

By Senator Altman

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1                   A bill to be entitled  
2       An act relating to criminal offenders; amending s.  
3       775.21, F.S.; replacing the definition of the term  
4       "instant message name" with the definition of the term  
5       "Internet identifier"; providing that voluntary  
6       disclosure of specified information waives a  
7       disclosure exemption for such information; conforming  
8       provisions; requiring disclosure of passport and  
9       immigration status information; requiring that a  
10      sexual predator who is unable to secure or update a  
11      driver license or identification card within a  
12      specified period must report specified information to  
13      the local sheriff's office within a specified period  
14      after such change with confirmation that he or she  
15      also reported such information to the Department of  
16      Highway Safety and Motor Vehicles; requiring a sexual  
17      predator released in a homeless or transient status to  
18      report in person to the sheriff's office in the county  
19      in which he or she is located within a specified  
20      period; revising reporting requirements if a sexual  
21      predator plans to leave the United States for more  
22      than a specified period; amending s. 943.0435, F.S.;  
23      replacing the definition of the term "instant message  
24      name" with the definition of the term "Internet  
25      identifier"; conforming provisions; requiring  
26      disclosure of passport and immigration status  
27      information; requiring that a sexual predator who is  
28      unable to secure or update a driver license or  
29      identification card within a specified period must

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30 report specified information to the local sheriff's  
31 office within a specified period of such change with  
32 confirmation that he or she also reported such  
33 information to the Department of Highway Safety and  
34 Motor Vehicles; providing additional requirements for  
35 sexual offenders intending to reside outside of the  
36 United States; amending s. 943.04351, F.S.; requiring  
37 a specified national search of registration  
38 information regarding sexual predators and sexual  
39 offenders prior to appointment or employment of  
40 persons by state agencies and governmental  
41 subdivisions; amending s. 943.04354, F.S.; revising  
42 the age range applicable to provisions allowing  
43 removal of the requirement to register as a sexual  
44 offender or sexual predator in certain circumstances;  
45 revising eligibility requirements for removal of the  
46 requirement to register as a sexual offender or sexual  
47 predator; amending s. 943.0437, F.S.; replacing the  
48 definition of the term "instant message name" with the  
49 definition of the term "Internet identifier";  
50 conforming provisions; amending ss. 944.606 and  
51 944.607, F.S.; replacing the definition of the term  
52 "instant message name" with the definition of the term  
53 "Internet identifier"; conforming provisions;  
54 requiring disclosure of passport and immigration  
55 status information; amending s. 947.005, F.S.;  
56 revising the definition of the term "risk assessment";  
57 amending s. 947.1405, F.S.; requiring that certain  
58 conditional releasees be subject to electronic

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59 monitoring; amending s. 948.30, F.S.; providing  
60 restrictions for certain persons who receive a  
61 designation equivalent to sexual predator in another  
62 jurisdiction or who are convicted of certain offenses  
63 in another jurisdiction; providing for electronic  
64 monitoring of certain persons; subjecting persons  
65 convicted of specified offenses to additional  
66 restrictions; amending s. 948.31, F.S.; providing that  
67 conditions imposed under that section do not require  
68 oral pronouncement at the time of sentencing and shall  
69 be considered standard conditions of probation or  
70 community control for certain offenders; revising  
71 provisions relating to evaluation of persons subject  
72 to registration as sexual offenders or sexual  
73 predators; authorizing a court to require treatment  
74 from a qualified practitioner in certain  
75 circumstances; authorizing a court to restrict the  
76 probationer or community controllee from having  
77 unsupervised contact with a minor or prohibit him or  
78 her from residing with a minor in certain  
79 circumstances; amending ss. 985.481 and 985.4815,  
80 F.S.; requiring disclosure of passport and immigration  
81 status information by certain sexual offenders  
82 adjudicated delinquent and certain juvenile sexual  
83 offenders; amending s. 903.046, F.S.; requiring a  
84 court considering whether to release a defendant on  
85 bail to determine whether the defendant is subject to  
86 registration as a sexual offender or sexual predator  
87 and, if so, to hold the defendant without bail until

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88 the first appearance on the case; providing an  
89 exception; amending s. 948.012, F.S.; revising  
90 language concerning commencement of the period of  
91 probation or community control; amending s. 948.039,  
92 F.S.; providing that a probation or community control  
93 period commences immediately upon the release of the  
94 offender from incarceration; providing severability;  
95 providing effective dates.

96

97 Be It Enacted by the Legislature of the State of Florida:

98

99 Section 1. Paragraph (i) of subsection (2), paragraphs (a),  
100 (e), (g), (i), and (j) of subsection (6), paragraph (a) of  
101 subsection (8), and paragraph (a) of subsection (10) of section  
102 775.21, Florida Statutes, are amended to read:

103 775.21 The Florida Sexual Predators Act.—

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

105 (i) "Internet identifier ~~Instant message name~~" means all  
106 electronic mail, chat, instant messenger, social networking, or  
107 similar names used for Internet communication, but does not  
108 include a date of birth, social security number, or personal  
109 identification number (PIN) ~~an identifier that allows a person~~  
110 ~~to communicate in real time with another person using the~~  
111 Internet. Voluntary disclosure by the sexual predator of his or  
112 her date of birth, social security number, or personal  
113 identification number (PIN) as an Internet identifier waives the  
114 disclosure exemption in this paragraph for such personal  
115 information.

116 (6) REGISTRATION.—

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117 (a) A sexual predator must register with the department  
118 through the sheriff's office by providing the following  
119 information to the department:

120 1. Name; social security number; age; race; sex; date of  
121 birth; height; weight; hair and eye color; photograph; address  
122 of legal residence and address of any current temporary  
123 residence, within the state or out of state, including a rural  
124 route address and a post office box; if no permanent or  
125 temporary address, any transient residence within the state;  
126 address, location or description, and dates of any current or  
127 known future temporary residence within the state or out of  
128 state; all ~~any~~ electronic mail addresses ~~address~~ and all  
129 Internet identifiers ~~any instant message name~~ required to be  
130 provided pursuant to subparagraph (g)4.; all home telephone  
131 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date  
132 and place of any employment; date and place of each conviction;  
133 fingerprints; and a brief description of the crime or crimes  
134 committed by the offender. A post office box shall not be  
135 provided in lieu of a physical residential address. The sexual  
136 predator must also produce or provide information about his or  
137 her passport, if he or she has a passport, and, if he or she is  
138 an alien, must produce or provide information about documents  
139 establishing his or her immigration status.

140 a. If the sexual predator's place of residence is a motor  
141 vehicle, trailer, mobile home, or manufactured home, as defined  
142 in chapter 320, the sexual predator shall also provide to the  
143 department written notice of the vehicle identification number;  
144 the license tag number; the registration number; and a  
145 description, including color scheme, of the motor vehicle,

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

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

168 2. Any other information determined necessary by the  
169 department, including criminal and corrections records;  
170 nonprivileged personnel and treatment records; and evidentiary  
171 genetic markers when available.

172 (e)1. If the sexual predator is not in the custody or  
173 control of, or under the supervision of, the Department of  
174 Corrections or is not in the custody of a private correctional

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175 facility, the sexual predator shall register in person:

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

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

182 2. Any change in the sexual predator's permanent or  
183 temporary residence, name, or all ~~any~~ electronic mail addresses  
184 ~~address~~ and all Internet identifiers ~~any instant message name~~  
185 required to be provided pursuant to subparagraph (g)4., after  
186 the sexual predator registers in person at the sheriff's office  
187 as provided in subparagraph 1., shall be accomplished in the  
188 manner provided in paragraphs (g), (i), and (j). When a sexual  
189 predator registers with the sheriff's office, the sheriff shall  
190 take a photograph and a set of fingerprints of the predator and  
191 forward the photographs and fingerprints to the department,  
192 along with the information that the predator is required to  
193 provide pursuant to this section.

194 (g)1. Each time a sexual predator's driver ~~driver's~~ license  
195 or identification card is subject to renewal, and, without  
196 regard to the status of the predator's driver ~~driver's~~ license  
197 or identification card, within 48 hours after any change of the  
198 predator's residence or change in the predator's name by reason  
199 of marriage or other legal process, the predator shall report in  
200 person to a driver ~~driver's~~ license office and shall be subject  
201 to the requirements specified in paragraph (f). The Department  
202 of Highway Safety and Motor Vehicles shall forward to the  
203 department and to the Department of Corrections all photographs

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204 and information provided by sexual predators. Notwithstanding  
205 the restrictions set forth in s. 322.142, the Department of  
206 Highway Safety and Motor Vehicles is authorized to release a  
207 reproduction of a color-photograph or digital-image license to  
208 the Department of Law Enforcement for purposes of public  
209 notification of sexual predators as provided in this section. A  
210 sexual predator who is unable to secure or update a driver  
211 license or identification card with the Department of Highway  
212 Safety and Motor Vehicles as provided in paragraph (f) and this  
213 paragraph must also report any change of the predator's  
214 residence or change in the predator's name by reason of marriage  
215 or other legal process within 48 hours after the change to the  
216 sheriff's office in the county where the predator resides or is  
217 located and provide confirmation that he or she reported such  
218 information to the Department of Highway Safety and Motor  
219 Vehicles.

220 2. A sexual predator who vacates a permanent, temporary, or  
221 transient residence and fails to establish or maintain another  
222 permanent, temporary, or transient residence shall, within 48  
223 hours after vacating the permanent, temporary, or transient  
224 residence, report in person to the sheriff's office of the  
225 county in which he or she is located. The sexual predator shall  
226 specify the date upon which he or she intends to or did vacate  
227 such residence. If the sexual predator is released from custody  
228 in a homeless or transient status, he or she must report in  
229 person to the sheriff's office in the county in which he or she  
230 is located within 24 hours. The sexual predator must provide or  
231 update all of the registration information required under  
232 paragraph (a). The sexual predator must provide an address for



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233 the residence or other place that he or she is or will be  
234 located during the time in which he or she fails to establish or  
235 maintain a permanent or temporary residence.

236 3. A sexual predator who remains at a permanent, temporary,  
237 or transient residence after reporting his or her intent to  
238 vacate such residence shall, within 48 hours after the date upon  
239 which the predator indicated he or she would or did vacate such  
240 residence, report in person to the sheriff's office to which he  
241 or she reported pursuant to subparagraph 2. for the purpose of  
242 reporting his or her address at such residence. When the sheriff  
243 receives the report, the sheriff shall promptly convey the  
244 information to the department. An offender who makes a report as  
245 required under subparagraph 2. but fails to make a report as  
246 required under this subparagraph commits a felony of the second  
247 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
248 775.084.

249 4. A sexual predator must register all any electronic mail  
250 addresses and Internet identifiers ~~address or instant message~~  
251 ~~name~~ with the department prior to using such electronic mail  
252 addresses and Internet identifiers ~~address or instant message~~  
253 ~~name on or after October 1, 2007~~. The department shall establish  
254 an online system through which sexual predators may securely  
255 access and update all electronic mail address and Internet  
256 identifier ~~instant message name~~ information.

257 (i) A sexual predator who intends to establish a permanent,  
258 temporary, or transient residence in another state or  
259 jurisdiction other than the State of Florida shall report in  
260 person to the sheriff of the county of current residence within  
261 48 hours before the date he or she intends to leave this state

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262 to establish residence in another state or jurisdiction or  
263 within 21 days before his or her planned departure date if the  
264 intended residence of 7 days or more is outside of the United  
265 States. The sexual predator must provide to the sheriff the  
266 address, municipality, county, ~~and~~ state, and country of  
267 intended residence. The sheriff shall promptly provide to the  
268 department the information received from the sexual predator.  
269 The department shall notify the statewide law enforcement  
270 agency, or a comparable agency, in the intended state, ~~or~~  
271 jurisdiction, or country of residence of the sexual predator's  
272 intended residence. The failure of a sexual predator to provide  
273 his or her intended place of residence is punishable as provided  
274 in subsection (10).

275 (j) A sexual predator who indicates his or her intent to  
276 establish a permanent, temporary, or transient residence in  
277 another state, a ~~or~~ jurisdiction other than the State of  
278 Florida, or another country and later decides to remain in this  
279 state shall, within 48 hours after the date upon which the  
280 sexual predator indicated he or she would leave this state,  
281 report in person to the sheriff to which the sexual predator  
282 reported the intended change of residence, and report his or her  
283 intent to remain in this state. If the sheriff is notified by  
284 the sexual predator that he or she intends to remain in this  
285 state, the sheriff shall promptly report this information to the  
286 department. A sexual predator who reports his or her intent to  
287 establish a permanent, temporary, or transient residence in  
288 another state, a ~~or~~ jurisdiction other than the State of  
289 Florida, or another country, but who remains in this state  
290 without reporting to the sheriff in the manner required by this

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291 paragraph, commits a felony of the second degree, punishable as  
292 provided in s. 775.082, s. 775.083, or s. 775.084.

293 (8) VERIFICATION.—The department and the Department of  
294 Corrections shall implement a system for verifying the addresses  
295 of sexual predators. The system must be consistent with the  
296 provisions of the federal Adam Walsh Child Protection and Safety  
297 Act of 2006 and any other federal standards applicable to such  
298 verification or required to be met as a condition for the  
299 receipt of federal funds by the state. The Department of  
300 Corrections shall verify the addresses of sexual predators who  
301 are not incarcerated but who reside in the community under the  
302 supervision of the Department of Corrections and shall report to  
303 the department any failure by a sexual predator to comply with  
304 registration requirements. County and local law enforcement  
305 agencies, in conjunction with the department, shall verify the  
306 addresses of sexual predators who are not under the care,  
307 custody, control, or supervision of the Department of  
308 Corrections. Local law enforcement agencies shall report to the  
309 department any failure by a sexual predator to comply with  
310 registration requirements.

311 (a) A sexual predator must report in person each year  
312 during the month of the sexual predator's birthday and during  
313 every third month thereafter to the sheriff's office in the  
314 county in which he or she resides or is otherwise located to  
315 reregister. The sheriff's office may determine the appropriate  
316 times and days for reporting by the sexual predator, which shall  
317 be consistent with the reporting requirements of this paragraph.  
318 Reregistration shall include any changes to the following  
319 information:

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320 1. Name; social security number; age; race; sex; date of  
321 birth; height; weight; hair and eye color; address of any  
322 permanent residence and address of any current temporary  
323 residence, within the state or out of state, including a rural  
324 route address and a post office box; if no permanent or  
325 temporary address, any transient residence within the state;  
326 address, location or description, and dates of any current or  
327 known future temporary residence within the state or out of  
328 state; all ~~any~~ electronic mail addresses ~~address~~ and all  
329 Internet identifiers ~~any instant message name~~ required to be  
330 provided pursuant to subparagraph (6)(g)4.; all home telephone  
331 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date  
332 and place of any employment; vehicle make, model, color, and  
333 license tag number; fingerprints; and photograph. A post office  
334 box shall not be provided in lieu of a physical residential  
335 address. The sexual predator must also produce or provide  
336 information about his or her passport, if he or she has a  
337 passport, and, if he or she is an alien, must produce or provide  
338 information about documents establishing his or her immigration  
339 status.

340 2. If the sexual predator is enrolled, employed, or  
341 carrying on a vocation at an institution of higher education in  
342 this state, the sexual predator shall also provide to the  
343 department the name, address, and county of each institution,  
344 including each campus attended, and the sexual predator's  
345 enrollment or employment status.

346 3. If the sexual predator's place of residence is a motor  
347 vehicle, trailer, mobile home, or manufactured home, as defined  
348 in chapter 320, the sexual predator shall also provide the

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349 vehicle identification number; the license tag number; the  
350 registration number; and a description, including color scheme,  
351 of the motor vehicle, trailer, mobile home, or manufactured  
352 home. If the sexual predator's place of residence is a vessel,  
353 live-aboard vessel, or houseboat, as defined in chapter 327, the  
354 sexual predator shall also provide the hull identification  
355 number; the manufacturer's serial number; the name of the  
356 vessel, live-aboard vessel, or houseboat; the registration  
357 number; and a description, including color scheme, of the  
358 vessel, live-aboard vessel, or houseboat.

359 (10) PENALTIES.—

360 (a) Except as otherwise specifically provided, a sexual  
361 predator who fails to register; who fails, after registration,  
362 to maintain, acquire, or renew a driver ~~driver's~~ license or  
363 identification card; who fails to provide required location  
364 information, electronic mail address information, Internet  
365 identifier ~~instant message name~~ information, all home telephone  
366 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or  
367 change-of-name information; who fails to make a required report  
368 in connection with vacating a permanent residence; who fails to  
369 reregister as required; who fails to respond to any address  
370 verification correspondence from the department within 3 weeks  
371 of the date of the correspondence; or who otherwise fails, by  
372 act or omission, to comply with the requirements of this  
373 section, commits a felony of the third degree, punishable as  
374 provided in s. 775.082, s. 775.083, or s. 775.084.

375 Section 2. Paragraphs (a) and (g) of subsection (1),  
376 subsection (2), paragraphs (a) and (d) of subsection (4),  
377 subsections (7) and (8), and paragraph (c) of subsection (14) of

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378 section 943.0435, Florida Statutes, are amended to read:

379 943.0435 Sexual offenders required to register with the  
380 department; penalty.—

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

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

385 a.(I) Has been convicted of committing, or attempting,  
386 soliciting, or conspiring to commit, any of the criminal  
387 offenses proscribed in the following statutes in this state or  
388 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
389 or s. 787.025(2)(c), where the victim is a minor and the  
390 defendant is not the victim's parent or guardian; s. 794.011,  
391 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
392 800.04; s. 825.1025; s. 826.04 where the victim is a minor and  
393 the defendant is 18 years of age or older; s. 827.071; s.  
394 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
395 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense  
396 committed in this state which has been redesignated from a  
397 former statute number to one of those listed in this sub-sub-  
398 subparagraph; and

399 (II) Has been released on or after October 1, 1997, from  
400 the sanction imposed for any conviction of an offense described  
401 in sub-sub-subparagraph (I). For purposes of sub-sub-  
402 subparagraph (I), a sanction imposed in this state or in any  
403 other jurisdiction includes, but is not limited to, a fine,  
404 probation, community control, parole, conditional release,  
405 control release, or incarceration in a state prison, federal  
406 prison, private correctional facility, or local detention

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407 facility;

408       b. Establishes or maintains a residence in this state and  
409 who has not been designated as a sexual predator by a court of  
410 this state but who has been designated as a sexual predator, as  
411 a sexually violent predator, or by another sexual offender  
412 designation in another state or jurisdiction and was, as a  
413 result of such designation, subjected to registration or  
414 community or public notification, or both, or would be if the  
415 person were a resident of that state or jurisdiction, without  
416 regard to whether the person otherwise meets the criteria for  
417 registration as a sexual offender;

418       c. Establishes or maintains a residence in this state who  
419 is in the custody or control of, or under the supervision of,  
420 any other state or jurisdiction as a result of a conviction for  
421 committing, or attempting, soliciting, or conspiring to commit,  
422 any of the criminal offenses proscribed in the following  
423 statutes or similar offense in another jurisdiction: s. 787.01,  
424 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
425 the defendant is not the victim's parent or guardian; s.  
426 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
427 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a  
428 minor and the defendant is 18 years of age or older; s. 827.071;  
429 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;  
430 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
431 offense committed in this state which has been redesignated from  
432 a former statute number to one of those listed in this sub-  
433 subparagraph; or

434       d. On or after July 1, 2007, has been adjudicated  
435 delinquent for committing, or attempting, soliciting, or

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436 conspiring to commit, any of the criminal offenses proscribed in  
 437 the following statutes in this state or similar offenses in  
 438 another jurisdiction when the juvenile was 14 years of age or  
 439 older at the time of the offense:

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

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

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

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

448 2. For all qualifying offenses listed in sub-subparagraph  
 449 (1)(a)1.d., the court shall make a written finding of the age of  
 450 the offender at the time of the offense.

451  
 452 For each violation of a qualifying offense listed in this  
 453 subsection, the court shall make a written finding of the age of  
 454 the victim at the time of the offense. For a violation of s.  
 455 800.04(4), the court shall additionally make a written finding  
 456 indicating that the offense did or did not involve sexual  
 457 activity and indicating that the offense did or did not involve  
 458 force or coercion. For a violation of s. 800.04(5), the court  
 459 shall additionally make a written finding that the offense did  
 460 or did not involve unclothed genitals or genital area and that  
 461 the offense did or did not involve the use of force or coercion.

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



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465 ~~the Internet.~~

466 (2) A sexual offender shall:

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

468 1. In the county in which the offender establishes or  
469 maintains a permanent, temporary, or transient residence within  
470 48 hours after:

471 a. Establishing permanent, temporary, or transient  
472 residence in this state; or

473 b. Being released from the custody, control, or supervision  
474 of the Department of Corrections or from the custody of a  
475 private correctional facility; or

476 2. In the county where he or she was convicted within 48  
477 hours after being convicted for a qualifying offense for  
478 registration under this section if the offender is not in the  
479 custody or control of, or under the supervision of, the  
480 Department of Corrections, or is not in the custody of a private  
481 correctional facility.

482

483 Any change in the information required to be provided pursuant  
484 to paragraph (b), including, but not limited to, any change in  
485 the sexual offender's permanent, temporary, or transient  
486 residence, name, all any electronic mail addresses ~~address~~ and  
487 all Internet identifiers ~~any instant message name~~ required to be  
488 provided pursuant to paragraph (4) (d), after the sexual offender  
489 reports in person at the sheriff's office, shall be accomplished  
490 in the manner provided in subsections (4), (7), and (8).

491 (b) Provide his or her name; date of birth; social security  
492 number; race; sex; height; weight; hair and eye color; tattoos  
493 or other identifying marks; occupation and place of employment;

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494 address of permanent or legal residence or address of any  
495 current temporary residence, within the state or out of state,  
496 including a rural route address and a post office box; if no  
497 permanent or temporary address, any transient residence within  
498 the state, address, location or description, and dates of any  
499 current or known future temporary residence within the state or  
500 out of state; all home telephone numbers ~~number~~ and ~~any~~ cellular  
501 telephone numbers ~~number~~; all ~~any~~ electronic mail addresses  
502 ~~address~~ and all Internet identifiers ~~any instant message name~~  
503 required to be provided pursuant to paragraph (4)(d); date and  
504 place of each conviction; and a brief description of the crime  
505 or crimes committed by the offender. A post office box shall not  
506 be provided in lieu of a physical residential address. The  
507 sexual offender must also produce or provide information about  
508 his or her passport, if he or she has a passport, and, if he or  
509 she is an alien, must produce or provide information about  
510 documents establishing his or her immigration status.

511 1. If the sexual offender's place of residence is a motor  
512 vehicle, trailer, mobile home, or manufactured home, as defined  
513 in chapter 320, the sexual offender shall also provide to the  
514 department through the sheriff's office written notice of the  
515 vehicle identification number; the license tag number; the  
516 registration number; and a description, including color scheme,  
517 of the motor vehicle, trailer, mobile home, or manufactured  
518 home. If the sexual offender's place of residence is a vessel,  
519 live-aboard vessel, or houseboat, as defined in chapter 327, the  
520 sexual offender shall also provide to the department written  
521 notice of the hull identification number; the manufacturer's  
522 serial number; the name of the vessel, live-aboard vessel, or

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523 houseboat; the registration number; and a description, including  
524 color scheme, of the vessel, live-aboard vessel, or houseboat.

525 2. If the sexual offender is enrolled, employed, or  
526 carrying on a vocation at an institution of higher education in  
527 this state, the sexual offender shall also provide to the  
528 department through the sheriff's office the name, address, and  
529 county of each institution, including each campus attended, and  
530 the sexual offender's enrollment or employment status. Each  
531 change in enrollment or employment status shall be reported in  
532 person at the sheriff's office, within 48 hours after any change  
533 in status. The sheriff shall promptly notify each institution of  
534 the sexual offender's presence and any change in the sexual  
535 offender's enrollment or employment status.

536  
537 When a sexual offender reports at the sheriff's office, the  
538 sheriff shall take a photograph and a set of fingerprints of the  
539 offender and forward the photographs and fingerprints to the  
540 department, along with the information provided by the sexual  
541 offender. The sheriff shall promptly provide to the department  
542 the information received from the sexual offender.

543 (4) (a) Each time a sexual offender's driver ~~driver's~~  
544 license or identification card is subject to renewal, and,  
545 without regard to the status of the offender's driver ~~driver's~~  
546 license or identification card, within 48 hours after any change  
547 in the offender's permanent, temporary, or transient residence  
548 or change in the offender's name by reason of marriage or other  
549 legal process, the offender shall report in person to a driver  
550 ~~driver's~~ license office, and shall be subject to the  
551 requirements specified in subsection (3). The Department of

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552 Highway Safety and Motor Vehicles shall forward to the  
553 department all photographs and information provided by sexual  
554 offenders. Notwithstanding the restrictions set forth in s.  
555 322.142, the Department of Highway Safety and Motor Vehicles is  
556 authorized to release a reproduction of a color-photograph or  
557 digital-image license to the Department of Law Enforcement for  
558 purposes of public notification of sexual offenders as provided  
559 in this section and ss. 943.043 and 944.606. A sexual offender  
560 who is unable to secure or update a driver license or  
561 identification card with the Department of Highway Safety and  
562 Motor Vehicles as provided in subsection (3) and this subsection  
563 must also report any change in the sexual offender's permanent,  
564 temporary, or transient residence or change in the offender's  
565 name by reason of marriage or other legal process within 48  
566 hours after the change to the sheriff's office in the county  
567 where the offender resides or is located and provide  
568 confirmation that he or she reported such information to  
569 Department of Highway Safety and Motor Vehicles.

570 (d) A sexual offender must register all ~~any~~ electronic mail  
571 addresses and Internet identifiers ~~address or instant message~~  
572 ~~name~~ with the department prior to using such electronic mail  
573 addresses and Internet identifiers ~~address or instant message~~  
574 ~~name on or after October 1, 2007~~. The department shall establish  
575 an online system through which sexual offenders may securely  
576 access and update all electronic mail address and Internet  
577 identifier ~~instant message name~~ information.

578 (7) A sexual offender who intends to establish a permanent,  
579 temporary, or transient residence in another state or  
580 jurisdiction other than the State of Florida shall report in

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581 person to the sheriff of the county of current residence within  
582 48 hours before the date he or she intends to leave this state  
583 to establish residence in another state or jurisdiction or  
584 within 21 days before his or her planned departure date if the  
585 intended residence of 7 days or more is outside of the United  
586 States. The notification must include the address, municipality,  
587 county, ~~and~~ state, and country of intended residence. The  
588 sheriff shall promptly provide to the department the information  
589 received from the sexual offender. The department shall notify  
590 the statewide law enforcement agency, or a comparable agency, in  
591 the intended state, ~~or~~ jurisdiction, or country of residence of  
592 the sexual offender's intended residence. The failure of a  
593 sexual offender to provide his or her intended place of  
594 residence is punishable as provided in subsection (9).

595 (8) A sexual offender who indicates his or her intent to  
596 establish a permanent, temporary, or transient residence in  
597 another state, a ~~or~~ jurisdiction other than the State of  
598 Florida, or another country and later decides to remain in this  
599 state shall, within 48 hours after the date upon which the  
600 sexual offender indicated he or she would leave this state,  
601 report in person to the sheriff to which the sexual offender  
602 reported the intended change of permanent, temporary, or  
603 transient residence, and report his or her intent to remain in  
604 this state. The sheriff shall promptly report this information  
605 to the department. A sexual offender who reports his or her  
606 intent to establish a permanent, temporary, or transient  
607 residence in another state, a ~~or~~ jurisdiction other than the  
608 State of Florida, or another country but who remains in this  
609 state without reporting to the sheriff in the manner required by

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610 this subsection commits a felony of the second degree,  
611 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

612 (14)

613 (c) The sheriff's office may determine the appropriate  
614 times and days for reporting by the sexual offender, which shall  
615 be consistent with the reporting requirements of this  
616 subsection. Reregistration shall include any changes to the  
617 following information:

618 1. Name; social security number; age; race; sex; date of  
619 birth; height; weight; hair and eye color; address of any  
620 permanent residence and address of any current temporary  
621 residence, within the state or out of state, including a rural  
622 route address and a post office box; if no permanent or  
623 temporary address, any transient residence within the state;  
624 address, location or description, and dates of any current or  
625 known future temporary residence within the state or out of  
626 state; all any electronic mail addresses address and all  
627 Internet identifiers any instant message name required to be  
628 provided pursuant to paragraph (4) (d); all home telephone  
629 numbers number and all any cellular telephone numbers number;  
630 date and place of any employment; vehicle make, model, color,  
631 and license tag number; fingerprints; and photograph. A post  
632 office box shall not be provided in lieu of a physical  
633 residential address. The sexual offender must also produce or  
634 provide information about his or her passport, if he or she has  
635 a passport, and, if he or she is an alien, must produce or  
636 provide information about documents establishing his or her  
637 immigration status.

638 2. If the sexual offender is enrolled, employed, or

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639 carrying on a vocation at an institution of higher education in  
640 this state, the sexual offender shall also provide to the  
641 department the name, address, and county of each institution,  
642 including each campus attended, and the sexual offender's  
643 enrollment or employment status.

644 3. If the sexual offender's place of residence is a motor  
645 vehicle, trailer, mobile home, or manufactured home, as defined  
646 in chapter 320, the sexual offender shall also provide the  
647 vehicle identification number; the license tag number; the  
648 registration number; and a description, including color scheme,  
649 of the motor vehicle, trailer, mobile home, or manufactured  
650 home. If the sexual offender's place of residence is a vessel,  
651 live-aboard vessel, or houseboat, as defined in chapter 327, the  
652 sexual offender shall also provide the hull identification  
653 number; the manufacturer's serial number; the name of the  
654 vessel, live-aboard vessel, or houseboat; the registration  
655 number; and a description, including color scheme, of the  
656 vessel, live-aboard vessel or houseboat.

657 4. Any sexual offender who fails to report in person as  
658 required at the sheriff's office, or who fails to respond to any  
659 address verification correspondence from the department within 3  
660 weeks of the date of the correspondence or who fails to report  
661 all electronic mail addresses and all Internet identifiers ~~or~~  
662 ~~instant message names~~, commits a felony of the third degree,  
663 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

664 Section 3. Section 943.04351, Florida Statutes, is amended  
665 to read:

666 943.04351 Search of registration information regarding  
667 sexual predators and sexual offenders required prior to

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668 appointment or employment.—A state agency or governmental  
669 subdivision, prior to making any decision to appoint or employ a  
670 person to work, whether for compensation or as a volunteer, at  
671 any park, playground, day care center, or other place where  
672 children regularly congregate, must conduct a search of that  
673 person's name or other identifying information against the  
674 registration information regarding sexual predators and sexual  
675 offenders maintained by the Department of Law Enforcement under  
676 s. 943.043. The agency or governmental subdivision may conduct  
677 the search using the Internet site maintained by the Department  
678 of Law Enforcement. Also, a national search must be conducted  
679 through the Dru Sjodin National Sex Offender Public Website  
680 maintained by the United States Department of Justice. This  
681 section does not apply to those positions or appointments within  
682 a state agency or governmental subdivision for which a state and  
683 national criminal history background check is conducted.

684 Section 4. Section 943.04354, Florida Statutes, is amended  
685 to read:

686 943.04354 Removal of the requirement to register as a  
687 sexual offender or sexual predator in special circumstances.—

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

691 (a) Was or will be convicted or adjudicated delinquent of a  
692 violation of s. 794.011, s. 800.04, s. 827.071, or s.  
693 847.0135(5) or the person committed a violation of s. 794.011,  
694 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication  
695 of guilt was or will be withheld, and the person does not have  
696 any other conviction, adjudication of delinquency, or withhold



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697 of adjudication of guilt for a violation of s. 794.011, s.  
698 800.04, s. 827.071, or s. 847.0135(5);

699 (b) Is required to register as a sexual offender or sexual  
700 predator solely on the basis of this violation; and

701 (c) Is not more than 4 years older than the victim of this  
702 violation who was 13 ~~14~~ years of age or older but not more than  
703 18 ~~17~~ years of age at the time the person committed this  
704 violation.

705 (2) If a person meets the criteria in subsection (1) ~~and~~  
706 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~  
707 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person  
708 may move the court that will sentence or dispose of this  
709 violation to remove the requirement that the person register as  
710 a sexual offender or sexual predator. The person must allege in  
711 the motion that he or she meets the criteria in subsection (1)  
712 and that removal of the registration requirement will not  
713 conflict with federal law. The state attorney must be given  
714 notice of the motion at least 21 days before the date of  
715 sentencing or disposition of this violation and may present  
716 evidence in opposition to the requested relief or may otherwise  
717 demonstrate why the motion should be denied. At sentencing or  
718 disposition of this violation, the court shall rule on this  
719 motion and, if the court determines the person meets the  
720 criteria in subsection (1) and the removal of the registration  
721 requirement will not conflict with federal law, it may grant the  
722 motion and order the removal of the registration requirement. If  
723 the court denies the motion, the person is not authorized under  
724 this section to petition for removal of the registration  
725 requirement.

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726 (3) (a) This subsection applies to a person who:

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

730 1.2. Is subject to registration as a sexual offender or  
731 sexual predator for a violation of s. 794.011, s. 800.04, or s.  
732 827.071; and

733 2.3. Meets the criteria in subsection (1).

734 (b) A person may petition the court in which the sentence  
735 or disposition for the violation of s. 794.011, s. 800.04, or s.  
736 827.071 occurred for removal of the requirement to register as a  
737 sexual offender or sexual predator. The person must allege in  
738 the petition that he or she meets the criteria in subsection (1)  
739 and removal of the registration requirement will not conflict  
740 with federal law. The state attorney must be given notice of the  
741 petition at least 21 days before the hearing on the petition and  
742 may present evidence in opposition to the requested relief or  
743 may otherwise demonstrate why the petition should be denied. The  
744 court shall rule on the petition and, if the court determines  
745 the person meets the criteria in subsection (1) and removal of  
746 the registration requirement will not conflict with federal law,  
747 it may grant the petition and order the removal of the  
748 registration requirement. If the court denies the petition, the  
749 person is not authorized under this section to file any further  
750 petition for removal of the registration requirement.

751 (4) If a person provides to the Department of Law  
752 Enforcement a certified copy of the court's order removing the  
753 requirement that the person register as a sexual offender or  
754 sexual predator for the violation of s. 794.011, s. 800.04, s.

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755 827.071, or s. 847.0135(5), the registration requirement will  
756 not apply to the person and the department shall remove all  
757 information about the person from the public registry of sexual  
758 offenders and sexual predators maintained by the department.  
759 However, the removal of this information from the public  
760 registry does not mean that the public is denied access to  
761 information about the person's criminal history or record that  
762 is otherwise available as a public record.

763 Section 5. Subsection (2) and paragraph (a) of subsection  
764 (3) of section 943.0437, Florida Statutes, are amended to read:  
765 943.0437 Commercial social networking websites.—

766 (2) The department may provide information relating to  
767 electronic mail addresses and Internet identifiers ~~instant~~  
768 ~~message names~~ maintained as part of the sexual offender registry  
769 to commercial social networking websites or third parties  
770 designated by commercial social networking websites. The  
771 commercial social networking website may use this information  
772 for the purpose of comparing registered users and screening  
773 potential users of the commercial social networking website  
774 against the list of electronic mail addresses and Internet  
775 identifiers ~~instant message names~~ provided by the department.

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

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

782 Section 6. Paragraphs (b) and (d) of subsection (1) and  
783 paragraph (a) of subsection (3) of section 944.606, Florida

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784 Statutes, are amended to read:

785 944.606 Sexual offenders; notification upon release.-

786 (1) As used in this section:

787 (b) "Sexual offender" means a person who has been convicted  
788 of committing, or attempting, soliciting, or conspiring to  
789 commit, any of the criminal offenses proscribed in the following  
790 statutes in this state or similar offenses in another  
791 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
792 the victim is a minor and the defendant is not the victim's  
793 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
794 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04  
795 where the victim is a minor and the defendant is 18 years of age  
796 or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
797 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
798 985.701(1); or any similar offense committed in this state which  
799 has been redesignated from a former statute number to one of  
800 those listed in this subsection, when the department has  
801 received verified information regarding such conviction; an  
802 offender's computerized criminal history record is not, in and  
803 of itself, verified information.

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

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

811 1. The department must provide: the sexual offender's name,  
812 any change in the offender's name by reason of marriage or other

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813 legal process, and any alias, if known; the correctional  
814 facility from which the sexual offender is released; the sexual  
815 offender's social security number, race, sex, date of birth,  
816 height, weight, and hair and eye color; address of any planned  
817 permanent residence or temporary residence, within the state or  
818 out of state, including a rural route address and a post office  
819 box; if no permanent or temporary address, any transient  
820 residence within the state; address, location or description,  
821 and dates of any known future temporary residence within the  
822 state or out of state; date and county of sentence and each  
823 crime for which the offender was sentenced; a copy of the  
824 offender's fingerprints and a digitized photograph taken within  
825 60 days before release; the date of release of the sexual  
826 offender; all ~~any~~ electronic mail addresses ~~address~~ and all  
827 Internet identifiers ~~any instant message name~~ required to be  
828 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone  
829 numbers ~~number~~ and ~~any~~ cellular telephone numbers; and passport  
830 information, if he or she has a passport, and, if he or she is  
831 an alien, information about documents establishing his or her  
832 immigration status ~~number~~. The department shall notify the  
833 Department of Law Enforcement if the sexual offender escapes,  
834 absconds, or dies. If the sexual offender is in the custody of a  
835 private correctional facility, the facility shall take the  
836 digitized photograph of the sexual offender within 60 days  
837 before the sexual offender's release and provide this photograph  
838 to the Department of Corrections and also place it in the sexual  
839 offender's file. If the sexual offender is in the custody of a  
840 local jail, the custodian of the local jail shall register the  
841 offender within 3 business days after intake of the offender for

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842 any reason and upon release, and shall notify the Department of  
843 Law Enforcement of the sexual offender's release and provide to  
844 the Department of Law Enforcement the information specified in  
845 this paragraph and any information specified in subparagraph 2.  
846 that the Department of Law Enforcement requests.

847 2. The department may provide any other information deemed  
848 necessary, including criminal and corrections records,  
849 nonprivileged personnel and treatment records, when available.

850 Section 7. Paragraphs (a) and (f) of subsection (1),  
851 paragraph (a) of subsection (4), paragraph (b) of subsection  
852 (6), and paragraph (c) of subsection (13) of section 944.607,  
853 Florida Statutes, are amended to read:

854 944.607 Notification to Department of Law Enforcement of  
855 information on sexual offenders.—

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

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

860 1. On or after October 1, 1997, as a result of a conviction  
861 for committing, or attempting, soliciting, or conspiring to  
862 commit, any of the criminal offenses proscribed in the following  
863 statutes in this state or similar offenses in another  
864 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
865 the victim is a minor and the defendant is not the victim's  
866 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
867 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04  
868 where the victim is a minor and the defendant is 18 years of age  
869 or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
870 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.

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871 985.701(1); or any similar offense committed in this state which  
872 has been redesignated from a former statute number to one of  
873 those listed in this paragraph; or

874 2. Who establishes or maintains a residence in this state  
875 and who has not been designated as a sexual predator by a court  
876 of this state but who has been designated as a sexual predator,  
877 as a sexually violent predator, or by another sexual offender  
878 designation in another state or jurisdiction and was, as a  
879 result of such designation, subjected to registration or  
880 community or public notification, or both, or would be if the  
881 person were a resident of that state or jurisdiction, without  
882 regard as to whether the person otherwise meets the criteria for  
883 registration as a sexual offender.

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

888 (4) A sexual offender, as described in this section, who is  
889 under the supervision of the Department of Corrections but is  
890 not incarcerated must register with the Department of  
891 Corrections within 3 business days after sentencing for a  
892 registrable offense and otherwise provide information as  
893 required by this subsection.

894 (a) The sexual offender shall provide his or her name; date  
895 of birth; social security number; race; sex; height; weight;  
896 hair and eye color; tattoos or other identifying marks; all any  
897 electronic mail addresses ~~address~~ and all Internet identifiers  
898 ~~any instant message name~~ required to be provided pursuant to s.  
899 943.0435(4) (d); permanent or legal residence and address of

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900 temporary residence within the state or out of state while the  
901 sexual offender is under supervision in this state, including  
902 any rural route address or post office box; if no permanent or  
903 temporary address, any transient residence within the state; and  
904 address, location or description, and dates of any current or  
905 known future temporary residence within the state or out of  
906 state. The sexual offender must also produce or provide  
907 information about his or her passport, if he or she has a  
908 passport, and, if he or she is an alien, must produce or provide  
909 information about documents establishing his or her immigration  
910 status. The Department of Corrections shall verify the address  
911 of each sexual offender in the manner described in ss. 775.21  
912 and 943.0435. The department shall report to the Department of  
913 Law Enforcement any failure by a sexual predator or sexual  
914 offender to comply with registration requirements.

915 (6) The information provided to the Department of Law  
916 Enforcement must include:

917 (b) The sexual offender's most current address, place of  
918 permanent, temporary, or transient residence within the state or  
919 out of state, and address, location or description, and dates of  
920 any current or known future temporary residence within the state  
921 or out of state, while the sexual offender is under supervision  
922 in this state, including the name of the county or municipality  
923 in which the offender permanently or temporarily resides, or has  
924 a transient residence, and address, location or description, and  
925 dates of any current or known future temporary residence within  
926 the state or out of state, and, if known, the intended place of  
927 permanent, temporary, or transient residence, and address,  
928 location or description, and dates of any current or known



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929 future temporary residence within the state or out of state upon  
930 satisfaction of all sanctions. The sexual offender must also  
931 produce or provide information about his or her passport, if he  
932 or she has a passport, and, if he or she is an alien, must  
933 produce or provide information about documents establishing his  
934 or her immigration status;

935  
936 If any information provided by the department changes during the  
937 time the sexual offender is under the department's control,  
938 custody, or supervision, including any change in the offender's  
939 name by reason of marriage or other legal process, the  
940 department shall, in a timely manner, update the information and  
941 provide it to the Department of Law Enforcement in the manner  
942 prescribed in subsection (2).

943 (13)

944 (c) The sheriff's office may determine the appropriate  
945 times and days for reporting by the sexual offender, which shall  
946 be consistent with the reporting requirements of this  
947 subsection. Reregistration shall include any changes to the  
948 following information:

949 1. Name; social security number; age; race; sex; date of  
950 birth; height; weight; hair and eye color; address of any  
951 permanent residence and address of any current temporary  
952 residence, within the state or out of state, including a rural  
953 route address and a post office box; if no permanent or  
954 temporary address, any transient residence; address, location or  
955 description, and dates of any current or known future temporary  
956 residence within the state or out of state; all ~~any~~ electronic  
957 mail addresses ~~address~~ and all Internet identifiers ~~any instant~~

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958 ~~message name~~ required to be provided pursuant to s.  
959 943.0435(4)(d); date and place of any employment; vehicle make,  
960 model, color, and license tag number; fingerprints; and  
961 photograph. A post office box shall not be provided in lieu of a  
962 physical residential address. The sexual offender must also  
963 produce or provide information about his or her passport, if he  
964 or she has a passport, and, if he or she is an alien, must  
965 produce or provide information about documents establishing his  
966 or her immigration status.

967 2. If the sexual offender is enrolled, employed, or  
968 carrying on a vocation at an institution of higher education in  
969 this state, the sexual offender shall also provide to the  
970 department the name, address, and county of each institution,  
971 including each campus attended, and the sexual offender's  
972 enrollment or employment status.

973 3. If the sexual offender's place of residence is a motor  
974 vehicle, trailer, mobile home, or manufactured home, as defined  
975 in chapter 320, the sexual offender shall also provide the  
976 vehicle identification number; the license tag number; the  
977 registration number; and a description, including color scheme,  
978 of the motor vehicle, trailer, mobile home, or manufactured  
979 home. If the sexual offender's place of residence is a vessel,  
980 live-aboard vessel, or houseboat, as defined in chapter 327, the  
981 sexual offender shall also provide the hull identification  
982 number; the manufacturer's serial number; the name of the  
983 vessel, live-aboard vessel, or houseboat; the registration  
984 number; and a description, including color scheme, of the  
985 vessel, live-aboard vessel or houseboat.

986 4. Any sexual offender who fails to report in person as

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987 required at the sheriff's office, or who fails to respond to any  
988 address verification correspondence from the department within 3  
989 weeks of the date of the correspondence, or who fails to report  
990 all electronic mail addresses and all Internet identifiers ~~or~~  
991 ~~instant message names~~, commits a felony of the third degree,  
992 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

993 Section 8. Subsection (11) of section 947.005, Florida  
994 Statutes, is amended to read:

995 947.005 Definitions.—As used in this chapter, unless the  
996 context clearly indicates otherwise:

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

1000 Section 9. Subsection (13) is added to section 947.1405,  
1001 Florida Statutes, to read:

1002 947.1405 Conditional release program.—

1003 (13) In addition to all other conditions imposed, for a  
1004 releasee who is subject to conditional release for a crime that  
1005 was committed on or after July 1, 2012, and who has been  
1006 convicted at any time of a violation of s. 800.04(7)(b) or s.  
1007 847.0135, or a similar offense in another jurisdiction, the  
1008 commission must order electronic monitoring for the duration of  
1009 the releasee's supervision.

1010 Section 10. Subsection (3) of section 948.30, Florida  
1011 Statutes, is amended, and subsection (5) is added to that  
1012 section, to read:

1013 948.30 Additional terms and conditions of probation or  
1014 community control for certain sex offenses.—Conditions imposed  
1015 pursuant to this section do not require oral pronouncement at

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1016 the time of sentencing and shall be considered standard  
1017 conditions of probation or community control for offenders  
1018 specified in this section.

1019 (3) Effective for a probationer or community controllee  
1020 whose crime was committed on or after September 1, 2005, and  
1021 who:

1022 (a) Is placed on probation or community control for a  
1023 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
1024 or s. 847.0145 and the unlawful sexual activity involved a  
1025 victim 15 years of age or younger and the offender is 18 years  
1026 of age or older;

1027 (b) Is designated a sexual predator pursuant to s. 775.21  
1028 or a similar designation in another jurisdiction; or

1029 (c) Has previously been convicted of a violation of chapter  
1030 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 or a  
1031 similar offense in another jurisdiction and the unlawful sexual  
1032 activity involved a victim 15 years of age or younger and the  
1033 offender is 18 years of age or older,

1034  
1035 the court must order, in addition to any other provision of this  
1036 section, mandatory electronic monitoring as a condition of the  
1037 probation or community control supervision.

1038 (5) Effective for a probationer or community controllee  
1039 whose crime was committed on or after July 1, 2012, and who:

1040 (a)1. Is placed on probation or community control for a  
1041 violation of s. 800.04(7)(b) or s. 847.0135; or

1042 2. Has previously been convicted of a violation of s.  
1043 800.04(7)(b) or s. 847.0135, or a similar offense in another  
1044 jurisdiction,

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1045  
1046 the court must order, in addition to any other requirements of  
1047 this section, mandatory electronic monitoring as a condition of  
1048 the probation or community control supervision.

1049 (b) Is placed on probation or community control for a  
1050 violation of s. 847.0135(3) or (4), the court shall subject the  
1051 probationer or community controllee to the requirements of  
1052 subsections (1) and (2).

1053 Section 11. Section 948.31, Florida Statutes, is amended to  
1054 read:

1055 948.31 Evaluation and treatment of sexual predators and  
1056 offenders on probation or community control.—Conditions imposed  
1057 pursuant to this section do not require oral pronouncement at  
1058 the time of sentencing and shall be considered standard  
1059 conditions of probation or community control for offenders  
1060 specified in this section.

1061 (1) The court shall require an evaluation by a qualified  
1062 practitioner to determine the need of a probationer or community  
1063 controllee for treatment. If the court determines that a need  
1064 therefor is established by the evaluation process, the court  
1065 shall require sexual offender treatment as a term or condition  
1066 of probation or community control for any person who is required  
1067 to register as a sexual predator under s. 775.21 or sexual  
1068 offender under s. 943.0435, s. 944.606, or s. 944.607 to  
1069 determine the need of the probationer or community controllee  
1070 for sex offender treatment while on probation or community  
1071 control. The evaluation and recommendations for any treatment of  
1072 the probationer or community controllee shall be provided to the  
1073 court for review. Such treatment shall be required to be

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1074 ~~obtained from a qualified practitioner as defined in s. 948.001.~~

1075 (2) If the court determines that a need for treatment is  
1076 established by the evaluation process, the treatment must be  
1077 obtained from a qualified practitioner. The community controllee  
1078 or probationer must actively participate in and successfully  
1079 complete any recommended treatment. The court shall also require  
1080 the community controllee or probationer to comply with the  
1081 treatment program rules, which can include, but are not limited  
1082 to, a safety plan and polygraph examinations for treatment  
1083 purposes.

1084 (3) The court may, when it is recommended by a qualified  
1085 practitioner or the supervising probation officer, also restrict  
1086 the probationer or community controllee from having unsupervised  
1087 contact with a minor or prohibit him or her from residing with a  
1088 minor.

1089 (4) Treatment may not be administered by a qualified  
1090 practitioner who has been convicted or adjudicated delinquent of  
1091 committing, or attempting, soliciting, or conspiring to commit,  
1092 any offense that is listed in s. 943.0435(1)(a)1.a.(I). ~~The~~  
1093 ~~court shall impose a restriction against contact with minors if~~  
1094 ~~sexual offender treatment is recommended. The evaluation and~~  
1095 ~~recommendations for treatment of the probationer or community~~  
1096 ~~controllee shall be provided to the court for review.~~

1097 Section 12. Paragraph (a) of subsection (3) of section  
1098 985.481, Florida Statutes, is amended to read:

1099 985.481 Sexual offenders adjudicated delinquent;  
1100 notification upon release.-

1101 (3) (a) The department must provide information regarding  
1102 any sexual offender who is being released after serving a period

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1103 of residential commitment under the department for any offense,  
1104 as follows:

1105 1. The department must provide the sexual offender's name,  
1106 any change in the offender's name by reason of marriage or other  
1107 legal process, and any alias, if known; the correctional  
1108 facility from which the sexual offender is released; the sexual  
1109 offender's social security number, race, sex, date of birth,  
1110 height, weight, and hair and eye color; address of any planned  
1111 permanent residence or temporary residence, within the state or  
1112 out of state, including a rural route address and a post office  
1113 box; if no permanent or temporary address, any transient  
1114 residence within the state; address, location or description,  
1115 and dates of any known future temporary residence within the  
1116 state or out of state; date and county of disposition and each  
1117 crime for which there was a disposition; a copy of the  
1118 offender's fingerprints and a digitized photograph taken within  
1119 60 days before release; the date of release of the sexual  
1120 offender; all ~~and~~ home telephone numbers ~~number~~ and ~~any~~ cellular  
1121 telephone numbers; and passport information, if he or she has a  
1122 passport, and, if he or she is an alien, information about  
1123 documents establishing his or her immigration status ~~number~~. The  
1124 department shall notify the Department of Law Enforcement if the  
1125 sexual offender escapes, absconds, or dies. If the sexual  
1126 offender is in the custody of a private correctional facility,  
1127 the facility shall take the digitized photograph of the sexual  
1128 offender within 60 days before the sexual offender's release and  
1129 also place it in the sexual offender's file. If the sexual  
1130 offender is in the custody of a local jail, the custodian of the  
1131 local jail shall register the offender within 3 business days

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1132 after intake of the offender for any reason and upon release,  
1133 and shall notify the Department of Law Enforcement of the sexual  
1134 offender's release and provide to the Department of Law  
1135 Enforcement the information specified in this subparagraph and  
1136 any information specified in subparagraph 2. which the  
1137 Department of Law Enforcement requests.

1138 2. The department may provide any other information  
1139 considered necessary, including criminal and delinquency  
1140 records, when available.

1141 Section 13. Paragraph (a) of subsection (4), paragraph (a)  
1142 of subsection (6), and paragraph (b) of subsection (13) of  
1143 section 985.4815, Florida Statutes, are amended to read:

1144 985.4815 Notification to Department of Law Enforcement of  
1145 information on juvenile sexual offenders.-

1146 (4) A sexual offender, as described in this section, who is  
1147 under the supervision of the department but who is not committed  
1148 must register with the department within 3 business days after  
1149 adjudication and disposition for a registrable offense and  
1150 otherwise provide information as required by this subsection.

1151 (a) The sexual offender shall provide his or her name; date  
1152 of birth; social security number; race; sex; height; weight;  
1153 hair and eye color; tattoos or other identifying marks;  
1154 permanent or legal residence and address of temporary residence  
1155 within the state or out of state while the sexual offender is in  
1156 the care or custody or under the jurisdiction or supervision of  
1157 the department in this state, including any rural route address  
1158 or post office box; if no permanent or temporary address, any  
1159 transient residence; address, location or description, and dates  
1160 of any current or known future temporary residence within the



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1161 state or out of state; passport information, if he or she has a  
1162 passport, and, if he or she is an alien, information about  
1163 documents establishing his or her immigration status; and the  
1164 name and address of each school attended. The department shall  
1165 verify the address of each sexual offender and shall report to  
1166 the Department of Law Enforcement any failure by a sexual  
1167 offender to comply with registration requirements.

1168 (6) (a) The information provided to the Department of Law  
1169 Enforcement must include the following:

1170 1. The information obtained from the sexual offender under  
1171 subsection (4).

1172 2. The sexual offender's most current address and place of  
1173 permanent, temporary, or transient residence within the state or  
1174 out of state, and address, location or description, and dates of  
1175 any current or known future temporary residence within the state  
1176 or out of state, while the sexual offender is in the care or  
1177 custody or under the jurisdiction or supervision of the  
1178 department in this state, including the name of the county or  
1179 municipality in which the offender permanently or temporarily  
1180 resides, or has a transient residence, and address, location or  
1181 description, and dates of any current or known future temporary  
1182 residence within the state or out of state; and, if known, the  
1183 intended place of permanent, temporary, or transient residence,  
1184 and address, location or description, and dates of any current  
1185 or known future temporary residence within the state or out of  
1186 state upon satisfaction of all sanctions. The sexual offender  
1187 must also produce or provide information about his or her  
1188 passport, if he or she has a passport, and, if he or she is an  
1189 alien, must produce or provide information about documents

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1190 establishing his or her immigration status.

1191 3. The legal status of the sexual offender and the  
1192 scheduled termination date of that legal status.

1193 4. The location of, and local telephone number for, any  
1194 department office that is responsible for supervising the sexual  
1195 offender.

1196 5. An indication of whether the victim of the offense that  
1197 resulted in the offender's status as a sexual offender was a  
1198 minor.

1199 6. The offense or offenses at adjudication and disposition  
1200 that resulted in the determination of the offender's status as a  
1201 sex offender.

1202 7. A digitized photograph of the sexual offender, which  
1203 must have been taken within 60 days before the offender was  
1204 released from the custody of the department or a private  
1205 correctional facility by expiration of sentence under s.  
1206 944.275, or within 60 days after the onset of the department's  
1207 supervision of any sexual offender who is on probation,  
1208 postcommitment probation, residential commitment, nonresidential  
1209 commitment, licensed child-caring commitment, community control,  
1210 conditional release, parole, provisional release, or control  
1211 release or who is supervised by the department under the  
1212 Interstate Compact Agreement for Probationers and Parolees. If  
1213 the sexual offender is in the custody of a private correctional  
1214 facility, the facility shall take a digitized photograph of the  
1215 sexual offender within the time period provided in this  
1216 subparagraph and shall provide the photograph to the department.

1217 (13)

1218 (b) The sheriff's office may determine the appropriate

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1219 times and days for reporting by the sexual offender, which shall  
1220 be consistent with the reporting requirements of this  
1221 subsection. Reregistration shall include any changes to the  
1222 following information:

1223 1. Name; social security number; age; race; sex; date of  
1224 birth; height; weight; hair and eye color; address of any  
1225 permanent residence and address of any current temporary  
1226 residence, within the state or out of state, including a rural  
1227 route address and a post office box; if no permanent or  
1228 temporary address, any transient residence; address, location or  
1229 description, and dates of any current or known future temporary  
1230 residence within the state or out of state; passport  
1231 information, if he or she has a passport, and, if he or she is  
1232 an alien, information about documents establishing his or her  
1233 immigration status; name and address of each school attended;  
1234 date and place of any employment; vehicle make, model, color,  
1235 and license tag number; fingerprints; and photograph. A post  
1236 office box shall not be provided in lieu of a physical  
1237 residential address.

1238 2. If the sexual offender is enrolled, employed, or  
1239 carrying on a vocation at an institution of higher education in  
1240 this state, the sexual offender shall also provide to the  
1241 department the name, address, and county of each institution,  
1242 including each campus attended, and the sexual offender's  
1243 enrollment or employment status.

1244 3. If the sexual offender's place of residence is a motor  
1245 vehicle, trailer, mobile home, or manufactured home, as defined  
1246 in chapter 320, the sexual offender shall also provide the  
1247 vehicle identification number; the license tag number; the

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1248 registration number; and a description, including color scheme,  
1249 of the motor vehicle, trailer, mobile home, or manufactured  
1250 home. If the sexual offender's place of residence is a vessel,  
1251 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1252 sexual offender shall also provide the hull identification  
1253 number; the manufacturer's serial number; the name of the  
1254 vessel, live-aboard vessel, or houseboat; the registration  
1255 number; and a description, including color scheme, of the  
1256 vessel, live-aboard vessel, or houseboat.

1257 4. Any sexual offender who fails to report in person as  
1258 required at the sheriff's office, or who fails to respond to any  
1259 address verification correspondence from the department within 3  
1260 weeks after the date of the correspondence, commits a felony of  
1261 the third degree, punishable as provided in ss. 775.082,  
1262 775.083, and 775.084.

1263 Section 14. Effective July 1, 2012, paragraphs (m) and (n)  
1264 are added to subsection (2) of section 903.046, Florida  
1265 Statutes, to read:

1266 903.046 Purpose of and criteria for bail determination.—

1267 (2) When determining whether to release a defendant on bail  
1268 or other conditions, and what that bail or those conditions may  
1269 be, the court shall consider:

1270 (m) Whether the defendant, other than a defendant whose  
1271 only criminal charge is a misdemeanor offense under chapter 316,  
1272 is required to register as a sexual offender under s. 943.0435;  
1273 and, if so, he or she is not eligible for release on bail or  
1274 surety bond until the first appearance on the case in order to  
1275 ensure the full participation of the prosecutor and the  
1276 protection of the public.

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1277       (n) Whether the defendant, other than a defendant whose  
1278 only criminal charge is a misdemeanor offense under chapter 316,  
1279 is required to register as a sexual predator under s. 775.21;  
1280 and, if so, he or she is not eligible for release on bail or  
1281 surety bond until the first appearance on the case in order to  
1282 ensure the full participation of the prosecutor and the  
1283 protection of the public.

1284       Section 15. Subsection (1) of section 948.012, Florida  
1285 Statutes, is amended to read:

1286       948.012 Split sentence of probation or community control  
1287 and imprisonment.—

1288       (1) Whenever punishment by imprisonment for a misdemeanor  
1289 or a felony, except for a capital felony, is prescribed, the  
1290 court, in its discretion, may, at the time of sentencing, impose  
1291 a split sentence whereby the defendant is to be placed on  
1292 probation or, with respect to any such felony, into community  
1293 control upon completion of any specified period of such sentence  
1294 which may include a term of years or less. In such case, the  
1295 court shall stay and withhold the imposition of the remainder of  
1296 sentence imposed upon the defendant and direct that the  
1297 defendant be placed upon probation or into community control  
1298 after serving such period as may be imposed by the court. The  
1299 period of probation or community control shall commence  
1300 immediately upon the release of the defendant from  
1301 incarceration, ~~whether by parole or gain-time allowances.~~

1302       Section 16. Section 948.039, Florida Statutes, is amended  
1303 to read:

1304       948.039 Special terms and conditions of probation or  
1305 community control imposed by court order.—The court may

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1306 determine any special terms and conditions of probation or  
1307 community control. The terms and conditions should be reasonably  
1308 related to the circumstances of the offense committed and  
1309 appropriate for the offender. The court shall impose the special  
1310 terms and conditions by oral pronouncement at sentencing and  
1311 include the terms and conditions in the written sentencing  
1312 order. The probation or community control period shall commence  
1313 immediately upon the release of the offender from incarceration.

1314 Special terms and conditions may include, but are not limited  
1315 to, requirements that the offender:

1316 (1) Attend an HIV/AIDS awareness program consisting of a  
1317 class of not less than 2 hours or more than 4 hours in length,  
1318 if such a program is available in the county of the offender's  
1319 residence. The offender shall pay the cost of attending the  
1320 program.

1321 (2) Pay not more than \$1 per month during the term of  
1322 probation or community control to a nonprofit organization  
1323 established for the sole purpose of supplementing the  
1324 rehabilitative efforts of the Department of Corrections.

1325 Section 17. If any provision of this act or its application  
1326 to any person or circumstance is held invalid, the invalidity  
1327 does not affect other provisions or applications of the act  
1328 which can be given effect without the invalid provision or  
1329 application, and to this end the provisions of this act are  
1330 declared severable.

1331 Section 18. Except as otherwise expressly provided in this  
1332 act and except for this section, which shall take effect upon  
1333 this act becoming a law, this act shall take effect April 30,  
1334 2013.