

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Glorioso offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (i) of subsection (2), paragraph (a)
8 of subsection (4), subsections (6) and (8), and paragraph (a) of
9 subsection (10) of section 775.21, Florida Statutes, are amended
10 to read:

11 775.21 The Florida Sexual Predators Act.—

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

13 (i) "Internet identifier ~~Instant message name~~" means all
14 electronic mail, chat, instant messenger, social networking, or
15 similar name used for Internet communication, but does not
16 include a date of birth, social security number, or personal
17 identification number (PIN). Voluntary disclosure by the sexual
18 predator of his or her date of birth, social security number, or
19 personal identification number (PIN) as an Internet identifier

Amendment No. 1

20 waives the disclosure exemption in this paragraph for such
21 personal information an identifier that allows a person to
22 communicate in real time with another person using the Internet.

23 (4) SEXUAL PREDATOR CRITERIA.—

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

29 1. The felony is:

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

35 b. Any felony violation, or any attempt thereof, of s.
36 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
37 787.025(2)(c), where the victim is a minor and the defendant is
38 not the victim's parent or guardian; s. 794.011, excluding s.
39 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.
40 800.04; s. 825.1025 ~~825.1025(2)(b)~~; s. 827.071; s. 847.0135(5);
41 s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of
42 a similar law of another jurisdiction, and the offender has
43 previously been convicted of or found to have committed, or has
44 pled nolo contendere or guilty to, regardless of adjudication,
45 any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
46 787.02, or s. 787.025(2)(c), where the victim is a minor and the
47 defendant is not the victim's parent or guardian; s. 794.011,

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Amendment No. 1

48 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
49 796.045; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
50 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 916.1075(2);
51 or s. 985.701(1); or a violation of a similar law of another
52 jurisdiction;

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

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

59 (6) REGISTRATION.—

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

63 1. Name; social security number; age; race; sex; date of
64 birth; height; weight; tattoos or other identifying marks; hair
65 and eye color; photograph; address of legal residence and
66 address of any current temporary residence, within the state or
67 out of state, including a rural route address and a post office
68 box; if no permanent or temporary address, any transient
69 residence within the state; address, location or description,
70 and dates of any current or known future temporary residence
71 within the state or out of state; all ~~any~~ electronic mail
72 addresses ~~address~~ and all Internet identifiers ~~any instant~~
73 ~~message name~~ required to be provided pursuant to subparagraph
74 (g)4.; all home telephone numbers ~~number~~ and ~~any~~ cellular
75 telephone numbers ~~number~~; date and place of any employment; the

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

76 make, model, color, registration number, and license tag number
77 of all vehicles owned; date and place of each conviction;
78 fingerprints; palm prints; and a brief description of the crime
79 or crimes committed by the offender. A post office box shall not
80 be provided in lieu of a physical residential address. The
81 sexual predator must also produce his or her passport, if he or
82 she has a passport, and, if he or she is an alien, must produce
83 or provide information about documents establishing his or her
84 immigration status. The sexual predator must also provide
85 information about any professional licenses he or she may have.

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

100 b. If the sexual predator is enrolled, employed,
101 volunteering, or carrying on a vocation at an institution of
102 higher education in this state, the sexual predator shall also
103 provide to the department the name, address, and county of each

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

104 institution, including each campus attended, and the sexual
105 predator's enrollment, volunteer, or employment status. Each
106 change in enrollment or employment status shall be reported in
107 person at the sheriff's office, or the Department of Corrections
108 if the sexual predator is in the custody or control of or under
109 the supervision of the Department of Corrections, within 48
110 hours after any change in status. The sheriff or the Department
111 of Corrections shall promptly notify each institution of the
112 sexual predator's presence and any change in the sexual
113 predator's enrollment, volunteer, or employment status.

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

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

Amendment No. 1

131 sexual predator escapes or absconds from custody or supervision
132 or if the sexual predator dies.

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

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

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

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

Amendment No. 1

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

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

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

181 1. If otherwise qualified, secure a Florida driver
182 ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or
183 secure an identification card. The sexual predator shall
184 identify himself or herself as a sexual predator who is required
185 to comply with this section, provide his or her place of

Amendment No. 1

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

207 2. Pay the costs assessed by the Department of Highway
208 Safety and Motor Vehicles for issuing or renewing a driver
209 ~~driver's~~ license or identification card as required by this
210 section. The driver ~~driver's~~ license or identification card
211 issued to the sexual predator must be in compliance with s.
212 322.141(3).

Amendment No. 1

213 3. Provide, upon request, any additional information
214 necessary to confirm the identity of the sexual predator,
215 including a set of fingerprints.

216 (g)1. Each time a sexual predator's driver ~~driver's~~
217 license or identification card is subject to renewal, and,
218 without regard to the status of the predator's driver ~~driver's~~
219 license or identification card, within 48 hours after any change
220 of the predator's residence or change in the predator's name by
221 reason of marriage or other legal process, the predator shall
222 report in person to a driver ~~driver's~~ license office and shall
223 be subject to the requirements specified in paragraph (f). The
224 Department of Highway Safety and Motor Vehicles shall forward to
225 the department and to the Department of Corrections all
226 photographs and information provided by sexual predators.
227 Notwithstanding the restrictions set forth in s. 322.142, the
228 Department of Highway Safety and Motor Vehicles is authorized to
229 release a reproduction of a color-photograph or digital-image
230 license to the Department of Law Enforcement for purposes of
231 public notification of sexual predators as provided in this
232 section. A sexual predator who is unable to secure or update a
233 driver license or identification card with the Department of
234 Highway Safety and Motor Vehicles as provided in paragraph (f)
235 and this paragraph must also report any change of the predator's
236 residence or change in the predator's name by reason of marriage
237 or other legal process within 48 hours after the change to the
238 sheriff's office in the county where the predator resides or is
239 located and provide confirmation that he or she reported such

Amendment No. 1

240 information to the Department of Highway Safety and Motor
241 Vehicles.

242 2. A sexual predator who vacates a permanent, temporary,
243 or transient residence and fails to establish or maintain
244 another permanent, temporary, or transient residence shall,
245 within 48 hours after vacating the permanent, temporary, or
246 transient residence, report in person to the sheriff's office of
247 the county in which he or she is located. The sexual predator
248 shall specify the date upon which he or she intends to or did
249 vacate such residence. The sexual predator must provide or
250 update all of the registration information required under
251 paragraph (a). The sexual predator must provide an address for
252 the residence or other place that he or she is or will be
253 located during the time in which he or she fails to establish or
254 maintain a permanent or temporary residence.

255 3. A sexual predator who remains at a permanent,
256 temporary, or transient residence after reporting his or her
257 intent to vacate such residence shall, within 48 hours after the
258 date upon which the predator indicated he or she would or did
259 vacate such residence, report in person to the sheriff's office
260 to which he or she reported pursuant to subparagraph 2. for the
261 purpose of reporting his or her address at such residence. When
262 the sheriff receives the report, the sheriff shall promptly
263 convey the information to the department. An offender who makes
264 a report as required under subparagraph 2. but fails to make a
265 report as required under this subparagraph commits a felony of
266 the second degree, punishable as provided in s. 775.082, s.
267 775.083, or s. 775.084.

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Amendment No. 1

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

276 (h) The department must notify the sheriff and the state
277 attorney of the county and, if applicable, the police chief of
278 the municipality, where the sexual predator maintains a
279 residence.

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

Amendment No. 1

296 his or her intended place of residence is punishable as provided
297 in subsection (10).

298 (j) A sexual predator who indicates his or her intent to
299 establish a permanent, temporary, or transient residence in
300 another state, a ~~ex~~ jurisdiction other than the State of
301 Florida, or another country and later decides to remain in this
302 state shall, within 48 hours after the date upon which the
303 sexual predator indicated he or she would leave this state,
304 report in person to the sheriff to which the sexual predator
305 reported the intended change of residence, and report his or her
306 intent to remain in this state. If the sheriff is notified by
307 the sexual predator that he or she intends to remain in this
308 state, the sheriff shall promptly report this information to the
309 department. A sexual predator who reports his or her intent to
310 establish a permanent, temporary, or transient residence in
311 another state, a ~~ex~~ jurisdiction other than the State of
312 Florida, or another country, but who remains in this state
313 without reporting to the sheriff in the manner required by this
314 paragraph, commits a felony of the second degree, punishable as
315 provided in s. 775.082, s. 775.083, or s. 775.084.

316 (k)1. The department is responsible for the online
317 maintenance of current information regarding each registered
318 sexual predator. The department must maintain hotline access for
319 state, local, and federal law enforcement agencies to obtain
320 instantaneous locator file and offender characteristics
321 information on all released registered sexual predators for
322 purposes of monitoring, tracking, and prosecution. The

Amendment No. 1

323 | photograph and fingerprints do not have to be stored in a
324 | computerized format.

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

337 | 3. The department shall adopt guidelines as necessary
338 | regarding the registration of sexual predators and the
339 | dissemination of information regarding sexual predators as
340 | required by this section.

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

347 | (8) VERIFICATION.—The department and the Department of
348 | Corrections shall implement a system for verifying the addresses
349 | of sexual predators. The system must be consistent with the
350 | provisions of the federal Adam Walsh Child Protection and Safety

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

351 Act of 2006 and any other federal standards applicable to such
352 verification or required to be met as a condition for the
353 receipt of federal funds by the state. The Department of
354 Corrections shall verify the addresses of sexual predators who
355 are not incarcerated but who reside in the community under the
356 supervision of the Department of Corrections and shall report to
357 the department any failure by a sexual predator to comply with
358 registration requirements. County and local law enforcement
359 agencies, in conjunction with the department, shall verify the
360 addresses of sexual predators who are not under the care,
361 custody, control, or supervision of the Department of
362 Corrections. Local law enforcement agencies shall report to the
363 department any failure by a sexual predator to comply with
364 registration requirements.

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

374 1. Name; social security number; age; race; sex; date of
375 birth; height; weight; tattoos or other identifying marks; hair
376 and eye color; address of any permanent residence and address of
377 any current temporary residence, within the state or out of
378 state, including a rural route address and a post office box; if

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

379 no permanent or temporary address, any transient residence
380 within the state; address, location or description, and dates of
381 any current or known future temporary residence within the state
382 or out of state; all any electronic mail addresses ~~address~~ and
383 all Internet identifiers ~~any instant message name~~ required to be
384 provided pursuant to subparagraph (6)(g)4.; all home telephone
385 numbers ~~number~~ and any cellular telephone numbers ~~number~~; date
386 and place of any employment; the vehicle ~~vehicle~~ make, model, color,
387 registration number, and license tag number of all vehicles
388 owned; fingerprints; palm prints; and photograph. A post office
389 box shall not be provided in lieu of a physical residential
390 address. The sexual predator must also produce his or her
391 passport, if he or she has a passport, and, if he or she is an
392 alien, must produce or provide information about documents
393 establishing his or her immigration status. The sexual predator
394 must also provide information about any professional licenses he
395 or she may have.

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

402 3. If the sexual predator's place of residence is a motor
403 vehicle, trailer, mobile home, or manufactured home, as defined
404 in chapter 320, the sexual predator shall also provide the
405 vehicle identification number; the license tag number; the
406 registration number; and a description, including color scheme,

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

407 of the motor vehicle, trailer, mobile home, or manufactured
408 home. If the sexual predator's place of residence is a vessel,
409 live-aboard vessel, or houseboat, as defined in chapter 327, the
410 sexual predator shall also provide the hull identification
411 number; the manufacturer's serial number; the name of the
412 vessel, live-aboard vessel, or houseboat; the registration
413 number; and a description, including color scheme, of the
414 vessel, live-aboard vessel, or houseboat.

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

419 (10) PENALTIES.—

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

Amendment No. 1

434 this section, commits a felony of the third degree, punishable
435 as provided in s. 775.082, s. 775.083, or s. 775.084.

436 Section 2. Section 800.03, Florida Statutes, is amended to
437 read:

438 800.03 Exposure of sexual organs.—

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

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

447 (b) A third or subsequent violation of this section is a
448 felony of the third degree, punishable as provided in s.
449 775.082, s. 775.083, or s. 775.084.

450 (3) A mother's breastfeeding of her baby does not under
451 any circumstance violate this section.

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

454 903.046 Purpose of and criteria for bail determination.—

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

458 (m) Whether the defendant, other than a defendant whose
459 only criminal charge is a misdemeanor offense under chapter 316,
460 is required to register as a sexual offender under s. 943.0435
461 or a sexual predator under s. 775.21; and, if so, he or she is

Amendment No. 1

462 not eligible for release on bail or surety bond until the first
463 appearance on the case in order to ensure the full participation
464 of the prosecutor and the protection of the public.

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

469 943.0435 Sexual offenders required to register with the
470 department; penalty.—

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

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

475 a.(I) Has been convicted of committing, or attempting,
476 soliciting, or conspiring to commit, any of the criminal
477 offenses proscribed in the following statutes in this state or
478 similar offenses in another jurisdiction: s. 393.135(2); s.
479 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
480 the victim is a minor and the defendant is not the victim's
481 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
482 794.05; s. 796.03; s. 796.035; s. 796.045; s. 800.04; s.
483 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
484 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
485 916.1075(2); or s. 985.701(1); or any similar offense committed
486 in this state which has been redesignated from a former statute
487 number to one of those listed in this sub-sub-subparagraph; and
488 (II) Has been released on or after October 1, 1997, from
489 the sanction imposed for any conviction of an offense described

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

490 in sub-sub-subparagraph (I). For purposes of sub-sub-
491 subparagraph (I), a sanction imposed in this state or in any
492 other jurisdiction includes, but is not limited to, a fine,
493 probation, community control, parole, conditional release,
494 control release, or incarceration in a state prison, federal
495 prison, private correctional facility, or local detention
496 facility;

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

507 c. Establishes or maintains a residence in this state who
508 is in the custody or control of, or under the supervision of,
509 any other state or jurisdiction as a result of a conviction for
510 committing, or attempting, soliciting, or conspiring to commit,
511 any of the criminal offenses proscribed in the following
512 statutes or similar offense in another jurisdiction: s.
513 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
514 787.025(2)(c), where the victim is a minor and the defendant is
515 not the victim's parent or guardian; s. 794.011, excluding s.
516 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.
517 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

518 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
519 s. 916.1075(2); or s. 985.701(1); or any similar offense
520 committed in this state which has been redesignated from a
521 former statute number to one of those listed in this sub-
522 subparagraph; or

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

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

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

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

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

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

540

541 For each violation of a qualifying offense listed in this
542 subsection, except for a violation of s. 794.011, the court
543 shall make a written finding of the age of the victim at the
544 time of the offense. For a violation of s. 800.04(4), the court
545 shall additionally make a written finding indicating that the

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

546 offense did or did not involve sexual activity and indicating
547 that the offense did or did not involve force or coercion. For a
548 violation of s. 800.04(5), the court shall additionally make a
549 written finding that the offense did or did not involve
550 unclothed genitals or genital area and that the offense did or
551 did not involve the use of force or coercion.

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

556 (2) A sexual offender shall:

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

558 1. In the county in which the offender establishes or
559 maintains a permanent, temporary, or transient residence within
560 48 hours after:

561 a. Establishing permanent, temporary, or transient
562 residence in this state; or

563 b. Being released from the custody, control, or
564 supervision of the Department of Corrections or from the custody
565 of a private correctional facility; or

566 2. In the county where he or she was convicted within 48
567 hours after being convicted for a qualifying offense for
568 registration under this section if the offender is not in the
569 custody or control of, or under the supervision of, the
570 Department of Corrections, or is not in the custody of a private
571 correctional facility.

Amendment No. 1

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

581 (b) Provide his or her name; date of birth; social
582 security number; race; sex; height; weight; hair and eye color;
583 tattoos or other identifying marks; occupation and place of
584 employment; address of permanent or legal residence or address
585 of any current temporary residence, within the state or out of
586 state, including a rural route address and a post office box; if
587 no permanent or temporary address, any transient residence
588 within the state, address, location or description, and dates of
589 any current or known future temporary residence within the state
590 or out of state; the make, model, color, registration number,
591 and license tag number of all vehicles owned; all home telephone
592 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; all
593 ~~any~~ electronic mail addresses ~~address~~ and all Internet
594 identifiers ~~any instant message name~~ required to be provided
595 pursuant to paragraph (4) (d); fingerprints; palm prints;
596 photograph; date and place of each conviction; and a brief
597 description of the crime or crimes committed by the offender. A
598 post office box shall not be provided in lieu of a physical
599 residential address. The sexual offender must also produce his
600 or her passport, if he or she has a passport, and, if he or she

Amendment No. 1

601 is an alien, must produce or provide information about documents
602 establishing his or her immigration status. The sexual offender
603 must also provide information about any professional licenses he
604 or she may have.

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

619 2. If the sexual offender is enrolled, employed,
620 volunteering, or carrying on a vocation at an institution of
621 higher education in this state, the sexual offender shall also
622 provide to the department through the sheriff's office the name,
623 address, and county of each institution, including each campus
624 attended, and the sexual offender's enrollment or employment
625 status. Each change in enrollment, volunteer, or employment
626 status shall be reported in person at the sheriff's office,
627 within 48 hours after any change in status. The sheriff shall
628 promptly notify each institution of the sexual offender's

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

629 presence and any change in the sexual offender's enrollment,
630 volunteer, or employment status.

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

635

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

643 (4) (a) Each time a sexual offender's driver ~~driver's~~
644 license or identification card is subject to renewal, and,
645 without regard to the status of the offender's driver ~~driver's~~
646 license or identification card, within 48 hours after any change
647 in the offender's permanent, temporary, or transient residence
648 or change in the offender's name by reason of marriage or other
649 legal process, the offender shall report in person to a driver
650 ~~driver's~~ license office, and shall be subject to the
651 requirements specified in subsection (3). The Department of
652 Highway Safety and Motor Vehicles shall forward to the
653 department all photographs and information provided by sexual
654 offenders. Notwithstanding the restrictions set forth in s.
655 322.142, the Department of Highway Safety and Motor Vehicles is
656 authorized to release a reproduction of a color-photograph or

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

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

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

678 (7) A sexual offender who intends to establish a
679 permanent, temporary, or transient residence in another state or
680 jurisdiction other than the State of Florida shall report in
681 person to the sheriff of the county of current residence within
682 48 hours before the date he or she intends to leave this state
683 to establish residence in another state or jurisdiction or
684 within 21 days before his or her planned departure date if the

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

685 intended residence of 5 days or more is outside of the United
686 States. The notification must include the address, municipality,
687 county, ~~and~~ state, and country of intended residence. The
688 sheriff shall promptly provide to the department the information
689 received from the sexual offender. The department shall notify
690 the statewide law enforcement agency, or a comparable agency, in
691 the intended state, ~~or~~ jurisdiction, or country of residence of
692 the sexual offender's intended residence. The failure of a
693 sexual offender to provide his or her intended place of
694 residence is punishable as provided in subsection (9).

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

Amendment No. 1

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

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

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

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

736 c. The sexual offender has successfully completed all
737 sanctions imposed for all offenses that required the offender to
738 register;

Amendment No. 1

739 d. The sexual offender's requirement to register was not
740 based upon an adult conviction for a violation of s. 787.01, s.
741 794.011, excluding s. 794.011(10), s. 800.04(4) (b) where the
742 court finds the offense involved a victim under 12 years of age
743 or sexual activity by the use of force or coercion, s.
744 800.04(5) (b), or s. 800.04(5) (c)2. where the court finds the
745 offense involved unclothed genitals or genital area; for any
746 attempt or conspiracy to commit any offense listed in this sub-
747 subparagraph; or for a violation of similar law of another
748 jurisdiction; and

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

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

754 ~~b. For a violation of s. 794.011, excluding s.~~
755 ~~794.011(10);~~

756 ~~e. For a violation of s. 800.04(4) (b) where the court~~
757 ~~finds the offense involved a victim under 12 years of age or~~
758 ~~sexual activity by the use of force or coercion;~~

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

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

762 ~~f. For any attempt or conspiracy to commit any such~~
763 ~~offense; or~~

764 ~~g. For a violation of similar law of another jurisdiction,~~
765

Amendment No. 1

766 ~~may petition the criminal division of the circuit court of the~~
767 ~~circuit in which the sexual offender resides for the purpose of~~
768 ~~removing the requirement for registration as a sexual offender.~~

769 2. A sexual offender whose requirement to register was
770 based upon an adult conviction for a violation of s. 787.02 or
771 s. 827.071(5), for any attempt or conspiracy to commit any
772 offense listed in this subparagraph, or for a violation of
773 similar law of another jurisdiction may petition the criminal
774 division of the circuit court of the circuit in which the sexual
775 offender resides for the purpose of removing the requirement for
776 registration as a sexual offender if:

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

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

784 c. The sexual offender has successfully completed all
785 sanctions imposed for all offenses that required the offender to
786 register; and

787 d. For sexual offenders whose requirement to register is
788 based upon a conviction in another state, the sexual offender is
789 not required to register as a sexual offender pursuant to the
790 laws of the state where the conviction occurred.

791 3. A sexual offender required to register under sub-
792 subparagraph (1)(a)1.d. may petition the criminal division of
793 the circuit court of the circuit in which the sexual offender

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

794 resides for the purpose of removing the requirement for
795 registration as a sexual offender if:

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

799 b. The sexual offender has not been convicted or
800 adjudicated delinquent of any felony offense or of an offense
801 punishable by more than 1 year of imprisonment during the 25
802 years preceding the petition to the court; and

803 c. The sexual offender has successfully completed all
804 sanctions imposed for any offense that required the offender to
805 register.

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

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

822 petitioner to provide the department with a certified copy of
823 the order granting relief. If the court denies the petition, the
824 court may set a future date at which the sexual offender may
825 again petition the court for relief, subject to the standards
826 for relief provided in this subsection.

827 ~~5.3.~~ The department shall remove an offender from
828 classification as a sexual offender for purposes of registration
829 if the offender provides to the department a certified copy of
830 the court's written findings or order that indicates that the
831 offender is no longer required to comply with the requirements
832 for registration as a sexual offender.

833 6. For purposes of this paragraph:

834 a. The registration period of a sexual offender sentenced
835 to a term of incarceration or committed to a residential program
836 begins upon the offender's release for the most recent
837 conviction that required the offender to register.

838 b. A sexual offender's registration period is tolled
839 during any period in which the offender is incarcerated, civilly
840 committed, detained pursuant to chapter 985, or committed to a
841 residential program.

842 (b) A sexual offender as defined in sub-subparagraph
843 (1)(a)1.b. must maintain registration with the department for
844 the duration of his or her life until the person provides the
845 department with an order issued by the court that designated the
846 person as a sexual predator, as a sexually violent predator, or
847 by another sexual offender designation in the state or
848 jurisdiction in which the order was issued which states that
849 such designation has been removed or demonstrates to the

Amendment No. 1

850 department that such designation, if not imposed by a court, has
851 been removed by operation of law or court order in the state or
852 jurisdiction in which the designation was made, and provided
853 such person no longer meets the criteria for registration as a
854 sexual offender under the laws of this state.

855 (14)

856 (c) The sheriff's office may determine the appropriate
857 times and days for reporting by the sexual offender, which shall
858 be consistent with the reporting requirements of this
859 subsection. Reregistration shall include any changes to the
860 following information:

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

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

878 passport, if he or she has a passport, and, if he or she is an
879 alien, must produce or provide information about documents
880 establishing his or her immigration status. The sexual offender
881 must also provide information about any professional licenses he
882 or she may have.

883 2. If the sexual offender is enrolled, volunteering,
884 employed, or carrying on a vocation at an institution of higher
885 education in this state, the sexual offender shall also provide
886 to the department the name, address, and county of each
887 institution, including each campus attended, and the sexual
888 offender's enrollment, volunteer, or employment status.

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

902 4. Any sexual offender who fails to report in person as
903 required at the sheriff's office, ~~or~~ who fails to respond to any
904 address verification correspondence from the department within 3
905 weeks of the date of the correspondence, ~~or~~ who fails to report

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

906 all electronic mail addresses and all Internet identifiers ~~or~~
907 ~~instant message names,~~ or who knowingly provides false
908 registration information by act or omission commits a felony of
909 the third degree, punishable as provided in s. 775.082, s.
910 775.083, or s. 775.084.

911 Section 5. Section 943.04351, Florida Statutes, is amended
912 to read:

913 943.04351 Search of registration information regarding
914 sexual predators and sexual offenders required prior to
915 appointment or employment.—A state agency or governmental
916 subdivision, prior to making any decision to appoint or employ a
917 person to work, whether for compensation or as a volunteer, at
918 any park, playground, day care center, or other place where
919 children regularly congregate, must conduct a search of that
920 person's name or other identifying information against the
921 registration information regarding sexual predators and sexual
922 offenders maintained by the Department of Law Enforcement under
923 s. 943.043. The agency or governmental subdivision may conduct
924 the search using the Internet site maintained by the Department
925 of Law Enforcement. Also, a national search must be conducted
926 through the Dru Sjodin National Sex Offender Public Website
927 maintained by the United States Department of Justice. This
928 section does not apply to those positions or appointments within
929 a state agency or governmental subdivision for which a state and
930 national criminal history background check is conducted.

931 Section 6. Section 943.04354, Florida Statutes, is amended
932 to read:

Amendment No. 1

933 943.04354 Removal of the requirement to register as a
934 sexual offender or sexual predator in special circumstances.-

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

938 (a) ~~Was or will be convicted, regardless of adjudication,~~
939 ~~or adjudicated delinquent of a violation of s. 794.011, s.~~
940 ~~800.04, s. 827.071, or s. 847.0135(5), or a similar offense in~~
941 ~~another jurisdiction, or the person committed a violation of s.~~
942 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~
943 ~~adjudication of guilt was or will be withheld,~~ and the person
944 does not have any other conviction, regardless of adjudication,
945 or adjudication of delinquency, ~~or withhold of adjudication of~~
946 ~~guilt~~ for a violation of s. 794.011, s. 800.04, s. 827.071, or
947 s. 847.0135(5), or a similar offense in another jurisdiction;

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

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

959 (c) Is not more than 4 years older than the victim of this
960 violation who was 13 ~~14~~ years of age or older but less ~~not more~~

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

961 than ~~18~~ 17 years of age at the time the person committed this
962 violation.

963 (2) If a person meets the criteria in subsection (1) ~~and~~
964 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
965 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person
966 may move the sentencing court or, for persons convicted or
967 adjudicated delinquent of a qualifying offense in another
968 jurisdiction, the criminal circuit court of the circuit in which
969 the person resides that will sentence or dispose of this
970 ~~violation~~ to remove the requirement that the person register as
971 a sexual offender or sexual predator. The person must allege in
972 the motion that he or she meets the criteria in subsection (1)
973 and that removal of the registration requirement will not
974 conflict with federal law. Persons convicted or adjudicated
975 delinquent of an offense in another jurisdiction that is similar
976 to an offense listed in paragraph (1)(a) must provide the court
977 written confirmation that he or she is not required to register
978 in the state where the conviction or adjudication occurred. The
979 state attorney and the department must be given notice of the
980 motion at least 21 days before the date of sentencing, ~~or~~
981 disposition of the this violation, or hearing on the motion and
982 may present evidence in opposition to the requested relief or
983 may otherwise demonstrate why the motion should be denied. At
984 sentencing, ~~or~~ disposition of the this violation, or hearing on
985 the motion, the court shall rule on this motion and, if the
986 court determines the person meets the criteria in subsection (1)
987 and the removal of the registration requirement will not
988 conflict with federal law, it may grant the motion and order the

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

989 removal of the registration requirement. The court shall
990 instruct the person to provide the department a certified copy
991 of the order granting relief. If the court denies the motion,
992 the person is not authorized under this section to petition for
993 removal of the registration requirement.

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

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

998 ~~2. Is subject to registration as a sexual offender or~~
999 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~
1000 ~~827.071; and~~

1001 ~~3. Meets the criteria in subsection (1).~~

1002 ~~(b) A person may petition the court in which the sentence~~
1003 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~
1004 ~~827.071 occurred for removal of the requirement to register as a~~
1005 ~~sexual offender or sexual predator. The person must allege in~~
1006 ~~the petition that he or she meets the criteria in subsection (1)~~
1007 ~~and removal of the registration requirement will not conflict~~
1008 ~~with federal law. The state attorney must be given notice of the~~
1009 ~~petition at least 21 days before the hearing on the petition and~~
1010 ~~may present evidence in opposition to the requested relief or~~
1011 ~~may otherwise demonstrate why the petition should be denied. The~~
1012 ~~court shall rule on the petition and, if the court determines~~
1013 ~~the person meets the criteria in subsection (1) and removal of~~
1014 ~~the registration requirement will not conflict with federal law,~~
1015 ~~it may grant the petition and order the removal of the~~
1016 ~~registration requirement. If the court denies the petition, the~~

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1017 ~~person is not authorized under this section to file any further~~
1018 ~~petition for removal of the registration requirement.~~

1019 (3)-(4) If a person provides to the Department of Law
1020 Enforcement a certified copy of the court's order removing the
1021 requirement that the person register as a sexual offender or
1022 sexual predator for the violation of s. 794.011, s. 800.04, s.
1023 827.071, or s. 847.0135(5), or a similar offense in another
1024 jurisdiction, the registration requirement will not apply to the
1025 person and the department shall remove all information about the
1026 person from the public registry of sexual offenders and sexual
1027 predators maintained by the department. However, the removal of
1028 this information from the public registry does not mean that the
1029 public is denied access to information about the person's
1030 criminal history or record that is otherwise available as a
1031 public record.

1032 Section 7. Subsection (2) and paragraph (a) of subsection
1033 (3) of section 943.0437, Florida Statutes, are amended to read:

1034 943.0437 Commercial social networking websites.—

1035 (2) The department may provide information relating to
1036 electronic mail addresses and Internet identifiers ~~instant~~
1037 ~~message names~~ maintained as part of the sexual offender registry
1038 to commercial social networking websites or third parties
1039 designated by commercial social networking websites. The
1040 commercial social networking website may use this information
1041 for the purpose of comparing registered users and screening
1042 potential users of the commercial social networking website
1043 against the list of electronic mail addresses and Internet
1044 identifiers ~~instant message names~~ provided by the department.

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1045 (3) This section shall not be construed to impose any
1046 civil liability on a commercial social networking website for:

1047 (a) Any action voluntarily taken in good faith to remove
1048 or disable any profile of a registered user associated with an
1049 electronic mail address or Internet identifier ~~instant message~~
1050 ~~name~~ contained in the sexual offender registry.

1051 Section 8. Paragraphs (b) and (d) of subsection (1) and
1052 paragraph (a) of subsection (3) of section 944.606, Florida
1053 Statutes, are amended to read:

1054 944.606 Sexual offenders; notification upon release.—

1055 (1) As used in this section:

1056 (b) "Sexual offender" means a person who has been
1057 convicted of committing, or attempting, soliciting, or
1058 conspiring to commit, any of the criminal offenses proscribed in
1059 the following statutes in this state or similar offenses in
1060 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1061 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1062 the defendant is not the victim's parent or guardian; s.
1063 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
1064 796.045; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
1065 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1066 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
1067 similar offense committed in this state which has been
1068 redesignated from a former statute number to one of those listed
1069 in this subsection, when the department has received verified
1070 information regarding such conviction; an offender's
1071 computerized criminal history record is not, in and of itself,
1072 verified information.

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1073 (d) "Internet identifier Instant message name" has the
1074 same meaning as provided in s. 775.21 ~~means an identifier that~~
1075 ~~allows a person to communicate in real time with another person~~
1076 ~~using the Internet.~~

1077 (3) (a) The department must provide information regarding
1078 any sexual offender who is being released after serving a period
1079 of incarceration for any offense, as follows:

1080 1. The department must provide: the sexual offender's
1081 name, any change in the offender's name by reason of marriage or
1082 other legal process, and any alias, if known; the correctional
1083 facility from which the sexual offender is released; the sexual
1084 offender's social security number, race, sex, date of birth,
1085 height, weight, and hair and eye color; address of any planned
1086 permanent residence or temporary residence, within the state or
1087 out of state, including a rural route address and a post office
1088 box; if no permanent or temporary address, any transient
1089 residence within the state; address, location or description,
1090 and dates of any known future temporary residence within the
1091 state or out of state; date and county of sentence and each
1092 crime for which the offender was sentenced; a copy of the
1093 offender's fingerprints, palm prints, and a digitized photograph
1094 taken within 60 days before release; the date of release of the
1095 sexual offender; all any electronic mail addresses ~~address~~ and
1096 all Internet identifiers ~~any instant message name~~ required to be
1097 provided pursuant to s. 943.0435(4) (d); all ~~and~~ home telephone
1098 numbers ~~number~~ and ~~any~~ cellular telephone numbers; information
1099 about any professional licenses the offender may have, if known;
1100 and passport information, if he or she has a passport, and, if

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1101 he or she is an alien, information about documents establishing
1102 his or her immigration status number. The department shall
1103 notify the Department of Law Enforcement if the sexual offender
1104 escapes, absconds, or dies. If the sexual offender is in the
1105 custody of a private correctional facility, the facility shall
1106 take the digitized photograph of the sexual offender within 60
1107 days before the sexual offender's release and provide this
1108 photograph to the Department of Corrections and also place it in
1109 the sexual offender's file. If the sexual offender is in the
1110 custody of a local jail, the custodian of the local jail shall
1111 register the offender within 3 business days after intake of the
1112 offender for any reason and upon release, and shall notify the
1113 Department of Law Enforcement of the sexual offender's release
1114 and provide to the Department of Law Enforcement the information
1115 specified in this paragraph and any information specified in
1116 subparagraph 2. that the Department of Law Enforcement requests.

1117 2. The department may provide any other information deemed
1118 necessary, including criminal and corrections records,
1119 nonprivileged personnel and treatment records, when available.

1120 Section 9. Paragraphs (a) and (f) of subsection (1),
1121 subsection (4), and paragraph (c) of subsection (13) of section
1122 944.607, Florida Statutes, are amended to read:

1123 944.607 Notification to Department of Law Enforcement of
1124 information on sexual offenders.—

1125 (1) As used in this section, the term:

1126 (a) "Sexual offender" means a person who is in the custody
1127 or control of, or under the supervision of, the department or is
1128 in the custody of a private correctional facility:

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Published On: 1/30/2012 7:54:50 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1129 1. On or after October 1, 1997, as a result of a
1130 conviction for committing, or attempting, soliciting, or
1131 conspiring to commit, any of the criminal offenses proscribed in
1132 the following statutes in this state or similar offenses in
1133 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1134 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1135 the defendant is not the victim's parent or guardian; s.
1136 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
1137 796.035; s. 796.045; s. 800.04; s. 825.1025; s. 827.071; s.
1138 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1139 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
1140 similar offense committed in this state which has been
1141 redesignated from a former statute number to one of those listed
1142 in this paragraph; or

1143 2. Who establishes or maintains a residence in this state
1144 and who has not been designated as a sexual predator by a court
1145 of this state but who has been designated as a sexual predator,
1146 as a sexually violent predator, or by another sexual offender
1147 designation in another state or jurisdiction and was, as a
1148 result of such designation, subjected to registration or
1149 community or public notification, or both, or would be if the
1150 person were a resident of that state or jurisdiction, without
1151 regard as to whether the person otherwise meets the criteria for
1152 registration as a sexual offender.

1153 (f) "Internet identifier ~~Instant message name~~" has the
1154 same meaning as provided in s. 775.21 ~~means an identifier that~~
1155 ~~allows a person to communicate in real time with another person~~
1156 ~~using the Internet.~~

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1157 (4) A sexual offender, as described in this section, who
1158 is under the supervision of the Department of Corrections but is
1159 not incarcerated must register with the Department of
1160 Corrections within 3 business days after sentencing for a
1161 registrable offense and otherwise provide information as
1162 required by this subsection.

1163 (a) The sexual offender shall provide his or her name;
1164 date of birth; social security number; race; sex; height;
1165 weight; hair and eye color; tattoos or other identifying marks;
1166 all any electronic mail addresses address and all Internet
1167 identifiers any instant message name required to be provided
1168 pursuant to s. 943.0435(4)(d); the make, model, color,
1169 registration number, and license tag number of all vehicles
1170 owned; permanent or legal residence and address of temporary
1171 residence within the state or out of state while the sexual
1172 offender is under supervision in this state, including any rural
1173 route address or post office box; if no permanent or temporary
1174 address, any transient residence within the state; and address,
1175 location or description, and dates of any current or known
1176 future temporary residence within the state or out of state. The
1177 sexual offender must also produce his or her passport, if he or
1178 she has a passport, and, if he or she is an alien, must produce
1179 or provide information about documents establishing his or her
1180 immigration status. The sexual offender must also provide
1181 information about any professional licenses he or she may have.
1182 The Department of Corrections shall verify the address of each
1183 sexual offender in the manner described in ss. 775.21 and
1184 943.0435. The department shall report to the Department of Law

Amendment No. 1

1185 Enforcement any failure by a sexual predator or sexual offender
1186 to comply with registration requirements.

1187 (b) If the sexual offender is enrolled, employed,
1188 volunteering, or carrying on a vocation at an institution of
1189 higher education in this state, the sexual offender shall
1190 provide the name, address, and county of each institution,
1191 including each campus attended, and the sexual offender's
1192 enrollment, volunteer, or employment status. Each change in
1193 enrollment, volunteer, or employment status shall be reported to
1194 the department within 48 hours after the change in status. The
1195 Department of Corrections shall promptly notify each institution
1196 of the sexual offender's presence and any change in the sexual
1197 offender's enrollment, volunteer, or employment status.

1198 (13)

1199 (c) The sheriff's office may determine the appropriate
1200 times and days for reporting by the sexual offender, which shall
1201 be consistent with the reporting requirements of this
1202 subsection. Reregistration shall include any changes to the
1203 following information:

1204 1. Name; social security number; age; race; sex; date of
1205 birth; height; weight; hair and eye color; address of any
1206 permanent residence and address of any current temporary
1207 residence, within the state or out of state, including a rural
1208 route address and a post office box; if no permanent or
1209 temporary address, any transient residence; address, location or
1210 description, and dates of any current or known future temporary
1211 residence within the state or out of state; all ~~any~~ electronic
1212 mail addresses ~~address~~ and all ~~any~~ Internet identifiers ~~any instant~~

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1213 ~~message name~~ required to be provided pursuant to s.
1214 943.0435(4)(d); date and place of any employment; ~~the vehicle~~
1215 make, model, color, registration number, and license tag number
1216 of all vehicles owned; fingerprints; palm prints; and
1217 photograph. A post office box shall not be provided in lieu of a
1218 physical residential address. The sexual offender must also
1219 produce his or her passport, if he or she has a passport, and,
1220 if he or she is an alien, must produce or provide information
1221 about documents establishing his or her immigration status. The
1222 sexual offender must also provide information about any
1223 professional licenses he or she may have.

1224 2. If the sexual offender is enrolled, employed,
1225 volunteering, or carrying on a vocation at an institution of
1226 higher education in this state, the sexual offender shall also
1227 provide to the department the name, address, and county of each
1228 institution, including each campus attended, and the sexual
1229 offender's enrollment, volunteer, or employment status.

1230 3. If the sexual offender's place of residence is a motor
1231 vehicle, trailer, mobile home, or manufactured home, as defined
1232 in chapter 320, the sexual offender shall also provide the
1233 vehicle identification number; the license tag number; the
1234 registration number; and a description, including color scheme,
1235 of the motor vehicle, trailer, mobile home, or manufactured
1236 home. If the sexual offender's place of residence is a vessel,
1237 live-aboard vessel, or houseboat, as defined in chapter 327, the
1238 sexual offender shall also provide the hull identification
1239 number; the manufacturer's serial number; the name of the
1240 vessel, live-aboard vessel, or houseboat; the registration

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1241 number; and a description, including color scheme, of the
1242 vessel, live-aboard vessel or houseboat.

1243 4. Any sexual offender who fails to report in person as
1244 required at the sheriff's office, ~~or~~ who fails to respond to any
1245 address verification correspondence from the department within 3
1246 weeks of the date of the correspondence, ~~or~~ who fails to report
1247 all electronic mail addresses and all Internet identifiers ~~or~~
1248 ~~instant message names, or who knowingly provides false~~
1249 registration information by act or omission commits a felony of
1250 the third degree, punishable as provided in s. 775.082, s.
1251 775.083, or s. 775.084.

1252 Section 10. Subsection (11) of section 947.005, Florida
1253 Statutes, is amended to read:

1254 947.005 Definitions.—As used in this chapter, unless the
1255 context clearly indicates otherwise:

1256 (11) "Risk assessment" means an assessment completed by a
1257 ~~an independent~~ qualified practitioner to evaluate the level of
1258 risk associated when a sex offender has contact with a child.

1259 Section 11. Section 948.31, Florida Statutes, is amended
1260 to read:

1261 948.31 Evaluation and treatment of sexual predators and
1262 offenders on probation or community control.—The court may ~~shall~~
1263 ~~require an evaluation by a qualified practitioner to determine~~
1264 ~~the need of a probationer or community controllee for treatment.~~
1265 ~~If the court determines that a need therefor is established by~~
1266 ~~the evaluation process, the court shall require sexual offender~~
1267 ~~treatment as a term or condition of probation or community~~
1268 ~~control for any probationer or community controllee person who~~

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1269 is required to register as a sexual predator under s. 775.21 or
1270 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to
1271 undergo an evaluation, at the probationer or community
1272 controllee's expense, by a qualified practitioner to determine
1273 whether such person needs sexual offender treatment. If the
1274 qualified practitioner determines that sexual offender treatment
1275 is needed and recommends treatment, the probationer or community
1276 controllee must successfully complete and pay for the treatment.

1277 Such treatment must ~~shall be required to~~ be obtained from a
1278 qualified practitioner as defined in s. 948.001. Treatment may
1279 not be administered by a qualified practitioner who has been
1280 convicted or adjudicated delinquent of committing, or
1281 attempting, soliciting, or conspiring to commit, any offense
1282 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~
1283 ~~impose a restriction against contact with minors if sexual~~
1284 ~~offender treatment is recommended. The evaluation and~~
1285 ~~recommendations for treatment of the probationer or community~~
1286 ~~controllee shall be provided to the court for review.~~

1287 Section 12. Paragraph (a) of subsection (3) of section
1288 985.481, Florida Statutes, is amended to read:

1289 985.481 Sexual offenders adjudicated delinquent;
1290 notification upon release.-

1291 (3) (a) The department must provide information regarding
1292 any sexual offender who is being released after serving a period
1293 of residential commitment under the department for any offense,
1294 as follows:

1295 1. The department must provide the sexual offender's name,
1296 any change in the offender's name by reason of marriage or other

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Published On: 1/30/2012 7:54:50 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1297 legal process, and any alias, if known; the correctional
1298 facility from which the sexual offender is released; the sexual
1299 offender's social security number, race, sex, date of birth,
1300 height, weight, and hair and eye color; the make, model, color,
1301 registration number, and license tag number of all vehicles
1302 owned, if known; address of any planned permanent residence or
1303 temporary residence, within the state or out of state, including
1304 a rural route address and a post office box; if no permanent or
1305 temporary address, any transient residence within the state;
1306 address, location or description, and dates of any known future
1307 temporary residence within the state or out of state; date and
1308 county of disposition and each crime for which there was a
1309 disposition; a copy of the offender's fingerprints and a
1310 digitized photograph taken within 60 days before release; the
1311 date of release of the sexual offender; all ~~and~~ home telephone
1312 numbers ~~number~~ and any cellular telephone numbers; information
1313 about any professional licenses the offender may have, if known;
1314 and passport information, if he or she has a passport, and, if
1315 he or she is an alien, information about documents establishing
1316 his or her immigration status ~~number~~. The department shall
1317 notify the Department of Law Enforcement if the sexual offender
1318 escapes, absconds, or dies. If the sexual offender is in the
1319 custody of a private correctional facility, the facility shall
1320 take the digitized photograph of the sexual offender within 60
1321 days before the sexual offender's release and also place it in
1322 the sexual offender's file. If the sexual offender is in the
1323 custody of a local jail, the custodian of the local jail shall
1324 register the offender within 3 business days after intake of the

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Page 48 of 81

Amendment No. 1

1325 offender for any reason and upon release, and shall notify the
1326 Department of Law Enforcement of the sexual offender's release
1327 and provide to the Department of Law Enforcement the information
1328 specified in this subparagraph and any information specified in
1329 subparagraph 2. which the Department of Law Enforcement
1330 requests.

1331 2. The department may provide any other information
1332 considered necessary, including criminal and delinquency
1333 records, when available.

1334 Section 13. Subsection (4) and paragraph (b) of subsection
1335 (13) of section 985.4815, Florida Statutes, are amended to read:

1336 985.4815 Notification to Department of Law Enforcement of
1337 information on juvenile sexual offenders.-

1338 (4) A sexual offender, as described in this section, who
1339 is under the supervision of the department but who is not
1340 committed must register with the department within 3 business
1341 days after adjudication and disposition for a registrable
1342 offense and otherwise provide information as required by this
1343 subsection.

1344 (a) The sexual offender shall provide his or her name;
1345 date of birth; social security number; race; sex; height;
1346 weight; hair and eye color; tattoos or other identifying marks;
1347 the make, model, color, registration number, and license tag
1348 number of all vehicles owned; permanent or legal residence and
1349 address of temporary residence within the state or out of state
1350 while the sexual offender is in the care or custody or under the
1351 jurisdiction or supervision of the department in this state,
1352 including any rural route address or post office box; if no

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Published On: 1/30/2012 7:54:50 PM

Amendment No. 1

1353 permanent or temporary address, any transient residence;
1354 address, location or description, and dates of any current or
1355 known future temporary residence within the state or out of
1356 state; and the name and address of each school attended. The
1357 sexual offender must also produce his or her passport, if he or
1358 she has a passport, and, if he or she is an alien, must produce
1359 or provide information about documents establishing his or her
1360 immigration status. The offender must also provide information
1361 about any professional licenses he or she may have. The
1362 department shall verify the address of each sexual offender and
1363 shall report to the Department of Law Enforcement any failure by
1364 a sexual offender to comply with registration requirements.

1365 (b) If the sexual offender is enrolled, employed,
1366 volunteering, or carrying on a vocation at an institution of
1367 higher education in this state, the sexual offender shall
1368 provide the name, address, and county of each institution,
1369 including each campus attended, and the sexual offender's
1370 enrollment, volunteer, or employment status. Each change in
1371 enrollment, volunteer, or employment status shall be reported to
1372 the department within 48 hours after the change in status. The
1373 department shall promptly notify each institution of the sexual
1374 offender's presence and any change in the sexual offender's
1375 enrollment, volunteer, or employment status.

1376 (13)

1377 (b) The sheriff's office may determine the appropriate
1378 times and days for reporting by the sexual offender, which shall
1379 be consistent with the reporting requirements of this

Amendment No. 1

1380 subsection. Reregistration shall include any changes to the
1381 following information:

1382 1. Name; social security number; age; race; sex; date of
1383 birth; height; weight; hair and eye color; fingerprints; palm
1384 prints; address of any permanent residence and address of any
1385 current temporary residence, within the state or out of state,
1386 including a rural route address and a post office box; if no
1387 permanent or temporary address, any transient residence;
1388 address, location or description, and dates of any current or
1389 known future temporary residence within the state or out of
1390 state; passport information, if he or she has a passport, and,
1391 if he or she is an alien, information about documents
1392 establishing his or her immigration status; name and address of
1393 each school attended; date and place of any employment; the
1394 ~~vehicle~~ make, model, color, registration number, and license tag
1395 number of all vehicles owned; ~~fingerprints;~~ and photograph. A
1396 post office box shall not be provided in lieu of a physical
1397 residential address. The offender must also provide information
1398 about any professional licenses he or she may have.

1399 2. If the sexual offender is enrolled, employed,
1400 volunteering, or carrying on a vocation at an institution of
1401 higher education in this state, the sexual offender shall also
1402 provide to the department the name, address, and county of each
1403 institution, including each campus attended, and the sexual
1404 offender's enrollment, volunteer, or employment status.

1405 3. If the sexual offender's place of residence is a motor
1406 vehicle, trailer, mobile home, or manufactured home, as defined
1407 in chapter 320, the sexual offender shall also provide the

Amendment No. 1

1408 vehicle identification number; the license tag number; the
1409 registration number; and a description, including color scheme,
1410 of the motor vehicle, trailer, mobile home, or manufactured
1411 home. If the sexual offender's place of residence is a vessel,
1412 live-aboard vessel, or houseboat, as defined in chapter 327, the
1413 sexual offender shall also provide the hull identification
1414 number; the manufacturer's serial number; the name of the
1415 vessel, live-aboard vessel, or houseboat; the registration
1416 number; and a description, including color scheme, of the
1417 vessel, live-aboard vessel, or houseboat.

1418 4. Any sexual offender who fails to report in person as
1419 required at the sheriff's office, ~~or~~ who fails to respond to any
1420 address verification correspondence from the department within 3
1421 weeks after the date of the correspondence, or who knowingly
1422 provides false registration information by act or omission
1423 commits a felony of the third degree, punishable as provided in
1424 ss. 775.082, 775.083, and 775.084.

1425 Section 14. Subsection (13) is added to section 947.1405,
1426 Florida Statutes, to read:

1427 947.1405 Conditional release program.—

1428 (13) In addition to all other conditions imposed, for a
1429 releasee who is subject to conditional release for a crime that
1430 was committed on or after July 1, 2012, and who has been
1431 convicted at any time of a violation of s. 800.04(7)(b) or s.
1432 847.0135(4), or a similar offense in another jurisdiction, the
1433 commission must order electronic monitoring for the duration of
1434 the releasee's supervision.

Amendment No. 1

1435 Section 15. Subsection (5) is added to section 948.30,
 1436 Florida Statutes, to read:

1437 948.30 Additional terms and conditions of probation or
 1438 community control for certain sex offenses.—Conditions imposed
 1439 pursuant to this section do not require oral pronouncement at
 1440 the time of sentencing and shall be considered standard
 1441 conditions of probation or community control for offenders
 1442 specified in this section.

1443 (5) Effective for a probationer or community controllee
 1444 whose crime was committed on or after July 1, 2012, and who:

1445 (a)1. Is placed on probation or community control for a
 1446 violation of s. 800.04(7)(b) or s. 847.0135(4); or

1447 2. Has previously been convicted of a violation of s.
 1448 800.04(7)(b) or s. 847.0135(4), or a similar offense in another
 1449 jurisdiction,

1450
 1451 the court must order, in addition to any other requirements of
 1452 this section, mandatory electronic monitoring as a condition of
 1453 the probation or community control supervision.

1454 Section 16. Paragraphs (g) and (i) of subsection (3) of
 1455 section 921.0022, Florida Statutes, are amended to read:

1456 921.0022 Criminal Punishment Code; offense severity
 1457 ranking chart.—

1458 (3) OFFENSE SEVERITY RANKING CHART

1459 (g) LEVEL 7

1460

Florida	Felony	Description
---------	--------	-------------

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

Statute Degree

1461	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
1462	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
1463	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1464	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1465	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1466	409.920	3rd	Medicaid provider fraud;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1467	(2) (b) 1.a.		\$10,000 or less.
	409.920	2nd	Medicaid provider fraud; more
	(2) (b) 1.b.		than \$10,000, but less than
1468			\$50,000.
	456.065 (2)	3rd	Practicing a health care
1469			profession without a license.
	456.065 (2)	2nd	Practicing a health care
			profession without a license
			which results in serious bodily
1470			injury.
	458.327 (1)	3rd	Practicing medicine without a
1471			license.
	459.013 (1)	3rd	Practicing osteopathic medicine
1472			without a license.
	460.411 (1)	3rd	Practicing chiropractic
1473			medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine
1474			without a license.
	462.17	3rd	Practicing naturopathy without

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1475			a license.
1476	463.015 (1)	3rd	Practicing optometry without a license.
1477	464.016 (1)	3rd	Practicing nursing without a license.
1478	465.015 (2)	3rd	Practicing pharmacy without a license.
1479	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1480	467.201	3rd	Practicing midwifery without a license.
1481	468.366	3rd	Delivering respiratory care services without a license.
1482	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1483	483.901 (9)	3rd	Practicing medical physics without a license.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1484	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1485	484.053	3rd	Dispensing hearing aids without a license.
1486	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1487	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1488	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1489			institution.
	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew <u>driver</u> driver's license or identification card; other registration violations.
1490			
	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
1491			
	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1492			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1493			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1494			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1495	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1496	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1497	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1498	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1499	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1500	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1501	784.048 (7)	3rd	Aggravated stalking; violation of court order.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1502	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
1503	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
1504	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
1505	784.081(1)	1st	Aggravated battery on specified official or employee.
1506	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
1507	784.083(1)	1st	Aggravated battery on code inspector.
1508	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1509	790.16(1)	1st	Discharge of a machine gun under specified circumstances.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1510	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1511	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1512	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1513	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1514	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1515			than 18 years of age.
	796.03	2nd	Procuring any person under <u>18</u> 16 years for prostitution.
1516			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
1517			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
1518			
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1519			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1520			
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1521			
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

or battery.

1522

810.02 (3) (e) 2nd Burglary of authorized
emergency vehicle.

1523

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

1524

812.014 (2) (b) 2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

1525

812.014 (2) (b) 3. 2nd Property stolen, emergency
medical equipment; 2nd degree
grand theft.

1526

812.014 (2) (b) 4. 2nd Property stolen, law
enforcement equipment from
authorized emergency vehicle.

1527

812.0145 (2) (a) 1st Theft from person 65 years of
age or older; \$50,000 or more.

1528

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1529	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1530	812.131(2)(a)	2nd	Robbery by sudden snatching.
1531	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1532	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1533	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1534	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1535			insolvency of that entity.
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1536			
	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
1537			
	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1538			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1539			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1540			
	838.015	2nd	Bribery.
1541			
	838.016	2nd	Unlawful compensation or reward

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1542			for official behavior.
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1543			
	838.22	2nd	Bid tampering.
1544			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1545			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1546			
	872.06	2nd	Abuse of a dead human body.
1547			
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1548			
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

1549

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

1550

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

1551

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

1552

893.135 1st Trafficking in cocaine, more
(1)(b)1.a. than 28 grams, less than 200
grams.

1553

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1554	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1555	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1556	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1557	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1558	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1559	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1560			kilograms.
	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1561			
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1562			
	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1563			
	896.104(4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1564			
	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1565			
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1566

to leave; failure to comply
with reporting requirements.

943.0435(9) (a)

3rd

Sexual offender; failure to
comply with reporting
requirements.

1567

943.0435(13)

3rd

Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

1568

943.0435(14)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

1569

944.607(9)

3rd

Sexual offender; failure to
comply with reporting
requirements.

1570

944.607(10) (a)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

1571

944.607(12)

3rd

Failure to report or providing
false information about a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1572			sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1573			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1574			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1575			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1576			
1577	(i)	LEVEL 9	
1578			
	Florida	Felony	
	Statute	Degree	Description
1579			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1580	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1581	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1582	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1583	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1584	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1585	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1586	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1587	775.0844	1st	Aggravated white collar crime.
1588	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1589	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
1590	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1591	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1592	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1593	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1594	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1595	787.02(3)(a)	1st, <u>PBL</u>	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1596	790.161	1st	Attempted capital destructive device offense.
1597	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1598	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1599			person less than 12 years.
1600	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
1601	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1602	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1603	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1604	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1605	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1606	812.135 (2) (b)	1st	Home-invasion robbery with weapon.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1607	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1608	827.03 (2)	1st	Aggravated child abuse.
1609	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1610	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1611	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1612	893.135	1st	Attempted capital trafficking offense.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1613	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1614	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1615	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1616	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1617	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1618	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1619	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
1620	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.

Amendment No. 1

893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.c. 400 grams or more.

1621

896.101(5) (c) 1st Money laundering, financial
instruments totaling or
exceeding \$100,000.

1622

896.104(4) (a) 3. 1st Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$100,000.

1623

1624 Section 17. This act shall take effect October 1, 2012.

1625

1626

1627

1628

1629

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

1630

Remove the entire title and insert:

1631

An act relating to sex offenses; amending s. 775.21,

1632

F.S.; replacing the definition of the term "instant

1633

message name" with the definition of the term

1634

"Internet identifier"; providing that voluntary

1635

disclosure of specified information waives a

1636

disclosure exemption for such information; conforming

1637

provisions; adding additional offenses to the list of

1638

sexual predator qualifying offenses; requiring

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1639 disclosure of additional information during the sexual
1640 predator registration process; requiring that a sexual
1641 predator who is unable to secure or update a driver
1642 license or identification card within a specified
1643 period must report specified information to the local
1644 sheriff's office within a specified period after such
1645 change with confirmation that he or she also reported
1646 such information to the Department of Highway Safety
1647 and Motor Vehicles; revising reporting requirements if
1648 a sexual predator plans to leave the United States for
1649 more than a specified period; providing criminal
1650 penalties for knowingly providing false registration
1651 information by act or omission; amending s. 800.03,
1652 F.S.; providing enhanced penalties for third or
1653 subsequent indecent exposure violations; amending s.
1654 903.046, F.S.; requiring a court considering whether
1655 to release a defendant on bail to determine whether
1656 the defendant is subject to registration as a sexual
1657 offender or sexual predator and, if so, to hold the
1658 defendant without bail until the first appearance on
1659 the case; providing an exception; amending s.
1660 943.0435, F.S.; adding additional offenses to the list
1661 of sexual offender qualifying offenses; replacing the
1662 definition of the term "instant message name" with the
1663 definition of the term "Internet identifier";
1664 conforming provisions; requiring disclosure of
1665 additional sexual offender registration information;
1666 requiring that a sexual offender who is unable to

117779 - h455-strike.docx

Published On: 1/30/2012 7:54:50 PM

Page 79 of 81

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1667 secure or update a driver license or identification
1668 card within a specified period must report specified
1669 information to the local sheriff's office within a
1670 specified period of such change with confirmation that
1671 he or she also reported such information to the
1672 Department of Highway Safety and Motor Vehicles;
1673 providing additional requirements for sexual offenders
1674 intending to reside outside of the United States;
1675 revising criteria applicable to provisions allowing
1676 removal from the requirement to register as a sexual
1677 offender; providing criminal penalties for knowingly
1678 providing false registration information by act or
1679 omission; amending s. 943.04351, F.S.; requiring a
1680 specified national search of registration information
1681 regarding sexual predators and sexual offenders prior
1682 to appointment or employment of persons by state
1683 agencies and governmental subdivisions; amending s.
1684 943.04354, F.S.; revising the criteria applicable to
1685 provisions allowing removal of the requirement to
1686 register as a sexual offender or sexual predator;
1687 amending s. 943.0437, F.S.; replacing the term
1688 "instant message name" with the term "Internet
1689 identifier"; amending ss. 944.606 and 944.607, F.S.;
1690 adding additional offenses to the list of sexual
1691 offender qualifying offenses; replacing the definition
1692 of the term "instant message name" with the definition
1693 of the term "Internet identifier"; conforming
1694 provisions; requiring disclosure of additional

117779 - h455-strike.docx

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 455 (2012)

Amendment No. 1

1695 registration information; providing criminal penalties
1696 for knowingly providing false registration information
1697 by act or omission; amending s. 947.005, F.S.;;
1698 revising the definition of the term "risk assessment";
1699 amending s. 948.31, F.S.;; authorizing the court to
1700 require sexual offenders and sexual predators who are
1701 on probation or community control to undergo an
1702 evaluation to determine whether the offender or
1703 predator needs sexual offender treatment; requiring
1704 the probationer or community controllee to pay for the
1705 treatment; removing a provision prohibiting contact
1706 with minors if sexual offender treatment is
1707 recommended; amending ss. 985.481 and 985.4815, F.S.;;
1708 requiring disclosure of additional registration
1709 information by certain sexual offenders adjudicated
1710 delinquent and certain juvenile sexual offenders;
1711 providing criminal penalties for knowingly providing
1712 false registration information by act or omission;
1713 amending s. 947.1405, F.S.;; requiring the commission
1714 to order electronic monitoring for certain conditional
1715 releasees; amending s. 948.30, F.S., requiring the
1716 court to order electronic monitoring for certain
1717 offenders; amending s. 921.0022, F.S.;; correcting
1718 references; providing an effective date.