexual predators. A post office  
189 box shall not be provided in lieu of a physical residential  
190 address. If the sexual predator's place of residence is a motor  
191 vehicle, trailer, mobile home, or manufactured home, as defined  
192 in chapter 320, the sexual predator shall also provide to the  
193 Department of Highway Safety and Motor Vehicles the vehicle  
194 identification number; the license tag number; the registration  
195 number; and a description, including color scheme, of the motor  
196 vehicle, trailer, mobile home, or manufactured home. If a sexual  
197 predator's place of residence is a vessel, live-aboard vessel,  
198 or houseboat, as defined in chapter 327, the sexual predator  
199 shall also provide to the Department of Highway Safety and Motor  
200 Vehicles the hull identification number; the manufacturer's  
201 serial number; the name of the vessel, live-aboard vessel, or  
202 houseboat; the registration number; and a description, including  
203 color scheme, of the vessel, live-aboard vessel, or houseboat.

204 2. Pay the costs assessed by the Department of Highway  
205 Safety and Motor Vehicles for issuing or renewing a driver  
206 ~~driver's~~ license or identification card as required by this  
207 section. The driver ~~driver's~~ license or identification card  
208 issued to the sexual predator must be in compliance with s.  
209 322.141(3).

210 3. Provide, upon request, any additional information  
211 necessary to confirm the identity of the sexual predator,  
212 including a set of fingerprints.

213 (g)1. Each time a sexual predator's driver ~~driver's~~ license  
214 or identification card is subject to renewal, and, without  
215 regard to the status of the predator's driver ~~driver's~~ license





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216 or identification card, within 48 hours after any change of the  
217 predator's residence or change in the predator's name by reason  
218 of marriage or other legal process, the predator shall report in  
219 person to a driver ~~driver's~~ license office and shall be subject  
220 to the requirements specified in paragraph (f). The Department  
221 of Highway Safety and Motor Vehicles shall forward to the  
222 department and to the Department of Corrections all photographs  
223 and information provided by sexual predators. Notwithstanding  
224 the restrictions set forth in s. 322.142, the Department of  
225 Highway Safety and Motor Vehicles is authorized to release a  
226 reproduction of a color-photograph or digital-image license to  
227 the Department of Law Enforcement for purposes of public  
228 notification of sexual predators as provided in this section. A  
229 sexual predator who is unable to secure or update a driver  
230 license or identification card with the Department of Highway  
231 Safety and Motor Vehicles as provided in paragraph (f) and this  
232 paragraph must also report any change of the predator's  
233 residence or change in the predator's name by reason of marriage  
234 or other legal process within 48 hours after the change to the  
235 sheriff's office in the county where the predator resides or is  
236 located and provide confirmation that he or she reported such  
237 information to the Department of Highway Safety and Motor  
238 Vehicles.

239 2. A sexual predator who vacates a permanent, temporary, or  
240 transient residence and fails to establish or maintain another  
241 permanent, temporary, or transient residence shall, within 48  
242 hours after vacating the permanent, temporary, or transient  
243 residence, report in person to the sheriff's office of the  
244 county in which he or she is located. The sexual predator shall



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245 specify the date upon which he or she intends to or did vacate  
246 such residence. The sexual predator must provide or update all  
247 of the registration information required under paragraph (a).  
248 The sexual predator must provide an address for the residence or  
249 other place that he or she is or will be located during the time  
250 in which he or she fails to establish or maintain a permanent or  
251 temporary residence.

252 3. A sexual predator who remains at a permanent, temporary,  
253 or transient residence after reporting his or her intent to  
254 vacate such residence shall, within 48 hours after the date upon  
255 which the predator indicated he or she would or did vacate such  
256 residence, report in person to the sheriff's office to which he  
257 or she reported pursuant to subparagraph 2. for the purpose of  
258 reporting his or her address at such residence. When the sheriff  
259 receives the report, the sheriff shall promptly convey the  
260 information to the department. An offender who makes a report as  
261 required under subparagraph 2. but fails to make a report as  
262 required under this subparagraph commits a felony of the second  
263 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
264 775.084.

265 4. A sexual predator must register all ~~any~~ electronic mail  
266 addresses and Internet identifiers ~~address or instant message~~  
267 ~~name~~ with the department prior to using such electronic mail  
268 addresses and Internet identifiers ~~address or instant message~~  
269 ~~name on or after October 1, 2007~~. The department shall establish  
270 an online system through which sexual predators may securely  
271 access and update all electronic mail address and Internet  
272 identifier ~~instant message name~~ information.

273 (h) The department must notify the sheriff and the state



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274 attorney of the county and, if applicable, the police chief of  
275 the municipality, where the sexual predator maintains a  
276 residence.

277 (i) A sexual predator who intends to establish a permanent,  
278 temporary, or transient residence in another state or  
279 jurisdiction other than the State of Florida shall report in  
280 person to the sheriff of the county of current residence within  
281 48 hours before the date he or she intends to leave this state  
282 to establish residence in another state or jurisdiction or  
283 within 21 days before his or her planned departure date if the  
284 intended residence of 5 days or more is outside of the United  
285 States. The sexual predator must provide to the sheriff the  
286 address, municipality, county, ~~and~~ state, and country of  
287 intended residence. The sheriff shall promptly provide to the  
288 department the information received from the sexual predator.  
289 The department shall notify the statewide law enforcement  
290 agency, or a comparable agency, in the intended state, ~~or~~  
291 jurisdiction, or country of residence of the sexual predator's  
292 intended residence. The failure of a sexual predator to provide  
293 his or her intended place of residence is punishable as provided  
294 in subsection (10).

295 (j) A sexual predator who indicates his or her intent to  
296 establish a permanent, temporary, or transient residence in  
297 another state, a ~~or~~ jurisdiction other than the State of  
298 Florida, or another country and later decides to remain in this  
299 state shall, within 48 hours after the date upon which the  
300 sexual predator indicated he or she would leave this state,  
301 report in person to the sheriff to which the sexual predator  
302 reported the intended change of residence, and report his or her



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303 intent to remain in this state. If the sheriff is notified by  
304 the sexual predator that he or she intends to remain in this  
305 state, the sheriff shall promptly report this information to the  
306 department. A sexual predator who reports his or her intent to  
307 establish a permanent, temporary, or transient residence in  
308 another state, a ~~ex~~ jurisdiction other than the State of  
309 Florida, or another country, but who remains in this state  
310 without reporting to the sheriff in the manner required by this  
311 paragraph, commits a felony of the second degree, punishable as  
312 provided in s. 775.082, s. 775.083, or s. 775.084.

313 (k)1. The department is responsible for the online  
314 maintenance of current information regarding each registered  
315 sexual predator. The department must maintain hotline access for  
316 state, local, and federal law enforcement agencies to obtain  
317 instantaneous locator file and offender characteristics  
318 information on all released registered sexual predators for  
319 purposes of monitoring, tracking, and prosecution. The  
320 photograph and fingerprints do not have to be stored in a  
321 computerized format.

322 2. The department's sexual predator registration list,  
323 containing the information described in subparagraph (a)1., is a  
324 public record. The department is authorized to disseminate this  
325 public information by any means deemed appropriate, including  
326 operating a toll-free telephone number for this purpose. When  
327 the department provides information regarding a registered  
328 sexual predator to the public, department personnel must advise  
329 the person making the inquiry that positive identification of a  
330 person believed to be a sexual predator cannot be established  
331 unless a fingerprint comparison is made, and that it is illegal



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332 to use public information regarding a registered sexual predator  
333 to facilitate the commission of a crime.

334 3. The department shall adopt guidelines as necessary  
335 regarding the registration of sexual predators and the  
336 dissemination of information regarding sexual predators as  
337 required by this section.

338 (1) A sexual predator must maintain registration with the  
339 department for the duration of his or her life, unless the  
340 sexual predator has received a full pardon or has had a  
341 conviction set aside in a postconviction proceeding for any  
342 offense that met the criteria for the sexual predator  
343 designation.

344 (8) VERIFICATION.—The department and the Department of  
345 Corrections shall implement a system for verifying the addresses  
346 of sexual predators. The system must be consistent with the  
347 provisions of the federal Adam Walsh Child Protection and Safety  
348 Act of 2006 and any other federal standards applicable to such  
349 verification or required to be met as a condition for the  
350 receipt of federal funds by the state. The Department of  
351 Corrections shall verify the addresses of sexual predators who  
352 are not incarcerated but who reside in the community under the  
353 supervision of the Department of Corrections and shall report to  
354 the department any failure by a sexual predator to comply with  
355 registration requirements. County and local law enforcement  
356 agencies, in conjunction with the department, shall verify the  
357 addresses of sexual predators who are not under the care,  
358 custody, control, or supervision of the Department of  
359 Corrections. Local law enforcement agencies shall report to the  
360 department any failure by a sexual predator to comply with



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361 registration requirements.

362 (a) A sexual predator must report in person each year  
363 during the month of the sexual predator's birthday and during  
364 every third month thereafter to the sheriff's office in the  
365 county in which he or she resides or is otherwise located to  
366 reregister. The sheriff's office may determine the appropriate  
367 times and days for reporting by the sexual predator, which shall  
368 be consistent with the reporting requirements of this paragraph.  
369 Reregistration shall include any changes to the following  
370 information:

371 1. Name; social security number; age; race; sex; date of  
372 birth; height; weight; tattoos or other identifying marks; hair  
373 and eye color; address of any permanent residence and address of  
374 any current temporary residence, within the state or out of  
375 state, including a rural route address and a post office box; if  
376 no permanent or temporary address, any transient residence  
377 within the state; address, location or description, and dates of  
378 any current or known future temporary residence within the state  
379 or out of state; all any electronic mail addresses ~~address~~ and  
380 all Internet identifiers ~~any instant message name~~ required to be  
381 provided pursuant to subparagraph (6)(g)4.; all home telephone  
382 numbers ~~number~~ and any cellular telephone numbers ~~number~~; date  
383 and place of any employment; the ~~vehicle~~ make, model, color,  
384 registration number, and license tag number of all vehicles  
385 owned; fingerprints; palm prints; and photograph. A post office  
386 box shall not be provided in lieu of a physical residential  
387 address. The sexual predator must also produce his or her  
388 passport, if he or she has a passport, and, if he or she is an  
389 alien, must produce or provide information about documents



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390 establishing his or her immigration status. The sexual predator  
391 must also provide information about any professional licenses he  
392 or she may have.

393       2. If the sexual predator is enrolled, employed,  
394 volunteering, or carrying on a vocation at an institution of  
395 higher education in this state, the sexual predator shall also  
396 provide to the department the name, address, and county of each  
397 institution, including each campus attended, and the sexual  
398 predator's enrollment, volunteer, or employment status.

399       3. If the sexual predator's place of residence is a motor  
400 vehicle, trailer, mobile home, or manufactured home, as defined  
401 in chapter 320, the sexual predator shall also provide the  
402 vehicle identification number; the license tag number; the  
403 registration number; and a description, including color scheme,  
404 of the motor vehicle, trailer, mobile home, or manufactured  
405 home. If the sexual predator's place of residence is a vessel,  
406 live-aboard vessel, or houseboat, as defined in chapter 327, the  
407 sexual predator shall also provide the hull identification  
408 number; the manufacturer's serial number; the name of the  
409 vessel, live-aboard vessel, or houseboat; the registration  
410 number; and a description, including color scheme, of the  
411 vessel, live-aboard vessel, or houseboat.

412       (b) The sheriff's office shall, within 2 working days,  
413 electronically submit and update all information provided by the  
414 sexual predator to the department in a manner prescribed by the  
415 department.

416       (10) PENALTIES.—

417       (a) Except as otherwise specifically provided, a sexual  
418 predator who fails to register; who fails, after registration,



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419 to maintain, acquire, or renew a driver ~~driver's~~ license or  
420 identification card; who fails to provide required location  
421 information, electronic mail address information, Internet  
422 identifier ~~instant message name~~ information, all home telephone  
423 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or  
424 change-of-name information; who fails to make a required report  
425 in connection with vacating a permanent residence; who fails to  
426 reregister as required; who fails to respond to any address  
427 verification correspondence from the department within 3 weeks  
428 of the date of the correspondence; who knowingly provides false  
429 registration information by act or omission; or who otherwise  
430 fails, by act or omission, to comply with the requirements of  
431 this section, commits a felony of the third degree, punishable  
432 as provided in s. 775.082, s. 775.083, or s. 775.084.

433 Section 2. Section 800.03, Florida Statutes, is amended to  
434 read:

435 800.03 Exposure of sexual organs.—

436 (1) It is unlawful to expose or exhibit one's sexual organs  
437 in public or on the private premises of another, or so near  
438 thereto as to be seen from such private premises, in a vulgar or  
439 indecent manner, or to be naked in public except in any place  
440 provided or set apart for that purpose.

441 (2) (a) Except as provided in paragraph (b), a violation of  
442 this section is a misdemeanor of the first degree, punishable as  
443 provided in s. 775.082 or s. 775.083.

444 (b) A third or subsequent violation of this section is a  
445 felony of the third degree, punishable as provided in s.  
446 775.082, s. 775.083, or s. 775.084.

447 (3) A mother's breastfeeding of her baby does not under any





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448 circumstance violate this section.

449 Section 3. Paragraph (m) is added to subsection (2) of  
450 section 903.046, Florida Statutes, to read:

451 903.046 Purpose of and criteria for bail determination.—

452 (2) When determining whether to release a defendant on bail  
453 or other conditions, and what that bail or those conditions may  
454 be, the court shall consider:

455 (m) Whether the defendant, other than a defendant whose  
456 only criminal charge is a misdemeanor offense under chapter 316,  
457 is required to register as a sexual offender under s. 943.0435  
458 or a sexual predator under s. 775.21; and, if so, he or she is  
459 not eligible for release on bail or surety bond until the first  
460 appearance on the case in order to ensure the full participation  
461 of the prosecutor and the protection of the public.

462 Section 4. Paragraphs (a) and (g) of subsection (1),  
463 subsection (2), paragraphs (a) and (d) of subsection (4),  
464 subsections (7), (8), and (11), and paragraph (c) of subsection  
465 (14) of section 943.0435, Florida Statutes, are amended to read:

466 943.0435 Sexual offenders required to register with the  
467 department; penalty.—

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

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

472 a.(I) Has been convicted of committing, or attempting,  
473 soliciting, or conspiring to commit, any of the criminal  
474 offenses proscribed in the following statutes in this state or  
475 similar offenses in another jurisdiction: s. 393.135(2); s.  
476 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where



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477 the victim is a minor and the defendant is not the victim's  
478 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
479 794.05; s. 796.03; s. 796.035; s. 796.045; s. 800.04; s.  
480 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
481 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
482 916.1075(2); or s. 985.701(1); or any similar offense committed  
483 in this state which has been redesignated from a former statute  
484 number to one of those listed in this sub-sub-subparagraph; and

485 (II) Has been released on or after October 1, 1997, from  
486 the sanction imposed for any conviction of an offense described  
487 in sub-sub-subparagraph (I). For purposes of sub-sub-  
488 subparagraph (I), a sanction imposed in this state or in any  
489 other jurisdiction includes, but is not limited to, a fine,  
490 probation, community control, parole, conditional release,  
491 control release, or incarceration in a state prison, federal  
492 prison, private correctional facility, or local detention  
493 facility;

494 b. Establishes or maintains a residence in this state and  
495 who has not been designated as a sexual predator by a court of  
496 this state but who has been designated as a sexual predator, as  
497 a sexually violent predator, or by another sexual offender  
498 designation in another state or jurisdiction and was, as a  
499 result of such designation, subjected to registration or  
500 community or public notification, or both, or would be if the  
501 person were a resident of that state or jurisdiction, without  
502 regard to whether the person otherwise meets the criteria for  
503 registration as a sexual offender;

504 c. Establishes or maintains a residence in this state who  
505 is in the custody or control of, or under the supervision of,



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506 any other state or jurisdiction as a result of a conviction for  
507 committing, or attempting, soliciting, or conspiring to commit,  
508 any of the criminal offenses proscribed in the following  
509 statutes or similar offense in another jurisdiction: s.  
510 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
511 787.025(2)(c), where the victim is a minor and the defendant is  
512 not the victim's parent or guardian; s. 794.011, excluding s.  
513 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.  
514 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
515 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
516 s. 916.1075(2); or s. 985.701(1); or any similar offense  
517 committed in this state which has been redesignated from a  
518 former statute number to one of those listed in this sub-  
519 subparagraph; or

520 d. On or after July 1, 2007, has been adjudicated  
521 delinquent for committing, or attempting, soliciting, or  
522 conspiring to commit, any of the criminal offenses proscribed in  
523 the following statutes in this state or similar offenses in  
524 another jurisdiction when the juvenile was 14 years of age or  
525 older at the time of the offense:

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

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

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

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

534 2. For all qualifying offenses listed in sub-subparagraph



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535 (1)(a)1.d., the court shall make a written finding of the age of  
536 the offender at the time of the offense.

537  
538 For each violation of a qualifying offense listed in this  
539 subsection, except for a violation of s. 794.011, the court  
540 shall make a written finding of the age of the victim at the  
541 time of the offense. For a violation of s. 800.04(4), the court  
542 shall additionally make a written finding indicating that the  
543 offense did or did not involve sexual activity and indicating  
544 that the offense did or did not involve force or coercion. For a  
545 violation of s. 800.04(5), the court shall additionally make a  
546 written finding that the offense did or did not involve  
547 unclothed genitals or genital area and that the offense did or  
548 did not involve the use of force or coercion.

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

553 (2) A sexual offender shall:

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

555 1. In the county in which the offender establishes or  
556 maintains a permanent, temporary, or transient residence within  
557 48 hours after:

558 a. Establishing permanent, temporary, or transient  
559 residence in this state; or

560 b. Being released from the custody, control, or supervision  
561 of the Department of Corrections or from the custody of a  
562 private correctional facility; or

563 2. In the county where he or she was convicted within 48



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564 hours after being convicted for a qualifying offense for  
565 registration under this section if the offender is not in the  
566 custody or control of, or under the supervision of, the  
567 Department of Corrections, or is not in the custody of a private  
568 correctional facility.

569  
570 Any change in the information required to be provided pursuant  
571 to paragraph (b), including, but not limited to, any change in  
572 the sexual offender's permanent, temporary, or transient  
573 residence, name, all any electronic mail addresses ~~address~~ and  
574 all Internet identifiers ~~any instant message name~~ required to be  
575 provided pursuant to paragraph (4)(d), after the sexual offender  
576 reports in person at the sheriff's office, shall be accomplished  
577 in the manner provided in subsections (4), (7), and (8).

578 (b) Provide his or her name; date of birth; social security  
579 number; race; sex; height; weight; hair and eye color; tattoos  
580 or other identifying marks; occupation and place of employment;  
581 address of permanent or legal residence or address of any  
582 current temporary residence, within the state or out of state,  
583 including a rural route address and a post office box; if no  
584 permanent or temporary address, any transient residence within  
585 the state, address, location or description, and dates of any  
586 current or known future temporary residence within the state or  
587 out of state; the make, model, color, registration number, and  
588 license tag number of all vehicles owned; all home telephone  
589 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; all  
590 ~~any~~ electronic mail addresses ~~address~~ and all Internet  
591 identifiers ~~any instant message name~~ required to be provided  
592 pursuant to paragraph (4)(d); fingerprints; palm prints;



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593 photograph; date and place of each conviction; and a brief  
594 description of the crime or crimes committed by the offender. A  
595 post office box shall not be provided in lieu of a physical  
596 residential address. The sexual offender must also produce his  
597 or her passport, if he or she has a passport, and, if he or she  
598 is an alien, must produce or provide information about documents  
599 establishing his or her immigration status. The sexual offender  
600 must also provide information about any professional licenses he  
601 or she may have.

602       1. If the sexual offender's place of residence is a motor  
603 vehicle, trailer, mobile home, or manufactured home, as defined  
604 in chapter 320, the sexual offender shall also provide to the  
605 department through the sheriff's office written notice of the  
606 vehicle identification number; the license tag number; the  
607 registration number; and a description, including color scheme,  
608 of the motor vehicle, trailer, mobile home, or manufactured  
609 home. If the sexual offender's place of residence is a vessel,  
610 live-aboard vessel, or houseboat, as defined in chapter 327, the  
611 sexual offender shall also provide to the department written  
612 notice of the hull identification number; the manufacturer's  
613 serial number; the name of the vessel, live-aboard vessel, or  
614 houseboat; the registration number; and a description, including  
615 color scheme, of the vessel, live-aboard vessel, or houseboat.

616       2. If the sexual offender is enrolled, employed,  
617 volunteering, or carrying on a vocation at an institution of  
618 higher education in this state, the sexual offender shall also  
619 provide to the department through the sheriff's office the name,  
620 address, and county of each institution, including each campus  
621 attended, and the sexual offender's enrollment or employment



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622 status. Each change in enrollment, volunteer, or employment  
623 status shall be reported in person at the sheriff's office,  
624 within 48 hours after any change in status. The sheriff shall  
625 promptly notify each institution of the sexual offender's  
626 presence and any change in the sexual offender's enrollment,  
627 volunteer, or employment status.

628 (c) Provide any other information determined necessary by  
629 the department, including criminal and corrections records;  
630 nonprivileged personnel and treatment records; and evidentiary  
631 genetic markers, when available.

632  
633 When a sexual offender reports at the sheriff's office, the  
634 sheriff shall take a photograph, ~~and~~ a set of fingerprints, and  
635 palm prints of the offender and forward the photographs, palm  
636 prints, and fingerprints to the department, along with the  
637 information provided by the sexual offender. The sheriff shall  
638 promptly provide to the department the information received from  
639 the sexual offender.

640 (4) (a) Each time a sexual offender's driver ~~driver's~~  
641 license or identification card is subject to renewal, and,  
642 without regard to the status of the offender's driver ~~driver's~~  
643 license or identification card, within 48 hours after any change  
644 in the offender's permanent, temporary, or transient residence  
645 or change in the offender's name by reason of marriage or other  
646 legal process, the offender shall report in person to a driver  
647 ~~driver's~~ license office, and shall be subject to the  
648 requirements specified in subsection (3). The Department of  
649 Highway Safety and Motor Vehicles shall forward to the  
650 department all photographs and information provided by sexual



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651 offenders. Notwithstanding the restrictions set forth in s.  
652 322.142, the Department of Highway Safety and Motor Vehicles is  
653 authorized to release a reproduction of a color-photograph or  
654 digital-image license to the Department of Law Enforcement for  
655 purposes of public notification of sexual offenders as provided  
656 in this section and ss. 943.043 and 944.606. A sexual offender  
657 who is unable to secure or update a driver license or  
658 identification card with the Department of Highway Safety and  
659 Motor Vehicles as provided in subsection (3) and this subsection  
660 must also report any change in the sexual offender's permanent,  
661 temporary, or transient residence or change in the offender's  
662 name by reason of marriage or other legal process within 48  
663 hours after the change to the sheriff's office in the county  
664 where the offender resides or is located and provide  
665 confirmation that he or she reported such information to the  
666 Department of Highway Safety and Motor Vehicles.

667 (d) A sexual offender must register all ~~any~~ electronic mail  
668 addresses and Internet identifiers ~~address or instant message~~  
669 ~~name~~ with the department prior to using such electronic mail  
670 addresses and Internet identifiers ~~address or instant message~~  
671 ~~name on or after October 1, 2007~~. The department shall establish  
672 an online system through which sexual offenders may securely  
673 access and update all electronic mail address and Internet  
674 identifier ~~instant message name~~ information.

675 (7) A sexual offender who intends to establish a permanent,  
676 temporary, or transient residence in another state or  
677 jurisdiction other than the State of Florida shall report in  
678 person to the sheriff of the county of current residence within  
679 48 hours before the date he or she intends to leave this state





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680 to establish residence in another state or jurisdiction or  
681 within 21 days before his or her planned departure date if the  
682 intended residence of 5 days or more is outside of the United  
683 States. The notification must include the address, municipality,  
684 county, ~~and~~ state, and country of intended residence. The  
685 sheriff shall promptly provide to the department the information  
686 received from the sexual offender. The department shall notify  
687 the statewide law enforcement agency, or a comparable agency, in  
688 the intended state, ~~or~~ jurisdiction, or country of residence of  
689 the sexual offender's intended residence. The failure of a  
690 sexual offender to provide his or her intended place of  
691 residence is punishable as provided in subsection (9).

692 (8) A sexual offender who indicates his or her intent to  
693 establish a permanent, temporary, or transient residence in  
694 another state, a ~~or~~ jurisdiction other than the State of  
695 Florida, or another country and later decides to remain in this  
696 state shall, within 48 hours after the date upon which the  
697 sexual offender indicated he or she would leave this state,  
698 report in person to the sheriff to which the sexual offender  
699 reported the intended change of permanent, temporary, or  
700 transient residence, and report his or her intent to remain in  
701 this state. The sheriff shall promptly report this information  
702 to the department. A sexual offender who reports his or her  
703 intent to establish a permanent, temporary, or transient  
704 residence in another state, a ~~or~~ jurisdiction other than the  
705 State of Florida, or another country but who remains in this  
706 state without reporting to the sheriff in the manner required by  
707 this subsection commits a felony of the second degree,  
708 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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709           (11) Except as provided in this subsection and s.  
710 943.04354, a sexual offender must maintain registration with the  
711 department for the duration of his or her life, unless the  
712 sexual offender has received a full pardon or has had a  
713 conviction set aside in a postconviction proceeding for any  
714 offense that meets the criteria for classifying the person as a  
715 sexual offender for purposes of registration. ~~However, a sexual~~  
716 ~~offender:~~

717           (a)1. A sexual offender may petition the criminal division  
718 of the circuit court of the circuit in which the sexual offender  
719 resides for the purpose of removing the requirement for  
720 registration as a sexual offender if ~~Who has been lawfully~~  
721 ~~released from confinement, supervision, or sanction, whichever~~  
722 ~~is later, for at least 25 years and has not been arrested for~~  
723 ~~any felony or misdemeanor offense since release, provided that~~  
724 ~~the sexual offender's requirement to register was not based upon~~  
725 ~~an adult conviction:~~

726           a. Twenty-five years have elapsed since the sexual  
727 offender's registration period for the most recent conviction  
728 that required the offender to register began;

729           b. The sexual offender has not been convicted or  
730 adjudicated delinquent of any felony offense or of an offense  
731 punishable by more than 1 year of imprisonment during the 25  
732 years preceding the petition to the court;

733           c. The sexual offender has successfully completed all  
734 sanctions imposed for all offenses that required the offender to  
735 register;

736           d. The sexual offender's requirement to register was not  
737 based upon an adult conviction for a violation of s. 787.01, s.



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738 794.011, excluding s. 794.011(10), s. 800.04(4)(b) where the  
739 court finds the offense involved a victim under 12 years of age  
740 or sexual activity by the use of force or coercion, s.  
741 800.04(5)(b), or s. 800.04(5)(c)2. where the court finds the  
742 offense involved unclothed genitals or genital area; for any  
743 attempt or conspiracy to commit any offense listed in this sub-  
744 subparagraph; or for a violation of similar law of another  
745 jurisdiction; and

746 e. For sexual offenders whose requirement to register is  
747 based upon a conviction in another state, the sexual offender is  
748 not required to register as a sexual offender pursuant to the  
749 laws of the state where the conviction occurred.

750 ~~a. For a violation of s. 787.01 or s. 787.02;~~

751 ~~b. For a violation of s. 794.011, excluding s. 794.011(10);~~

752 ~~c. For a violation of s. 800.04(4)(b) where the court finds~~  
753 ~~the offense involved a victim under 12 years of age or sexual~~  
754 ~~activity by the use of force or coercion;~~

755 ~~d. For a violation of s. 800.04(5)(b);~~

756 ~~e. For a violation of s. 800.04(5)c.2. where the court~~  
757 ~~finds the offense involved unclothed genitals or genital area;~~

758 ~~f. For any attempt or conspiracy to commit any such~~  
759 ~~offense; or~~

760 ~~g. For a violation of similar law of another jurisdiction,~~

761  
762 ~~may petition the criminal division of the circuit court of the~~  
763 ~~circuit in which the sexual offender resides for the purpose of~~  
764 ~~removing the requirement for registration as a sexual offender.~~

765 2. A sexual offender whose requirement to register was  
766 based upon an adult conviction for a violation of s. 787.02 or



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767 s. 827.071(5), for any attempt or conspiracy to commit any  
768 offense listed in this subparagraph, or for a violation of  
769 similar law of another jurisdiction may petition the criminal  
770 division of the circuit court of the circuit in which the sexual  
771 offender resides for the purpose of removing the requirement for  
772 registration as a sexual offender if:

773 a. Fifteen years have elapsed since the sexual offender's  
774 registration period for the most recent conviction that required  
775 the offender to register began;

776 b. The sexual offender has not been convicted or  
777 adjudicated delinquent of any felony offense or of an offense  
778 punishable by more than 1 year of imprisonment during the 10  
779 years preceding the petition to the court;

780 c. The sexual offender has successfully completed all  
781 sanctions imposed for all offenses that required the offender to  
782 register; and

783 d. For sexual offenders whose requirement to register is  
784 based upon a conviction in another state, the sexual offender is  
785 not required to register as a sexual offender pursuant to the  
786 laws of the state where the conviction occurred.

787 3. A sexual offender required to register under sub-  
788 subparagraph (1)(a)1.d. may petition the criminal division of  
789 the circuit court of the circuit in which the sexual offender  
790 resides for the purpose of removing the requirement for  
791 registration as a sexual offender if:

792 a. Twenty-five years have elapsed since the sexual  
793 offender's registration period for the most recent adjudication  
794 that required the offender to register began;

795 b. The sexual offender has not been convicted or



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796 adjudicated delinquent of any felony offense or of an offense  
797 punishable by more than 1 year of imprisonment during the 25  
798 years preceding the petition to the court; and

799 c. The sexual offender has successfully completed all  
800 sanctions imposed for any offense that required the offender to  
801 register.

802 ~~4.2.~~ The court may grant or deny relief if the offender  
803 demonstrates to the court that ~~he or she has not been arrested~~  
804 ~~for any crime since release;~~ the requested relief complies with  
805 this paragraph, the provisions of the federal Adam Walsh Child  
806 Protection and Safety Act of 2006, and any other federal  
807 standards applicable to the removal of registration requirements  
808 for a sexual offender or required to be met as a condition for  
809 the receipt of federal funds by the state; and the court is  
810 otherwise satisfied that the offender is not a current or  
811 potential threat to public safety. The state attorney in the  
812 circuit in which the petition is filed and the department must  
813 be given notice of the petition at least 3 weeks before the  
814 hearing on the matter. The state attorney may present evidence  
815 in opposition to the requested relief or may otherwise  
816 demonstrate the reasons why the petition should be denied. If  
817 the court grants the petition, the court shall instruct the  
818 petitioner to provide the department with a certified copy of  
819 the order granting relief. If the court denies the petition, the  
820 court may set a future date at which the sexual offender may  
821 again petition the court for relief, subject to the standards  
822 for relief provided in this subsection.

823 ~~5.3.~~ The department shall remove an offender from  
824 classification as a sexual offender for purposes of registration



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825 if the offender provides to the department a certified copy of  
826 the court's written findings or order that indicates that the  
827 offender is no longer required to comply with the requirements  
828 for registration as a sexual offender.

829 6. For purposes of this paragraph:

830 a. The registration period of a sexual offender sentenced  
831 to a term of incarceration or committed to a residential program  
832 begins upon the offender's release for the most recent  
833 conviction that required the offender to register.

834 b. A sexual offender's registration period is tolled during  
835 any period in which the offender is incarcerated, civilly  
836 committed, detained pursuant to chapter 985, or committed to a  
837 residential program.

838 (b) A sexual offender as defined in sub-subparagraph  
839 (1)(a)1.b. must maintain registration with the department for  
840 the duration of his or her life until the person provides the  
841 department with an order issued by the court that designated the  
842 person as a sexual predator, as a sexually violent predator, or  
843 by another sexual offender designation in the state or  
844 jurisdiction in which the order was issued which states that  
845 such designation has been removed or demonstrates to the  
846 department that such designation, if not imposed by a court, has  
847 been removed by operation of law or court order in the state or  
848 jurisdiction in which the designation was made, and provided  
849 such person no longer meets the criteria for registration as a  
850 sexual offender under the laws of this state.

851 (14)

852 (c) The sheriff's office may determine the appropriate  
853 times and days for reporting by the sexual offender, which shall



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854 be consistent with the reporting requirements of this  
855 subsection. Reregistration shall include any changes to the  
856 following information:

857 1. Name; social security number; age; race; sex; date of  
858 birth; height; weight; hair and eye color; address of any  
859 permanent residence and address of any current temporary  
860 residence, within the state or out of state, including a rural  
861 route address and a post office box; if no permanent or  
862 temporary address, any transient residence within the state;  
863 address, location or description, and dates of any current or  
864 known future temporary residence within the state or out of  
865 state; all any electronic mail addresses address and all  
866 Internet identifiers any instant message name required to be  
867 provided pursuant to paragraph (4) (d); all home telephone  
868 numbers number and any cellular telephone numbers number; date  
869 and place of any employment; the vehicle make, model, color,  
870 registration number, and license tag number of all vehicles  
871 owned; fingerprints; palm prints; and photograph. A post office  
872 box may shall not be provided in lieu of a physical residential  
873 address. The sexual offender must also produce his or her  
874 passport, if he or she has a passport, and, if he or she is an  
875 alien, must produce or provide information about documents  
876 establishing his or her immigration status. The sexual offender  
877 must also provide information about any professional licenses he  
878 or she may have.

879 2. If the sexual offender is enrolled, volunteering,  
880 employed, or carrying on a vocation at an institution of higher  
881 education in this state, the sexual offender shall also provide  
882 to the department the name, address, and county of each



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883 institution, including each campus attended, and the sexual  
884 offender's enrollment, volunteer, or employment status.

885 3. If the sexual offender's place of residence is a motor  
886 vehicle, trailer, mobile home, or manufactured home, as defined  
887 in chapter 320, the sexual offender shall also provide the  
888 vehicle identification number; the license tag number; the  
889 registration number; and a description, including color scheme,  
890 of the motor vehicle, trailer, mobile home, or manufactured  
891 home. If the sexual offender's place of residence is a vessel,  
892 live-aboard vessel, or houseboat, as defined in chapter 327, the  
893 sexual offender shall also provide the hull identification  
894 number; the manufacturer's serial number; the name of the  
895 vessel, live-aboard vessel, or houseboat; the registration  
896 number; and a description, including color scheme, of the  
897 vessel, live-aboard vessel or houseboat.

898 4. Any sexual offender who fails to report in person as  
899 required at the sheriff's office, ~~or~~ who fails to respond to any  
900 address verification correspondence from the department within 3  
901 weeks of the date of the correspondence, ~~or~~ who fails to report  
902 all electronic mail addresses and all Internet identifiers ~~or~~  
903 instant message names, or who knowingly provides false  
904 registration information by act or omission commits a felony of  
905 the third degree, punishable as provided in s. 775.082, s.  
906 775.083, or s. 775.084.

907 Section 5. Section 943.04351, Florida Statutes, is amended  
908 to read:

909 943.04351 Search of registration information regarding  
910 sexual predators and sexual offenders required prior to  
911 appointment or employment.—A state agency or governmental





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912 subdivision, prior to making any decision to appoint or employ a  
913 person to work, whether for compensation or as a volunteer, at  
914 any park, playground, day care center, or other place where  
915 children regularly congregate, must conduct a search of that  
916 person's name or other identifying information against the  
917 registration information regarding sexual predators and sexual  
918 offenders maintained by the Department of Law Enforcement under  
919 s. 943.043. The agency or governmental subdivision may conduct  
920 the search using the Internet site maintained by the Department  
921 of Law Enforcement. Also, a national search must be conducted  
922 through the Dru Sjodin National Sex Offender Public Website  
923 maintained by the United States Department of Justice. This  
924 section does not apply to those positions or appointments within  
925 a state agency or governmental subdivision for which a state and  
926 national criminal history background check is conducted.

927 Section 6. Section 943.04354, Florida Statutes, is amended  
928 to read:

929 943.04354 Removal of the requirement to register as a  
930 sexual offender or sexual predator in special circumstances.—

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

934 (a) Was ~~or will be~~ convicted, regardless of adjudication,  
935 or adjudicated delinquent of a violation of s. 794.011, s.  
936 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in  
937 another jurisdiction, ~~or the person committed a violation of s.~~  
938 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~  
939 ~~adjudication of guilt was or will be withheld,~~ and the person  
940 does not have any other conviction, regardless of adjudication,



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941 or adjudication of delinquency, or withhold of adjudication of  
942 guilt for a violation of s. 794.011, s. 800.04, s. 827.071, or  
943 s. 847.0135(5), or a similar offense in another jurisdiction;

944 (b) 1. Was convicted, regardless of adjudication, or  
945 adjudicated delinquent of an offense listed in paragraph (a) and  
946 is required to register as a sexual offender or sexual predator  
947 solely on the basis of this conviction or adjudication  
948 violation; or and

949 2. Was convicted, regardless of adjudication, or  
950 adjudicated delinquent of an offense in another jurisdiction  
951 that is similar to an offense listed in paragraph (a) and no  
952 longer meets the criteria for registration as a sexual offender  
953 or sexual predator under the laws of the jurisdiction where the  
954 similar offense occurred; and

955 (c) Is not more than 4 years older than the victim of this  
956 violation who was 13 ~~14~~ years of age or older but less ~~not more~~  
957 than 18 ~~17~~ years of age at the time the person committed this  
958 violation.

959 (2) If a person meets the criteria in subsection (1) ~~and~~  
960 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~  
961 ~~847.0135(5) was committed on or after July 1, 2007, the person~~  
962 may move the sentencing court or, for persons convicted or  
963 adjudicated delinquent of a qualifying offense in another  
964 jurisdiction, the criminal circuit court of the circuit in which  
965 the person resides that will sentence or dispose of this  
966 ~~violation~~ to remove the requirement that the person register as  
967 a sexual offender or sexual predator. The person must allege in  
968 the motion that he or she meets the criteria in subsection (1)  
969 and that removal of the registration requirement will not



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970 conflict with federal law. Persons convicted or adjudicated  
971 delinquent of an offense in another jurisdiction that is similar  
972 to an offense listed in paragraph (1)(a) must provide the court  
973 written confirmation that he or she is not required to register  
974 in the state where the conviction or adjudication occurred. The  
975 state attorney and the department must be given notice of the  
976 motion at least 21 days before the date of sentencing, ~~or~~  
977 disposition of the this violation, or hearing on the motion and  
978 may present evidence in opposition to the requested relief or  
979 may otherwise demonstrate why the motion should be denied. At  
980 sentencing, ~~or~~ disposition of the this violation, or hearing on  
981 the motion, the court shall rule on this motion and, if the  
982 court determines the person meets the criteria in subsection (1)  
983 and the removal of the registration requirement will not  
984 conflict with federal law, it may grant the motion and order the  
985 removal of the registration requirement. The court shall  
986 instruct the person to provide the department a certified copy  
987 of the order granting relief. If the court denies the motion,  
988 the person is not authorized under this section to petition for  
989 removal of the registration requirement.

990 ~~(3)(a) This subsection applies to a person who:~~

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

994 ~~2. Is subject to registration as a sexual offender or~~  
995 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~  
996 ~~827.071; and~~

997 ~~3. Meets the criteria in subsection (1).~~

998 ~~(b) A person may petition the court in which the sentence~~



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999 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~  
1000 ~~827.071 occurred for removal of the requirement to register as a~~  
1001 ~~sexual offender or sexual predator. The person must allege in~~  
1002 ~~the petition that he or she meets the criteria in subsection (1)~~  
1003 ~~and removal of the registration requirement will not conflict~~  
1004 ~~with federal law. The state attorney must be given notice of the~~  
1005 ~~petition at least 21 days before the hearing on the petition and~~  
1006 ~~may present evidence in opposition to the requested relief or~~  
1007 ~~may otherwise demonstrate why the petition should be denied. The~~  
1008 ~~court shall rule on the petition and, if the court determines~~  
1009 ~~the person meets the criteria in subsection (1) and removal of~~  
1010 ~~the registration requirement will not conflict with federal law,~~  
1011 ~~it may grant the petition and order the removal of the~~  
1012 ~~registration requirement. If the court denies the petition, the~~  
1013 ~~person is not authorized under this section to file any further~~  
1014 ~~petition for removal of the registration requirement.~~

1015 (3)(4) If a person provides to the Department of Law  
1016 Enforcement a certified copy of the court's order removing the  
1017 requirement that the person register as a sexual offender or  
1018 sexual predator for the violation of s. 794.011, s. 800.04, s.  
1019 827.071, or s. 847.0135(5), or a similar offense in another  
1020 jurisdiction, the registration requirement will not apply to the  
1021 person and the department shall remove all information about the  
1022 person from the public registry of sexual offenders and sexual  
1023 predators maintained by the department. However, the removal of  
1024 this information from the public registry does not mean that the  
1025 public is denied access to information about the person's  
1026 criminal history or record that is otherwise available as a  
1027 public record.



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1028           Section 7. Subsection (2) and paragraph (a) of subsection  
1029 (3) of section 943.0437, Florida Statutes, are amended to read:  
1030           943.0437 Commercial social networking websites.—

1031           (2) The department may provide information relating to  
1032 electronic mail addresses and Internet identifiers ~~instant~~  
1033 ~~message names~~ maintained as part of the sexual offender registry  
1034 to commercial social networking websites or third parties  
1035 designated by commercial social networking websites. The  
1036 commercial social networking website may use this information  
1037 for the purpose of comparing registered users and screening  
1038 potential users of the commercial social networking website  
1039 against the list of electronic mail addresses and Internet  
1040 identifiers ~~instant message names~~ provided by the department.

1041           (3) This section shall not be construed to impose any civil  
1042 liability on a commercial social networking website for:

1043           (a) Any action voluntarily taken in good faith to remove or  
1044 disable any profile of a registered user associated with an  
1045 electronic mail address or Internet identifier ~~instant message~~  
1046 ~~name~~ contained in the sexual offender registry.

1047           Section 8. Paragraphs (b) and (d) of subsection (1) and  
1048 paragraph (a) of subsection (3) of section 944.606, Florida  
1049 Statutes, are amended to read:

1050           944.606 Sexual offenders; notification upon release.—

1051           (1) As used in this section:

1052           (b) "Sexual offender" means a person who has been convicted  
1053 of committing, or attempting, soliciting, or conspiring to  
1054 commit, any of the criminal offenses proscribed in the following  
1055 statutes in this state or similar offenses in another  
1056 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.



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1057 787.02, or s. 787.025(2)(c), where the victim is a minor and the  
1058 defendant is not the victim's parent or guardian; s. 794.011,  
1059 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.045; s.  
1060 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
1061 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1062 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar  
1063 offense committed in this state which has been redesignated from  
1064 a former statute number to one of those listed in this  
1065 subsection, when the department has received verified  
1066 information regarding such conviction; an offender's  
1067 computerized criminal history record is not, in and of itself,  
1068 verified information.

1069 (d) "Internet identifier ~~Instant message name~~" has the same  
1070 meaning as provided in s. 775.21 ~~means an identifier that allows~~  
1071 ~~a person to communicate in real time with another person using~~  
1072 ~~the Internet.~~

1073 (3)(a) The department must provide information regarding  
1074 any sexual offender who is being released after serving a period  
1075 of incarceration for any offense, as follows:

1076 1. The department must provide: the sexual offender's name,  
1077 any change in the offender's name by reason of marriage or other  
1078 legal process, and any alias, if known; the correctional  
1079 facility from which the sexual offender is released; the sexual  
1080 offender's social security number, race, sex, date of birth,  
1081 height, weight, and hair and eye color; address of any planned  
1082 permanent residence or temporary residence, within the state or  
1083 out of state, including a rural route address and a post office  
1084 box; if no permanent or temporary address, any transient  
1085 residence within the state; address, location or description,



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1086 and dates of any known future temporary residence within the  
1087 state or out of state; date and county of sentence and each  
1088 crime for which the offender was sentenced; a copy of the  
1089 offender's fingerprints, palm prints, and a digitized photograph  
1090 taken within 60 days before release; the date of release of the  
1091 sexual offender; all any electronic mail addresses address and  
1092 all Internet identifiers any instant message name required to be  
1093 provided pursuant to s. 943.0435(4)(d); all and home telephone  
1094 numbers number and any cellular telephone numbers; information  
1095 about any professional licenses the offender may have, if known;  
1096 and passport information, if he or she has a passport, and, if  
1097 he or she is an alien, information about documents establishing  
1098 his or her immigration status number. The department shall  
1099 notify the Department of Law Enforcement if the sexual offender  
1100 escapes, absconds, or dies. If the sexual offender is in the  
1101 custody of a private correctional facility, the facility shall  
1102 take the digitized photograph of the sexual offender within 60  
1103 days before the sexual offender's release and provide this  
1104 photograph to the Department of Corrections and also place it in  
1105 the sexual offender's file. If the sexual offender is in the  
1106 custody of a local jail, the custodian of the local jail shall  
1107 register the offender within 3 business days after intake of the  
1108 offender for any reason and upon release, and shall notify the  
1109 Department of Law Enforcement of the sexual offender's release  
1110 and provide to the Department of Law Enforcement the information  
1111 specified in this paragraph and any information specified in  
1112 subparagraph 2. that the Department of Law Enforcement requests.

1113 2. The department may provide any other information deemed  
1114 necessary, including criminal and corrections records,



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1115 nonprivileged personnel and treatment records, when available.

1116 Section 9. Paragraphs (a) and (f) of subsection (1),  
1117 subsection (4), and paragraph (c) of subsection (13) of section  
1118 944.607, Florida Statutes, are amended to read:

1119 944.607 Notification to Department of Law Enforcement of  
1120 information on sexual offenders.—

1121 (1) As used in this section, the term:

1122 (a) "Sexual offender" means a person who is in the custody  
1123 or control of, or under the supervision of, the department or is  
1124 in the custody of a private correctional facility:

1125 1. On or after October 1, 1997, as a result of a conviction  
1126 for committing, or attempting, soliciting, or conspiring to  
1127 commit, any of the criminal offenses proscribed in the following  
1128 statutes in this state or similar offenses in another  
1129 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
1130 787.02, or s. 787.025(2)(c), where the victim is a minor and the  
1131 defendant is not the victim's parent or guardian; s. 794.011,  
1132 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
1133 796.045; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
1134 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1135 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar  
1136 offense committed in this state which has been redesignated from  
1137 a former statute number to one of those listed in this  
1138 paragraph; or

1139 2. Who establishes or maintains a residence in this state  
1140 and who has not been designated as a sexual predator by a court  
1141 of this state but who has been designated as a sexual predator,  
1142 as a sexually violent predator, or by another sexual offender  
1143 designation in another state or jurisdiction and was, as a





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1144 result of such designation, subjected to registration or  
1145 community or public notification, or both, or would be if the  
1146 person were a resident of that state or jurisdiction, without  
1147 regard as to whether the person otherwise meets the criteria for  
1148 registration as a sexual offender.

1149 (f) "Internet identifier ~~Instant message name~~" has the same  
1150 meaning as provided in s. 775.21 ~~means an identifier that allows~~  
1151 ~~a person to communicate in real time with another person using~~  
1152 ~~the Internet.~~

1153 (4) A sexual offender, as described in this section, who is  
1154 under the supervision of the Department of Corrections but is  
1155 not incarcerated must register with the Department of  
1156 Corrections within 3 business days after sentencing for a  
1157 registrable offense and otherwise provide information as  
1158 required by this subsection.

1159 (a) The sexual offender shall provide his or her name; date  
1160 of birth; social security number; race; sex; height; weight;  
1161 hair and eye color; tattoos or other identifying marks; all any  
1162 electronic mail addresses ~~address~~ and all Internet identifiers  
1163 ~~any instant message name~~ required to be provided pursuant to s.  
1164 943.0435(4)(d); the make, model, color, registration number, and  
1165 license tag number of all vehicles owned; permanent or legal  
1166 residence and address of temporary residence within the state or  
1167 out of state while the sexual offender is under supervision in  
1168 this state, including any rural route address or post office  
1169 box; if no permanent or temporary address, any transient  
1170 residence within the state; and address, location or  
1171 description, and dates of any current or known future temporary  
1172 residence within the state or out of state. The sexual offender



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1173 must also produce his or her passport, if he or she has a  
1174 passport, and, if he or she is an alien, must produce or provide  
1175 information about documents establishing his or her immigration  
1176 status. The sexual offender must also provide information about  
1177 any professional licenses he or she may have. The Department of  
1178 Corrections shall verify the address of each sexual offender in  
1179 the manner described in ss. 775.21 and 943.0435. The department  
1180 shall report to the Department of Law Enforcement any failure by  
1181 a sexual predator or sexual offender to comply with registration  
1182 requirements.

1183 (b) If the sexual offender is enrolled, employed,  
1184 volunteering, or carrying on a vocation at an institution of  
1185 higher education in this state, the sexual offender shall  
1186 provide the name, address, and county of each institution,  
1187 including each campus attended, and the sexual offender's  
1188 enrollment, volunteer, or employment status. Each change in  
1189 enrollment, volunteer, or employment status shall be reported to  
1190 the department within 48 hours after the change in status. The  
1191 Department of Corrections shall promptly notify each institution  
1192 of the sexual offender's presence and any change in the sexual  
1193 offender's enrollment, volunteer, or employment status.

1194 (13)

1195 (c) The sheriff's office may determine the appropriate  
1196 times and days for reporting by the sexual offender, which shall  
1197 be consistent with the reporting requirements of this  
1198 subsection. Reregistration shall include any changes to the  
1199 following information:

1200 1. Name; social security number; age; race; sex; date of  
1201 birth; height; weight; hair and eye color; address of any



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1202 permanent residence and address of any current temporary  
1203 residence, within the state or out of state, including a rural  
1204 route address and a post office box; if no permanent or  
1205 temporary address, any transient residence; address, location or  
1206 description, and dates of any current or known future temporary  
1207 residence within the state or out of state; all ~~any~~ electronic  
1208 mail addresses ~~address~~ and all Internet identifiers ~~any instant~~  
1209 ~~message name~~ required to be provided pursuant to s.  
1210 943.0435(4)(d); date and place of any employment; the vehicle  
1211 make, model, color, registration number, and license tag number  
1212 of all vehicles owned; fingerprints; palm prints; and  
1213 photograph. A post office box shall not be provided in lieu of a  
1214 physical residential address. The sexual offender must also  
1215 produce his or her passport, if he or she has a passport, and,  
1216 if he or she is an alien, must produce or provide information  
1217 about documents establishing his or her immigration status. The  
1218 sexual offender must also provide information about any  
1219 professional licenses he or she may have.

1220 2. If the sexual offender is enrolled, employed,  
1221 volunteering, or carrying on a vocation at an institution of  
1222 higher education in this state, the sexual offender shall also  
1223 provide to the department the name, address, and county of each  
1224 institution, including each campus attended, and the sexual  
1225 offender's enrollment, volunteer, or employment status.

1226 3. If the sexual offender's place of residence is a motor  
1227 vehicle, trailer, mobile home, or manufactured home, as defined  
1228 in chapter 320, the sexual offender shall also provide the  
1229 vehicle identification number; the license tag number; the  
1230 registration number; and a description, including color scheme,



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1231 of the motor vehicle, trailer, mobile home, or manufactured  
1232 home. If the sexual offender's place of residence is a vessel,  
1233 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1234 sexual offender shall also provide the hull identification  
1235 number; the manufacturer's serial number; the name of the  
1236 vessel, live-aboard vessel, or houseboat; the registration  
1237 number; and a description, including color scheme, of the  
1238 vessel, live-aboard vessel or houseboat.

1239 4. Any sexual offender who fails to report in person as  
1240 required at the sheriff's office, ~~or~~ who fails to respond to any  
1241 address verification correspondence from the department within 3  
1242 weeks of the date of the correspondence, ~~or~~ who fails to report  
1243 all electronic mail addresses and all Internet identifiers ~~or~~  
1244 instant message names, or who knowingly provides false  
1245 registration information by act or omission commits a felony of  
1246 the third degree, punishable as provided in s. 775.082, s.  
1247 775.083, or s. 775.084.

1248 Section 10. Subsection (11) of section 947.005, Florida  
1249 Statutes, is amended to read:

1250 947.005 Definitions.—As used in this chapter, unless the  
1251 context clearly indicates otherwise:

1252 (11) "Risk assessment" means an assessment completed by a  
1253 ~~an independent~~ qualified practitioner to evaluate the level of  
1254 risk associated when a sex offender has contact with a child.

1255 Section 11. Section 948.31, Florida Statutes, is amended to  
1256 read:

1257 948.31 Evaluation and treatment of sexual predators and  
1258 offenders on probation or community control.—The court may ~~shall~~  
1259 ~~require an evaluation by a qualified practitioner to determine~~



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1260 ~~the need of a probationer or community controllee for treatment.~~  
1261 ~~If the court determines that a need therefor is established by~~  
1262 ~~the evaluation process, the court shall require sexual offender~~  
1263 ~~treatment as a term or condition of probation or community~~  
1264 ~~control for any probationer or community controllee person who~~  
1265 ~~is required to register as a sexual predator under s. 775.21 or~~  
1266 ~~sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to~~  
1267 ~~undergo an evaluation, at the probationer or community~~  
1268 ~~controllee's expense, by a qualified practitioner to determine~~  
1269 ~~whether such person needs sexual offender treatment. If the~~  
1270 ~~qualified practitioner determines that sexual offender treatment~~  
1271 ~~is needed and recommends treatment, the probationer or community~~  
1272 ~~controllee must successfully complete and pay for the treatment.~~  
1273 ~~Such treatment must shall be required to be obtained from a~~  
1274 ~~qualified practitioner as defined in s. 948.001. Treatment may~~  
1275 ~~not be administered by a qualified practitioner who has been~~  
1276 ~~convicted or adjudicated delinquent of committing, or~~  
1277 ~~attempting, soliciting, or conspiring to commit, any offense~~  
1278 ~~that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~~~  
1279 ~~~~impose a restriction against contact with minors if sexual~~~~  
1280 ~~~~offender treatment is recommended. The evaluation and~~~~  
1281 ~~~~recommendations for treatment of the probationer or community~~~~  
1282 ~~~~controllee shall be provided to the court for review.~~~~

1283 Section 12. Paragraph (a) of subsection (3) of section  
1284 985.481, Florida Statutes, is amended to read:

1285 985.481 Sexual offenders adjudicated delinquent;  
1286 notification upon release.—

1287 (3)(a) The department must provide information regarding  
1288 any sexual offender who is being released after serving a period



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1289 of residential commitment under the department for any offense,  
1290 as follows:

1291 1. The department must provide the sexual offender's name,  
1292 any change in the offender's name by reason of marriage or other  
1293 legal process, and any alias, if known; the correctional  
1294 facility from which the sexual offender is released; the sexual  
1295 offender's social security number, race, sex, date of birth,  
1296 height, weight, and hair and eye color; the make, model, color,  
1297 registration number, and license tag number of all vehicles  
1298 owned, if known; address of any planned permanent residence or  
1299 temporary residence, within the state or out of state, including  
1300 a rural route address and a post office box; if no permanent or  
1301 temporary address, any transient residence within the state;  
1302 address, location or description, and dates of any known future  
1303 temporary residence within the state or out of state; date and  
1304 county of disposition and each crime for which there was a  
1305 disposition; a copy of the offender's fingerprints and a  
1306 digitized photograph taken within 60 days before release; the  
1307 date of release of the sexual offender; all ~~and~~ home telephone  
1308 numbers ~~number~~ and ~~any~~ cellular telephone numbers; information  
1309 about any professional licenses the offender may have, if known;  
1310 and passport information, if he or she has a passport, and, if  
1311 he or she is an alien, information about documents establishing  
1312 his or her immigration status ~~number~~. The department shall  
1313 notify the Department of Law Enforcement if the sexual offender  
1314 escapes, absconds, or dies. If the sexual offender is in the  
1315 custody of a private correctional facility, the facility shall  
1316 take the digitized photograph of the sexual offender within 60  
1317 days before the sexual offender's release and also place it in



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1318 the sexual offender's file. If the sexual offender is in the  
1319 custody of a local jail, the custodian of the local jail shall  
1320 register the offender within 3 business days after intake of the  
1321 offender for any reason and upon release, and shall notify the  
1322 Department of Law Enforcement of the sexual offender's release  
1323 and provide to the Department of Law Enforcement the information  
1324 specified in this subparagraph and any information specified in  
1325 subparagraph 2. which the Department of Law Enforcement  
1326 requests.

1327 2. The department may provide any other information  
1328 considered necessary, including criminal and delinquency  
1329 records, when available.

1330 Section 13. Subsection (4) and paragraph (b) of subsection  
1331 (13) of section 985.4815, Florida Statutes, are amended to read:  
1332 985.4815 Notification to Department of Law Enforcement of  
1333 information on juvenile sexual offenders.—

1334 (4) A sexual offender, as described in this section, who is  
1335 under the supervision of the department but who is not committed  
1336 must register with the department within 3 business days after  
1337 adjudication and disposition for a registrable offense and  
1338 otherwise provide information as required by this subsection.

1339 (a) The sexual offender shall provide his or her name; date  
1340 of birth; social security number; race; sex; height; weight;  
1341 hair and eye color; tattoos or other identifying marks; the  
1342 make, model, color, registration number, and license tag number  
1343 of all vehicles owned; permanent or legal residence and address  
1344 of temporary residence within the state or out of state while  
1345 the sexual offender is in the care or custody or under the  
1346 jurisdiction or supervision of the department in this state,



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1347 including any rural route address or post office box; if no  
1348 permanent or temporary address, any transient residence;  
1349 address, location or description, and dates of any current or  
1350 known future temporary residence within the state or out of  
1351 state; and the name and address of each school attended. The  
1352 sexual offender must also produce his or her passport, if he or  
1353 she has a passport, and, if he or she is an alien, must produce  
1354 or provide information about documents establishing his or her  
1355 immigration status. The offender must also provide information  
1356 about any professional licenses he or she may have. The  
1357 department shall verify the address of each sexual offender and  
1358 shall report to the Department of Law Enforcement any failure by  
1359 a sexual offender to comply with registration requirements.

1360 (b) If the sexual offender is enrolled, employed,  
1361 volunteering, or carrying on a vocation at an institution of  
1362 higher education in this state, the sexual offender shall  
1363 provide the name, address, and county of each institution,  
1364 including each campus attended, and the sexual offender's  
1365 enrollment, volunteer, or employment status. Each change in  
1366 enrollment, volunteer, or employment status shall be reported to  
1367 the department within 48 hours after the change in status. The  
1368 department shall promptly notify each institution of the sexual  
1369 offender's presence and any change in the sexual offender's  
1370 enrollment, volunteer, or employment status.

1371 (13)

1372 (b) The sheriff's office may determine the appropriate  
1373 times and days for reporting by the sexual offender, which shall  
1374 be consistent with the reporting requirements of this  
1375 subsection. Reregistration shall include any changes to the





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1376 following information:

1377 1. Name; social security number; age; race; sex; date of  
1378 birth; height; weight; hair and eye color; fingerprints; palm  
1379 prints; address of any permanent residence and address of any  
1380 current temporary residence, within the state or out of state,  
1381 including a rural route address and a post office box; if no  
1382 permanent or temporary address, any transient residence;  
1383 address, location or description, and dates of any current or  
1384 known future temporary residence within the state or out of  
1385 state; passport information, if he or she has a passport, and,  
1386 if he or she is an alien, information about documents  
1387 establishing his or her immigration status; name and address of  
1388 each school attended; date and place of any employment; the  
1389 vehicle make, model, color, registration number, and license tag  
1390 number of all vehicles owned; fingerprints; and photograph. A  
1391 post office box shall not be provided in lieu of a physical  
1392 residential address. The offender must also provide information  
1393 about any professional licenses he or she may have.

1394 2. If the sexual offender is enrolled, employed,  
1395 volunteering, or carrying on a vocation at an institution of  
1396 higher education in this state, the sexual offender shall also  
1397 provide to the department the name, address, and county of each  
1398 institution, including each campus attended, and the sexual  
1399 offender's enrollment, volunteer, or employment status.

1400 3. If the sexual offender's place of residence is a motor  
1401 vehicle, trailer, mobile home, or manufactured home, as defined  
1402 in chapter 320, the sexual offender shall also provide the  
1403 vehicle identification number; the license tag number; the  
1404 registration number; and a description, including color scheme,



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1405 of the motor vehicle, trailer, mobile home, or manufactured  
1406 home. If the sexual offender's place of residence is a vessel,  
1407 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1408 sexual offender shall also provide the hull identification  
1409 number; the manufacturer's serial number; the name of the  
1410 vessel, live-aboard vessel, or houseboat; the registration  
1411 number; and a description, including color scheme, of the  
1412 vessel, live-aboard vessel, or houseboat.

1413 4. Any sexual offender who fails to report in person as  
1414 required at the sheriff's office, ~~or~~ who fails to respond to any  
1415 address verification correspondence from the department within 3  
1416 weeks after the date of the correspondence, or who knowingly  
1417 provides false registration information by act or omission  
1418 commits a felony of the third degree, punishable as provided in  
1419 ss. 775.082, 775.083, and 775.084.

1420 Section 14. Subsection (13) is added to section 947.1405,  
1421 Florida Statutes, to read:

1422 947.1405 Conditional release program.—

1423 (13) In addition to all other conditions imposed, for a  
1424 releasee who is subject to conditional release for a crime that  
1425 was committed on or after October 1, 2012, and who has been  
1426 convicted at any time of a violation of s. 800.04(7)(b) or s.  
1427 847.0135(4), or a similar offense in another jurisdiction, the  
1428 commission must order electronic monitoring for the duration of  
1429 the releasee's supervision.

1430 Section 15. Subsection (5) is added to section 948.30,  
1431 Florida Statutes, to read:

1432 948.30 Additional terms and conditions of probation or  
1433 community control for certain sex offenses.—Conditions imposed



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1434 pursuant to this section do not require oral pronouncement at  
1435 the time of sentencing and shall be considered standard  
1436 conditions of probation or community control for offenders  
1437 specified in this section.

1438 (5) Effective for a probationer or community controllee  
1439 whose crime was committed on or after October 1, 2012, and who:

1440 (a) Is placed on probation or community control for a  
1441 violation of s. 800.04(7)(b) or s. 847.0135(4); or

1442 (b) Has previously been convicted of a violation of s.  
1443 800.04(7)(b) or s. 847.0135(4), or a similar offense in another  
1444 jurisdiction,

1445  
1446 the court must order, in addition to any other requirements of  
1447 this section, mandatory electronic monitoring as a condition of  
1448 the probation or community control supervision.

1449 Section 16. Paragraphs (g) and (i) of subsection (3) of  
1450 section 921.0022, Florida Statutes, are amended to read:

1451 921.0022 Criminal Punishment Code; offense severity ranking  
1452 chart.-

1453 (3) OFFENSE SEVERITY RANKING CHART

1454 (g) LEVEL 7

1455

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.

1456

1457



1458	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1459	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1460	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1461	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1462	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1463	456.065(2)	3rd	Practicing a health care profession without a license.
1464	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.



1465	458.327(1)	3rd	Practicing medicine without a license.
1466	459.013(1)	3rd	Practicing osteopathic medicine without a license.
1467	460.411(1)	3rd	Practicing chiropractic medicine without a license.
1468	461.012(1)	3rd	Practicing podiatric medicine without a license.
1469	462.17	3rd	Practicing naturopathy without a license.
1470	463.015(1)	3rd	Practicing optometry without a license.
1471	464.016(1)	3rd	Practicing nursing without a license.
1472	465.015(2)	3rd	Practicing pharmacy without a license.
1473	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1474	467.201	3rd	Practicing midwifery without a license.
1475	468.366	3rd	Delivering respiratory care services without a license.
1476			



1477	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1478	483.901 (9)	3rd	Practicing medical physics without a license.
1479	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1480	484.053	3rd	Dispensing hearing aids without a license.
1481	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1482	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1483	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less



1484			than \$20,000 by financial institution.
1485	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew <u>driver</u> <del>driver's</del> license or identification card; other registration violations.
1486	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
1487	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1488	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1489	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1490	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless



			manner (vessel homicide).
1491	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1492	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1493	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1494	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1495	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1496	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1497	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1498	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1499	784.081 (1)	1st	Aggravated battery on specified official or employee.





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1500	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1501	784.083 (1)	1st	Aggravated battery on code inspector.
1502	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1503	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
1504	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1505	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1506	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1507	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1508			



1509	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1510	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1511	796.03	2nd	Procuring any person under <u>18</u> <del>16</del> years for prostitution.
1512	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
1513	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
1514	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
1515	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1516	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.



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1517	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1518	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1519	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1520	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1521	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1522	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1523	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.



1524	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1525	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1526	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1527	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1528	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1529	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1530	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1531	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than



			\$100,000.
1532	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1533	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1534	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1535	838.015	2nd	Bribery.
1536	838.016	2nd	Unlawful compensation or reward for official behavior.
1537	838.021(3)(a)	2nd	Unlawful harm to a public servant.
1538	838.22	2nd	Bid tampering.
1539	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1540	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1541	872.06	2nd	Abuse of a dead human body.



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1542 874.10 1st,PBL Knowingly initiates, organizes, plans,  
finances, directs, manages, or  
supervises criminal gang-related  
activity.

1543 893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine  
(or other drug prohibited under s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4.) within 1,000 feet  
of a child care facility, school, or  
state, county, or municipal park or  
publicly owned recreational facility or  
community center.

1544 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine  
or other drug prohibited under s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4., within 1,000 feet  
of property used for religious services  
or a specified business site.

1545 893.13(4)(a) 1st Deliver to minor cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4. drugs).

1546 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25  
lbs., less than 2,000 lbs.

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1548	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1549	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1550	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1551	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1552	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1553	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1554	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1555	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1556	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.



1557	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1558	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1559	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1560	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1561	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1562	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1563	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	943.0435(14)	3rd	Sexual offender; failure to report and





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1564			reregister; failure to respond to address verification.
1565	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1566	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1567	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1568	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1569	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1570	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1571	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1572	(i) LEVEL 9		



1573	Florida Statute	Felony Degree	Description
1574	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1575	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1576	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1577	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1578	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1579	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1580	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.



1581 775.0844 1st Aggravated white collar crime.

1582 782.04(1) 1st Attempt, conspire, or solicit to  
commit premeditated murder.

1583 782.04(3) 1st,PBL Accomplice to murder in connection  
with arson, sexual battery, robbery,  
burglary, and other specified  
felonies.

1584 782.051(1) 1st Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony enumerated in s.  
782.04(3).

1585 782.07(2) 1st Aggravated manslaughter of an elderly  
person or disabled adult.

1586 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward  
or as a shield or hostage.

1587 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or  
facilitate commission of any felony.

1588 787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere  
with performance of any governmental  
or political function.

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- 1590 787.02 (3) (a) 1st, PBL False imprisonment; child under age  
13; perpetrator also commits  
aggravated child abuse, sexual  
battery, or lewd or lascivious  
battery, molestation, conduct, or  
exhibition.
- 1591 790.161 1st Attempted capital destructive device  
offense.
- 1592 790.166 (2) 1st, PBL Possessing, selling, using, or  
attempting to use a weapon of mass  
destruction.
- 1593 794.011 (2) 1st Attempted sexual battery; victim less  
than 12 years of age.
- 1594 794.011 (2) Life Sexual battery; offender younger than  
18 years and commits sexual battery on  
a person less than 12 years.
- 1595 794.011 (4) 1st Sexual battery; victim 12 years or  
older, certain circumstances.
- 1596 794.011 (8) (b) 1st Sexual battery; engage in sexual  
conduct with minor 12 to 18 years by  
person in familial or custodial  
authority.



1597	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1598	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1599	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1600	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1601	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1602	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1603	827.03 (2)	1st	Aggravated child abuse.
1604	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1605	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.



1606	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1607	893.135	1st	Attempted capital trafficking offense.
1608	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1609	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1610	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1611	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1612	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1613	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1614	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.



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- 893.135                    1st    Trafficking in 1,4-Butanediol, 10  
    (1) (j) 1.c.                    kilograms or more.
- 893.135                    1st    Trafficking in Phenethylamines, 400  
    (1) (k) 2.c.                    grams or more.
- 896.101 (5) (c)            1st    Money laundering, financial  
   instruments totaling or exceeding  
   \$100,000.
- 896.104 (4) (a) 3.        1st    Structuring transactions to evade  
   reporting or registration  
   requirements, financial transactions  
   totaling or exceeding \$100,000.

Section 17. This act shall take effect October 1, 2012.

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

And the title is amended as follows:

    Delete everything before the enacting clause  
and insert:

        A bill to be entitled  
An act relating to sex offenses; amending s. 775.21,  
F.S.; replacing the definition of the term "instant  
message name" with the definition of the term  
"Internet identifier"; providing that voluntary  
disclosure of specified information waives a  
disclosure exemption for such information; conforming  
provisions; adding additional offenses to the list of



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1633 sexual predator qualifying offenses; requiring  
1634 disclosure of additional information during the sexual  
1635 predator registration process; requiring that a sexual  
1636 predator who is unable to secure or update a driver  
1637 license or identification card within a specified  
1638 period must report specified information to the local  
1639 sheriff's office within a specified period after such  
1640 change with confirmation that he or she also reported  
1641 such information to the Department of Highway Safety  
1642 and Motor Vehicles; revising reporting requirements if  
1643 a sexual predator plans to leave the United States for  
1644 more than a specified period; providing criminal  
1645 penalties for knowingly providing false registration  
1646 information by act or omission; amending s. 800.03,  
1647 F.S.; providing enhanced penalties for third or  
1648 subsequent indecent exposure violations; amending s.  
1649 903.046, F.S.; requiring a court considering whether  
1650 to release a defendant on bail to determine whether  
1651 the defendant is subject to registration as a sexual  
1652 offender or sexual predator and, if so, to hold the  
1653 defendant without bail until the first appearance on  
1654 the case; providing an exception; amending s.  
1655 943.0435, F.S.; adding additional offenses to the list  
1656 of sexual offender qualifying offenses; replacing the  
1657 definition of the term "instant message name" with the  
1658 definition of the term "Internet identifier";  
1659 conforming provisions; requiring disclosure of  
1660 additional sexual offender registration information;  
1661 requiring that a sexual offender who is unable to





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1662 secure or update a driver license or identification  
1663 card within a specified period must report specified  
1664 information to the local sheriff's office within a  
1665 specified period of such change with confirmation that  
1666 he or she also reported such information to the  
1667 Department of Highway Safety and Motor Vehicles;  
1668 providing additional requirements for sexual offenders  
1669 intending to reside outside of the United States;  
1670 revising criteria applicable to provisions allowing  
1671 removal from the requirement to register as a sexual  
1672 offender; providing criminal penalties for knowingly  
1673 providing false registration information by act or  
1674 omission; amending s. 943.04351, F.S.; requiring a  
1675 specified national search of registration information  
1676 regarding sexual predators and sexual offenders prior  
1677 to appointment or employment of persons by state  
1678 agencies and governmental subdivisions; amending s.  
1679 943.04354, F.S.; revising the criteria applicable to  
1680 provisions allowing removal of the requirement to  
1681 register as a sexual offender or sexual predator;  
1682 amending s. 943.0437, F.S.; replacing the term  
1683 "instant message name" with the term "Internet  
1684 identifier"; amending ss. 944.606 and 944.607, F.S.;  
1685 adding additional offenses to the list of sexual  
1686 offender qualifying offenses; replacing the definition  
1687 of the term "instant message name" with the definition  
1688 of the term "Internet identifier"; conforming  
1689 provisions; requiring disclosure of additional  
1690 registration information; providing criminal penalties



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1691 for knowingly providing false registration information  
1692 by act or omission; amending s. 947.005, F.S.;

1693 revising the definition of the term "risk assessment";  
1694 amending s. 948.31, F.S.; authorizing the court to  
1695 require sexual offenders and sexual predators who are  
1696 on probation or community control to undergo an  
1697 evaluation to determine whether the offender or  
1698 predator needs sexual offender treatment; requiring  
1699 the probationer or community controllee to pay for the  
1700 treatment; removing a provision prohibiting contact  
1701 with minors if sexual offender treatment is  
1702 recommended; amending ss. 985.481 and 985.4815, F.S.;

1703 requiring disclosure of additional registration  
1704 information by certain sexual offenders adjudicated  
1705 delinquent and certain juvenile sexual offenders;  
1706 providing criminal penalties for knowingly providing  
1707 false registration information by act or omission;  
1708 amending s. 947.1405, F.S.; requiring the commission  
1709 to order electronic monitoring for certain conditional  
1710 releasees; amending s. 948.30, F.S.; requiring the  
1711 court to order electronic monitoring for certain  
1712 offenders; amending s. 921.0022, F.S.; correcting  
1713 references; providing an effective date.