

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: CS/SB 1800

INTRODUCER: Criminal Justice Committee and Senator Altman

SUBJECT: Criminal Offenders

DATE: February 16, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Fav/CS
2.			TR	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

Major features of the bill include the following:

- Modifies various registration, reregistration, and reporting provisions relevant to sexual predators and sexual offenders to:
 - Add sex trafficking and other sex offenses to criteria or definitions that qualify a person as a sexual predator or sexual offender.
 - Require that Internet identifiers, palm prints, passports, professional license information, immigration status information, volunteer status at a Florida institution of higher education, and other information be provided, produced, or reported, as specified in the bill.
 - Require sexual predators or sexual offenders to register all Internet identifiers with the FDLE before using them.
 - Require a sexual predator or sexual offender who is unable to secure or update a driver license or identification card with the Department of Highway Safety and Motor Vehicles (DHSMV) to report any change of residence or change of name by reason of marriage or other legal process within 48 hours after the change.

- Require a sexual predator or sexual offender who intends to establish a residence in another state or jurisdiction to report in person to the sheriff of the county of current residence within 21 days before his or her planned departure date if the intended residence of 5 days or more is outside the United States and to provide to the sheriff the address and country of intended residence.
- Authorize sexual offenders to petition for removal of the registration requirement after a specified time period and subject to other specified criteria being met.
- Remove a current requirement that the petitioning sexual offender demonstrate to the court that he or she has not been arrested for any crime since release.
- Modify various penalty sections to punish a sexual predator or sexual offender who fails to report that he or she remains in Florida after reporting an intent to leave Florida, fails to provide required Internet identifier information, or knowingly provides false registration information by act or omission.
- Provides that a third or subsequent violation of s. 800.03, F.S. (vulgar or indecent exposure or exhibition of person's sexual organs and public nakedness in a place not provided or set apart for that purpose), is a third degree felony.
- Provides that when determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider whether the defendant, other than a defendant whose only criminal charge is a traffic misdemeanor offense under ch. 316, F.S., is required to register as a sexual offender or a sexual predator; and, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.
- Provides that a state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information through the Dru Sjodin National Sex Offender Public Website maintained by the United States Department of Justice.
- Modifies current qualifying criteria and procedures relevant to proceedings to remove the requirement to register as a sexual predator or sexual offender, including, but not limited to, the age requirement relevant to the victim of the qualifying offense.
- Authorizes the court to order any probationer or community controllee who is required to register as a sexual predator or sexual offender to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such person needs sexual offender treatment. If the qualified practitioner determines the treatment is needed and recommends it, the probationer or community controllee must successfully complete and pay for it.
- Provides that, in addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after October 1, 2012, and who has been convicted at any time of a specified sexual offense or a similar offense in another jurisdiction, the Parole Commission must order electronic monitoring for the duration of the releasee's supervision.
- Requires the court to order, in addition to any other requirements of s. 948.30, F.S., mandatory electronic monitoring as a condition of probation or community control supervision for a probationer or community controllee whose crime was committed on or after October 1, 2012, and who is placed on probation or community control for a specified

sexual offense or who has previously been convicted of a specified sexual offense or a similar offense in another jurisdiction.

This bill substantially amends sections 775.21, 903.046, 922.0022, 943.0435, 943.04351, 943.04354, 943.0437, 944.606, 944.607, 947.005, 947.1405, 948.30, 948.31, 985.481, and 985.4815, Florida Statutes.

II. Present Situation:

Registration of Sexual Predators and Sexual Offenders: General Information

Florida requires registration of any person who has been convicted or adjudicated delinquent of a specified sexual offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender. The registration laws, which also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders, span several different chapters and numerous statutes, and are implemented through the combined efforts of the Florida Department of Law Enforcement (FDLE), all Florida sheriffs, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the DHSMV, and the Department of Children and Family Services (DCF).¹

A person who meets sexual predator qualifying criteria is designated by a court as a sexual predator. A person who meets sexual offender qualifying criteria is classified as a sexual offender (no court designation). Aside from sexual predator qualifying criteria, there are a few other provisions that apply only to sexual predators, such as the prohibition against working or volunteering at places where children regularly congregate.

Requirements for in-person registration and reregistration (discussed below) are similar for sexual predators and sexual offenders but frequency of reregistration depends on the qualifying offense. Registration requirements may also differ based on a special status, i.e., the sexual predator or sexual offender is in the DOC's control or custody or under its supervision; is in residential commitment under the DJJ or under DJJ's supervision; or is in civil commitment under the DCF as a sexually violent predator. These agencies are required to report certain information on sexual predators and sexual offenders to the FDLE and other persons or entities.

Certain information on sexual predators and sexual offenders is a public record and there are various provisions authorizing or requiring public or community notification of this information. The FDLE, through its agency website, provides a searchable database that contains information about sexual predators and sexual offenders.² Further, local law enforcement agencies provide access to this information, typically through a link to the state public registry maintained by the FDLE.

¹ The FDLE is the central repository for registration information. It also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration.

² "Florida Sexual Offenders and Predators," Florida Department of Law Enforcement, <http://offender.fdle.state.fl.us/offender/homepage.do?jsessionid=Z57sCH6qxtkuph8ZJQpXg> (last visited on February 7, 2012).

SORNA

The federal Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Protection and Safety Act of 2006 (AWA),³ attempts to make all states' laws uniform with respect to requirements (or "minimum" standards) that Congress has judged to be necessary to be included in states' laws. The U.S. Department of Justice (DOJ) maintains the Dru Sjodin National Sex Offender Public Website.⁴ While states are free to choose not to substantially implement SORNA, the AWA provides for sanctioning noncomplying states through a partial reduction in Byrne Justice Assistance Grant funding. The DOJ has determined that Florida has substantially implemented⁵ SORNA.⁶ Florida was the third state to do so.⁷

Registration and Reregistration Requirements

At the FDLE's website,⁸ the following information is provided to sexual predators and sexual offenders regarding registration, reregistration, and other requirements:

- A sexual predator or sexual offender must report in person to the local sheriff's office to register his or her temporary, transient, or permanent address and other information specified in statute within 48 hours of establishing or maintaining a residence in Florida; within 48 hours of release from custody and/or supervision of the DOC, DCF, or DJJ; or in the county of conviction, within 48 hours of conviction if not under custody and/or supervision of the DOC.
- At initial registration, a sexual predator or sexual offender must provide the following information to the FDLE: name; date of birth; social security number; race; sex; height; weight; hair and eye color; photograph; home telephone number and any cellular telephone number; any electronic mail address and any instant message name (as required by statute); address of legal residence; address of any current temporary residence, or if no permanent or temporary residence, any transient residence within Florida; dates of any current or known future temporary residence within Florida or out of state; occupation and place of employment; date and place of each conviction; fingerprints; and a brief description of the crime or crimes committed.
- Within 48 hours after the initial report required (as previously stated), a sexual predator or sexual offender must report in person to the driver license office of the DHSMV and provide

³ P.L. 109-248 (July 27, 2006).

⁴ "Dru Sjodin National Sex Offender Public Website," <http://www.nsopw.gov/Core/Portal.aspx> (last visited on February 7, 2012).

⁵ This standard is satisfied if a jurisdiction carries out the requirements of SORNA as interpreted and explained in the DOJ's guidelines on SORNA. It does not mean that the jurisdiction has necessarily followed SORNA or the DOJ's guidelines on SORNA in all respects.

⁶ "Jurisdictions that have substantially implemented SORNA," Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, U.S. Department of Justice, http://www.ojp.usdoj.gov/smart/newsroom/jurisdictions_sorna.htm (last visited on February 6, 2012).

⁷ "Governor Crist Announces Florida's Implementation of the Adam Walsh Act" (May 18, 2010), Florida Department of Law Enforcement, <https://www.fdle.state.fl.us/Content/News/May-2010/Governor-Crist-Announces-Florida%e2%80%99s-Implementation-.aspx> (last visited on February 6, 2012).

⁸ "Important Information," Florida Department of Law Enforcement, <http://offender.fdle.state.fl.us/offender/Important.jsp#General> (last visited on February 6, 2012), discussing provisions of ss. 775.21 and 943.0435, F.S.

proof of initial registration as a sexual predator or sexual offender to secure or renew a valid Florida driver license or identification card displaying one of the following designations: “775.21, F.S.” or “943.0435, F.S.,” unless a driver license or identification card with such designation was previously secured or updated. A sexual offender must also submit to the taking of a photograph for use by the FDLE in maintaining current records of sexual offenders.

- Each time the driver license or identification card is subject to renewal, or within 48 hours after any change in permanent, temporary, or transient residence or change in name made by marriage or other legal process, a sexual predator or sexual offender must report in person to a driver license office to update the driver license or identification card and ensure that it displays the designations (as previously identified).
- If enrolled, employed, or carrying on a vocation at a Florida institution of higher education, a sexual predator or sexual offender must provide the name, address, and county of each institution, including each campus, enrollment, or employment status, and each change in enrollment or employment status (i.e. commencement or termination) in person at the sheriff’s office. If a sexual offender is supervised by the DOC or the DJJ, this information must be reported to the sexual offender’s probation office, within 48 hours after any change in status.
- A sexual predator or sexual offender must report any electronic mail address or instant message name, prior to using the address or name, during registration/reregistration or by providing all updates through the online system maintained by the FDLE.
- If a sexual predator or sexual offender vacates a permanent, temporary, or transient residence and does not have another permanent, temporary, or transient residence, he or she must report in person to the sheriff’s office in the county where he or she is located within 48 hours. If a sexual predator or sexual offender reports that he or she has vacated a permanent, temporary, or transient residence and then remains at that residence, he or she must report in person to the sheriff’s office where he or she reported vacating the residence. Failure to report this information is a second degree felony. The address will be verified by county, state, or local law enforcement agencies.
- If a sexual predator or sexual offender intends on establishing a permanent, temporary, or transient residence in another state or in a jurisdiction other than Florida, he or she must report in person to the sheriff’s office of the county of current residence within 48 hours before the date that he or she intends to leave Florida to establish residence in another state or jurisdiction. If the sexual predator or sexual offender reporting this information later decides to remain in Florida, he or she must report in person to the sheriff’s office to which he or she reported the intention of leaving Florida within 48 hours after the intended departure date. Failure to report this information is a second degree felony.
- A sexual predator or sexual offender must report in person either twice a year (during the birth month and during the sixth month following the birth month) or four times a year (once during the birth month and every third month thereafter), depending upon his or her offense/designation, to the sheriff’s office in the county in which he or she resides or is otherwise located to reregister. All sexual predators and sexual offenders convicted for offenses specified in s. 943.0435(14), F.S., and juvenile sexual offenders required to register pursuant to s. 943.0435(1)(a)1.d., F.S., are required to reregister four times a year. All other sexual offenders are required to reregister twice a year.

- If a sexual predator or sexual offender lives in another state but works or attends school in Florida, he or she must register the work or school address as a temporary address within 48 hours by reporting in person to the local sheriff's office.
- A sexual predator or sexual offender must respond to any address verification correspondence from the FDLE within three weeks of the date of the correspondence.
- If employed, carrying on a vocation, a student, or becoming a resident of another state, a sexual predator or sexual offender may have a requirement to register under the laws of that state.
- A sexual predator or sexual offender must maintain registration for the duration of his or her life.⁹

Reporting of Information Regarding Sexual Predators and Sexual Offenders

Section 944.606, F.S., in part, requires the DOC to report to the FDLE certain personal information regarding a sexual offender who is being released after serving a period of incarceration. Similarly, agency reporting requirements exists in other statutes:

- Section 944.607, F.S., in part, requires the DOC to report to the FDLE certain personal information regarding a sexual offender who is in the DOC's custody or control or under its supervision, or in the custody of a private correctional facility.
- Section 985.481, F.S., in part, requires the DJJ to report to the FDLE certain personal information regarding a sexual offender released from residential commitment under the DJJ.
- Section 985.4815, F.S., in part, requires the DJJ to report to the FDLE certain personal information regarding a sexual offender under DJJ supervision but who is not committed.

Public Registry Searches Prior to Appointment or Employment of Certain Government Employees

Section 943.04351, F.S., provides that a state agency or governmental subdivision, prior to making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the FDLE under s. 943.043, F.S. The agency or governmental subdivision may conduct the search using the Internet site maintained by the FDLE. Section 943.04351, F.S., does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

Providing Information to Commercial Social Networking Websites

Section 943.0437, F.S., provides that the FDLE may provide information relating to electronic mail addresses and instant message names maintained as part of the sexual offender registry to commercial social networking websites¹⁰ or third parties designated by commercial social

⁹ This is the general rule. Exceptions exist in ss. 775.21, 943.0435, and 943.04354, F.S.

¹⁰ The term "commercial social networking website" is defined in the statute as a commercially operated Internet website that allows users to create web pages or profiles that provide information about themselves and are available publicly or to other

networking websites. The commercial social networking website may use this information for the purpose of comparing registered users and screening potential users of the commercial social networking website against the list of electronic mail addresses and instant message names provided by the FDLE.

Section 943.0437, F.S., shall not be construed to impose any civil liability on a commercial social networking website for any action that meets either criterion:

- The action was voluntarily taken in good faith to remove or disable any profile of a registered user associated with an electronic mail address or instant message name contained in the sexual offender registry.
- The action was taken to restrict access by such registered user to the commercial social networking website.

Removal of Registration Requirement

Section 943.04354, F.S.,¹¹ provides for the removal of the requirement to register as a sexual predator or sexual offender if a court finds that *all* criteria are met and grants a motion or petition for removal of the registration requirement. A person shall be considered for removal of the requirement to register as a sexual offender or sexual predator only if the person:

- Was or will be convicted or adjudicated delinquent of a violation of s. 794.011, F.S., s. 800.04, F.S., s. 827.071, F.S., or s. 847.0135(5), F.S., or the person committed a violation of s. 794.011, F.S., s. 800.04, F.S., s. 827.071, F.S., or s. 847.0135(5), F.S., for which adjudication of guilt was or will be withheld, and the person does not have any other conviction, adjudication of delinquency, or withhold of adjudication of guilt for a violation of s. 794.011, F.S., s. 800.04, F.S., s. 827.071, F.S., or s. 847.0135(5), F.S.
- Is required to register as a sexual offender or sexual predator solely on the basis of this violation.
- Is not more than 4 years older than the victim of this violation who was 14 years of age or older but not more than 17 years of age at the time the person committed this violation.

A person who meets all of these criteria can move the court for removal of the registration requirement if the qualifying violation was committed on or after July 1, 2007. The motion is made in the court that will sentence or dispose of the qualifying violation. The person must allege in the motion that he or she meets all of the criteria and that removal of the registration requirement will not conflict with federal law.¹² The state attorney must be given notice of the motion at least 21 days before the date of sentencing or disposition of the qualifying violation

users and that offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messenger.

¹¹ This statute is sometimes referred to as the “Romeo and Juliet” statute or law.

¹² Of relevance to s. 943.04354, F.S., SORNA does not require registration “[w]here both participants are at least 13 years old and neither participant is more than 4 years older than the other, a sex offense conviction based on consensual sexual conduct does not require registration under the Adam Walsh Act,” though “jurisdictions have discretion to exceed the minimum standards of SORNA and require registration upon convictions based on consensual sexual conduct.” “SORNA,” Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, U.S. Department of Justice, <http://www.ojp.usdoj.gov/smart/sorna.htm#consensualconduct> (last visited on February 8, 2012).

and may present evidence in opposition to the requested relief or may otherwise demonstrate why the motion should be denied. At sentencing or disposition of the qualifying violation, the court must rule on this motion and, if the court determines the person meets the criteria and the removal of the registration requirement will not conflict with federal law, it may grant the motion and order the removal of the registration requirement. If the court denies the motion, the person is not authorized to petition for removal of the registration requirement.

A person who meets all of the criteria but does not qualify to seek relief by motion can seek relief by petition in the court in which the sentence or disposition for the qualifying violation occurred. All of the previously described requirements for the motion and the disposition of the motion apply to the petition and disposition of petition. If the court denies the petition, the person is not authorized under s. 943.04354, F.S., to file any further petition for removal of the registration requirement.

If a person provides to the FDLE a certified copy of the court's order removing the requirement that the person register as a sexual offender or sexual predator, the registration requirement will not apply to the person and the FDLE must remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the FDLE. However, the removal of this information from the public registry does not mean that the public is denied access to information about the person's criminal history or record that is otherwise available as a public record.

Purpose of and Criteria for Bail Determination

Article I, Section 14, of the Florida Constitution, provides: "Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained."

Section 903.046, F.S., sets forth the purpose of a bail determination. It also provides considerations which the court is required to consider when determining whether to release a defendant on bail or other conditions, and what the bail or those conditions may be. For example, the court must consider the nature and circumstances of the offense charged. The bill includes a new consideration, which bears some similarity to the consideration in s. 903.46(2)(1), F.S.:

Whether the crime charged is a violation of chapter 874 or alleged to be subject to enhanced punishment under chapter 874. If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement, he or she shall not be eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Conditional Release Program

The Conditional Release Program is under the administration of the Florida Parole Commission (Commission). The Commission states: “This program requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment, or who are sentenced as a habitual offender or sexual predator. Unlike parole, conditional release is not a discretionary release. Upon release from prison, inmates who are subject to conditional release are supervised for a period of time equal to the gain-time that they received in prison. These offenders are subject to strict conditions of supervision set by the Commission and this supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred.”

Section 947.1405, F.S., which is the Conditional Release Program Act, in part, requires the Commission to impose certain conditions upon conditional releasees who have committed (on or after a specified date) a specified offense and meet other statutory criteria.

Additional Terms and Conditions of Probation or Community Control for Certain Sexual Offenses

Section 948.30, F.S., sets forth terms and conditions that a court must impose on probationers or community controllees who have committed (on or after a specified date) a specified sexual offense. The statute, in part, requires the court to order, in addition to any other provision of the statute, mandatory electronic monitoring as a condition of the probation or community control for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who meets any of the following criteria:

- The probationer or community controllee was placed on probation or community control for a violation of ch. 794, F.S., s. 800.04(4), (5), or (6), F.S., s. 827.071, F.S., or s. 847.0145, F.S., and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.
- The probationer or community controllee is designated a sexual predator pursuant to s. 775.21, F.S.
- The probationer or community controllee has previously been convicted of any of the offenses previously described and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

Evaluation and Treatment of Sexual Predators and Sexual Offenders on Probation or Community Control

Section 948.31, F.S., provides that the court shall require an evaluation by a qualified practitioner to determine the need of a probationer or community controllee for treatment. If the court determines that a need for the treatment is established by the evaluation process, the court shall require sexual offender treatment as a term or condition of probation or community control for any person who is required to register as a sexual predator under s. 775.21, F.S., or sexual offender under s. 943.0435, F.S., s. 944.606, F.S., or s. 944.607, F.S. The treatment must be obtained from a qualified practitioner as defined in s. 948.001, F.S. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of

committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(a)1.a.(I), F.S. The court must impose a restriction against contact with minors if sexual offender treatment is recommended. The evaluation and recommendations for treatment of the probationer or community controllee must be provided to the court for review.

III. Effect of Proposed Changes:

Section 1 amends s. 775.21, F.S., relating to sexual predator registration, to:

- Add to the list of offenses that, in addition to other criteria, qualify a person for designation as a “sexual predator” for the following offenses:
 - Sexual misconduct by an employee of the Department of Children and Family Services (DCF) or other specified person with specified individuals with developmental disabilities. (Section 393.135(2), F.S.)
 - Sexual activity by a DCF employee or other specified person with a patient in the DCF’s custody or residing in a receiving or treatment facility. (Section 394.4593(2), F.S.)
 - Sex trafficking. (Section 796.045, F.S.)¹³
 - Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person. (Section 825.1025, F.S.)¹⁴
 - Sexual misconduct by a DCF employee or other specified person with a forensic client who resides in a civil or forensic facility. (Section 916.1075(2), F.S.)
- Require a sexual predator to provide or produce at registration and reregistration the following information and changes to that information:
 - Tattoos or other identifying marks.
 - All “Internet identifiers”¹⁵ (current references to instant message names in various registration statutes are removed). A sexual predator is required to register all Internet identifiers with the FDLE before using them. The FDLE must establish an online system through which sexual predators may securely access and update all Internet identifier information.
 - Make, model, color, registration number, and license tag number of all vehicles owned.
 - Palm prints. The sheriff’s office is required to take a sexual predator’s palm prints and forward them to the FDLE.
 - A passport, if the sexual predator has a passport.
 - Information about documents establishing immigration status, if the sexual predator is an alien.
 - Information about any professional licenses the sexual predator may have.
 - Information that the sexual predator is volunteering at a Florida institution of higher education.¹⁶ The sheriff’s office or the DOC, if the sexual predator is in the DOC’s custody or control or under its supervision, is required to report to a Florida institution of

¹³ CS/SB 1880 would repeal this statute.

¹⁴ Current law just references lewd or lascivious battery upon an elderly person or disabled person.

¹⁵ The bill defines “Internet identifier” as all electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication, but does not include a date of birth, social security number, or personal identification number (PIN). However, voluntary disclosure of the exempted information waives the disclosure exemption.

¹⁶ Under current law, a sexual predator must report a change in enrollment or employment status at a Florida institution of higher education within 48 hours after the change, unless the sexual predator is in the DOC’s custody or control or under its supervision, in which case the DOC reports the change. The bill does not specifically direct the sexual predator to report a change in volunteer status within 48 hours after the change. (See “Technical Deficiencies” section of this analysis.)

higher education any change in the sexual predator's status as a volunteer at that institution.

- Require a sexual predator who is unable to secure or update a driver license or identification card with the DHSMV to report any change of residence or change of name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county in which the sexual predator resides or is located, and to provide confirmation that he or she has reported the change to the DHSMV.
- Require a sexual predator who intends to establish a residence in another state or jurisdiction to report in person to the sheriff of the county of current residence within 21 days before his or her planned departure date if the intended residence of 5 days or more is outside the United States and to provide to the sheriff the address and country of intended residence. The FDLE is required to notify the law enforcement agency (comparable to a statewide law enforcement agency) of the country of residence of the sexual predator's intended residence.
- Require a sexual predator who indicates his or intent to establish a residence in another country and later decides to remain in Florida to report in person, within 48 hours after the date upon which the sexual predator indicated he or she would leave Florida, to the sheriff's office where the sexual predator reported the intended change of residence, and report his or her intent to remain in Florida.
- Amend two penalty sections to provide that:
 - It is a second degree felony for a sexual predator who reports his or her intent to establish a residence in another country to remain in Florida without reporting to the sheriff this information in the manner required by s. 775.21, F.S.
 - It is a third degree felony to fail to provide required Internet identifier information.
 - It is a third degree felony to knowingly provide false registration information by act or omission.

Section 2 amends s. 800.03, F.S., prohibiting vulgar or indecent exposure or exhibition of a person's sexual organs and public nakedness in a place not provided or set apart for that purpose, to provide that a third or subsequent violation of s. 800.03, F.S., is a third degree felony.

Section 3 amends s. 903.046, F.S., relating to the purpose of and criteria for bail determination, to provide that when determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under ch. 316, F.S. (state uniform traffic control), is required to register as a sexual offender under s. 943.0435, F.S., or a sexual predator under s. 775.21, F.S.; and, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

Section 4 amends s. 943.0435, F.S., relating to sexual offender registration, to:

- Add the offenses added to sexual predator criteria in s. 775.21, F.S. (except for s. 825.1025, F.S., which is currently listed), by Section 1 of the bill to the definition of "sexual offender" pertinent to s. 943.0435, F.S.
- Provide that a court is not required to make a written finding of the age of the victim at the time of the offense for a sexual offender who, on or after July 1, 2007, has been adjudicated

delinquent for committing, or attempting, soliciting or conspiring to commit, a violation of s. 794.011, F.S.

- Require a sexual offender to provide or produce at registration and/or reregistration the following information and changes to that information:
 - All Internet identifiers. A sexual offender is required to register all Internet identifiers with the FDLE before using them. The FDLE must establish an online system through which sexual offenders may securely access and update all Internet identifier information.
 - Make, model, color, registration number, and license tag number of all vehicles owned.
 - Fingerprints.
 - Palm prints. The sheriff's office is required to take a sexual offender's palm prints and forward them to the FDLE.
 - Photograph.
 - Passport, if the sexual offender has a passport.
 - Information about documents establishing immigration status, if the sexual offender is an alien.
 - Information about any professional licenses the sexual offender may have.
 - Information indicating the sexual offender is volunteering at a Florida institution of higher education. Each change in volunteer status must be reported in person at the sheriff's office within 48 hours after the change. The sheriff is required to report to a Florida institution of higher education any change in the sexual offender's status as a volunteer at that institution.
 - Any other information determined necessary by the FDLE, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.
- Require a sexual offender who is unable to secure or update a driver license or identification card with the DHSMV to report any change in residence or change in name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the sexual offender resides or is located, and to provide confirmation that he or she has reported the change to the DHSMV.
- Require a sexual offender who intends to establish a residence in another state or jurisdiction to report in person to the sheriff of the county of current residence within 21 days before his or her planned departure date if the intended residence of 5 days or more is outside the United States and to provide to the sheriff the address and country of intended residence. The FDLE is required to notify the law enforcement agency (comparable to a statewide law enforcement agency) of the country of residence of the sexual offender's intended residence.
- Require a sexual offender who indicates his or intent to establish a residence in another country and later decides to remain in Florida to report in person, within 48 hours after the date upon which the sexual offender indicated he or she would leave Florida, to the sheriff's office where the sexual offender reported the intended change of residence, and report his or her intent to remain in Florida.
- Authorize a sexual offender to petition the criminal division of the circuit court of the circuit in which the sexual offender resides for removal of the registration requirement if:
 - Twenty-five years have elapsed since the sexual offender's registration period for the most recent conviction that required the offender to register began;
 - The sexual offender has not been convicted or adjudicated delinquent of any felony offense or of an offense punishable by more than 1 year of imprisonment during the years preceding the petition to the court;

- The sexual offender has successfully completed all sanctions imposed for all offenses that required the offender to register;
- The sexual offender's requirement to register was not based upon an adult conviction for a violation of s. 787.01, F.S., s. 794.011, F.S., excluding s. 794.011(10), F.S., s. 800.04(4)(b), F.S., where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion, s. 800.04(5)(b), F.S., or s. 800.04(5)(c)2., F.S., where the court finds the offense involved unclothed genitals or genital area; for any attempt or conspiracy to commit any of these offenses or for a violation of similar law of another jurisdiction; and
- For sexual offenders whose requirement to register is based upon a conviction in another state, the sexual offender is not required to register as a sexual offender pursuant to the laws of the state where the conviction occurred.
- Authorize a sexual offender whose requirement to register was based upon an adult conviction for a violation of s. 787.02, F.S., or s. 827.071(5), F.S., for any attempt or conspiracy to commit any of these offenses, or for a violation of similar law of another jurisdiction to petition for removal of the registration requirement in the criminal division of the circuit court of the circuit in which the sexual offender resides if:
 - Fifteen years have elapsed since the sexual offender's registration period for the most recent conviction that required the offender to register began;
 - The sexual offender has not been convicted or adjudicated delinquent of any felony offense or of an offense punishable by more than 1 year of imprisonment during the years preceding the petition to the court;
 - The sexual offender has successfully completed all sanctions imposed for all offenses that required the offender to register; and
 - For sexual offenders whose requirement to register is based upon a conviction in another state, the sexual offender is not required to register as a sexual offender pursuant to the laws of the state where the conviction occurred.
- Authorize a sexual offender required to register under s. 943.0435(1)(a)(1)(d), F.S.,¹⁷ to petition for removal of the registration requirement in the criminal division of the circuit court of the circuit in which the sexual offender resides if:
 - Twenty-five years have elapsed since the sexual offender's registration period for the most recent adjudication that required the offender to register began;
 - The sexual offender has not been convicted or adjudicated delinquent of any felony offense or of an offense punishable by more than 1 year of imprisonment during the 25 years preceding the petition to the court; and
 - The sexual offender has successfully completed all sanctions imposed for any offense that required the offender to register.
- Remove a current provision that requires the sexual offender to demonstrate to the court considering whether to grant or deny the relief that he or she has not been arrested for any crime since release.
- Require the FDLE to be given notice of the petition for removal of the registration requirement.

¹⁷ This sub-subparagraph applies to a person who, on or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the statutes or statutory provisions listed in the sub-subparagraph.

- Provide that if the court grants the petition, the court shall instruct the petitioner to provide the FDLE with a certified copy of the order granting relief.
- Provide, for the purpose of sexual offenders who may qualify to petition for removal of the registration requirement, that:
 - The registration period of a sexual offender sentenced to a term of incarceration or committed to a residential program begins upon the offender's release for the most recent conviction that required the offender to register.
 - A sexual offender's registration period is tolled during any period in which the offender is incarcerated, civilly committed, detained pursuant to ch. 985, F.S., or committed to a residential program.
- Amend two penalty sections to provide that:
 - It is a second degree felony for a sexual offender who reports his or her intent to establish a residence in another country to remain in Florida without reporting to the sheriff this information in the manner required by s. 943.0435, F.S.
 - It is a third degree felony to fail to provide required Internet identifier information.
 - It is a third degree felony to knowingly provide false registration information by act or omission.

Section 5 amends s. 943.04351, F.S., regarding required searches of sexual predator and sexual offender registration information, to provide that a state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a national search through the Dru Sjodin National Sex Offender Public Website maintained by the DOJ.

Section 6 amends s. 943.04354, F.S., relating to removal of the requirement to register as a sexual offender or sexual predator in special circumstances, to:

- Amend criteria for qualifying for consideration for removal of the registration requirement to:
 - Remove reference to an incipient conviction (“will be convicted”).
 - Modify qualifying convictions or juvenile adjudications to include:
 - A conviction, regardless of adjudication, or an adjudication of delinquency of a specified Florida offense, or a similar offense in another jurisdiction, and the person does not have any other conviction, regardless of adjudication or adjudication of delinquency for a specified Florida offense.
 - A conviction, regardless of adjudication, or an adjudication of delinquency of a specified Florida offense, or a similar offense in another jurisdiction and the person is required to register as a sexual offender or sexual predator solely on the basis of this conviction or adjudication.
 - A conviction, regardless of adjudication, or an adjudication of delinquency of an offense in another jurisdiction that is similar to a specified Florida offense and the person with the conviction or adjudication of delinquency no longer meets the criteria for registration as a sexual offender or sexual predator under the laws of the jurisdiction where the similar offense occurred.
 - Provide that the victim of the qualifying offense must have been 13 years of age or older but less than 18 years of age at the time the offense was committed.

- Remove the current requirement that a person’s relevant offense must be committed on or after July 1, 2007, to move for removal of the registration requirement.
- Provide that the motion for removal of the registration requirement is in the sentencing court, or for persons convicted or adjudicated delinquent of a qualifying offense in another jurisdiction, in the criminal circuit court of the circuit in which the person resides.
- Remove current provisions providing for removal of the registration requirement by petition.¹⁸
- Require that a person who was convicted or adjudicated delinquent of an offense in another jurisdiction that is similar to a specified Florida offense must provide the court with written confirmation that he or she is not required to register in the state where the conviction or adjudication occurred.
- Provide as another permissible time period for notice of the motion: at least 21 days prior to the hearing on the motion.
- Require the FDLE to be given notice of the motion for removal of the registration requirement.
- Authorize the FDLE to present evidence in opposition to the requested relief or otherwise demonstrate why the motion should be denied.
- Provide as another permissible time period for the court to rule on the motion: at the hearing on the motion.
- Require the court to instruct the person to provide to the FDLE a certified copy of the order granting relief.
- Specify that if a person provides to the FDLE a certified copy of the court’s order removing the requirement to register as a sexual predator or sexual offender for a violation of a similar offense in another jurisdiction, the registration requirement does not apply to that person and the FDLE shall remove all information about the person from the public registry.

Section 7 amends s. 943.0437, F.S., relating to commercial social networking websites, to authorize the FDLE to provide information relating to Internet identifiers maintained as part of the sexual offender registry to commercial social networking sites or their designated third parties. A commercial social networking website may use this information for the purpose of comparing registered users and screening potential users of the website against the list of Internet identifiers provided by the FDLE. Section 943.0437, F.S., shall not be construed to impose any civil liability on a commercial social networking website for any action voluntarily taken in good faith to remove or disable any profile of a registered user associated with an Internet identifier contained in the sexual offender registry.

Section 8 amends s. 944.606, F.S., relating to notification of release of sexual offenders, to:

- Add the offenses added to sexual predator criteria in s. 775.21, F.S. (except for s. 825.1025, F.S., which is currently listed), by Section 1 of the bill to the definition of “sexual offender” pertinent to s. 944.606, F.S.
- Require the DOC to provide to the FDLE the following information about a sexual offender released from imprisonment:

¹⁸ This petition process is currently available to those who do not qualify under the statute to seek removal by motion but otherwise meet criteria to be considered for removal of the registration requirement.

- Palm prints.
- All Internet identifiers.
- Information about any professional licenses the sexual offender may have, if known.
- Passport information, if the sexual offender has a passport.
- Information about documents establishing immigration status, if the sexual offender is an alien.

Section 9 amends s. 944.607, F.S., relating to notification to the FDLE of information on sexual offenders, to:

- Add the offenses added to sexual predator criteria in s. 775.21, F.S. (except for s. 825.1025, F.S., which is currently listed), by Section 1 of the bill to the definition of “sexual offender” pertinent to s. 944.607, F.S.
- Require a sexual offender who is under the supervision of the DOC but is not incarcerated to provide or produce at registration and/or reregistration the following information and changes to that information:
 - Palm prints.
 - All Internet identifiers.
 - Make, model, color, registration number, and license tag number of all vehicles owned.
 - Passport, if the sexual offender has a passport.
 - Information about documents establishing immigration status, if the sexual offender is an alien.
 - Information about any professional licenses the sexual offender may have.
 - Information indicating the sexual offender is volunteering at a Florida institution of higher education. Each change in volunteer status must be reported in person at the sheriff’s office within 48 hours after the change. The DOC is required to report to a Florida institution of higher education any change in the sexual offender’s status as a volunteer at that institution.
- Amend a penalty provision to provide that:
 - It is a third degree felony to fail to report all Internet identifier information.
 - It is a third degree felony to knowingly provide false registration information by act or omission.

Section 10 amends s. 947.005, F.S., the definitions section of ch. 947, F.S., relating to the Parole Commission, to modify the definition of “risk assessment” to mean an assessment completed by a qualified practitioner to evaluate the level of risk associated when a sex offender has contact with a child (the current definition indicates the practitioner must be an “*independent* qualified practitioner”).

Section 11 amends s. 948.31, F.S., relating to evaluation and treatment of sexual predators and offenders on probation and community control, to:

- Remove from the statute language that:
 - Requires the court to order an evaluation by a qualified practitioner to determine the need of a probationer or community controllee for treatment.

- Provides that if the court determines that there is a need for treatment, the court shall require sexual offender treatment as a term of condition of probation or community control for any person required to register as a sexual predator or sexual offender.
- Requires the court to impose a restriction against contact with minors if sexual offender treatment is recommended.
- Requires that the evaluation and recommendations for treatment of the probationer or community controllee be provided to the court for review.
- Authorize the court to order any probationer or community controllee who is required to register as a sexual predator or sexual offender to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such person needs sexual offender treatment. If the qualified practitioner determines the treatment is needed and recommends it, the probationer or community controllee must successfully complete and pay for it.

Section 12 amends s. 985.481, F.S., relating to registration of sexual offenders adjudicated delinquent of certain offenses and DJJ notification of release, to require the DJJ to provide to the FDLE the following information regarding any sexual offender who is being released after serving a period of residential commitment under the DJJ:

- Make, model, color, registration number, and license tag number of all vehicles owned.
- Information about any professional licenses the offender may have, if known.
- Passport information, if the sexual offender has a passport.
- Information about documents establishing immigration status, if the sexual offender is an alien.

Section 13 amends s. 985.4815, F.S., relating to notification to the FDLE of information on juvenile sex offenders, to:

- Require a sexual offender under the supervision of the DJJ but who is not committed with the DJJ to provide or produce at registration and/or reregistration the following information and changes to that information:
 - Make, model, color, registration number, and license tag number of all vehicles owned.
 - Passport, if the sexual offender has a passport.¹⁹
 - Information about documents establishing immigration status, if the sexual offender is an alien.
 - Information about any professional licenses the sexual offender may have.
 - Information indicating the sexual offender is volunteering at a Florida institution of higher education. Each change in volunteer status must be reported in person at the sheriff's office within 48 hours after the change. The DJJ must report to the Florida institution of higher education any change in the sexual offender's volunteer status at the institution.
- Amend a penalty provision to provide that it is a third degree felony to knowingly provide false registration information by act or omission.

¹⁹ The reregistration provision specifies passport information.

Section 14 amends s. 947.1405, F.S., relating to the conditional release program, to provide that, in addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after October 1, 2012, and who has been convicted at any time of a violation of s. 800.04(7)(b), F.S., or s. 847.0135(4), F.S., or a similar offense in another jurisdiction, the Parole Commission must order electronic monitoring for the duration of the releasee's supervision.

Section 15 amends s. 948.30, F.S., relating to additional terms and conditions of probation or community control for certain sex offenses, to require the court to order, in addition to any other requirements of s. 948.30, F.S., mandatory electronic monitoring as a condition of probation or community control supervision for a probationer or community controllee whose crime was committed on or after October 1, 2012, and who:

- Is placed on probation or community control for a violation of s. 800.04(7)(b), F.S., or s. 847.0135(4), F.S.; or
- Has previously been convicted of a violation of s. 800.04(7)(b), F.S., or s. 847.0135(4), F.S., or a similar offense in another jurisdiction.

Section 16 amends s. 921.0022, F.S., the offense severity ranking chart of the Criminal Punishment Code, to make technical, not substantive changes (grammatical corrections and corrections to descriptive language of some offenses for accuracy).

Section 17 provides that the act shall take effect October 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference (CJIC), which provides the final, official estimate of the prison bed impact, if any, of legislation estimated that the original bill would have an insignificant prison bed impact. The penalty provisions of the bill as amended in the Committee on Criminal Justice are substantially similar to SB 1812, which the CJIC estimated would also have an insignificant prison bed impact.

It is anticipated that electronic monitoring provisions of the bill will have an impact on the DOC. The House companion to the bill, CS/CS/HB 455, provides that the sum of \$112,420 of recurring funds from the General Revenue Fund is appropriated to the DOC to provide for electronic monitoring.

The FDLE is currently modifying its analysis of the bill in light of the changes to the bill in the Committee on Criminal Justice. The registration provisions of the bill as amended appear to be substantially similar to SB 1812. In its analysis of SB 1812, the FDLE estimated it would incur a \$66,425 impact (non-recurring expenditures) because of programming changes and continued on-going support and maintenance. Current contract staff have the knowledge to complete this project; however, the FDLE will have to contract for additional hours. The FDLE stated that, while the impact of SB 1812 does not necessitate additional resources (the impact of the bill will be handled within the FDLE's existing resources), the impact of the bill in combination with the impact of additional bills requiring programming enhancements to the sexual offender/predator registration/notification system could rise to the level at which additional resources are required.²⁰

In its analysis of SB 1812, the DOC indicated that the bill would require internal programming, form, and procedure revisions, but the fiscal impact for these revisions is not significant.²¹

VI. Technical Deficiencies:

On lines 192 the bill does not currently indicate that any change in the sexual predator's volunteer status at a Florida institution of higher education must be reported by the sexual predator.

Line 1050 references "sentencing court." Since those who may appear before the court to move for removal of the registration requirement may not always be those being sentenced for the qualifying offense, the sponsor may wish to consider replacing "sentencing court" with "the criminal circuit court of the circuit in which the qualify offense occurred or is or was sentenced or disposed."

²⁰ Analysis of SB 1812, Florida Department of Law Enforcement, dated January 26, 2012 (on file with the Committee on Criminal Justice).

²¹ Analysis of SB 1812, Florida Department of Corrections, dated January 31, 2012 (on file with the Committee on Criminal Justice).

On Line 1076 the bill retains in the law the word “petition” but the bill removes all provisions relating to a petition process. Line 1075-1076 could be reworded to read: “If the court denies the motion, the person is not authorized under this section to file any further motion for removal of the registration requirements.”

The following are suggested changes to the bill provided by the FDLE that appear to be addressing technical issues:

- Remove the word “all” from lines 157-158, 160, 248-249, 467-469, 510, 661-662, 676-678, 755, 953, 955, 990, 1249-1250, 1295-1296, and 1331. The FDLE states that the language could be interpreted as requiring a sexual predator or sexual offender to only report changes if there is a change to “all” internet identifiers, email addresses, or home phone numbers.
- Rephrase lines 365-367 and 763-765 to state “to establish residence in another state, a jurisdiction other than the State of Florida, or another country” to clarify that the requirement to report 48 hours prior to travel applies to international travel of less than 5 days duration. The FDLE states that the requirement for a sexual predator or sexual offender to report international travel 21 days prior to departure for a trip or residence of 5 days or more could be interpreted as meaning that international travel of less than 5 days duration is not required to be reported at all. These changes would provide clarification and would be consistent with language proposed elsewhere in the bill.
- Add the proposed requirement for an offender to report international travel 21 days prior to departure for a trip or residence of 5 days or more to s. 944.607, F.S. (sexual offenders under DOC supervision) and 985.4815, F.S. (juvenile sexual offenders). The FDLE states that this change would insure all registrants have the same reporting requirements.
- Add the words “prior to use” to lines 510, 990, and 1331. The FDLE states that this addition would clarify that electronic mail addresses and internet identifiers are required to be provided prior to use. The current language could be interpreted to only require reporting all electronic mail addresses and internet identifiers without specifying when and how they are to be reported.
- Add to Section 3 of the bill a requirement for the court to search the Florida Sexual Offender/Predator Public Registry and the Dru Sjodin National Sexual Offender Public Website maintained by the DOJ. The FDLE states that any sexual predator or sexual offender currently listed on the Florida Sexual Offender/Predator Public Registry or the Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) system is identifiable as a sexual predator or sexual offender. However, there may be other persons who qualify for sexual predator or sexual offender registration who are currently unknown to Florida’s registry. It is unclear how the courts should proceed in such circumstances when determining if bail will or will not be granted prior to first appearance.

VII. Related Issues:

The FDLE suggests the following changes to the bill (which do not appear to be addressing technical deficiencies per se but address issues related to the bill):

- Add the words “and the court determines that the act was consensual” to line 1046. The FDLE states that this change would clarify the requirements for removal of the registration requirement under s. 943.04354, F.S., are in compliance with SORNA.

- Add the home telephone numbers and cellular telephone numbers to the reported information in Sections 9 and 13. The FDLE states that this change would ensure consistency between the DOC and DJJ statutes in receiving and reporting this information as required by statute.
- Change the effective date of the bill to April 8, 2013, to allow time to complete the system updates successfully.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on February 16, 2012:

- Adds sex trafficking and other sex offenses to criteria or definitions that qualify a person as a sexual predator or sexual offender.
- Requires that palm prints, volunteer status at a Florida institution of higher education, and other information be provided, produced, or reported, as specified in the bill.
- Requires a sexual predator or sexual offender who intends to establish a residence in another state or jurisdiction to report in person to the sheriff of the county of current residence within 21 days before his or her planned departure date if the intended residence of 5 days or more is outside the United States and to provide to the sheriff the address and country of intended residence.
- Modifies various penalty sections to punish a sexual predator or sexual offender who knowingly provides false registration information by act or omission.
- Provides that a third or subsequent violation of s. 800.03, F.S. (vulgar or indecent exposure or exhibition of person's sexual organs and public nakedness in a place not provided or set apart for that purpose), is a third degree felony.
- Provides that when determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider whether the defendant, other than a defendant whose only criminal charge is a traffic misdemeanor offense under ch. 316, F.S., is required to register as a sexual offender or a sexual predator; and, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public
- Modifies current qualifying criteria and procedures relevant to proceedings to remove the requirement to register as a sexual predator or sexual offender, including, but not limited to, the age requirement relevant to the victim of the qualifying offense.
- Authorizes the court to order any probationer or community controllee who is required to register as a sexual predator or sexual offender to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such person needs sexual offender treatment. If the qualified practitioner determines the treatment is needed and recommends it, the probationer or community controllee must successfully complete and pay for it.
- Provides that, in addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after October 1, 2012, and who has been convicted at any time of a specified sexual offenses or a similar offense in another jurisdiction, the Parole Commission must order electronic monitoring for the duration of the releasee's supervision.

- Requires the court to order, in addition to any other requirements of s. 948.30, F.S., mandatory electronic monitoring as a condition of probation or community control supervision for a probationer or community controllee whose crime was committed on or after October 1, 2012, and who is placed on probation or community control for a specified sexual offense or has previously been convicted of a specified sexual offense or a similar offense in another jurisdiction.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
