

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

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

57 | amending s. 947.1405, F.S.; requiring that certain
58 | conditional releasees be subject to electronic
59 | monitoring; amending s. 948.30, F.S.; providing
60 | restrictions for certain persons who receive a
61 | designation equivalent to sexual predator in another
62 | jurisdiction or who are convicted of certain offenses
63 | in another jurisdiction; providing for electronic
64 | monitoring of certain persons; subjecting persons
65 | convicted of specified offenses to additional
66 | restrictions; amending s. 948.31, F.S.; providing that
67 | conditions imposed under that section do not require
68 | oral pronouncement at the time of sentencing and shall
69 | be considered standard conditions of probation or
70 | community control for certain offenders; revising
71 | provisions relating to evaluation of persons subject
72 | to registration as sexual offenders or sexual
73 | predators; authorizing a court to require treatment
74 | from a qualified practitioner in certain
75 | circumstances; authorizing a court to restrict the
76 | probationer or community controllee from having
77 | unsupervised contact with a minor or prohibit him or
78 | her from residing with a minor in certain
79 | circumstances; amending ss. 985.481 and 985.4815,
80 | F.S.; requiring disclosure of passport and immigration
81 | status information by certain sexual offenders
82 | adjudicated delinquent and certain juvenile sexual
83 | offenders; amending s. 903.046, F.S.; requiring a
84 | court considering whether to release a defendant on

85 | bail to determine whether the defendant is subject to
 86 | registration as a sexual offender or sexual predator
 87 | and, if so, to hold the defendant without bail until
 88 | the first appearance on the case; providing an
 89 | exception; amending s. 948.012, F.S.; revising
 90 | language concerning commencement of the period of
 91 | probation or community control; amending s. 948.039,
 92 | F.S.; providing that a probation or community control
 93 | period commences immediately upon the release of the
 94 | offender from incarceration; providing severability;
 95 | providing effective dates.

96 |

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

98 |

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

103 | 775.21 The Florida Sexual Predators Act.—

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

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

HB 455

2012

113 identification number (PIN) as an Internet identifier waives the
114 disclosure exemption in this paragraph for such personal
115 information.

116 (6) REGISTRATION.—

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

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

140 a. If the sexual predator's place of residence is a motor

HB 455

2012

141 vehicle, trailer, mobile home, or manufactured home, as defined
142 in chapter 320, the sexual predator shall also provide to the
143 department written notice of the vehicle identification number;
144 the license tag number; the registration number; and a
145 description, including color scheme, of the motor vehicle,
146 trailer, mobile home, or manufactured home. If a sexual
147 predator's place of residence is a vessel, live-aboard vessel,
148 or houseboat, as defined in chapter 327, the sexual predator
149 shall also provide to the department written notice of the hull
150 identification number; the manufacturer's serial number; the
151 name of the vessel, live-aboard vessel, or houseboat; the
152 registration number; and a description, including color scheme,
153 of the vessel, live-aboard vessel, or houseboat.

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

168 2. Any other information determined necessary by the

169 department, including criminal and corrections records;
 170 nonprivileged personnel and treatment records; and evidentiary
 171 genetic markers when available.

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

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

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

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

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

HB 455

2012

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

220 2. A sexual predator who vacates a permanent, temporary,
221 or transient residence and fails to establish or maintain
222 another permanent, temporary, or transient residence shall,
223 within 48 hours after vacating the permanent, temporary, or
224 transient residence, report in person to the sheriff's office of

225 the county in which he or she is located. The sexual predator
 226 shall specify the date upon which he or she intends to or did
 227 vacate such residence. If the sexual predator is released from
 228 custody in a homeless or transient status, he or she must report
 229 in person to the sheriff's office in the county in which he or
 230 she is located within 24 hours. The sexual predator must provide
 231 or update all of the registration information required under
 232 paragraph (a). The sexual predator must provide an address for
 233 the residence or other place that he or she is or will be
 234 located during the time in which he or she fails to establish or
 235 maintain a permanent or temporary residence.

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

249 4. A sexual predator must register all ~~any~~ electronic mail
 250 addresses and Internet identifiers ~~address or instant message~~
 251 ~~name~~ with the department prior to using such electronic mail
 252 addresses and Internet identifiers ~~address or instant message~~

253 ~~name on or after October 1, 2007.~~ The department shall establish
 254 an online system through which sexual predators may securely
 255 access and update all electronic mail address and Internet
 256 identifier ~~instant message name~~ information.

257 (i) A sexual predator who intends to establish a
 258 permanent, temporary, or transient residence in another state or
 259 jurisdiction other than the State of Florida shall report in
 260 person to the sheriff of the county of current residence within
 261 48 hours before the date he or she intends to leave this state
 262 to establish residence in another state or jurisdiction or
 263 within 21 days before his or her planned departure date if the
 264 intended residence of 7 days or more is outside of the United
 265 States. The sexual predator must provide to the sheriff the
 266 address, municipality, county, ~~and state,~~ and country of
 267 intended residence. The sheriff shall promptly provide to the
 268 department the information received from the sexual predator.
 269 The department shall notify the statewide law enforcement
 270 agency, or a comparable agency, in the intended state, ~~or~~
 271 jurisdiction, or country of residence of the sexual predator's
 272 intended residence. The failure of a sexual predator to provide
 273 his or her intended place of residence is punishable as provided
 274 in subsection (10).

275 (j) A sexual predator who indicates his or her intent to
 276 establish a permanent, temporary, or transient residence in
 277 another state, a ~~or~~ jurisdiction other than the State of
 278 Florida, or another country and later decides to remain in this
 279 state shall, within 48 hours after the date upon which the
 280 sexual predator indicated he or she would leave this state,

281 | report in person to the sheriff to which the sexual predator
 282 | reported the intended change of residence, and report his or her
 283 | intent to remain in this state. If the sheriff is notified by
 284 | the sexual predator that he or she intends to remain in this
 285 | state, the sheriff shall promptly report this information to the
 286 | department. A sexual predator who reports his or her intent to
 287 | establish a permanent, temporary, or transient residence in
 288 | another state, a ~~ex~~ jurisdiction other than the State of
 289 | Florida, or another country, but who remains in this state
 290 | without reporting to the sheriff in the manner required by this
 291 | paragraph, commits a felony of the second degree, punishable as
 292 | provided in s. 775.082, s. 775.083, or s. 775.084.

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

HB 455

2012

309 department any failure by a sexual predator to comply with
310 registration requirements.

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

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

337 passport, and, if he or she is an alien, must produce or provide
 338 information about documents establishing his or her immigration
 339 status.

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

346 3. If the sexual predator's place of residence is a motor
 347 vehicle, trailer, mobile home, or manufactured home, as defined
 348 in chapter 320, the sexual predator shall also provide the
 349 vehicle identification number; the license tag number; the
 350 registration number; and a description, including color scheme,
 351 of the motor vehicle, trailer, mobile home, or manufactured
 352 home. If the sexual predator's place of residence is a vessel,
 353 live-aboard vessel, or houseboat, as defined in chapter 327, the
 354 sexual predator shall also provide the hull identification
 355 number; the manufacturer's serial number; the name of the
 356 vessel, live-aboard vessel, or houseboat; the registration
 357 number; and a description, including color scheme, of the
 358 vessel, live-aboard vessel, or houseboat.

359 (10) PENALTIES.—

360 (a) Except as otherwise specifically provided, a sexual
 361 predator who fails to register; who fails, after registration,
 362 to maintain, acquire, or renew a driver ~~driver's~~ license or
 363 identification card; who fails to provide required location
 364 information, electronic mail address information, Internet

365 identifier ~~instant message name~~ information, all home telephone
 366 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or
 367 change-of-name information; who fails to make a required report
 368 in connection with vacating a permanent residence; who fails to
 369 reregister as required; who fails to respond to any address
 370 verification correspondence from the department within 3 weeks
 371 of the date of the correspondence; or who otherwise fails, by
 372 act or omission, to comply with the requirements of this
 373 section, commits a felony of the third degree, punishable as
 374 provided in s. 775.082, s. 775.083, or s. 775.084.

375 Section 2. Paragraphs (a) and (g) of subsection (1),
 376 subsection (2), paragraphs (a) and (d) of subsection (4),
 377 subsections (7) and (8), and paragraph (c) of subsection (14) of
 378 section 943.0435, Florida Statutes, are amended to read:

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

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

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

385 a.(I) Has been convicted of committing, or attempting,
 386 soliciting, or conspiring to commit, any of the criminal
 387 offenses proscribed in the following statutes in this state or
 388 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 389 or s. 787.025(2)(c), where the victim is a minor and the
 390 defendant is not the victim's parent or guardian; s. 794.011,
 391 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
 392 800.04; s. 825.1025; s. 826.04 where the victim is a minor and

393 the defendant is 18 years of age or older; s. 827.071; s.
 394 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 395 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
 396 committed in this state which has been redesignated from a
 397 former statute number to one of those listed in this sub-sub-
 398 subparagraph; and

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

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

418 c. Establishes or maintains a residence in this state who
 419 is in the custody or control of, or under the supervision of,
 420 any other state or jurisdiction as a result of a conviction for

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

434 d. On or after July 1, 2007, has been adjudicated
 435 delinquent for committing, or attempting, soliciting, or
 436 conspiring to commit, any of the criminal offenses proscribed in
 437 the following statutes in this state or similar offenses in
 438 another jurisdiction when the juvenile was 14 years of age or
 439 older at the time of the offense:

- 440 (I) Section 794.011, excluding s. 794.011(10);
- 441 (II) Section 800.04(4)(b) where the victim is under 12
 442 years of age or where the court finds sexual activity by the use
 443 of force or coercion;
- 444 (III) Section 800.04(5)(c)1. where the court finds
 445 molestation involving unclothed genitals; or
- 446 (IV) Section 800.04(5)(d) where the court finds the use of
 447 force or coercion and unclothed genitals.

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

HB 455

2012

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

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

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

466 (2) A sexual offender shall:

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

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

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

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

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

477 hours after being convicted for a qualifying offense for
 478 registration under this section if the offender is not in the
 479 custody or control of, or under the supervision of, the
 480 Department of Corrections, or is not in the custody of a private
 481 correctional facility.

482
 483 Any change in the information required to be provided pursuant
 484 to paragraph (b), including, but not limited to, any change in
 485 the sexual offender's permanent, temporary, or transient
 486 residence, name, all any electronic mail addresses ~~address~~ and
 487 all Internet identifiers ~~any instant message name~~ required to be
 488 provided pursuant to paragraph (4) (d), after the sexual offender
 489 reports in person at the sheriff's office, shall be accomplished
 490 in the manner provided in subsections (4), (7), and (8).

491 (b) Provide his or her name; date of birth; social
 492 security number; race; sex; height; weight; hair and eye color;
 493 tattoos or other identifying marks; occupation and place of
 494 employment; address of permanent or legal residence or address
 495 of any current temporary residence, within the state or out of
 496 state, including a rural route address and a post office box; if
 497 no permanent or temporary address, any transient residence
 498 within the state, address, location or description, and dates of
 499 any current or known future temporary residence within the state
 500 or out of state; all home telephone numbers ~~number~~ and ~~any~~
 501 cellular telephone numbers ~~number~~; all any electronic mail
 502 addresses ~~address~~ and all Internet identifiers ~~any instant~~
 503 ~~message name~~ required to be provided pursuant to paragraph
 504 (4) (d); date and place of each conviction; and a brief

HB 455

2012

505 description of the crime or crimes committed by the offender. A
506 post office box shall not be provided in lieu of a physical
507 residential address. The sexual offender must also produce or
508 provide information about his or her passport, if he or she has
509 a passport, and, if he or she is an alien, must produce or
510 provide information about documents establishing his or her
511 immigration status.

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

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

533 person at the sheriff's office, within 48 hours after any change
 534 in status. The sheriff shall promptly notify each institution of
 535 the sexual offender's presence and any change in the sexual
 536 offender's enrollment or employment status.

537
 538 When a sexual offender reports at the sheriff's office, the
 539 sheriff shall take a photograph and a set of fingerprints of the
 540 offender and forward the photographs and fingerprints to the
 541 department, along with the information provided by the sexual
 542 offender. The sheriff shall promptly provide to the department
 543 the information received from 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
 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
 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
 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 7 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

HB 455

2012

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
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 ~~or~~ 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 | (14)

614 | (c) The sheriff's office may determine the appropriate
615 | times and days for reporting by the sexual offender, which shall
616 | be consistent with the reporting requirements of this

HB 455

2012

617 subsection. Reregistration shall include any changes to the
618 following information:

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

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

HB 455

2012

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

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

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

667 943.04351 Search of registration information regarding
668 sexual predators and sexual offenders required prior to
669 appointment or employment.—A state agency or governmental
670 subdivision, prior to making any decision to appoint or employ a
671 person to work, whether for compensation or as a volunteer, at
672 any park, playground, day care center, or other place where

HB 455

2012

673 children regularly congregate, must conduct a search of that
674 person's name or other identifying information against the
675 registration information regarding sexual predators and sexual
676 offenders maintained by the Department of Law Enforcement under
677 s. 943.043. The agency or governmental subdivision may conduct
678 the search using the Internet site maintained by the Department
679 of Law Enforcement. Also, a national search must be conducted
680 through the Dru Sjodin National Sex Offender Public Website
681 maintained by the United States Department of Justice. This
682 section does not apply to those positions or appointments within
683 a state agency or governmental subdivision for which a state and
684 national criminal history background check is conducted.

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

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

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

692 (a) Was or will be convicted or adjudicated delinquent of
693 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
694 847.0135(5) or the person committed a violation of s. 794.011,
695 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
696 of guilt was or will be withheld, and the person does not have
697 any other conviction, adjudication of delinquency, or withhold
698 of adjudication of guilt for a violation of s. 794.011, s.
699 800.04, s. 827.071, or s. 847.0135(5);

HB 455

2012

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

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

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

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

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

731 1.2. Is subject to registration as a sexual offender or
 732 sexual predator for a violation of s. 794.011, s. 800.04, or s.
 733 827.071; and

734 2.3. Meets the criteria in subsection (1).

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

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

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

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

766 943.0437 Commercial social networking websites.—

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

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

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

783 Section 6. Paragraphs (b) and (d) of subsection (1) and

784 paragraph (a) of subsection (3) of section 944.606, Florida
 785 Statutes, are amended to read:

786 944.606 Sexual offenders; notification upon release.—

787 (1) As used in this section:

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

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

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

HB 455

2012

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

840 offender's file. If the sexual offender is in the custody of a
 841 local jail, the custodian of the local jail shall register the
 842 offender within 3 business days after intake of the offender for
 843 any reason and upon release, and shall notify the Department of
 844 Law Enforcement of the sexual offender's release and provide to
 845 the Department of Law Enforcement the information specified in
 846 this paragraph and any information specified in subparagraph 2.
 847 that the Department of Law Enforcement requests.

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

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

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

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

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

861 1. On or after October 1, 1997, as a result of a
 862 conviction for committing, or attempting, soliciting, or
 863 conspiring to commit, any of the criminal offenses proscribed in
 864 the following statutes in this state or similar offenses in
 865 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 866 where the victim is a minor and the defendant is not the
 867 victim's parent or guardian; s. 794.011, excluding s.

868 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 869 825.1025; s. 826.04 where the victim is a minor and the
 870 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
 871 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
 872 s. 847.0145; or s. 985.701(1); or any similar offense committed
 873 in this state which has been redesignated from a former statute
 874 number to one of those listed in this paragraph; or

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

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

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

895 (a) The sexual offender shall provide his or her name;

HB 455

2012

896 date of birth; social security number; race; sex; height;
897 weight; hair and eye color; tattoos or other identifying marks;
898 all any electronic mail addresses ~~address~~ and all Internet
899 identifiers ~~any instant message name~~ required to be provided
900 pursuant to s. 943.0435(4)(d); permanent or legal residence and
901 address of temporary residence within the state or out of state
902 while the sexual offender is under supervision in this state,
903 including any rural route address or post office box; if no
904 permanent or temporary address, any transient residence within
905 the state; and address, location or description, and dates of
906 any current or known future temporary residence within the state
907 or out of state. The sexual offender must also produce or
908 provide information about his or her passport, if he or she has
909 a passport, and, if he or she is an alien, must produce or
910 provide information about documents establishing his or her
911 immigration status. The Department of Corrections shall verify
912 the address of each sexual offender in the manner described in
913 ss. 775.21 and 943.0435. The department shall report to the
914 Department of Law Enforcement any failure by a sexual predator
915 or sexual offender to comply with registration requirements.

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

918 (b) The sexual offender's most current address, place of
919 permanent, temporary, or transient residence within the state or
920 out of state, and address, location or description, and dates of
921 any current or known future temporary residence within the state
922 or out of state, while the sexual offender is under supervision
923 in this state, including the name of the county or municipality

HB 455

2012

924 in which the offender permanently or temporarily resides, or has
925 a transient residence, and address, location or description, and
926 dates of any current or known future temporary residence within
927 the state or out of state, and, if known, the intended place of
928 permanent, temporary, or transient residence, and address,
929 location or description, and dates of any current or known
930 future temporary residence within the state or out of state upon
931 satisfaction of all sanctions. The sexual offender must also
932 produce or provide information about his or her passport, if he
933 or she has a passport, and, if he or she is an alien, must
934 produce or provide information about documents establishing his
935 or her immigration status;

936

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

944 (13)

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

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

952 permanent residence and address of any current temporary
953 residence, within the state or out of state, including a rural
954 route address and a post office box; if no permanent or
955 temporary address, any transient residence; address, location or
956 description, and dates of any current or known future temporary
957 residence within the state or out of state; all ~~any~~ electronic
958 mail addresses ~~address~~ and all Internet identifiers ~~any instant~~
959 ~~message name~~ required to be provided pursuant to s.
960 943.0435(4)(d); date and place of any employment; vehicle make,
961 model, color, and license tag number; fingerprints; and
962 photograph. A post office box shall not be provided in lieu of a
963 physical residential address. The sexual offender must also
964 produce or provide information about his or her passport, if he
965 or she has a passport, and, if he or she is an alien, must
966 produce or provide information about documents establishing his
967 or her immigration status.

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

974 3. If the sexual offender's place of residence is a motor
975 vehicle, trailer, mobile home, or manufactured home, as defined
976 in chapter 320, the sexual offender shall also provide the
977 vehicle identification number; the license tag number; the
978 registration number; and a description, including color scheme,
979 of the motor vehicle, trailer, mobile home, or manufactured

980 home. If the sexual offender's place of residence is a vessel,
 981 live-aboard vessel, or houseboat, as defined in chapter 327, the
 982 sexual offender shall also provide the hull identification
 983 number; the manufacturer's serial number; the name of the
 984 vessel, live-aboard vessel, or houseboat; the registration
 985 number; and a description, including color scheme, of the
 986 vessel, live-aboard vessel or houseboat.

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

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

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

998 (11) "Risk assessment" means an assessment completed by a
 999 ~~an independent~~ qualified practitioner to evaluate the level of
 1000 risk associated when a sex offender has contact with a child.

1001 Section 9. Subsection (13) is added to section 947.1405,
 1002 Florida Statutes, to read:

1003 947.1405 Conditional release program.—

1004 (13) In addition to all other conditions imposed, for a
 1005 releasee who is subject to conditional release for a crime that
 1006 was committed on or after July 1, 2012, and who has been
 1007 convicted at any time of a violation of s. 800.04(7)(b) or s.

HB 455

2012

1008 847.0135, or a similar offense in another jurisdiction, the
 1009 commission must order electronic monitoring for the duration of
 1010 the releasee's supervision.

1011 Section 10. Subsection (3) of section 948.30, Florida
 1012 Statutes, is amended, and subsection (5) is added to that
 1013 section, to read:

1014 948.30 Additional terms and conditions of probation or
 1015 community control for certain sex offenses.—Conditions imposed
 1016 pursuant to this section do not require oral pronouncement at
 1017 the time of sentencing and shall be considered standard
 1018 conditions of probation or community control for offenders
 1019 specified in this section.

1020 (3) Effective for a probationer or community controllee
 1021 whose crime was committed on or after September 1, 2005, and
 1022 who:

1023 (a) Is placed on probation or community control for a
 1024 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
 1025 or s. 847.0145 and the unlawful sexual activity involved a
 1026 victim 15 years of age or younger and the offender is 18 years
 1027 of age or older;

1028 (b) Is designated a sexual predator pursuant to s. 775.21
 1029 or a similar designation in another jurisdiction; or

1030 (c) Has previously been convicted of a violation of
 1031 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
 1032 847.0145 or a similar offense in another jurisdiction and the
 1033 unlawful sexual activity involved a victim 15 years of age or
 1034 younger and the offender is 18 years of age or older,

1035

HB 455

2012

1036 the court must order, in addition to any other provision of this
 1037 section, mandatory electronic monitoring as a condition of the
 1038 probation or community control supervision.

1039 (5) Effective for a probationer or community controllee
 1040 whose crime was committed on or after July 1, 2012, and who:

1041 (a)1. Is placed on probation or community control for a
 1042 violation of s. 800.04(7)(b) or s. 847.0135; or

1043 2. Has previously been convicted of a violation of s.
 1044 800.04(7)(b) or s. 847.0135, or a similar offense in another
 1045 jurisdiction,

1046
 1047 the court must order, in addition to any other requirements of
 1048 this section, mandatory electronic monitoring as a condition of
 1049 the probation or community control supervision.

1050 (b) Is placed on probation or community control for a
 1051 violation of s. 847.0135(3) or (4), the court shall subject the
 1052 probationer or community controllee to the requirements of
 1053 subsections (1) and (2).

1054 Section 11. Section 948.31, Florida Statutes, is amended
 1055 to read:

1056 948.31 Evaluation and treatment of sexual predators and
 1057 offenders on probation or community control.—Conditions imposed
 1058 pursuant to this section do not require oral pronouncement at
 1059 the time of sentencing and shall be considered standard
 1060 conditions of probation or community control for offenders
 1061 specified in this section.

1062 (1) The court shall require an evaluation by a qualified
 1063 practitioner to determine the need of a probationer or community

1064 ~~controllee for treatment. If the court determines that a need~~
 1065 ~~therefor is established by the evaluation process, the court~~
 1066 ~~shall require sexual offender treatment as a term or condition~~
 1067 ~~of probation or community control~~ for any person who is required
 1068 to register as a sexual predator under s. 775.21 or sexual
 1069 offender under s. 943.0435, s. 944.606, or s. 944.607 to
 1070 determine the need of the probationer or community controllee
 1071 for sex offender treatment while on probation or community
 1072 control. The evaluation and recommendations for any treatment of
 1073 the probationer or community controllee shall be provided to the
 1074 court for review. Such treatment shall be required to be
 1075 obtained from a qualified practitioner as defined in s. 948.001.

1076 (2) If the court determines that a need for treatment is
 1077 established by the evaluation process, the treatment must be
 1078 obtained from a qualified practitioner. The community controllee
 1079 or probationer must actively participate in and successfully
 1080 complete any recommended treatment. The court shall also require
 1081 the community controllee or probationer to comply with the
 1082 treatment program rules, which can include, but are not limited
 1083 to, a safety plan and polygraph examinations for treatment
 1084 purposes.

1085 (3) The court may, when it is recommended by a qualified
 1086 practitioner or the supervising probation officer, also restrict
 1087 the probationer or community controllee from having unsupervised
 1088 contact with a minor or prohibit him or her from residing with a
 1089 minor.

1090 (4) Treatment may not be administered by a qualified
 1091 practitioner who has been convicted or adjudicated delinquent of

1092 committing, or attempting, soliciting, or conspiring to commit,
 1093 any offense that is listed in s. 943.0435(1)(a)1.a.(I). ~~The~~
 1094 ~~court shall impose a restriction against contact with minors if~~
 1095 ~~sexual offender treatment is recommended. The evaluation and~~
 1096 ~~recommendations for treatment of the probationer or community~~
 1097 ~~controllee shall be provided to the court for review.~~

1098 Section 12. Paragraph (a) of subsection (3) of section
 1099 985.481, Florida Statutes, is amended to read:

1100 985.481 Sexual offenders adjudicated delinquent;
 1101 notification upon release.—

1102 (3)(a) The department must provide information regarding
 1103 any sexual offender who is being released after serving a period
 1104 of residential commitment under the department for any offense,
 1105 as follows:

1106 1. The department must provide the sexual offender's name,
 1107 any change in the offender's name by reason of marriage or other
 1108 legal process, and any alias, if known; the correctional
 1109 facility from which the sexual offender is released; the sexual
 1110 offender's social security number, race, sex, date of birth,
 1111 height, weight, and hair and eye color; address of any planned
 1112 permanent residence or temporary residence, within the state or
 1113 out of state, including a rural route address and a post office
 1114 box; if no permanent or temporary address, any transient
 1115 residence within the state; address, location or description,
 1116 and dates of any known future temporary residence within the
 1117 state or out of state; date and county of disposition and each
 1118 crime for which there was a disposition; a copy of the
 1119 offender's fingerprints and a digitized photograph taken within

HB 455

2012

1120 60 days before release; the date of release of the sexual
1121 offender; all ~~and~~ home telephone numbers ~~number~~ and ~~any~~ cellular
1122 telephone numbers; and passport information, if he or she has a
1123 passport, and, if he or she is an alien, information about
1124 documents establishing his or her immigration status ~~number~~. The
1125 department shall notify the Department of Law Enforcement if the
1126 sexual offender escapes, absconds, or dies. If the sexual
1127 offender is in the custody of a private correctional facility,
1128 the facility shall take the digitized photograph of the sexual
1129 offender within 60 days before the sexual offender's release and
1130 also place it in the sexual offender's file. If the sexual
1131 offender is in the custody of a local jail, the custodian of the
1132 local jail shall register the offender within 3 business days
1133 after intake of the offender for any reason and upon release,
1134 and shall notify the Department of Law Enforcement of the sexual
1135 offender's release and provide to the Department of Law
1136 Enforcement the information specified in this subparagraph and
1137 any information specified in subparagraph 2. which the
1138 Department of Law Enforcement requests.

1139 2. The department may provide any other information
1140 considered necessary, including criminal and delinquency
1141 records, when available.

1142 Section 13. Paragraph (a) of subsection (4), paragraph (a)
1143 of subsection (6), and paragraph (b) of subsection (13) of
1144 section 985.4815, Florida Statutes, are amended to read:

1145 985.4815 Notification to Department of Law Enforcement of
1146 information on juvenile sexual offenders.—

HB 455

2012

1147 (4) A sexual offender, as described in this section, who
1148 is under the supervision of the department but who is not
1149 committed must register with the department within 3 business
1150 days after adjudication and disposition for a registrable
1151 offense and otherwise provide information as required by this
1152 subsection.

1153 (a) The sexual offender shall provide his or her name;
1154 date of birth; social security number; race; sex; height;
1155 weight; hair and eye color; tattoos or other identifying marks;
1156 permanent or legal residence and address of temporary residence
1157 within the state or out of state while the sexual offender is in
1158 the care or custody or under the jurisdiction or supervision of
1159 the department in this state, including any rural route address
1160 or post office box; if no permanent or temporary address, any
1161 transient residence; address, location or description, and dates
1162 of any current or known future temporary residence within the
1163 state or out of state; passport information, if he or she has a
1164 passport, and, if he or she is an alien, information about
1165 documents establishing his or her immigration status; and the
1166 name and address of each school attended. The department shall
1167 verify the address of each sexual offender and shall report to
1168 the Department of Law Enforcement any failure by a sexual
1169 offender to comply with registration requirements.

1170 (6) (a) The information provided to the Department of Law
1171 Enforcement must include the following:

1172 1. The information obtained from the sexual offender under
1173 subsection (4).

1174 2. The sexual offender's most current address and place of
 1175 permanent, temporary, or transient residence within the state or
 1176 out of state, and address, location or description, and dates of
 1177 any current or known future temporary residence within the state
 1178 or out of state, while the sexual offender is in the care or
 1179 custody or under the jurisdiction or supervision of the
 1180 department in this state, including the name of the county or
 1181 municipality in which the offender permanently or temporarily
 1182 resides, or has a transient residence, and address, location or
 1183 description, and dates of any current or known future temporary
 1184 residence within the state or out of state; and, if known, the
 1185 intended place of permanent, temporary, or transient residence,
 1186 and address, location or description, and dates of any current
 1187 or known future temporary residence within the state or out of
 1188 state upon satisfaction of all sanctions. The sexual offender
 1189 must also produce or provide information about his or her
 1190 passport, if he or she has a passport, and, if he or she is an
 1191 alien, must produce or provide information about documents
 1192 establishing his or her immigration status.

1193 3. The legal status of the sexual offender and the
 1194 scheduled termination date of that legal status.

1195 4. The location of, and local telephone number for, any
 1196 department office that is responsible for supervising the sexual
 1197 offender.

1198 5. An indication of whether the victim of the offense that
 1199 resulted in the offender's status as a sexual offender was a
 1200 minor.

HB 455

2012

1201 6. The offense or offenses at adjudication and disposition
 1202 that resulted in the determination of the offender's status as a
 1203 sex offender.

1204 7. A digitized photograph of the sexual offender, which
 1205 must have been taken within 60 days before the offender was
 1206 released from the custody of the department or a private
 1207 correctional facility by expiration of sentence under s.
 1208 944.275, or within 60 days after the onset of the department's
 1209 supervision of any sexual offender who is on probation,
 1210 postcommitment probation, residential commitment, nonresidential
 1211 commitment, licensed child-caring commitment, community control,
 1212 conditional release, parole, provisional release, or control
 1213 release or who is supervised by the department under the
 1214 Interstate Compact Agreement for Probationers and Parolees. If
 1215 the sexual offender is in the custody of a private correctional
 1216 facility, the facility shall take a digitized photograph of the
 1217 sexual offender within the time period provided in this
 1218 subparagraph and shall provide the photograph to the department.

1219 (13)

1220 (b) The sheriff's office may determine the appropriate
 1221 times and days for reporting by the sexual offender, which shall
 1222 be consistent with the reporting requirements of this
 1223 subsection. Reregistration shall include any changes to the
 1224 following information:

1225 1. Name; social security number; age; race; sex; date of
 1226 birth; height; weight; hair and eye color; address of any
 1227 permanent residence and address of any current temporary
 1228 residence, within the state or out of state, including a rural

1229 route address and a post office box; if no permanent or
 1230 temporary address, any transient residence; address, location or
 1231 description, and dates of any current or known future temporary
 1232 residence within the state or out of state; passport
 1233 information, if he or she has a passport, and, if he or she is
 1234 an alien, information about documents establishing his or her
 1235 immigration status; name and address of each school attended;
 1236 date and place of any employment; vehicle make, model, color,
 1237 and license tag number; fingerprints; and photograph. A post
 1238 office box shall not be provided in lieu of a physical
 1239 residential address.

1240 2. If the sexual offender is enrolled, employed, or
 1241 carrying on a vocation at an institution of higher education in
 1242 this state, the sexual offender shall also provide to the
 1243 department the name, address, and county of each institution,
 1244 including each campus attended, and the sexual offender's
 1245 enrollment or employment status.

1246 3. If the sexual offender's place of residence is a motor
 1247 vehicle, trailer, mobile home, or manufactured home, as defined
 1248 in chapter 320, the sexual offender shall also provide the
 1249 vehicle identification number; the license tag number; the
 1250 registration number; and a description, including color scheme,
 1251 of the motor vehicle, trailer, mobile home, or manufactured
 1252 home. If the sexual offender's place of residence is a vessel,
 1253 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1254 sexual offender shall also provide the hull identification
 1255 number; the manufacturer's serial number; the name of the
 1256 vessel, live-aboard vessel, or houseboat; the registration

1257 number; and a description, including color scheme, of the
 1258 vessel, live-aboard vessel, or houseboat.

1259 4. Any sexual offender who fails to report in person as
 1260 required at the sheriff's office, or who fails to respond to any
 1261 address verification correspondence from the department within 3
 1262 weeks after the date of the correspondence, commits a felony of
 1263 the third degree, punishable as provided in ss. 775.082,
 1264 775.083, and 775.084.

1265 Section 14. Effective July 1, 2012, paragraphs (m) and (n)
 1266 are added to subsection (2) of section 903.046, Florida
 1267 Statutes, to read:

1268 903.046 Purpose of and criteria for bail determination.—

1269 (2) When determining whether to release a defendant on
 1270 bail or other conditions, and what that bail or those conditions
 1271 may be, the court shall consider:

1272 (m) Whether the defendant, other than a defendant whose
 1273 only criminal charge is a misdemeanor offense under chapter 316,
 1274 is required to register as a sexual offender under s. 943.0435;
 1275 and, if so, he or she is not eligible for release on bail or
 1276 surety bond until the first appearance on the case in order to
 1277 ensure the full participation of the prosecutor and the
 1278 protection of the public.

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

HB 455

2012

1284 ensure the full participation of the prosecutor and the
 1285 protection of the public.

1286 Section 15. Subsection (1) of section 948.012, Florida
 1287 Statutes, is amended to read:

1288 948.012 Split sentence of probation or community control
 1289 and imprisonment.—

1290 (1) Whenever punishment by imprisonment for a misdemeanor
 1291 or a felony, except for a capital felony, is prescribed, the
 1292 court, in its discretion, may, at the time of sentencing, impose
 1293 a split sentence whereby the defendant is to be placed on
 1294 probation or, with respect to any such felony, into community
 1295 control upon completion of any specified period of such sentence
 1296 which may include a term of years or less. In such case, the
 1297 court shall stay and withhold the imposition of the remainder of
 1298 sentence imposed upon the defendant and direct that the
 1299 defendant be placed upon probation or into community control
 1300 after serving such period as may be imposed by the court. The
 1301 period of probation or community control shall commence
 1302 immediately upon the release of the defendant from
 1303 incarceration, ~~whether by parole or gain-time allowances.~~

1304 Section 16. Section 948.039, Florida Statutes, is amended
 1305 to read:

1306 948.039 Special terms and conditions of probation or
 1307 community control imposed by court order.—The court may
 1308 determine any special terms and conditions of probation or
 1309 community control. The terms and conditions should be reasonably
 1310 related to the circumstances of the offense committed and
 1311 appropriate for the offender. The court shall impose the special

HB 455

2012

1312 terms and conditions by oral pronouncement at sentencing and
1313 include the terms and conditions in the written sentencing
1314 order. The probation or community control period shall commence
1315 immediately upon the release of the offender from incarceration.

1316 Special terms and conditions may include, but are not limited
1317 to, requirements that the offender:

1318 (1) Attend an HIV/AIDS awareness program consisting of a
1319 class of not less than 2 hours or more than 4 hours in length,
1320 if such a program is available in the county of the offender's
1321 residence. The offender shall pay the cost of attending the
1322 program.

1323 (2) Pay not more than \$1 per month during the term of
1324 probation or community control to a nonprofit organization
1325 established for the sole purpose of supplementing the
1326 rehabilitative efforts of the Department of Corrections.

1327 Section 17. If any provision of this act or its
1328 application to any person or circumstance is held invalid, the
1329 invalidity does not affect other provisions or applications of
1330 this act which can be given effect without the invalid provision
1331 or application, and to this end the provisions of this act are
1332 declared severable.

1333 Section 18. Except as otherwise expressly provided in this
1334 act and except for this section, which shall take effect upon
1335 this act becoming a law, this act shall take effect April 30,
1336 2013.