

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Glorioso offered the following:

3  
4 **Amendment**

5 Remove lines 193-1338 and insert:  
6 change in enrollment, volunteer, or employment status shall be  
7 reported in person at the sheriff's office, or the Department of  
8 Corrections if the sexual predator is in the custody or control  
9 of or under the supervision of the Department of Corrections,  
10 within 48 hours after any change in status. The sheriff or the  
11 Department of Corrections shall promptly notify each institution  
12 of the sexual predator's presence and any change in the sexual  
13 predator's enrollment, volunteer, or employment status.

14 2. Any other information determined necessary by the  
15 department, including criminal and corrections records;  
16 nonprivileged personnel and treatment records; and evidentiary  
17 genetic markers when available.

18 (b) If the sexual predator is in the custody or control  
19 of, or under the supervision of, the Department of Corrections,

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20 or is in the custody of a private correctional facility, the  
21 sexual predator must register with the Department of  
22 Corrections. A sexual predator who is under the supervision of  
23 the Department of Corrections but who is not incarcerated must  
24 register with the Department of Corrections within 3 business  
25 days after the court finds the offender to be a sexual predator.  
26 The Department of Corrections shall provide to the department  
27 registration information and the location of, and local  
28 telephone number for, any Department of Corrections office that  
29 is responsible for supervising the sexual predator. In addition,  
30 the Department of Corrections shall notify the department if the  
31 sexual predator escapes or absconds from custody or supervision  
32 or if the sexual predator dies.

33 (c) If the sexual predator is in the custody of a local  
34 jail, the custodian of the local jail shall register the sexual  
35 predator within 3 business days after intake of the sexual  
36 predator for any reason and upon release, and shall forward the  
37 registration information to the department. The custodian of the  
38 local jail shall also take a digitized photograph of the sexual  
39 predator while the sexual predator remains in custody and shall  
40 provide the digitized photograph to the department. The  
41 custodian shall notify the department if the sexual predator  
42 escapes from custody or dies.

43 (d) If the sexual predator is under federal supervision,  
44 the federal agency responsible for supervising the sexual  
45 predator may forward to the department any information regarding  
46 the sexual predator which is consistent with the information  
47 provided by the Department of Corrections under this section,

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48 and may indicate whether use of the information is restricted to  
49 law enforcement purposes only or may be used by the department  
50 for purposes of public notification.

51 (e)1. If the sexual predator is not in the custody or  
52 control of, or under the supervision of, the Department of  
53 Corrections or is not in the custody of a private correctional  
54 facility, the sexual predator shall register in person:

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

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

61 2. Any change in the sexual predator's permanent or  
62 temporary residence, name, ~~or any~~ electronic mail addresses,  
63 ~~address and or Internet identifiers any instant message name~~  
64 required to be provided pursuant to subparagraph (g)4., after  
65 the sexual predator registers in person at the sheriff's office  
66 as provided in subparagraph 1., shall be accomplished in the  
67 manner provided in paragraphs (g), (i), and (j). When a sexual  
68 predator registers with the sheriff's office, the sheriff shall  
69 take a photograph, ~~and~~ a set of fingerprints, and palm prints of  
70 the predator and forward the photographs, palm prints, and  
71 fingerprints to the department, along with the information that  
72 the predator is required to provide pursuant to this section.

73 (f) Within 48 hours after the registration required under  
74 paragraph (a) or paragraph (e), a sexual predator who is not  
75 incarcerated and who resides in the community, including a

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76 sexual predator under the supervision of the Department of  
77 Corrections, shall register in person at a driver ~~driver's~~  
78 license office of the Department of Highway Safety and Motor  
79 Vehicles and shall present proof of registration. At the driver  
80 ~~driver's~~ license office the sexual predator shall:

81 1. If otherwise qualified, secure a Florida driver  
82 ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or  
83 secure an identification card. The sexual predator shall  
84 identify himself or herself as a sexual predator who is required  
85 to comply with this section, provide his or her place of  
86 permanent, temporary, or transient residence, including a rural  
87 route address and a post office box, and submit to the taking of  
88 a photograph for use in issuing a driver ~~driver's~~ license,  
89 renewed license, or identification card, and for use by the  
90 department in maintaining current records of sexual predators. A  
91 post office box shall not be provided in lieu of a physical  
92 residential address. If the sexual predator's place of residence  
93 is a motor vehicle, trailer, mobile home, or manufactured home,  
94 as defined in chapter 320, the sexual predator shall also  
95 provide to the Department of Highway Safety and Motor Vehicles  
96 the vehicle identification number; the license tag number; the  
97 registration number; and a description, including color scheme,  
98 of the motor vehicle, trailer, mobile home, or manufactured  
99 home. If a sexual predator's place of residence is a vessel,  
100 live-aboard vessel, or houseboat, as defined in chapter 327, the  
101 sexual predator shall also provide to the Department of Highway  
102 Safety and Motor Vehicles the hull identification number; the  
103 manufacturer's serial number; the name of the vessel, live-

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104 aboard vessel, or houseboat; the registration number; and a  
105 description, including color scheme, of the vessel, live-aboard  
106 vessel, or houseboat.

107 2. Pay the costs assessed by the Department of Highway  
108 Safety and Motor Vehicles for issuing or renewing a driver  
109 ~~driver's~~ license or identification card as required by this  
110 section. The driver ~~driver's~~ license or identification card  
111 issued to the sexual predator must be in compliance with s.  
112 322.141(3).

113 3. Provide, upon request, any additional information  
114 necessary to confirm the identity of the sexual predator,  
115 including a set of fingerprints.

116 (g)1. Each time a sexual predator's driver ~~driver's~~  
117 license or identification card is subject to renewal, and,  
118 without regard to the status of the predator's driver ~~driver's~~  
119 license or identification card, within 48 hours after any change  
120 of the predator's residence or change in the predator's name by  
121 reason of marriage or other legal process, the predator shall  
122 report in person to a driver ~~driver's~~ license office and shall  
123 be subject to the requirements specified in paragraph (f). The  
124 Department of Highway Safety and Motor Vehicles shall forward to  
125 the department and to the Department of Corrections all  
126 photographs and information provided by sexual predators.  
127 Notwithstanding the restrictions set forth in s. 322.142, the  
128 Department of Highway Safety and Motor Vehicles is authorized to  
129 release a reproduction of a color-photograph or digital-image  
130 license to the Department of Law Enforcement for purposes of  
131 public notification of sexual predators as provided in this

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132 section. A sexual predator who is unable to secure or update a  
133 driver license or identification card with the Department of  
134 Highway Safety and Motor Vehicles as provided in paragraph (f)  
135 and this paragraph must also report any change of the predator's  
136 residence or change in the predator's name by reason of marriage  
137 or other legal process within 48 hours after the change to the  
138 sheriff's office in the county where the predator resides or is  
139 located and provide confirmation that he or she reported such  
140 information to the Department of Highway Safety and Motor  
141 Vehicles.

142 2. A sexual predator who vacates a permanent, temporary,  
143 or transient residence and fails to establish or maintain  
144 another permanent, temporary, or transient residence shall,  
145 within 48 hours after vacating the permanent, temporary, or  
146 transient residence, report in person to the sheriff's office of  
147 the county in which he or she is located. The sexual predator  
148 shall specify the date upon which he or she intends to or did  
149 vacate such residence. The sexual predator must provide or  
150 update all of the registration information required under  
151 paragraph (a). The sexual predator must provide an address for  
152 the residence or other place that he or she is or will be  
153 located during the time in which he or she fails to establish or  
154 maintain a permanent or temporary residence.

155 3. A sexual predator who remains at a permanent,  
156 temporary, or transient residence after reporting his or her  
157 intent to vacate such residence shall, within 48 hours after the  
158 date upon which the predator indicated he or she would or did  
159 vacate such residence, report in person to the sheriff's office

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160 to which he or she reported pursuant to subparagraph 2. for the  
161 purpose of reporting his or her address at such residence. When  
162 the sheriff receives the report, the sheriff shall promptly  
163 convey the information to the department. An offender who makes  
164 a report as required under subparagraph 2. but fails to make a  
165 report as required under this subparagraph commits a felony of  
166 the second degree, punishable as provided in s. 775.082, s.  
167 775.083, or s. 775.084.

168 4. A sexual predator must register all ~~any~~ electronic mail  
169 addresses and Internet identifiers ~~address or instant message~~  
170 ~~name~~ with the department prior to using such electronic mail  
171 addresses and Internet identifiers ~~address or instant message~~  
172 ~~name on or after October 1, 2007~~. The department shall establish  
173 an online system through which sexual predators may securely  
174 access and update all electronic mail address and Internet  
175 identifier ~~instant message name~~ information.

176 (h) The department must notify the sheriff and the state  
177 attorney of the county and, if applicable, the police chief of  
178 the municipality, where the sexual predator maintains a  
179 residence.

180 (i) A sexual predator who intends to establish a  
181 permanent, temporary, or transient residence in another state or  
182 jurisdiction other than the State of Florida shall report in  
183 person to the sheriff of the county of current residence within  
184 48 hours before the date he or she intends to leave this state  
185 to establish residence in another state or jurisdiction or  
186 within 21 days before his or her planned departure date if the  
187 intended residence of 5 days or more is outside of the United

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188 States. The sexual predator must provide to the sheriff the  
189 address, municipality, county, ~~and state~~, and country of  
190 intended residence. The sheriff shall promptly provide to the  
191 department the information received from the sexual predator.  
192 The department shall notify the statewide law enforcement  
193 agency, or a comparable agency, in the intended state, ~~or~~  
194 jurisdiction, or country of residence of the sexual predator's  
195 intended residence. The failure of a sexual predator to provide  
196 his or her intended place of residence is punishable as provided  
197 in subsection (10).

198 (j) A sexual predator who indicates his or her intent to  
199 establish a permanent, temporary, or transient residence in  
200 another state, ~~a~~ or jurisdiction other than the State of  
201 Florida, or another country and later decides to remain in this  
202 state shall, within 48 hours after the date upon which the  
203 sexual predator indicated he or she would leave this state,  
204 report in person to the sheriff to which the sexual predator  
205 reported the intended change of residence, and report his or her  
206 intent to remain in this state. If the sheriff is notified by  
207 the sexual predator that he or she intends to remain in this  
208 state, the sheriff shall promptly report this information to the  
209 department. A sexual predator who reports his or her intent to  
210 establish a permanent, temporary, or transient residence in  
211 another state, ~~a~~ or jurisdiction other than the State of  
212 Florida, or another country, but who remains in this state  
213 without reporting to the sheriff in the manner required by this  
214 paragraph, commits a felony of the second degree, punishable as  
215 provided in s. 775.082, s. 775.083, or s. 775.084.

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216 (k)1. The department is responsible for the online  
217 maintenance of current information regarding each registered  
218 sexual predator. The department must maintain hotline access for  
219 state, local, and federal law enforcement agencies to obtain  
220 instantaneous locator file and offender characteristics  
221 information on all released registered sexual predators for  
222 purposes of monitoring, tracking, and prosecution. The  
223 photograph and fingerprints do not have to be stored in a  
224 computerized format.

225 2. The department's sexual predator registration list,  
226 containing the information described in subparagraph (a)1., is a  
227 public record. The department is authorized to disseminate this  
228 public information by any means deemed appropriate, including  
229 operating a toll-free telephone number for this purpose. When  
230 the department provides information regarding a registered  
231 sexual predator to the public, department personnel must advise  
232 the person making the inquiry that positive identification of a  
233 person believed to be a sexual predator cannot be established  
234 unless a fingerprint comparison is made, and that it is illegal  
235 to use public information regarding a registered sexual predator  
236 to facilitate the commission of a crime.

237 3. The department shall adopt guidelines as necessary  
238 regarding the registration of sexual predators and the  
239 dissemination of information regarding sexual predators as  
240 required by this section.

241 (l) A sexual predator must maintain registration with the  
242 department for the duration of his or her life, unless the  
243 sexual predator has received a full pardon or has had a

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244 conviction set aside in a postconviction proceeding for any  
245 offense that met the criteria for the sexual predator  
246 designation.

247 (8) VERIFICATION.—The department and the Department of  
248 Corrections shall implement a system for verifying the addresses  
249 of sexual predators. The system must be consistent with the  
250 provisions of the federal Adam Walsh Child Protection and Safety  
251 Act of 2006 and any other federal standards applicable to such  
252 verification or required to be met as a condition for the  
253 receipt of federal funds by the state. The Department of  
254 Corrections shall verify the addresses of sexual predators who  
255 are not incarcerated but who reside in the community under the  
256 supervision of the Department of Corrections and shall report to  
257 the department any failure by a sexual predator to comply with  
258 registration requirements. County and local law enforcement  
259 agencies, in conjunction with the department, shall verify the  
260 addresses of sexual predators who are not under the care,  
261 custody, control, or supervision of the Department of  
262 Corrections. Local law enforcement agencies shall report to the  
263 department any failure by a sexual predator to comply with  
264 registration requirements.

265 (a) A sexual predator must report in person each year  
266 during the month of the sexual predator's birthday and during  
267 every third month thereafter to the sheriff's office in the  
268 county in which he or she resides or is otherwise located to  
269 reregister. The sheriff's office may determine the appropriate  
270 times and days for reporting by the sexual predator, which shall  
271 be consistent with the reporting requirements of this paragraph.

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272 Reregistration shall include any changes to the following  
273 information:

274 1. Name; social security number; age; race; sex; date of  
275 birth; height; weight; tattoos or other identifying marks; hair  
276 and eye color; address of any permanent residence and address of  
277 any current temporary residence, within the state or out of  
278 state, including a rural route address and a post office box; if  
279 no permanent or temporary address, any transient residence  
280 within the state; address, location or description, and dates of  
281 any current or known future temporary residence within the state  
282 or out of state; ~~any~~ electronic mail addresses ~~address and or~~  
283 Internet identifiers ~~any instant message name~~ required to be  
284 provided pursuant to subparagraph (6)(g)4.; home telephone  
285 numbers ~~number and any or~~ cellular telephone numbers ~~number~~;  
286 date and place of any employment; the vehicle ~~vehicle~~ make, model,  
287 color, registration number, and license tag number of any  
288 vehicles owned; fingerprints; palm prints; and photograph. A  
289 post office box shall not be provided in lieu of a physical  
290 residential address. The sexual predator must also produce his  
291 or her passport, if he or she has a passport, and, if he or she  
292 is an alien, must produce or provide information about documents  
293 establishing his or her immigration status. The sexual predator  
294 must also provide information about any professional licenses he  
295 or she may have.

296 2. If the sexual predator is enrolled, employed,  
297 volunteering, or carrying on a vocation at an institution of  
298 higher education in this state, the sexual predator shall also  
299 provide to the department the name, address, and county of each

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300 institution, including each campus attended, and the sexual  
301 predator's enrollment, volunteer, or employment status.

302 3. If the sexual predator's place of residence is a motor  
303 vehicle, trailer, mobile home, or manufactured home, as defined  
304 in chapter 320, the sexual predator shall also provide the  
305 vehicle identification number; the license tag number; the  
306 registration number; and a description, including color scheme,  
307 of the motor vehicle, trailer, mobile home, or manufactured  
308 home. If the sexual predator's place of residence is a vessel,  
309 live-aboard vessel, or houseboat, as defined in chapter 327, the  
310 sexual predator shall also provide the hull identification  
311 number; the manufacturer's serial number; the name of the  
312 vessel, live-aboard vessel, or houseboat; the registration  
313 number; and a description, including color scheme, of the  
314 vessel, live-aboard vessel, or houseboat.

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

319 (10) PENALTIES.—

320 (a) Except as otherwise specifically provided, a sexual  
321 predator who fails to register; who fails, after registration,  
322 to maintain, acquire, or renew a driver ~~driver's~~ license or  
323 identification card; who fails to provide required location  
324 information, electronic mail address information prior to use,  
325 Internet identifier ~~instant message name~~ information prior to  
326 use, all home telephone numbers ~~number~~ and ~~any~~ cellular  
327 telephone numbers ~~number~~, or change-of-name information; who

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328 fails to make a required report in connection with vacating a  
329 permanent residence; who fails to reregister as required; who  
330 fails to respond to any address verification correspondence from  
331 the department within 3 weeks of the date of the correspondence;  
332 who knowingly provides false registration information by act or  
333 omission; or who otherwise fails, by act or omission, to comply  
334 with the requirements of this section, commits a felony of the  
335 third degree, punishable as provided in s. 775.082, s. 775.083,  
336 or s. 775.084.

337 Section 2. Section 800.03, Florida Statutes, is amended to  
338 read:

339 800.03 Exposure of sexual organs.—

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

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

348 (b) A third or subsequent violation of this section is a  
349 felony of the third degree, punishable as provided in s.  
350 775.082, s. 775.083, or s. 775.084.

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

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

355 903.046 Purpose of and criteria for bail determination.—

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

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

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

370 943.0435 Sexual offenders required to register with the  
371 department; penalty.—

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

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

376 a.(I) Has been convicted of committing, or attempting,  
377 soliciting, or conspiring to commit, any of the criminal  
378 offenses proscribed in the following statutes in this state or  
379 similar offenses in another jurisdiction: s. 393.135(2); s.  
380 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
381 the victim is a minor and the defendant is not the victim's  
382 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
383 794.05; s. 796.03; s. 796.035; s. 796.045; s. 800.04; s.

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384 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
385 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
386 916.1075(2); or s. 985.701(1); or any similar offense committed  
387 in this state which has been redesignated from a former statute  
388 number to one of those listed in this sub-sub-subparagraph; and

389 (II) Has been released on or after October 1, 1997, from  
390 the sanction imposed for any conviction of an offense described  
391 in sub-sub-subparagraph (I). For purposes of sub-sub-  
392 subparagraph (I), a sanction imposed in this state or in any  
393 other jurisdiction includes, but is not limited to, a fine,  
394 probation, community control, parole, conditional release,  
395 control release, or incarceration in a state prison, federal  
396 prison, private correctional facility, or local detention  
397 facility;

398 b. Establishes or maintains a residence in this state and  
399 who has not been designated as a sexual predator by a court of  
400 this state but who has been designated as a sexual predator, as  
401 a sexually violent predator, or by another sexual offender  
402 designation in another state or jurisdiction and was, as a  
403 result of such designation, subjected to registration or  
404 community or public notification, or both, or would be if the  
405 person were a resident of that state or jurisdiction, without  
406 regard to whether the person otherwise meets the criteria for  
407 registration as a sexual offender;

408 c. Establishes or maintains a residence in this state who  
409 is in the custody or control of, or under the supervision of,  
410 any other state or jurisdiction as a result of a conviction for  
411 committing, or attempting, soliciting, or conspiring to commit,

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412 any of the criminal offenses proscribed in the following  
413 statutes or similar offense in another jurisdiction: s.  
414 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
415 787.025(2)(c), where the victim is a minor and the defendant is  
416 not the victim's parent or guardian; s. 794.011, excluding s.  
417 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.  
418 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
419 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
420 s. 916.1075(2); or s. 985.701(1); or any similar offense  
421 committed in this state which has been redesignated from a  
422 former statute number to one of those listed in this sub-  
423 subparagraph; or

424 d. On or after July 1, 2007, has been adjudicated  
425 delinquent for committing, or attempting, soliciting, or  
426 conspiring to commit, any of the criminal offenses proscribed in  
427 the following statutes in this state or similar offenses in  
428 another jurisdiction when the juvenile was 14 years of age or  
429 older at the time of the offense:

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

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

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

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

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

441

442 For each violation of a qualifying offense listed in this  
443 subsection, except for a violation of s. 794.011, the court  
444 shall make a written finding of the age of the victim at the  
445 time of the offense. For a violation of s. 800.04(4), the court  
446 shall additionally make a written finding indicating that the  
447 offense did or did not involve sexual activity and indicating  
448 that the offense did or did not involve force or coercion. For a  
449 violation of s. 800.04(5), the court shall additionally make a  
450 written finding that the offense did or did not involve  
451 unclothed genitals or genital area and that the offense did or  
452 did not involve the use of force or coercion.

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

457           (2) A sexual offender shall:

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

459           1. In the county in which the offender establishes or  
460 maintains a permanent, temporary, or transient residence within  
461 48 hours after:

462           a. Establishing permanent, temporary, or transient  
463 residence in this state; or

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464 b. Being released from the custody, control, or  
465 supervision of the Department of Corrections or from the custody  
466 of a private correctional facility; or

467 2. In the county where he or she was convicted within 48  
468 hours after being convicted for a qualifying offense for  
469 registration under this section if the offender is not in the  
470 custody or control of, or under the supervision of, the  
471 Department of Corrections, or is not in the custody of a private  
472 correctional facility.

473  
474 Any change in the information required to be provided pursuant  
475 to paragraph (b), including, but not limited to, any change in  
476 the sexual offender's permanent, temporary, or transient  
477 residence, name, ~~any~~ electronic mail addresses ~~address and or~~  
478 Internet identifiers ~~any instant message name~~ required to be  
479 provided pursuant to paragraph (4)(d), after the sexual offender  
480 reports in person at the sheriff's office, shall be accomplished  
481 in the manner provided in subsections (4), (7), and (8).

482 (b) Provide his or her name; date of birth; social  
483 security number; race; sex; height; weight; hair and eye color;  
484 tattoos or other identifying marks; occupation and place of  
485 employment; address of permanent or legal residence or address  
486 of any current temporary residence, within the state or out of  
487 state, including a rural route address and a post office box; if  
488 no permanent or temporary address, any transient residence  
489 within the state, address, location or description, and dates of  
490 any current or known future temporary residence within the state  
491 or out of state; the make, model, color, registration number,

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492 and license tag number of all vehicles owned; all home telephone  
493 numbers ~~number~~ and any cellular telephone numbers ~~number~~; all  
494 any electronic mail addresses ~~address~~ and all Internet  
495 identifiers ~~any instant message name~~ required to be provided  
496 pursuant to paragraph (4) (d); fingerprints; palm prints;  
497 photograph; date and place of each conviction; and a brief  
498 description of the crime or crimes committed by the offender. A  
499 post office box shall not be provided in lieu of a physical  
500 residential address. The sexual offender must also produce his  
501 or her passport, if he or she has a passport, and, if he or she  
502 is an alien, must produce or provide information about documents  
503 establishing his or her immigration status. The sexual offender  
504 must also provide information about any professional licenses he  
505 or she may have.

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

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

532 (c) Provide any other information determined necessary by  
533 the department, including criminal and corrections records;  
534 nonprivileged personnel and treatment records; and evidentiary  
535 genetic markers, when available.

536

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

544 (4) (a) Each time a sexual offender's driver ~~driver's~~  
545 license or identification card is subject to renewal, and,  
546 without regard to the status of the offender's driver ~~driver's~~  
547 license or identification card, within 48 hours after any change

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

571 (d) A sexual offender must register all ~~any~~ electronic  
572 mail addresses and Internet identifiers ~~address or instant~~  
573 ~~message name~~ with the department prior to using such electronic  
574 mail addresses and Internet identifiers ~~address or instant~~  
575 ~~message name on or after October 1, 2007.~~ The department shall

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576 establish an online system through which sexual offenders may  
577 securely access and update all electronic mail address and  
578 Internet identifier ~~instant message name~~ information.

579 (7) A sexual offender who intends to establish a  
580 permanent, temporary, or transient residence in another state or  
581 jurisdiction other than the State of Florida shall report in  
582 person to the sheriff of the county of current residence within  
583 48 hours before the date he or she intends to leave this state  
584 to establish residence in another state or jurisdiction or  
585 within 21 days before his or her planned departure date if the  
586 intended residence of 5 days or more is outside of the United  
587 States. The notification must include the address, municipality,  
588 county, ~~and~~ state, and country of intended residence. The  
589 sheriff shall promptly provide to the department the information  
590 received from the sexual offender. The department shall notify  
591 the statewide law enforcement agency, or a comparable agency, in  
592 the intended state, ~~or~~ jurisdiction, or country of residence of  
593 the sexual offender's intended residence. The failure of a  
594 sexual offender to provide his or her intended place of  
595 residence is punishable as provided in subsection (9).

596 (8) A sexual offender who indicates his or her intent to  
597 establish a permanent, temporary, or transient residence in  
598 another state, a ~~or~~ jurisdiction other than the State of  
599 Florida, or another country and later decides to remain in this  
600 state shall, within 48 hours after the date upon which the  
601 sexual offender indicated he or she would leave this state,  
602 report in person to the sheriff to which the sexual offender  
603 reported the intended change of permanent, temporary, or

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604 transient residence, and report his or her intent to remain in  
605 this state. The sheriff shall promptly report this information  
606 to the department. A sexual offender who reports his or her  
607 intent to establish a permanent, temporary, or transient  
608 residence in another state, a ~~ex~~ jurisdiction other than the  
609 State of Florida, or another country but who remains in this  
610 state without reporting to the sheriff in the manner required by  
611 this subsection commits a felony of the second degree,  
612 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

613 (11) Except as provided in this subsection and s.  
614 943.04354, a sexual offender must maintain registration with the  
615 department for the duration of his or her life, unless the  
616 sexual offender has received a full pardon or has had a  
617 conviction set aside in a postconviction proceeding for any  
618 offense that meets the criteria for classifying the person as a  
619 sexual offender for purposes of registration. ~~However, a sexual~~  
620 ~~offender:~~

621 (a)1. A sexual offender may petition the criminal division  
622 of the circuit court of the circuit in which the sexual offender  
623 resides for the purpose of removing the requirement for  
624 registration as a sexual offender if ~~Who has been lawfully~~  
625 ~~released from confinement, supervision, or sanction, whichever~~  
626 ~~is later, for at least 25 years and has not been arrested for~~  
627 ~~any felony or misdemeanor offense since release, provided that~~  
628 ~~the sexual offender's requirement to register was not based upon~~  
629 ~~an adult conviction:~~

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

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

637 c. The sexual offender has successfully completed all  
638 sanctions imposed for all offenses that required the offender to  
639 register;

640 d. The sexual offender's requirement to register was not  
641 based upon an adult conviction for a violation of s. 787.01, s.  
642 794.011, excluding s. 794.011(10), s. 800.04(4)(b) where the  
643 court finds the offense involved a victim under 12 years of age  
644 or sexual activity by the use of force or coercion, s.  
645 800.04(5)(b), or s. 800.04(5)(c)2. where the court finds the  
646 offense involved unclothed genitals or genital area; for any  
647 attempt or conspiracy to commit any offense listed in this sub-  
648 subparagraph; or for a violation of similar law of another  
649 jurisdiction; and

650 e. For sexual offenders whose requirement to register is  
651 based upon a conviction in another state, the sexual offender is  
652 not required to register as a sexual offender pursuant to the  
653 laws of the state where the conviction occurred. Such offenders  
654 must provide the court written confirmation that he or she is  
655 not required to register in the state where the conviction  
656 occurred.

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

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- 658 ~~b. For a violation of s. 794.011, excluding s.~~  
659 ~~794.011(10);~~
- 660 ~~e. For a violation of s. 800.04(4) (b) where the court~~  
661 ~~finds the offense involved a victim under 12 years of age or~~  
662 ~~sexual activity by the use of force or coercion;~~
- 663 ~~d. For a violation of s. 800.04(5) (b);~~
- 664 ~~e. For a violation of s. 800.04(5)e.2. where the court~~  
665 ~~finds the offense involved unclothed genitals or genital area;~~
- 666 ~~f. For any attempt or conspiracy to commit any such~~  
667 ~~offense; or~~
- 668 ~~g. For a violation of similar law of another jurisdiction,~~

669  
670 ~~may petition the criminal division of the circuit court of the~~  
671 ~~circuit in which the sexual offender resides for the purpose of~~  
672 ~~removing the requirement for registration as a sexual offender.~~

673 2. A sexual offender whose requirement to register was  
674 based upon an adult conviction for a violation of s. 787.02 or  
675 s. 827.071(5), for any attempt or conspiracy to commit any  
676 offense listed in this subparagraph, or for a violation of  
677 similar law of another jurisdiction may petition the criminal  
678 division of the circuit court of the circuit in which the sexual  
679 offender resides for the purpose of removing the requirement for  
680 registration as a sexual offender if:

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

684 b. The sexual offender has not been convicted or  
685 adjudicated delinquent of any felony offense or of an offense

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686 punishable by more than 1 year of imprisonment during the 10  
687 years preceding the petition to the court;

688 c. The sexual offender has successfully completed all  
689 sanctions imposed for all offenses that required the offender to  
690 register; and

691 d. For sexual offenders whose requirement to register is  
692 based upon a conviction in another state, the sexual offender is  
693 not required to register as a sexual offender pursuant to the  
694 laws of the state where the conviction occurred. Such offenders  
695 must provide the court written confirmation that he or she is  
696 not required to register in the state where the conviction  
697 occurred.

698 3. A sexual offender required to register under sub-  
699 subparagraph (1)(a)1.d. may petition the criminal division of  
700 the circuit court of the circuit in which the sexual offender  
701 resides for the purpose of removing the requirement for  
702 registration as a sexual offender if:

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

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

710 c. The sexual offender has successfully completed all  
711 sanctions imposed for any offense that required the offender to  
712 register.

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713       ~~4.2.~~ The court may grant or deny relief if the offender  
714 demonstrates to the court that ~~he or she has not been arrested~~  
715 ~~for any crime since release;~~ the requested relief complies with  
716 this paragraph, ~~the provisions of~~ the federal Adam Walsh Child  
717 Protection and Safety Act of 2006, and any other federal  
718 standards applicable to the removal of registration requirements  
719 for a sexual offender or required to be met as a condition for  
720 the receipt of federal funds by the state; and the court is  
721 otherwise satisfied that the offender is not a current or  
722 potential threat to public safety. The state attorney in the  
723 circuit in which the petition is filed and the department must  
724 be given notice of the petition at least 3 weeks before the  
725 hearing on the matter. The state attorney may present evidence  
726 in opposition to the requested relief or may otherwise  
727 demonstrate the reasons why the petition should be denied. If  
728 the court grants the petition, the court shall instruct the  
729 petitioner to provide the department with a certified copy of  
730 the order granting relief. If the court denies the petition, the  
731 court may set a future date at which the sexual offender may  
732 again petition the court for relief, subject to the standards  
733 for relief provided in this subsection.

734       ~~5.3.~~ The department shall remove an offender from  
735 classification as a sexual offender for purposes of registration  
736 if the offender provides to the department a certified copy of  
737 the court's written findings or order that indicates that the  
738 offender is no longer required to comply with the requirements  
739 for registration as a sexual offender.

740       6. For purposes of this paragraph:

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741 a. The registration period of a sexual offender sentenced  
742 to a term of incarceration or committed to a residential program  
743 begins upon the offender's release from incarceration or  
744 commitment for the most recent conviction that required the  
745 offender to register.

746 b. A sexual offender's registration period is tolled  
747 during any period in which the offender is incarcerated, civilly  
748 committed, detained pursuant to chapter 985, or committed to a  
749 residential program.

750 (b) A sexual offender as defined in sub-subparagraph  
751 (1)(a)1.b. must maintain registration with the department for  
752 the duration of his or her life until the person provides the  
753 department with an order issued by the court that designated the  
754 person as a sexual predator, as a sexually violent predator, or  
755 by another sexual offender designation in the state or  
756 jurisdiction in which the order was issued which states that  
757 such designation has been removed or demonstrates to the  
758 department that such designation, if not imposed by a court, has  
759 been removed by operation of law or court order in the state or  
760 jurisdiction in which the designation was made, and provided  
761 such person no longer meets the criteria for registration as a  
762 sexual offender under the laws of this state.

763 (14)

764 (c) The sheriff's office may determine the appropriate  
765 times and days for reporting by the sexual offender, which shall  
766 be consistent with the reporting requirements of this  
767 subsection. Reregistration shall include any changes to the  
768 following information:

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## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

## Amendment No. 1

769 1. Name; social security number; age; race; sex; date of  
770 birth; height; weight; hair and eye color; address of any  
771 permanent residence and address of any current temporary  
772 residence, within the state or out of state, including a rural  
773 route address and a post office box; if no permanent or  
774 temporary address, any transient residence within the state;  
775 address, location or description, and dates of any current or  
776 known future temporary residence within the state or out of  
777 state; ~~any~~ electronic mail addresses ~~address and~~ or Internet  
778 identifiers ~~any instant message name~~ required to be provided  
779 pursuant to paragraph (4) (d); home telephone numbers ~~number~~ and  
780 or any cellular telephone numbers ~~number~~; date and place of any  
781 employment; the ~~vehicle~~ make, model, color, registration number,  
782 and license tag number of any vehicles owned; fingerprints; palm  
783 prints; and photograph. A post office box may ~~shall~~ not be  
784 provided in lieu of a physical residential address. The sexual  
785 offender must also produce his or her passport, if he or she has  
786 a passport, and, if he or she is an alien, must produce or  
787 provide information about documents establishing his or her  
788 immigration status. The sexual offender must also provide  
789 information about any professional licenses he or she may have.

790 2. If the sexual offender is enrolled, volunteering,  
791 employed, or carrying on a vocation at an institution of higher  
792 education in this state, the sexual offender shall also provide  
793 to the department the name, address, and county of each  
794 institution, including each campus attended, and the sexual  
795 offender's enrollment, volunteer, or employment status.

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796 3. If the sexual offender's place of residence is a motor  
797 vehicle, trailer, mobile home, or manufactured home, as defined  
798 in chapter 320, the sexual offender shall also provide the  
799 vehicle identification number; the license tag number; the  
800 registration number; and a description, including color scheme,  
801 of the motor vehicle, trailer, mobile home, or manufactured  
802 home. If the sexual offender's place of residence is a vessel,  
803 live-aboard vessel, or houseboat, as defined in chapter 327, the  
804 sexual offender shall also provide the hull identification  
805 number; the manufacturer's serial number; the name of the  
806 vessel, live-aboard vessel, or houseboat; the registration  
807 number; and a description, including color scheme, of the  
808 vessel, live-aboard vessel or houseboat.

809 4. Any sexual offender who fails to report in person as  
810 required at the sheriff's office, ~~or~~ who fails to respond to any  
811 address verification correspondence from the department within 3  
812 weeks of the date of the correspondence, ~~or~~ who fails to report  
813 all electronic mail addresses and all Internet identifiers prior  
814 to use or instant message names, or who knowingly provides false  
815 registration information by act or omission commits a felony of  
816 the third degree, punishable as provided in s. 775.082, s.  
817 775.083, or s. 775.084.

818 Section 5. Section 943.04351, Florida Statutes, is amended  
819 to read:

820 943.04351 Search of registration information regarding  
821 sexual predators and sexual offenders required prior to  
822 appointment or employment.—A state agency or governmental  
823 subdivision, prior to making any decision to appoint or employ a

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824 person to work, whether for compensation or as a volunteer, at  
825 any park, playground, day care center, or other place where  
826 children regularly congregate, must conduct a search of that  
827 person's name or other identifying information against the  
828 registration information regarding sexual predators and sexual  
829 offenders maintained by the Department of Law Enforcement under  
830 s. 943.043. The agency or governmental subdivision may conduct  
831 the search using the Internet site maintained by the Department  
832 of Law Enforcement. Also, a national search must be conducted  
833 through the Dru Sjodin National Sex Offender Public Website  
834 maintained by the United States Department of Justice. This  
835 section does not apply to those positions or appointments within  
836 a state agency or governmental subdivision for which a state and  
837 national criminal history background check is conducted.

838 Section 6. Section 943.04354, Florida Statutes, is amended  
839 to read:

840 943.04354 Removal of the requirement to register as a  
841 sexual offender or sexual predator in special circumstances.—

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

845 (a) Was ~~or will be~~ convicted, regardless of adjudication,  
846 or adjudicated delinquent of a violation of s. 794.011, s.  
847 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in  
848 another jurisdiction, ~~or the person committed a violation of s.~~  
849 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~  
850 ~~adjudication of guilt was or will be withheld,~~ and the person  
851 does not have any other conviction, regardless of adjudication,

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852 ~~or adjudication of delinquency, or withhold of adjudication of~~  
853 ~~guilt~~ for a violation of s. 794.011, s. 800.04, s. 827.071, or  
854 s. 847.0135(5), or a similar offense in another jurisdiction;

855 (b)1. Was convicted, regardless of adjudication, or  
856 adjudicated delinquent of an offense listed in paragraph (a) and  
857 is required to register as a sexual offender or sexual predator  
858 solely on the basis of this conviction or adjudication  
859 violation; or and

860 2. Was convicted, regardless of adjudication, or  
861 adjudicated delinquent of an offense in another jurisdiction  
862 that is similar to an offense listed in paragraph (a) and no  
863 longer meets the criteria for registration as a sexual offender  
864 or sexual predator under the laws of the jurisdiction where the  
865 similar offense occurred; and

866 (c) Is not more than 4 years older than the victim of this  
867 violation who was 13 ~~14~~ years of age or older but less ~~not more~~  
868 than 18 ~~17~~ years of age at the time the person committed this  
869 violation.

870 (2) If a person meets the criteria in subsection (1) ~~and~~  
871 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~  
872 ~~847.0135(5) was committed on or after July 1, 2007, the person~~  
873 may move the criminal court of the circuit in which the offense  
874 occurred or the sentencing court or, for persons convicted or  
875 adjudicated delinquent of a qualifying offense in another  
876 jurisdiction, the criminal circuit court of the circuit in which  
877 the person resides ~~that will sentence or dispose of this~~  
878 ~~violation~~ to remove the requirement that the person register as  
879 a sexual offender or sexual predator. The person must allege in

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880 the motion that he or she meets the criteria in subsection (1)  
881 and that removal of the registration requirement will not  
882 conflict with federal law. Persons convicted or adjudicated  
883 delinquent of an offense in another jurisdiction that is similar  
884 to an offense listed in paragraph (1) (a) must provide the court  
885 written confirmation that he or she is not required to register  
886 in the state where the conviction or adjudication occurred. The  
887 state attorney and the department must be given notice of the  
888 motion at least 21 days before the date of sentencing, ~~or~~  
889 disposition of the this violation, or hearing on the motion and  
890 may present evidence in opposition to the requested relief or  
891 may otherwise demonstrate why the motion should be denied. At  
892 sentencing, ~~or~~ disposition of the this violation, or hearing on  
893 the motion, the court shall rule on this motion and, if the  
894 court determines the person meets the criteria in subsection (1)  
895 and the removal of the registration requirement will not  
896 conflict with federal law, it may grant the motion and order the  
897 removal of the registration requirement. The court shall  
898 instruct the person to provide the department a certified copy  
899 of the order granting relief. If the court denies the motion,  
900 the person is not authorized under this section to file another  
901 motion ~~petition~~ for removal of the registration requirement.

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

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

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906 ~~2. Is subject to registration as a sexual offender or~~  
907 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~  
908 ~~827.071; and~~

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

910 ~~(b) A person may petition the court in which the sentence~~  
911 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~  
912 ~~827.071 occurred for removal of the requirement to register as a~~  
913 ~~sexual offender or sexual predator. The person must allege in~~  
914 ~~the petition that he or she meets the criteria in subsection (1)~~  
915 ~~and removal of the registration requirement will not conflict~~  
916 ~~with federal law. The state attorney must be given notice of the~~  
917 ~~petition at least 21 days before the hearing on the petition and~~  
918 ~~may present evidence in opposition to the requested relief or~~  
919 ~~may otherwise demonstrate why the petition should be denied. The~~  
920 ~~court shall rule on the petition and, if the court determines~~  
921 ~~the person meets the criteria in subsection (1) and removal of~~  
922 ~~the registration requirement will not conflict with federal law,~~  
923 ~~it may grant the petition and order the removal of the~~  
924 ~~registration requirement. If the court denies the petition, the~~  
925 ~~person is not authorized under this section to file any further~~  
926 ~~petition for removal of the registration requirement.~~

927 ~~(3)(4)~~ If a person provides to the Department of Law  
928 Enforcement a certified copy of the court's order removing the  
929 requirement that the person register as a sexual offender or  
930 sexual predator for the violation of s. 794.011, s. 800.04, s.  
931 827.071, or s. 847.0135(5), or a similar offense in another  
932 jurisdiction, the registration requirement will not apply to the  
933 person and the department shall remove all information about the

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934 person from the public registry of sexual offenders and sexual  
935 predators maintained by the department. However, the removal of  
936 this information from the public registry does not mean that the  
937 public is denied access to information about the person's  
938 criminal history or record that is otherwise available as a  
939 public record.

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

942 943.0437 Commercial social networking websites.-

943 (2) The department may provide information relating to  
944 electronic mail addresses and Internet identifiers ~~instant~~  
945 ~~message names~~ maintained as part of the sexual offender registry  
946 to commercial social networking websites or third parties  
947 designated by commercial social networking websites. The  
948 commercial social networking website may use this information  
949 for the purpose of comparing registered users and screening  
950 potential users of the commercial social networking website  
951 against the list of electronic mail addresses and Internet  
952 identifiers ~~instant message names~~ provided by the department.

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

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

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

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962 944.606 Sexual offenders; notification upon release.—

963 (1) As used in this section:

964 (b) "Sexual offender" means a person who has been  
965 convicted of committing, or attempting, soliciting, or  
966 conspiring to commit, any of the criminal offenses proscribed in  
967 the following statutes in this state or similar offenses in  
968 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
969 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
970 the defendant is not the victim's parent or guardian; s.  
971 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
972 796.045; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.  
973 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
974 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any  
975 similar offense committed in this state which has been  
976 redesignated from a former statute number to one of those listed  
977 in this subsection, when the department has received verified  
978 information regarding such conviction; an offender's  
979 computerized criminal history record is not, in and of itself,  
980 verified information.

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

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

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

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990 other legal process, and any alias, if known; the correctional  
991 facility from which the sexual offender is released; the sexual  
992 offender's social security number, race, sex, date of birth,  
993 height, weight, and hair and eye color; address of any planned  
994 permanent residence or temporary residence, within the state or  
995 out of state, including a rural route address and a post office  
996 box; if no permanent or temporary address, any transient  
997 residence within the state; address, location or description,  
998 and dates of any known future temporary residence within the  
999 state or out of state; date and county of sentence and each  
1000 crime for which the offender was sentenced; a copy of the  
1001 offender's fingerprints, palm prints, and a digitized photograph  
1002 taken within 60 days before release; the date of release of the  
1003 sexual offender; all any electronic mail addresses address and  
1004 all Internet identifiers any instant message name required to be  
1005 provided pursuant to s. 943.0435(4) (d); all and home telephone  
1006 numbers number and any cellular telephone numbers; information  
1007 about any professional licenses the offender may have, if known;  
1008 and passport information, if he or she has a passport, and, if  
1009 he or she is an alien, information about documents establishing  
1010 his or her immigration status number. The department shall  
1011 notify the Department of Law Enforcement if the sexual offender  
1012 escapes, absconds, or dies. If the sexual offender is in the  
1013 custody of a private correctional facility, the facility shall  
1014 take the digitized photograph of the sexual offender within 60  
1015 days before the sexual offender's release and provide this  
1016 photograph to the Department of Corrections and also place it in  
1017 the sexual offender's file. If the sexual offender is in the

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1018 custody of a local jail, the custodian of the local jail shall  
1019 register the offender within 3 business days after intake of the  
1020 offender for any reason and upon release, and shall notify the  
1021 Department of Law Enforcement of the sexual offender's release  
1022 and provide to the Department of Law Enforcement the information  
1023 specified in this paragraph and any information specified in  
1024 subparagraph 2. that the Department of Law Enforcement requests.

1025 2. The department may provide any other information deemed  
1026 necessary, including criminal and corrections records,  
1027 nonprivileged personnel and treatment records, when available.

1028 Section 9. Paragraphs (a) and (f) of subsection (1),  
1029 subsection (4), and paragraph (c) of subsection (13) of section  
1030 944.607, Florida Statutes, are amended to read:

1031 944.607 Notification to Department of Law Enforcement of  
1032 information on sexual offenders.-

1033 (1) As used in this section, the term:

1034 (a) "Sexual offender" means a person who is in the custody  
1035 or control of, or under the supervision of, the department or is  
1036 in the custody of a private correctional facility:

1037 1. On or after October 1, 1997, as a result of a  
1038 conviction for committing, or attempting, soliciting, or  
1039 conspiring to commit, any of the criminal offenses proscribed in  
1040 the following statutes in this state or similar offenses in  
1041 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
1042 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
1043 the defendant is not the victim's parent or guardian; s.  
1044 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
1045 796.035; s. 796.045; s. 800.04; s. 825.1025; s. 827.071; s.

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1046 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
1047 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any  
1048 similar offense committed in this state which has been  
1049 redesignated from a former statute number to one of those listed  
1050 in this paragraph; or

1051 2. Who establishes or maintains a residence in this state  
1052 and who has not been designated as a sexual predator by a court  
1053 of this state but who has been designated as a sexual predator,  
1054 as a sexually violent predator, or by another sexual offender  
1055 designation in another state or jurisdiction and was, as a  
1056 result of such designation, subjected to registration or  
1057 community or public notification, or both, or would be if the  
1058 person were a resident of that state or jurisdiction, without  
1059 regard as to whether the person otherwise meets the criteria for  
1060 registration as a sexual offender.

1061 (f) "Internet identifier ~~Instant message name~~" has the  
1062 same meaning as provided in s. 775.21 ~~means an identifier that~~  
1063 ~~allows a person to communicate in real time with another person~~  
1064 ~~using the Internet.~~

1065 (4) A sexual offender, as described in this section, who  
1066 is under the supervision of the Department of Corrections but is  
1067 not incarcerated must register with the Department of  
1068 Corrections within 3 business days after sentencing for a  
1069 registrable offense and otherwise provide information as  
1070 required by this subsection.

1071 (a) The sexual offender shall provide his or her name;  
1072 date of birth; social security number; race; sex; height;  
1073 weight; hair and eye color; tattoos or other identifying marks;

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1074 all any electronic mail addresses ~~address~~ and all Internet  
1075 identifiers ~~any instant message name~~ required to be provided  
1076 pursuant to s. 943.0435(4)(d); all home telephone numbers and  
1077 cellular telephone numbers; the make, model, color, registration  
1078 number, and license tag number of all vehicles owned; permanent  
1079 or legal residence and address of temporary residence within the  
1080 state or out of state while the sexual offender is under  
1081 supervision in this state, including any rural route address or  
1082 post office box; if no permanent or temporary address, any  
1083 transient residence within the state; and address, location or  
1084 description, and dates of any current or known future temporary  
1085 residence within the state or out of state. The sexual offender  
1086 must also produce his or her passport, if he or she has a  
1087 passport, and, if he or she is an alien, must produce or provide  
1088 information about documents establishing his or her immigration  
1089 status. The sexual offender must also provide information about  
1090 any professional licenses he or she may have. The Department of  
1091 Corrections shall verify the address of each sexual offender in  
1092 the manner described in ss. 775.21 and 943.0435. The department  
1093 shall report to the Department of Law Enforcement any failure by  
1094 a sexual predator or sexual offender to comply with registration  
1095 requirements.

1096 (b) If the sexual offender is enrolled, employed,  
1097 volunteering, or carrying on a vocation at an institution of  
1098 higher education in this state, the sexual offender shall  
1099 provide the name, address, and county of each institution,  
1100 including each campus attended, and the sexual offender's  
1101 enrollment, volunteer, or employment status. Each change in

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1102 enrollment, volunteer, or employment status shall be reported to  
1103 the department within 48 hours after the change in status. The  
1104 Department of Corrections shall promptly notify each institution  
1105 of the sexual offender's presence and any change in the sexual  
1106 offender's enrollment, volunteer, or employment status.

1107 (13)

1108 (c) The sheriff's office may determine the appropriate  
1109 times and days for reporting by the sexual offender, which shall  
1110 be consistent with the reporting requirements of this  
1111 subsection. Reregistration shall include any changes to the  
1112 following information:

1113 1. Name; social security number; age; race; sex; date of  
1114 birth; height; weight; hair and eye color; address of any  
1115 permanent residence and address of any current temporary  
1116 residence, within the state or out of state, including a rural  
1117 route address and a post office box; if no permanent or  
1118 temporary address, any transient residence; address, location or  
1119 description, and dates of any current or known future temporary  
1120 residence within the state or out of state; ~~any~~ electronic mail  
1121 addresses ~~address~~ ~~and~~ or Internet identifiers ~~any instant~~  
1122 ~~message name~~ required to be provided pursuant to s.

1123 943.0435(4)(d); home telephone numbers or cellular telephone  
1124 numbers; date and place of any employment; the ~~vehicle~~ make,  
1125 model, color, registration number, and license tag number of any  
1126 vehicles owned; fingerprints; palm prints; and photograph. A  
1127 post office box shall not be provided in lieu of a physical  
1128 residential address. The sexual offender must also produce his  
1129 or her passport, if he or she has a passport, and, if he or she

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1130 is an alien, must produce or provide information about documents  
1131 establishing his or her immigration status. The sexual offender  
1132 must also provide information about any professional licenses he  
1133 or she may have.

1134 2. If the sexual offender is enrolled, employed,  
1135 volunteering, or carrying on a vocation at an institution of  
1136 higher education in this state, the sexual offender shall also  
1137 provide to the department the name, address, and county of each  
1138 institution, including each campus attended, and the sexual  
1139 offender's enrollment, volunteer, or employment status.

1140 3. If the sexual offender's place of residence is a motor  
1141 vehicle, trailer, mobile home, or manufactured home, as defined  
1142 in chapter 320, the sexual offender shall also provide the  
1143 vehicle identification number; the license tag number; the  
1144 registration number; and a description, including color scheme,  
1145 of the motor vehicle, trailer, mobile home, or manufactured  
1146 home. If the sexual offender's place of residence is a vessel,  
1147 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1148 sexual offender shall also provide the hull identification  
1149 number; the manufacturer's serial number; the name of the  
1150 vessel, live-aboard vessel, or houseboat; the registration  
1151 number; and a description, including color scheme, of the  
1152 vessel, live-aboard vessel or houseboat.

1153 4. Any sexual offender who fails to report in person as  
1154 required at the sheriff's office, ~~or~~ who fails to respond to any  
1155 address verification correspondence from the department within 3  
1156 weeks of the date of the correspondence, ~~or~~ who fails to report  
1157 all electronic mail addresses or all Internet identifiers prior

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1158 to use ~~or instant message names,~~ or who knowingly provides false  
1159 registration information by act or omission commits a felony of  
1160 the third degree, punishable as provided in s. 775.082, s.  
1161 775.083, or s. 775.084.