

HB 7047

2012

1 A bill to be entitled
2 An act relating to sex offenses; amending s. 775.21,
3 F.S.; replacing the definition of the term "instant
4 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; adding additional offenses to the list of
9 sexual predator qualifying offenses; requiring
10 disclosure of additional information during the sexual
11 predator registration process; requiring that a sexual
12 predator who is unable to secure or update a driver
13 license or identification card within a specified
14 period must report specified information to the local
15 sheriff's office within a specified period after such
16 change with confirmation that he or she also reported
17 such information to the Department of Highway Safety
18 and Motor Vehicles; revising reporting requirements if
19 a sexual predator plans to leave the United States for
20 more than a specified period; providing criminal
21 penalties for knowingly providing false registration
22 information by act or omission; amending s. 800.03,
23 F.S.; providing enhanced penalties for third or
24 subsequent indecent exposure violations; amending s.
25 903.046, F.S.; requiring a court considering whether
26 to release a defendant on bail to determine whether
27 the defendant is subject to registration as a sexual
28 offender or sexual predator and, if so, to hold the

HB 7047

2012

29 | defendant without bail until the first appearance on
30 | the case; providing an exception; amending s.
31 | 943.0435, F.S.; adding additional offenses to the list
32 | of sexual offender qualifying offenses; replacing the
33 | definition of the term "instant message name" with the
34 | definition of the term "Internet identifier";
35 | conforming provisions; requiring disclosure of
36 | additional sexual offender registration information;
37 | requiring that a sexual offender who is unable to
38 | secure or update a driver license or identification
39 | card within a specified period must report specified
40 | information to the local sheriff's office within a
41 | specified period of such change with confirmation that
42 | he or she also reported such information to the
43 | Department of Highway Safety and Motor Vehicles;
44 | providing additional requirements for sexual offenders
45 | intending to reside outside of the United States;
46 | revising criteria applicable to provisions allowing
47 | removal from the requirement to register as a sexual
48 | offender; providing criminal penalties for knowingly
49 | providing false registration information by act or
50 | omission; amending s. 943.04351, F.S.; requiring a
51 | specified national search of registration information
52 | regarding sexual predators and sexual offenders prior
53 | to appointment or employment of persons by state
54 | agencies and governmental subdivisions; amending s.
55 | 943.04354, F.S.; revising the criteria applicable to
56 | provisions allowing removal of the requirement to

HB 7047

2012

57 register as a sexual offender or sexual predator;
58 amending s. 943.0437, F.S.; replacing the term
59 "instant message name" with the term "Internet
60 identifier"; amending ss. 944.606 and 944.607, F.S.;
61 adding additional offenses to the list of sexual
62 offender qualifying offenses; replacing the definition
63 of the term "instant message name" with the definition
64 of the term "Internet identifier"; conforming
65 provisions; requiring disclosure of additional
66 registration information; providing criminal penalties
67 for knowingly providing false registration information
68 by act or omission; amending s. 947.005, F.S.;
69 revising the definition of the term "risk assessment";
70 amending s. 948.31, F.S.; authorizing the court to
71 require sexual offenders and sexual predators who are
72 on probation or community control to undergo an
73 evaluation to determine whether the offender or
74 predator needs sexual offender treatment; requiring
75 the probationer or community controllee to pay for the
76 treatment; removing a provision prohibiting contact
77 with minors if sexual offender treatment is
78 recommended; amending ss. 985.481 and 985.4815, F.S.;
79 requiring disclosure of additional registration
80 information by certain sexual offenders adjudicated
81 delinquent and certain juvenile sexual offenders;
82 providing criminal penalties for knowingly providing
83 false registration information by act or omission;

84 amending s. 921.0022, F.S.; correcting references;
 85 providing an effective date.

86
 87 Be It Enacted by the Legislature of the State of Florida:

88
 89 Section 1. Paragraph (i) of subsection (2), paragraph (a)
 90 of subsection (4), subsections (6) and (8), and paragraph (a) of
 91 subsection (10) of section 775.21, Florida Statutes, are amended
 92 to read:

93 775.21 The Florida Sexual Predators Act.—

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

95 (i) "Internet identifier ~~instant message name~~" means all
 96 electronic mail, chat, instant messenger, social networking, or
 97 similar name used for Internet communication, but does not
 98 include a date of birth, social security number, or personal
 99 identification number (PIN). Voluntary disclosure by the sexual
 100 predator of his or her date of birth, social security number, or
 101 personal identification number (PIN) as an Internet identifier
 102 waives the disclosure exemption in this paragraph for such
 103 personal information ~~an identifier that allows a person to~~
 104 ~~communicate in real time with another person using the Internet.~~

105 (4) SEXUAL PREDATOR CRITERIA.—

106 (a) For a current offense committed on or after October 1,
 107 1993, upon conviction, an offender shall be designated as a
 108 "sexual predator" under subsection (5), and subject to
 109 registration under subsection (6) and community and public
 110 notification under subsection (7) if:

111 1. The felony is:

HB 7047

2012

112 a. A capital, life, or first-degree felony violation, or
 113 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 114 is a minor and the defendant is not the victim's parent or
 115 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 116 violation of a similar law of another jurisdiction; or

117 b. Any felony violation, or any attempt thereof, of s.
 118 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 119 787.025(2)(c), where the victim is a minor and the defendant is
 120 not the victim's parent or guardian; s. 794.011, excluding s.
 121 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.
 122 800.04; s. 825.1025 ~~825.1025(2)(b)~~; s. 827.071; s. 847.0135(5);
 123 s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of
 124 a similar law of another jurisdiction, and the offender has
 125 previously been convicted of or found to have committed, or has
 126 pled nolo contendere or guilty to, regardless of adjudication,
 127 any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 128 787.02, or s. 787.025(2)(c), where the victim is a minor and the
 129 defendant is not the victim's parent or guardian; s. 794.011,
 130 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
 131 796.045; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 132 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 916.1075(2);
 133 or s. 985.701(1); or a violation of a similar law of another
 134 jurisdiction;

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

138 3. A conviction of a felony or similar law of another
 139 jurisdiction necessary to the operation of this paragraph has

HB 7047

2012

140 not been set aside in any postconviction proceeding.

141 (6) REGISTRATION.—

142 (a) A sexual predator must register with the department
 143 through the sheriff's office by providing the following
 144 information to the department:

145 1. Name; social security number; age; race; sex; date of
 146 birth; height; weight; tattoos or other identifying marks; hair
 147 and eye color; photograph; address of legal residence and
 148 address of any current temporary residence, within the state or
 149 out of state, including a rural route address and a post office
 150 box; if no permanent or temporary address, any transient
 151 residence within the state; address, location or description,
 152 and dates of any current or known future temporary residence
 153 within the state or out of state; all ~~any~~ electronic mail
 154 addresses ~~address~~ and all Internet identifiers ~~any instant~~
 155 ~~message name~~ required to be provided pursuant to subparagraph
 156 (g)4.; all home telephone numbers ~~number~~ and ~~any~~ cellular
 157 telephone numbers ~~number~~; date and place of any employment; the
 158 make, model, color, registration number, and license tag number
 159 of all vehicles owned; date and place of each conviction;
 160 fingerprints; palm prints; and a brief description of the crime
 161 or crimes committed by the offender. A post office box shall not
 162 be provided in lieu of a physical residential address. The
 163 sexual predator must also produce his or her passport, if he or
 164 she has a passport, and, if he or she is an alien, must produce
 165 or provide information about documents establishing his or her
 166 immigration status. The sexual predator must also provide
 167 information about any professional licenses he or she may have.

HB 7047

2012

168 a. If the sexual predator's place of residence is a motor
169 vehicle, trailer, mobile home, or manufactured home, as defined
170 in chapter 320, the sexual predator shall also provide to the
171 department written notice of the vehicle identification number;
172 the license tag number; the registration number; and a
173 description, including color scheme, of the motor vehicle,
174 trailer, mobile home, or manufactured home. If a sexual
175 predator's place of residence is a vessel, live-aboard vessel,
176 or houseboat, as defined in chapter 327, the sexual predator
177 shall also provide to the department written notice of the hull
178 identification number; the manufacturer's serial number; the
179 name of the vessel, live-aboard vessel, or houseboat; the
180 registration number; and a description, including color scheme,
181 of the vessel, live-aboard vessel, or houseboat.

182 b. If the sexual predator is enrolled, employed,
183 volunteering, or carrying on a vocation at an institution of
184 higher education in this state, the sexual predator shall also
185 provide to the department the name, address, and county of each
186 institution, including each campus attended, and the sexual
187 predator's enrollment, volunteer, or employment status. Each
188 change in enrollment or employment status shall be reported in
189 person at the sheriff's office, or the Department of Corrections
190 if the sexual predator is in the custody or control of or under
191 the supervision of the Department of Corrections, within 48
192 hours after any change in status. The sheriff or the Department
193 of Corrections shall promptly notify each institution of the
194 sexual predator's presence and any change in the sexual
195 predator's enrollment, volunteer, or employment status.

HB 7047

2012

196 2. Any other information determined necessary by the
197 department, including criminal and corrections records;
198 nonprivileged personnel and treatment records; and evidentiary
199 genetic markers when available.

200 (b) If the sexual predator is in the custody or control
201 of, or under the supervision of, the Department of Corrections,
202 or is in the custody of a private correctional facility, the
203 sexual predator must register with the Department of
204 Corrections. A sexual predator who is under the supervision of
205 the Department of Corrections but who is not incarcerated must
206 register with the Department of Corrections within 3 business
207 days after the court finds the offender to be a sexual predator.
208 The Department of Corrections shall provide to the department
209 registration information and the location of, and local
210 telephone number for, any Department of Corrections office that
211 is responsible for supervising the sexual predator. In addition,
212 the Department of Corrections shall notify the department if the
213 sexual predator escapes or absconds from custody or supervision
214 or if the sexual predator dies.

215 (c) If the sexual predator is in the custody of a local
216 jail, the custodian of the local jail shall register the sexual
217 predator within 3 business days after intake of the sexual
218 predator for any reason and upon release, and shall forward the
219 registration information to the department. The custodian of the
220 local jail shall also take a digitized photograph of the sexual
221 predator while the sexual predator remains in custody and shall
222 provide the digitized photograph to the department. The
223 custodian shall notify the department if the sexual predator

224 escapes from custody or dies.

225 (d) If the sexual predator is under federal supervision,
 226 the federal agency responsible for supervising the sexual
 227 predator may forward to the department any information regarding
 228 the sexual predator which is consistent with the information
 229 provided by the Department of Corrections under this section,
 230 and may indicate whether use of the information is restricted to
 231 law enforcement purposes only or may be used by the department
 232 for purposes of public notification.

233 (e)1. If the sexual predator is not in the custody or
 234 control of, or under the supervision of, the Department of
 235 Corrections or is not in the custody of a private correctional
 236 facility, the sexual predator shall register in person:

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

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

243 2. Any change in the sexual predator's permanent or
 244 temporary residence, name, or all ~~any~~ electronic mail addresses
 245 ~~address~~ and all Internet identifiers ~~any instant message name~~
 246 required to be provided pursuant to subparagraph (g)4., after
 247 the sexual predator registers in person at the sheriff's office
 248 as provided in subparagraph 1., shall be accomplished in the
 249 manner provided in paragraphs (g), (i), and (j). When a sexual
 250 predator registers with the sheriff's office, the sheriff shall
 251 take a photograph, ~~and~~ a set of fingerprints, and palm prints of

HB 7047

2012

252 the predator and forward the photographs, palm prints, and
253 fingerprints to the department, along with the information that
254 the predator is required to provide pursuant to this section.

255 (f) Within 48 hours after the registration required under
256 paragraph (a) or paragraph (e), a sexual predator who is not
257 incarcerated and who resides in the community, including a
258 sexual predator under the supervision of the Department of
259 Corrections, shall register in person at a driver ~~driver's~~
260 license office of the Department of Highway Safety and Motor
261 Vehicles and shall present proof of registration. At the driver
262 ~~driver's~~ license office the sexual predator shall:

263 1. If otherwise qualified, secure a Florida driver
264 ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or
265 secure an identification card. The sexual predator shall
266 identify himself or herself as a sexual predator who is required
267 to comply with this section, provide his or her place of
268 permanent, temporary, or transient residence, including a rural
269 route address and a post office box, and submit to the taking of
270 a photograph for use in issuing a driver ~~driver's~~ license,
271 renewed license, or identification card, and for use by the
272 department in maintaining current records of sexual predators. A
273 post office box shall not be provided in lieu of a physical
274 residential address. If the sexual predator's place of residence
275 is a motor vehicle, trailer, mobile home, or manufactured home,
276 as defined in chapter 320, the sexual predator shall also
277 provide to the Department of Highway Safety and Motor Vehicles
278 the vehicle identification number; the license tag number; the
279 registration number; and a description, including color scheme,

HB 7047

2012

280 of the motor vehicle, trailer, mobile home, or manufactured
 281 home. If a sexual predator's place of residence is a vessel,
 282 live-aboard vessel, or houseboat, as defined in chapter 327, the
 283 sexual predator shall also provide to the Department of Highway
 284 Safety and Motor Vehicles the hull identification number; the
 285 manufacturer's serial number; the name of the vessel, live-
 286 aboard vessel, or houseboat; the registration number; and a
 287 description, including color scheme, of the vessel, live-aboard
 288 vessel, or houseboat.

289 2. Pay the costs assessed by the Department of Highway
 290 Safety and Motor Vehicles for issuing or renewing a driver
 291 ~~driver's~~ license or identification card as required by this
 292 section. The driver ~~driver's~~ license or identification card
 293 issued to the sexual predator must be in compliance with s.
 294 322.141(3).

295 3. Provide, upon request, any additional information
 296 necessary to confirm the identity of the sexual predator,
 297 including a set of fingerprints.

298 (g)1. Each time a sexual predator's driver ~~driver's~~
 299 license or identification card is subject to renewal, and,
 300 without regard to the status of the predator's driver ~~driver's~~
 301 license or identification card, within 48 hours after any change
 302 of the predator's residence or change in the predator's name by
 303 reason of marriage or other legal process, the predator shall
 304 report in person to a driver ~~driver's~~ license office and shall
 305 be subject to the requirements specified in paragraph (f). The
 306 Department of Highway Safety and Motor Vehicles shall forward to
 307 the department and to the Department of Corrections all

HB 7047

2012

308 | photographs and information provided by sexual predators.
309 | Notwithstanding the restrictions set forth in s. 322.142, the
310 | Department of Highway Safety and Motor Vehicles is authorized to
311 | release a reproduction of a color-photograph or digital-image
312 | license to the Department of Law Enforcement for purposes of
313 | public notification of sexual predators as provided in this
314 | section. A sexual predator who is unable to secure or update a
315 | driver license or identification card with the Department of
316 | Highway Safety and Motor Vehicles as provided in paragraph (f)
317 | and this paragraph must also report any change of the predator's
318 | residence or change in the predator's name by reason of marriage
319 | or other legal process within 48 hours after the change to the
320 | sheriff's office in the county where the predator resides or is
321 | located and provide confirmation that he or she reported such
322 | information to the Department of Highway Safety and Motor
323 | Vehicles.

324 | 2. A sexual predator who vacates a permanent, temporary,
325 | or transient residence and fails to establish or maintain
326 | another permanent, temporary, or transient residence shall,
327 | within 48 hours after vacating the permanent, temporary, or
328 | transient residence, report in person to the sheriff's office of
329 | the county in which he or she is located. The sexual predator
330 | shall specify the date upon which he or she intends to or did
331 | vacate such residence. The sexual predator must provide or
332 | update all of the registration information required under
333 | paragraph (a). The sexual predator must provide an address for
334 | the residence or other place that he or she is or will be
335 | located during the time in which he or she fails to establish or

HB 7047

2012

336 maintain a permanent or temporary residence.

337 3. A sexual predator who remains at a permanent,
338 temporary, or transient residence after reporting his or her
339 intent to vacate such residence shall, within 48 hours after the
340 date upon which the predator indicated he or she would or did
341 vacate such residence, report in person to the sheriff's office
342 to which he or she reported pursuant to subparagraph 2. for the
343 purpose of reporting his or her address at such residence. When
344 the sheriff receives the report, the sheriff shall promptly
345 convey the information to the department. An offender who makes
346 a report as required under subparagraph 2. but fails to make a
347 report as required under this subparagraph commits a felony of
348 the second degree, punishable as provided in s. 775.082, s.
349 775.083, or s. 775.084.

350 4. A sexual predator must register all ~~any~~ electronic mail
351 addresses and Internet identifiers ~~address or instant message~~
352 ~~name~~ with the department prior to using such electronic mail
353 addresses and Internet identifiers ~~address or instant message~~
354 ~~name on or after October 1, 2007~~. The department shall establish
355 an online system through which sexual predators may securely
356 access and update all electronic mail address and Internet
357 identifier ~~instant message name~~ information.

358 (h) The department must notify the sheriff and the state
359 attorney of the county and, if applicable, the police chief of
360 the municipality, where the sexual predator maintains a
361 residence.

362 (i) A sexual predator who intends to establish a
363 permanent, temporary, or transient residence in another state or

364 jurisdiction other than the State of Florida shall report in
 365 person to the sheriff of the county of current residence within
 366 48 hours before the date he or she intends to leave this state
 367 to establish residence in another state or jurisdiction or
 368 within 21 days before his or her planned departure date if the
 369 intended residence of 5 days or more is outside of the United
 370 States. The sexual predator must provide to the sheriff the
 371 address, municipality, county, ~~and~~ state, and country of
 372 intended residence. The sheriff shall promptly provide to the
 373 department the information received from the sexual predator.
 374 The department shall notify the statewide law enforcement
 375 agency, or a comparable agency, in the intended state, ~~or~~
 376 jurisdiction, or country of residence of the sexual predator's
 377 intended residence. The failure of a sexual predator to provide
 378 his or her intended place of residence is punishable as provided
 379 in subsection (10).

380 (j) A sexual predator who indicates his or her intent to
 381 establish a permanent, temporary, or transient residence in
 382 another state, a ~~or~~ jurisdiction other than the State of
 383 Florida, or another country and later decides to remain in this
 384 state shall, within 48 hours after the date upon which the
 385 sexual predator indicated he or she would leave this state,
 386 report in person to the sheriff to which the sexual predator
 387 reported the intended change of residence, and report his or her
 388 intent to remain in this state. If the sheriff is notified by
 389 the sexual predator that he or she intends to remain in this
 390 state, the sheriff shall promptly report this information to the
 391 department. A sexual predator who reports his or her intent to

HB 7047

2012

392 establish a permanent, temporary, or transient residence in
393 another state, a ~~or~~ jurisdiction other than the State of
394 Florida, or another country, but who remains in this state
395 without reporting to the sheriff in the manner required by this
396 paragraph, commits a felony of the second degree, punishable as
397 provided in s. 775.082, s. 775.083, or s. 775.084.

398 (k)1. The department is responsible for the online
399 maintenance of current information regarding each registered
400 sexual predator. The department must maintain hotline access for
401 state, local, and federal law enforcement agencies to obtain
402 instantaneous locator file and offender characteristics
403 information on all released registered sexual predators for
404 purposes of monitoring, tracking, and prosecution. The
405 photograph and fingerprints do not have to be stored in a
406 computerized format.

407 2. The department's sexual predator registration list,
408 containing the information described in subparagraph (a)1., is a
409 public record. The department is authorized to disseminate this
410 public information by any means deemed appropriate, including
411 operating a toll-free telephone number for this purpose. When
412 the department provides information regarding a registered
413 sexual predator to the public, department personnel must advise
414 the person making the inquiry that positive identification of a
415 person believed to be a sexual predator cannot be established
416 unless a fingerprint comparison is made, and that it is illegal
417 to use public information regarding a registered sexual predator
418 to facilitate the commission of a crime.

419 3. The department shall adopt guidelines as necessary

HB 7047

2012

420 regarding the registration of sexual predators and the
421 dissemination of information regarding sexual predators as
422 required by this section.

423 (1) A sexual predator must maintain registration with the
424 department for the duration of his or her life, unless the
425 sexual predator has received a full pardon or has had a
426 conviction set aside in a postconviction proceeding for any
427 offense that met the criteria for the sexual predator
428 designation.

429 (8) VERIFICATION.—The department and the Department of
430 Corrections shall implement a system for verifying the addresses
431 of sexual predators. The system must be consistent with the
432 provisions of the federal Adam Walsh Child Protection and Safety
433 Act of 2006 and any other federal standards applicable to such
434 verification or required to be met as a condition for the
435 receipt of federal funds by the state. The Department of
436 Corrections shall verify the addresses of sexual predators who
437 are not incarcerated but who reside in the community under the
438 supervision of the Department of Corrections and shall report to
439 the department any failure by a sexual predator to comply with
440 registration requirements. County and local law enforcement
441 agencies, in conjunction with the department, shall verify the
442 addresses of sexual predators who are not under the care,
443 custody, control, or supervision of the Department of
444 Corrections. Local law enforcement agencies shall report to the
445 department any failure by a sexual predator to comply with
446 registration requirements.

447 (a) A sexual predator must report in person each year

HB 7047

2012

448 during the month of the sexual predator's birthday and during
 449 every third month thereafter to the sheriff's office in the
 450 county in which he or she resides or is otherwise located to
 451 reregister. The sheriff's office may determine the appropriate
 452 times and days for reporting by the sexual predator, which shall
 453 be consistent with the reporting requirements of this paragraph.
 454 Reregistration shall include any changes to the following
 455 information:

456 1. Name; social security number; age; race; sex; date of
 457 birth; height; weight; tattoos or other identifying marks; hair
 458 and eye color; address of any permanent residence and address of
 459 any current temporary residence, within the state or out of
 460 state, including a rural route address and a post office box; if
 461 no permanent or temporary address, any transient residence
 462 within the state; address, location or description, and dates of
 463 any current or known future temporary residence within the state
 464 or out of state; all any electronic mail addresses address and
 465 all Internet identifiers any instant message name required to be
 466 provided pursuant to subparagraph (6)(g)4.; all home telephone
 467 numbers number and any cellular telephone numbers number; date
 468 and place of any employment; the vehicle make, model, color,
 469 registration number, and license tag number of all vehicles
 470 owned; fingerprints; palm prints; and photograph. A post office
 471 box shall not be provided in lieu of a physical residential
 472 address. The sexual predator must also produce his or her
 473 passport, if he or she has a passport, and, if he or she is an
 474 alien, must produce or provide information about documents
 475 establishing his or her immigration status. The sexual predator

476 must also provide information about any professional licenses he
 477 or she may have.

478 2. If the sexual predator is enrolled, employed,
 479 volunteering, or carrying on a vocation at an institution of
 480 higher education in this state, the sexual predator shall also
 481 provide to the department the name, address, and county of each
 482 institution, including each campus attended, and the sexual
 483 predator's enrollment, volunteer, or employment status.

484 3. If the sexual predator's place of residence is a motor
 485 vehicle, trailer, mobile home, or manufactured home, as defined
 486 in chapter 320, the sexual predator shall also provide the
 487 vehicle identification number; the license tag number; the
 488 registration number; and a description, including color scheme,
 489 of the motor vehicle, trailer, mobile home, or manufactured
 490 home. If the sexual predator's place of residence is a vessel,
 491 live-aboard vessel, or houseboat, as defined in chapter 327, the
 492 sexual predator shall also provide the hull identification
 493 number; the manufacturer's serial number; the name of the
 494 vessel, live-aboard vessel, or houseboat; the registration
 495 number; and a description, including color scheme, of the
 496 vessel, live-aboard vessel, or houseboat.

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

501 (10) PENALTIES.—

502 (a) Except as otherwise specifically provided, a sexual
 503 predator who fails to register; who fails, after registration,

HB 7047

2012

504 to maintain, acquire, or renew a driver ~~driver's~~ license or
 505 identification card; who fails to provide required location
 506 information, electronic mail address information, Internet
 507 identifier ~~instant message name~~ information, all home telephone
 508 numbers ~~number~~ and any cellular telephone numbers ~~number~~, or
 509 change-of-name information; who fails to make a required report
 510 in connection with vacating a permanent residence; who fails to
 511 reregister as required; who fails to respond to any address
 512 verification correspondence from the department within 3 weeks
 513 of the date of the correspondence; who knowingly provides false
 514 registration information by act or omission; or who otherwise
 515 fails, by act or omission, to comply with the requirements of
 516 this section, commits a felony of the third degree, punishable
 517 as provided in s. 775.082, s. 775.083, or s. 775.084.

518 Section 2. Section 800.03, Florida Statutes, is amended to
 519 read:

520 800.03 Exposure of sexual organs.—

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

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

529 (b) A third or subsequent violation of this section is a
 530 felony of the third degree, punishable as provided in s.
 531 775.082, s. 775.083, or s. 775.084.

HB 7047

2012

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

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

536 903.046 Purpose of and criteria for bail determination.—

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

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

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

551 943.0435 Sexual offenders required to register with the
552 department; penalty.—

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

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

557 a.(I) Has been convicted of committing, or attempting,
558 soliciting, or conspiring to commit, any of the criminal
559 offenses proscribed in the following statutes in this state or

560 similar offenses in another jurisdiction: s. 393.135(2); s.
 561 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 562 the victim is a minor and the defendant is not the victim's
 563 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
 564 794.05; s. 796.03; s. 796.035; s. 796.045; s. 800.04; s.
 565 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 566 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 567 916.1075(2); or s. 985.701(1); or any similar offense committed
 568 in this state which has been redesignated from a former statute
 569 number to one of those listed in this sub-sub-subparagraph; and
 570 (II) Has been released on or after October 1, 1997, from
 571 the sanction imposed for any conviction of an offense described
 572 in sub-sub-subparagraph (I). For purposes of sub-sub-
 573 subparagraph (I), a sanction imposed in this state or in any
 574 other jurisdiction includes, but is not limited to, a fine,
 575 probation, community control, parole, conditional release,
 576 control release, or incarceration in a state prison, federal
 577 prison, private correctional facility, or local detention
 578 facility;
 579 b. Establishes or maintains a residence in this state and
 580 who has not been designated as a sexual predator by a court of
 581 this state but who has been designated as a sexual predator, as
 582 a sexually violent predator, or by another sexual offender
 583 designation in another state or jurisdiction and was, as a
 584 result of such designation, subjected to registration or
 585 community or public notification, or both, or would be if the
 586 person were a resident of that state or jurisdiction, without
 587 regard to whether the person otherwise meets the criteria for

HB 7047

2012

588 registration as a sexual offender;

589 c. Establishes or maintains a residence in this state who
590 is in the custody or control of, or under the supervision of,
591 any other state or jurisdiction as a result of a conviction for
592 committing, or attempting, soliciting, or conspiring to commit,
593 any of the criminal offenses proscribed in the following
594 statutes or similar offense in another jurisdiction: s.
595 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
596 787.025(2)(c), where the victim is a minor and the defendant is
597 not the victim's parent or guardian; s. 794.011, excluding s.
598 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.
599 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
600 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
601 s. 916.1075(2); or s. 985.701(1); or any similar offense
602 committed in this state which has been redesignated from a
603 former statute number to one of those listed in this sub-
604 subparagraph; or

605 d. On or after July 1, 2007, has been adjudicated
606 delinquent for committing, or attempting, soliciting, or
607 conspiring to commit, any of the criminal offenses proscribed in
608 the following statutes in this state or similar offenses in
609 another jurisdiction when the juvenile was 14 years of age or
610 older at the time of the offense:

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

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

615 (III) Section 800.04(5)(c)1. where the court finds

616 molestation involving unclothed genitals; or
 617 (IV) Section 800.04(5)(d) where the court finds the use of
 618 force or coercion and unclothed genitals.

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

622
 623 For each violation of a qualifying offense listed in this
 624 subsection, except for a violation of s. 794.011, the court
 625 shall make a written finding of the age of the victim at the
 626 time of the offense. For a violation of s. 800.04(4), the court
 627 shall additionally make a written finding indicating that the
 628 offense did or did not involve sexual activity and indicating
 629 that the offense did or did not involve force or coercion. For a
 630 violation of s. 800.04(5), the court shall additionally make a
 631 written finding that the offense did or did not involve
 632 unclothed genitals or genital area and that the offense did or
 633 did not involve the use of force or coercion.

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

638 (2) A sexual offender shall:

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

640 1. In the county in which the offender establishes or
 641 maintains a permanent, temporary, or transient residence within
 642 48 hours after:

643 a. Establishing permanent, temporary, or transient

644 residence in this state; or

645 b. Being released from the custody, control, or
 646 supervision of the Department of Corrections or from the custody
 647 of a private correctional facility; or

648 2. In the county where he or she was convicted within 48
 649 hours after being convicted for a qualifying offense for
 650 registration under this section if the offender is not in the
 651 custody or control of, or under the supervision of, the
 652 Department of Corrections, or is not in the custody of a private
 653 correctional facility.

654
 655 Any change in the information required to be provided pursuant
 656 to paragraph (b), including, but not limited to, any change in
 657 the sexual offender's permanent, temporary, or transient
 658 residence, name, all ~~any~~ electronic mail addresses ~~address~~ and
 659 all Internet identifiers ~~any instant message name~~ required to be
 660 provided pursuant to paragraph (4)(d), after the sexual offender
 661 reports in person at the sheriff's office, shall be accomplished
 662 in the manner provided in subsections (4), (7), and (8).

663 (b) Provide his or her name; date of birth; social
 664 security number; race; sex; height; weight; hair and eye color;
 665 tattoos or other identifying marks; occupation and place of
 666 employment; address of permanent or legal residence or address
 667 of any current temporary residence, within the state or out of
 668 state, including a rural route address and a post office box; if
 669 no permanent or temporary address, any transient residence
 670 within the state, address, location or description, and dates of
 671 any current or known future temporary residence within the state

HB 7047

2012

672 or out of state; the make, model, color, registration number,
673 and license tag number of all vehicles owned; all home telephone
674 numbers ~~number~~ and any cellular telephone numbers ~~number~~; all
675 any electronic mail addresses ~~address~~ and all Internet
676 identifiers ~~any instant message name~~ required to be provided
677 pursuant to paragraph (4) (d); fingerprints; palm prints;
678 photograph; date and place of each conviction; and a brief
679 description of the crime or crimes committed by the offender. A
680 post office box shall not be provided in lieu of a physical
681 residential address. The sexual offender must also produce his
682 or her passport, if he or she has a passport, and, if he or she
683 is an alien, must produce or provide information about documents
684 establishing his or her immigration status. The sexual offender
685 must also provide information about any professional licenses he
686 or she may have.

687 1. If the sexual offender's place of residence is a motor
688 vehicle, trailer, mobile home, or manufactured home, as defined
689 in chapter 320, the sexual offender shall also provide to the
690 department through the sheriff's office written notice of the
691 vehicle identification number; the license tag number; the
692 registration number; and a description, including color scheme,
693 of the motor vehicle, trailer, mobile home, or manufactured
694 home. If the sexual offender's place of residence is a vessel,
695 live-aboard vessel, or houseboat, as defined in chapter 327, the
696 sexual offender shall also provide to the department written
697 notice of the hull identification number; the manufacturer's
698 serial number; the name of the vessel, live-aboard vessel, or
699 houseboat; the registration number; and a description, including

HB 7047

2012

700 color scheme, of the vessel, live-aboard vessel, or houseboat.

701 2. If the sexual offender is enrolled, employed,
702 volunteering, or carrying on a vocation at an institution of
703 higher education in this state, the sexual offender shall also
704 provide to the department through the sheriff's office the name,
705 address, and county of each institution, including each campus
706 attended, and the sexual offender's enrollment or employment
707 status. Each change in enrollment, volunteer, or employment
708 status shall be reported in person at the sheriff's office,
709 within 48 hours after any change in status. The sheriff shall
710 promptly notify each institution of the sexual offender's
711 presence and any change in the sexual offender's enrollment,
712 volunteer, or employment status.

713 (c) Provide any other information determined necessary by
714 the department, including criminal and corrections records;
715 nonprivileged personnel and treatment records; and evidentiary
716 genetic markers, when available.

717
718 When a sexual offender reports at the sheriff's office, the
719 sheriff shall take a photograph, and a set of fingerprints, and
720 palm prints of the offender and forward the photographs, palm
721 prints, and fingerprints to the department, along with the
722 information provided by the sexual offender. The sheriff shall
723 promptly provide to the department the information received from
724 the sexual offender.

725 (4) (a) Each time a sexual offender's driver ~~driver's~~
726 license or identification card is subject to renewal, and,
727 without regard to the status of the offender's driver ~~driver's~~

HB 7047

2012

728 | license or identification card, within 48 hours after any change
 729 | in the offender's permanent, temporary, or transient residence
 730 | or change in the offender's name by reason of marriage or other
 731 | legal process, the offender shall report in person to a driver
 732 | ~~driver's~~ license office, and shall be subject to the
 733 | requirements specified in subsection (3). The Department of
 734 | Highway Safety and Motor Vehicles shall forward to the
 735 | department all photographs and information provided by sexual
 736 | offenders. Notwithstanding the restrictions set forth in s.
 737 | 322.142, the Department of Highway Safety and Motor Vehicles is
 738 | authorized to release a reproduction of a color-photograph or
 739 | digital-image license to the Department of Law Enforcement for
 740 | purposes of public notification of sexual offenders as provided
 741 | in this section and ss. 943.043 and 944.606. A sexual offender
 742 | who is unable to secure or update a driver license or
 743 | identification card with the Department of Highway Safety and
 744 | Motor Vehicles as provided in subsection (3) and this subsection
 745 | must also report any change in the sexual offender's permanent,
 746 | temporary, or transient residence or change in the offender's
 747 | name by reason of marriage or other legal process within 48
 748 | hours after the change to the sheriff's office in the county
 749 | where the offender resides or is located and provide
 750 | confirmation that he or she reported such information to the
 751 | Department of Highway Safety and Motor Vehicles.

752 | (d) A sexual offender must register all ~~any~~ electronic
 753 | mail addresses and Internet identifiers ~~address or instant~~
 754 | ~~message name~~ with the department prior to using such electronic
 755 | mail addresses and Internet identifiers ~~address or instant~~

756 ~~message name on or after October 1, 2007.~~ The department shall
 757 establish an online system through which sexual offenders may
 758 securely access and update all electronic mail address and
 759 Internet identifier ~~instant message name~~ information.

760 (7) A sexual offender who intends to establish a
 761 permanent, temporary, or transient residence in another state or
 762 jurisdiction other than the State of Florida shall report in
 763 person to the sheriff of the county of current residence within
 764 48 hours before the date he or she intends to leave this state
 765 to establish residence in another state or jurisdiction or
 766 within 21 days before his or her planned departure date if the
 767 intended residence of 5 days or more is outside of the United
 768 States. The notification must include the address, municipality,
 769 county, ~~and state,~~ and country of intended residence. The
 770 sheriff shall promptly provide to the department the information
 771 received from the sexual offender. The department shall notify
 772 the statewide law enforcement agency, or a comparable agency, in
 773 the intended state, or jurisdiction, or country of residence of
 774 the sexual offender's intended residence. The failure of a
 775 sexual offender to provide his or her intended place of
 776 residence is punishable as provided in subsection (9).

777 (8) A sexual offender who indicates his or her intent to
 778 establish a permanent, temporary, or transient residence in
 779 another state, a ~~or~~ jurisdiction other than the State of
 780 Florida, or another country and later decides to remain in this
 781 state shall, within 48 hours after the date upon which the
 782 sexual offender indicated he or she would leave this state,
 783 report in person to the sheriff to which the sexual offender

HB 7047

2012

784 reported the intended change of permanent, temporary, or
 785 transient residence, and report his or her intent to remain in
 786 this state. The sheriff shall promptly report this information
 787 to the department. A sexual offender who reports his or her
 788 intent to establish a permanent, temporary, or transient
 789 residence in another state, a ~~of~~ jurisdiction other than the
 790 State of Florida, or another country but who remains in this
 791 state without reporting to the sheriff in the manner required by
 792 this subsection commits a felony of the second degree,
 793 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

794 (11) Except as provided in this subsection and s.
 795 943.04354, a sexual offender must maintain registration with the
 796 department for the duration of his or her life, unless the
 797 sexual offender has received a full pardon or has had a
 798 conviction set aside in a postconviction proceeding for any
 799 offense that meets the criteria for classifying the person as a
 800 sexual offender for purposes of registration. ~~However, a sexual~~
 801 ~~offender:~~

802 (a)1. A sexual offender may petition the criminal division
 803 of the circuit court of the circuit in which the sexual offender
 804 resides for the purpose of removing the requirement for
 805 registration as a sexual offender if ~~Who has been lawfully~~
 806 ~~released from confinement, supervision, or sanction, whichever~~
 807 ~~is later, for at least 25 years and has not been arrested for~~
 808 ~~any felony or misdemeanor offense since release, provided that~~
 809 ~~the sexual offender's requirement to register was not based upon~~
 810 ~~an adult conviction:~~

811 a. Twenty-five years have elapsed since the sexual

HB 7047

2012

812 offender's registration period for the most recent conviction
813 that required the offender to register began;

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

818 c. The sexual offender has successfully completed all
819 sanctions imposed for all offenses that required the offender to
820 register;

821 d. The sexual offender's requirement to register was not
822 based upon an adult conviction for a violation of s. 787.01, s.
823 794.011, excluding s. 794.011(10), s. 800.04(4)(b) where the
824 court finds the offense involved a victim under 12 years of age
825 or sexual activity by the use of force or coercion, s.
826 800.04(5)(b), or s. 800.04(5)(c)2. where the court finds the
827 offense involved unclothed genitals or genital area; for any
828 attempt or conspiracy to commit any offense listed in this sub-
829 subparagraph; or for a violation of similar law of another
830 jurisdiction; and

831 e. For sexual offenders whose requirement to register is
832 based upon a conviction in another state, the sexual offender is
833 not required to register as a sexual offender pursuant to the
834 laws of the state where the conviction occurred.

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

836 ~~b. For a violation of s. 794.011, excluding s.~~
837 ~~794.011(10);~~

838 ~~e. For a violation of s. 800.04(4)(b) where the court~~
839 ~~finds the offense involved a victim under 12 years of age or~~

HB 7047

2012

840 ~~sexual activity by the use of force or coercion;~~
841 ~~d. For a violation of s. 800.04(5) (b);~~
842 ~~e. For a violation of s. 800.04(5)c.2. where the court~~
843 ~~finds the offense involved unclothed genitals or genital area;~~
844 ~~f. For any attempt or conspiracy to commit any such~~
845 ~~offense; or~~
846 ~~g. For a violation of similar law of another jurisdiction,~~
847
848 ~~may petition the criminal division of the circuit court of the~~
849 ~~circuit in which the sexual offender resides for the purpose of~~
850 ~~removing the requirement for registration as a sexual offender.~~
851 2. A sexual offender whose requirement to register was
852 based upon an adult conviction for a violation of s. 787.02 or
853 s. 827.071(5), for any attempt or conspiracy to commit any
854 offense listed in this subparagraph, or for a violation of
855 similar law of another jurisdiction may petition the criminal
856 division of the circuit court of the circuit in which the sexual
857 offender resides for the purpose of removing the requirement for
858 registration as a sexual offender if:
859 a. Fifteen years have elapsed since the sexual offender's
860 registration period for the most recent conviction that required
861 the offender to register began;
862 b. The sexual offender has not been convicted or
863 adjudicated delinquent of any felony offense or of an offense
864 punishable by more than 1 year of imprisonment during the 10
865 years preceding the petition to the court;
866 c. The sexual offender has successfully completed all
867 sanctions imposed for all offenses that required the offender to

HB 7047

2012

868 register; and

869 d. For sexual offenders whose requirement to register is
870 based upon a conviction in another state, the sexual offender is
871 not required to register as a sexual offender pursuant to the
872 laws of the state where the conviction occurred.

873 3. A sexual offender required to register under sub-
874 subparagraph (1)(a)1.d. may petition the criminal division of
875 the circuit court of the circuit in which the sexual offender
876 resides for the purpose of removing the requirement for
877 registration as a sexual offender if:

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

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

885 c. The sexual offender has successfully completed all
886 sanctions imposed for any offense that required the offender to
887 register.

888 4.2. The court may grant or deny relief if the offender
889 demonstrates to the court that ~~he or she has not been arrested~~
890 ~~for any crime since release;~~ the requested relief complies with
891 this paragraph, ~~the provisions of~~ the federal Adam Walsh Child
892 Protection and Safety Act of 2006, and any other federal
893 standards applicable to the removal of registration requirements
894 for a sexual offender or required to be met as a condition for
895 the receipt of federal funds by the state; and the court is

HB 7047

2012

896 otherwise satisfied that the offender is not a current or
897 potential threat to public safety. The state attorney in the
898 circuit in which the petition is filed and the department must
899 be given notice of the petition at least 3 weeks before the
900 hearing on the matter. The state attorney may present evidence
901 in opposition to the requested relief or may otherwise
902 demonstrate the reasons why the petition should be denied. If
903 the court grants the petition, the court shall instruct the
904 petitioner to provide the department with a certified copy of
905 the order granting relief. If the court denies the petition, the
906 court may set a future date at which the sexual offender may
907 again petition the court for relief, subject to the standards
908 for relief provided in this subsection.

909 ~~5.3.~~ The department shall remove an offender from
910 classification as a sexual offender for purposes of registration
911 if the offender provides to the department a certified copy of
912 the court's written findings or order that indicates that the
913 offender is no longer required to comply with the requirements
914 for registration as a sexual offender.

915 6. For purposes of this paragraph:

916 a. The registration period of a sexual offender sentenced
917 to a term of incarceration or committed to a residential program
918 begins upon the offender's release for the most recent
919 conviction that required the offender to register.

920 b. A sexual offender's registration period is tolled
921 during any period in which the offender is incarcerated, civilly
922 committed, detained pursuant to chapter 985, or committed to a
923 residential program.

924 (b) A sexual offender as defined in sub-subparagraph
 925 (1)(a)1.b. must maintain registration with the department for
 926 the duration of his or her life until the person provides the
 927 department with an order issued by the court that designated the
 928 person as a sexual predator, as a sexually violent predator, or
 929 by another sexual offender designation in the state or
 930 jurisdiction in which the order was issued which states that
 931 such designation has been removed or demonstrates to the
 932 department that such designation, if not imposed by a court, has
 933 been removed by operation of law or court order in the state or
 934 jurisdiction in which the designation was made, and provided
 935 such person no longer meets the criteria for registration as a
 936 sexual offender under the laws of this state.

937 (14)

938 (c) The sheriff's office may determine the appropriate
 939 times and days for reporting by the sexual offender, which shall
 940 be consistent with the reporting requirements of this
 941 subsection. Reregistration shall include any changes to the
 942 following information:

- 943 1. Name; social security number; age; race; sex; date of
 944 birth; height; weight; hair and eye color; address of any
 945 permanent residence and address of any current temporary
 946 residence, within the state or out of state, including a rural
 947 route address and a post office box; if no permanent or
 948 temporary address, any transient residence within the state;
 949 address, location or description, and dates of any current or
 950 known future temporary residence within the state or out of
 951 state; all ~~any~~ electronic mail addresses ~~address~~ and all

HB 7047

2012

952 Internet identifiers ~~any instant message name~~ required to be
953 provided pursuant to paragraph (4) (d); all home telephone
954 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date
955 and place of any employment; the ~~vehicle~~ make, model, color,
956 registration number, and license tag number of all vehicles
957 owned; fingerprints; palm prints; and photograph. A post office
958 box may ~~shall~~ not be provided in lieu of a physical residential
959 address. The sexual offender must also produce his or her
960 passport, if he or she has a passport, and, if he or she is an
961 alien, must produce or provide information about documents
962 establishing his or her immigration status. The sexual offender
963 must also provide information about any professional licenses he
964 or she may have.

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

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

HB 7047

2012

980 | number; the manufacturer's serial number; the name of the
 981 | vessel, live-aboard vessel, or houseboat; the registration
 982 | number; and a description, including color scheme, of the
 983 | vessel, live-aboard vessel or houseboat.

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

993 | Section 5. Section 943.04351, Florida Statutes, is amended
 994 | to read:

995 | 943.04351 Search of registration information regarding
 996 | sexual predators and sexual offenders required prior to
 997 | appointment or employment.—A state agency or governmental
 998 | subdivision, prior to making any decision to appoint or employ a
 999 | person to work, whether for compensation or as a volunteer, at
 1000 | any park, playground, day care center, or other place where
 1001 | children regularly congregate, must conduct a search of that
 1002 | person's name or other identifying information against the
 1003 | registration information regarding sexual predators and sexual
 1004 | offenders maintained by the Department of Law Enforcement under
 1005 | s. 943.043. The agency or governmental subdivision may conduct
 1006 | the search using the Internet site maintained by the Department
 1007 | of Law Enforcement. Also, a national search must be conducted

HB 7047

2012

1008 through the Dru Sjodin National Sex Offender Public Website
 1009 maintained by the United States Department of Justice. This
 1010 section does not apply to those positions or appointments within
 1011 a state agency or governmental subdivision for which a state and
 1012 national criminal history background check is conducted.

1013 Section 6. Section 943.04354, Florida Statutes, is amended
 1014 to read:

1015 943.04354 Removal of the requirement to register as a
 1016 sexual offender or sexual predator in special circumstances.—

1017 (1) For purposes of this section, a person shall be
 1018 considered for removal of the requirement to register as a
 1019 sexual offender or sexual predator only if the person:

1020 (a) Was ~~or will be~~ convicted, regardless of adjudication,
 1021 or adjudicated delinquent of a violation of s. 794.011, s.
 1022 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in
 1023 another jurisdiction, or the person committed a violation of s.
 1024 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which
 1025 ~~adjudication of guilt was or will be withheld,~~ and the person
 1026 does not have any other conviction, regardless of adjudication,
 1027 or adjudication of delinquency, ~~or withhold of adjudication of~~
 1028 ~~guilt~~ for a violation of s. 794.011, s. 800.04, s. 827.071, or
 1029 s. 847.0135(5), or a similar offense in another jurisdiction;

1030 (b)1. Was convicted, regardless of adjudication, or
 1031 adjudicated delinquent of an offense listed in paragraph (a) and
 1032 is required to register as a sexual offender or sexual predator
 1033 solely on the basis of this conviction or adjudication
 1034 violation; or and

1035 2. Was convicted, regardless of adjudication, or

HB 7047

2012

1036 adjudicated delinquent of an offense in another jurisdiction
 1037 that is similar to an offense listed in paragraph (a) and no
 1038 longer meets the criteria for registration as a sexual offender
 1039 or sexual predator under the laws of the jurisdiction where the
 1040 similar offense occurred; and

1041 (c) Is not more than 4 years older than the victim of this
 1042 violation who was 13 ~~14~~ years of age or older but less ~~not more~~
 1043 than 18 ~~17~~ years of age at the time the person committed this
 1044 violation.

1045 (2) If a person meets the criteria in subsection (1) ~~and~~
 1046 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
 1047 ~~847.0135(5) was committed on or after July 1, 2007, the person~~
 1048 may move the sentencing court or, for persons convicted or
 1049 adjudicated delinquent of a qualifying offense in another
 1050 jurisdiction, the criminal circuit court of the circuit in which
 1051 the person resides ~~that will sentence or dispose of this~~
 1052 ~~violation~~ to remove the requirement that the person register as
 1053 a sexual offender or sexual predator. The person must allege in
 1054 the motion that he or she meets the criteria in subsection (1)
 1055 and that removal of the registration requirement will not
 1056 conflict with federal law. Persons convicted or adjudicated
 1057 delinquent of an offense in another jurisdiction that is similar
 1058 to an offense listed in paragraph (1)(a) must provide the court
 1059 written confirmation that he or she is not required to register
 1060 in the state where the conviction or adjudication occurred. The
 1061 state attorney and the department must be given notice of the
 1062 motion at least 21 days before the date of sentencing, ~~or~~
 1063 disposition of the ~~this~~ violation, or hearing on the motion and

1064 may present evidence in opposition to the requested relief or
 1065 may otherwise demonstrate why the motion should be denied. At
 1066 sentencing, ~~or~~ disposition of the ~~this~~ violation, or hearing on
 1067 the motion, the court shall rule on this motion and, if the
 1068 court determines the person meets the criteria in subsection (1)
 1069 and the removal of the registration requirement will not
 1070 conflict with federal law, it may grant the motion and order the
 1071 removal of the registration requirement. The court shall
 1072 instruct the person to provide the department a certified copy
 1073 of the order granting relief. If the court denies the motion,
 1074 the person is not authorized under this section to petition for
 1075 removal of the registration requirement.

1076 ~~(3) (a) This subsection applies to a person who:~~
 1077 ~~1. Is not a person described in subsection (2) because the~~
 1078 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
 1079 ~~committed on or after July 1, 2007;~~
 1080 ~~2. Is subject to registration as a sexual offender or~~
 1081 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~
 1082 ~~827.071; and~~
 1083 ~~3. Meets the criteria in subsection (1).~~
 1084 ~~(b) A person may petition the court in which the sentence~~
 1085 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~
 1086 ~~827.071 occurred for removal of the requirement to register as a~~
 1087 ~~sexual offender or sexual predator. The person must allege in~~
 1088 ~~the petition that he or she meets the criteria in subsection (1)~~
 1089 ~~and removal of the registration requirement will not conflict~~
 1090 ~~with federal law. The state attorney must be given notice of the~~
 1091 ~~petition at least 21 days before the hearing on the petition and~~

1092 ~~may present evidence in opposition to the requested relief or~~
 1093 ~~may otherwise demonstrate why the petition should be denied. The~~
 1094 ~~court shall rule on the petition and, if the court determines~~
 1095 ~~the person meets the criteria in subsection (1) and removal of~~
 1096 ~~the registration requirement will not conflict with federal law,~~
 1097 ~~it may grant the petition and order the removal of the~~
 1098 ~~registration requirement. If the court denies the petition, the~~
 1099 ~~person is not authorized under this section to file any further~~
 1100 ~~petition for removal of the registration requirement.~~

1101 (3)~~(4)~~ If a person provides to the Department of Law
 1102 Enforcement a certified copy of the court's order removing the
 1103 requirement that the person register as a sexual offender or
 1104 sexual predator for the violation of s. 794.011, s. 800.04, s.
 1105 827.071, or s. 847.0135(5), or a similar offense in another
 1106 jurisdiction, the registration requirement will not apply to the
 1107 person and the department shall remove all information about the
 1108 person from the public registry of sexual offenders and sexual
 1109 predators maintained by the department. However, the removal of
 1110 this information from the public registry does not mean that the
 1111 public is denied access to information about the person's
 1112 criminal history or record that is otherwise available as a
 1113 public record.

1114 Section 7. Subsection (2) and paragraph (a) of subsection
 1115 (3) of section 943.0437, Florida Statutes, are amended to read:

1116 943.0437 Commercial social networking websites.—

1117 (2) The department may provide information relating to
 1118 electronic mail addresses and Internet identifiers ~~instant~~
 1119 ~~message names~~ maintained as part of the sexual offender registry

1120 to commercial social networking websites or third parties
 1121 designated by commercial social networking websites. The
 1122 commercial social networking website may use this information
 1123 for the purpose of comparing registered users and screening
 1124 potential users of the commercial social networking website
 1125 against the list of electronic mail addresses and Internet
 1126 identifiers ~~instant message names~~ provided by the department.

1127 (3) This section shall not be construed to impose any
 1128 civil liability on a commercial social networking website for:

1129 (a) Any action voluntarily taken in good faith to remove
 1130 or disable any profile of a registered user associated with an
 1131 electronic mail address or Internet identifier ~~instant message~~
 1132 ~~name~~ contained in the sexual offender registry.

1133 Section 8. Paragraphs (b) and (d) of subsection (1) and
 1134 paragraph (a) of subsection (3) of section 944.606, Florida
 1135 Statutes, are amended to read:

1136 944.606 Sexual offenders; notification upon release.—

1137 (1) As used in this section:

1138 (b) "Sexual offender" means a person who has been
 1139 convicted of committing, or attempting, soliciting, or
 1140 conspiring to commit, any of the criminal offenses proscribed in
 1141 the following statutes in this state or similar offenses in
 1142 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 1143 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 1144 the defendant is not the victim's parent or guardian; s.
 1145 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
 1146 796.045; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
 1147 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.

1148 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
 1149 similar offense committed in this state which has been
 1150 redesignated from a former statute number to one of those listed
 1151 in this subsection, when the department has received verified
 1152 information regarding such conviction; an offender's
 1153 computerized criminal history record is not, in and of itself,
 1154 verified information.

1155 (d) "Internet identifier ~~Instant message name~~" has the
 1156 same meaning as provided in s. 775.21 ~~means an identifier that~~
 1157 ~~allows a person to communicate in real time with another person~~
 1158 ~~using the Internet.~~

1159 (3)(a) The department must provide information regarding
 1160 any sexual offender who is being released after serving a period
 1161 of incarceration for any offense, as follows:

1162 1. The department must provide: the sexual offender's
 1163 name, any change in the offender's name by reason of marriage or
 1164 other legal process, and any alias, if known; the correctional
 1165 facility from which the sexual offender is released; the sexual
 1166 offender's social security number, race, sex, date of birth,
 1167 height, weight, and hair and eye color; address of any planned
 1168 permanent residence or temporary residence, within the state or
 1169 out of state, including a rural route address and a post office
 1170 box; if no permanent or temporary address, any transient
 1171 residence within the state; address, location or description,
 1172 and dates of any known future temporary residence within the
 1173 state or out of state; date and county of sentence and each
 1174 crime for which the offender was sentenced; a copy of the
 1175 offender's fingerprints, palm prints, and a digitized photograph

HB 7047

2012

1176 taken within 60 days before release; the date of release of the
1177 sexual offender; all ~~any~~ electronic mail addresses ~~address~~ and
1178 all Internet identifiers ~~any instant message name~~ required to be
1179 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone
1180 numbers ~~number~~ and ~~any~~ cellular telephone numbers; information
1181 about any professional licenses the offender may have, if known;
1182 and passport information, if he or she has a passport, and, if
1183 he or she is an alien, information about documents establishing
1184 his or her immigration status ~~number~~. The department shall
1185 notify the Department of Law Enforcement if the sexual offender
1186 escapes, absconds, or dies. If the sexual offender is in the
1187 custody of a private correctional facility, the facility shall
1188 take the digitized photograph of the sexual offender within 60
1189 days before the sexual offender's release and provide this
1190 photograph to the Department of Corrections and also place it in
1191 the sexual offender's file. If the sexual offender is in the
1192 custody of a local jail, the custodian of the local jail shall
1193 register the offender within 3 business days after intake of the
1194 offender for any reason and upon release, and shall notify the
1195 Department of Law Enforcement of the sexual offender's release
1196 and provide to the Department of Law Enforcement the information
1197 specified in this paragraph and any information specified in
1198 subparagraph 2. that the Department of Law Enforcement requests.
1199 2. The department may provide any other information deemed
1200 necessary, including criminal and corrections records,
1201 nonprivileged personnel and treatment records, when available.

HB 7047

2012

1202 Section 9. Paragraphs (a) and (f) of subsection (1),
 1203 subsection (4), and paragraph (c) of subsection (13) of section
 1204 944.607, Florida Statutes, are amended to read:

1205 944.607 Notification to Department of Law Enforcement of
 1206 information on sexual offenders.—

1207 (1) As used in this section, the term:

1208 (a) "Sexual offender" means a person who is in the custody
 1209 or control of, or under the supervision of, the department or is
 1210 in the custody of a private correctional facility:

1211 1. On or after October 1, 1997, as a result of a
 1212 conviction for committing, or attempting, soliciting, or
 1213 conspiring to commit, any of the criminal offenses proscribed in
 1214 the following statutes in this state or similar offenses in
 1215 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 1216 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 1217 the defendant is not the victim's parent or guardian; s.
 1218 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
 1219 796.035; s. 796.045; s. 800.04; s. 825.1025; s. 827.071; s.
 1220 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 1221 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
 1222 similar offense committed in this state which has been
 1223 redesignated from a former statute number to one of those listed
 1224 in this paragraph; or

1225 2. Who establishes or maintains a residence in this state
 1226 and who has not been designated as a sexual predator by a court
 1227 of this state but who has been designated as a sexual predator,
 1228 as a sexually violent predator, or by another sexual offender
 1229 designation in another state or jurisdiction and was, as a

1230 result of such designation, subjected to registration or
 1231 community or public notification, or both, or would be if the
 1232 person were a resident of that state or jurisdiction, without
 1233 regard as to whether the person otherwise meets the criteria for
 1234 registration as a sexual offender.

1235 (f) "Internet identifier ~~Instant message name~~" has the
 1236 same meaning as provided in s. 775.21 ~~means an identifier that~~
 1237 ~~allows a person to communicate in real time with another person~~
 1238 ~~using the Internet.~~

1239 (4) A sexual offender, as described in this section, who
 1240 is under the supervision of the Department of Corrections but is
 1241 not incarcerated must register with the Department of
 1242 Corrections within 3 business days after sentencing for a
 1243 registrable offense and otherwise provide information as
 1244 required by this subsection.

1245 (a) The sexual offender shall provide his or her name;
 1246 date of birth; social security number; race; sex; height;
 1247 weight; hair and eye color; tattoos or other identifying marks;
 1248 all any electronic mail addresses ~~address~~ and all Internet
 1249 identifiers ~~any instant message name~~ required to be provided
 1250 pursuant to s. 943.0435(4)(d); the make, model, color,
 1251 registration number, and license tag number of all vehicles
 1252 owned; permanent or legal residence and address of temporary
 1253 residence within the state or out of state while the sexual
 1254 offender is under supervision in this state, including any rural
 1255 route address or post office box; if no permanent or temporary
 1256 address, any transient residence within the state; and address,
 1257 location or description, and dates of any current or known

HB 7047

2012

1258 future temporary residence within the state or out of state. The
 1259 sexual offender must also produce his or her passport, if he or
 1260 she has a passport, and, if he or she is an alien, must produce
 1261 or provide information about documents establishing his or her
 1262 immigration status. The sexual offender must also provide
 1263 information about any professional licenses he or she may have.
 1264 The Department of Corrections shall verify the address of each
 1265 sexual offender in the manner described in ss. 775.21 and
 1266 943.0435. The department shall report to the Department of Law
 1267 Enforcement any failure by a sexual predator or sexual offender
 1268 to comply with registration requirements.

1269 (b) If the sexual offender is enrolled, employed,
 1270 volunteering, or carrying on a vocation at an institution of
 1271 higher education in this state, the sexual offender shall
 1272 provide the name, address, and county of each institution,
 1273 including each campus attended, and the sexual offender's
 1274 enrollment, volunteer, or employment status. Each change in
 1275 enrollment, volunteer, or employment status shall be reported to
 1276 the department within 48 hours after the change in status. The
 1277 Department of Corrections shall promptly notify each institution
 1278 of the sexual offender's presence and any change in the sexual
 1279 offender's enrollment, volunteer, or employment status.

1280 (13)

1281 (c) The sheriff's office may determine the appropriate
 1282 times and days for reporting by the sexual offender, which shall
 1283 be consistent with the reporting requirements of this
 1284 subsection. Reregistration shall include any changes to the
 1285 following information:

1286 1. Name; social security number; age; race; sex; date of
 1287 birth; height; weight; hair and eye color; address of any
 1288 permanent residence and address of any current temporary
 1289 residence, within the state or out of state, including a rural
 1290 route address and a post office box; if no permanent or
 1291 temporary address, any transient residence; address, location or
 1292 description, and dates of any current or known future temporary
 1293 residence within the state or out of state; all ~~any~~ electronic
 1294 mail addresses ~~address~~ and all Internet identifiers ~~any instant~~
 1295 ~~message name~~ required to be provided pursuant to s.
 1296 943.0435(4)(d); date and place of any employment; the ~~vehicle~~
 1297 make, model, color, registration number, and license tag number
 1298 of all vehicles owned; fingerprints; palm prints; and
 1299 photograph. A post office box shall not be provided in lieu of a
 1300 physical residential address. The sexual offender must also
 1301 produce his or her passport, if he or she has a passport, and,
 1302 if he or she is an alien, must produce or provide information
 1303 about documents establishing his or her immigration status. The
 1304 sexual offender must also provide information about any
 1305 professional licenses he or she may have.

1306 2. If the sexual offender is enrolled, employed,
 1307 volunteering, or carrying on a vocation at an institution of
 1308 higher education in this state, the sexual offender shall also
 1309 provide to the department the name, address, and county of each
 1310 institution, including each campus attended, and the sexual
 1311 offender's enrollment, volunteer, or employment status.

1312 3. If the sexual offender's place of residence is a motor
 1313 vehicle, trailer, mobile home, or manufactured home, as defined

HB 7047

2012

1314 in chapter 320, the sexual offender shall also provide the
 1315 vehicle identification number; the license tag number; the
 1316 registration number; and a description, including color scheme,
 1317 of the motor vehicle, trailer, mobile home, or manufactured
 1318 home. If the sexual offender's place of residence is a vessel,
 1319 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1320 sexual offender shall also provide the hull identification
 1321 number; the manufacturer's serial number; the name of the
 1322 vessel, live-aboard vessel, or houseboat; the registration
 1323 number; and a description, including color scheme, of the
 1324 vessel, live-aboard vessel or houseboat.

1325 4. Any sexual offender who fails to report in person as
 1326 required at the sheriff's office, ~~or~~ who fails to respond to any
 1327 address verification correspondence from the department within 3
 1328 weeks of the date of the correspondence, ~~or~~ who fails to report
 1329 all electronic mail addresses and all Internet identifiers ~~or~~
 1330 instant message names, or who knowingly provides false
 1331 registration information by act or omission commits a felony of
 1332 the third degree, punishable as provided in s. 775.082, s.
 1333 775.083, or s. 775.084.

1334 Section 10. Subsection (11) of section 947.005, Florida
 1335 Statutes, is amended to read:

1336 947.005 Definitions.—As used in this chapter, unless the
 1337 context clearly indicates otherwise:

1338 (11) "Risk assessment" means an assessment completed by a
 1339 ~~an independent~~ qualified practitioner to evaluate the level of
 1340 risk associated when a sex offender has contact with a child.

1341 Section 11. Section 948.31, Florida Statutes, is amended
 1342 to read:
 1343 948.31 Evaluation and treatment of sexual predators and
 1344 offenders on probation or community control.—The court may ~~shall~~
 1345 require an ~~evaluation by a qualified practitioner to determine~~
 1346 ~~the need of a probationer or community controllee for treatment.~~
 1347 ~~If the court determines that a need therefor is established by~~
 1348 ~~the evaluation process, the court shall require sexual offender~~
 1349 ~~treatment as a term or condition of probation or community~~
 1350 ~~control for any probationer or community controllee person who~~
 1351 is required to register as a sexual predator under s. 775.21 or
 1352 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to
 1353 undergo an evaluation, at the probationer or community
 1354 controllee's expense, by a qualified practitioner to determine
 1355 whether such person needs sexual offender treatment. If the
 1356 qualified practitioner determines that sexual offender treatment
 1357 is needed and recommends treatment, the probationer or community
 1358 controllee must successfully complete and pay for the treatment.
 1359 Such treatment must ~~shall be required to~~ be obtained from a
 1360 qualified practitioner as defined in s. 948.001. Treatment may
 1361 not be administered by a qualified practitioner who has been
 1362 convicted or adjudicated delinquent of committing, or
 1363 attempting, soliciting, or conspiring to commit, any offense
 1364 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~
 1365 ~~impose a restriction against contact with minors if sexual~~
 1366 ~~offender treatment is recommended. The evaluation and~~
 1367 ~~recommendations for treatment of the probationer or community~~
 1368 ~~controllee shall be provided to the court for review.~~

HB 7047

2012

1369 Section 12. Paragraph (a) of subsection (3) of section
 1370 985.481, Florida Statutes, is amended to read:

1371 985.481 Sexual offenders adjudicated delinquent;
 1372 notification upon release.—

1373 (3) (a) The department must provide information regarding
 1374 any sexual offender who is being released after serving a period
 1375 of residential commitment under the department for any offense,
 1376 as follows:

1377 1. The department must provide the sexual offender's name,
 1378 any change in the offender's name by reason of marriage or other
 1379 legal process, and any alias, if known; the correctional
 1380 facility from which the sexual offender is released; the sexual
 1381 offender's social security number, race, sex, date of birth,
 1382 height, weight, and hair and eye color; the make, model, color,
 1383 registration number, and license tag number of all vehicles
 1384 owned, if known; address of any planned permanent residence or
 1385 temporary residence, within the state or out of state, including
 1386 a rural route address and a post office box; if no permanent or
 1387 temporary address, any transient residence within the state;
 1388 address, location or description, and dates of any known future
 1389 temporary residence within the state or out of state; date and
 1390 county of disposition and each crime for which there was a
 1391 disposition; a copy of the offender's fingerprints and a
 1392 digitized photograph taken within 60 days before release; the
 1393 date of release of the sexual offender; all ~~and~~ home telephone
 1394 numbers ~~number~~ and ~~any~~ cellular telephone numbers; information
 1395 about any professional licenses the offender may have, if known;
 1396 and passport information, if he or she has a passport, and, if

1397 he or she is an alien, information about documents establishing
 1398 his or her immigration status ~~number~~. The department shall
 1399 notify the Department of Law Enforcement if the sexual offender
 1400 escapes, absconds, or dies. If the sexual offender is in the
 1401 custody of a private correctional facility, the facility shall
 1402 take the digitized photograph of the sexual offender within 60
 1403 days before the sexual offender's release and also place it in
 1404 the sexual offender's file. If the sexual offender is in the
 1405 custody of a local jail, the custodian of the local jail shall
 1406 register the offender within 3 business days after intake of the
 1407 offender for any reason and upon release, and shall notify the
 1408 Department of Law Enforcement of the sexual offender's release
 1409 and provide to the Department of Law Enforcement the information
 1410 specified in this subparagraph and any information specified in
 1411 subparagraph 2. which the Department of Law Enforcement
 1412 requests.

1413 2. The department may provide any other information
 1414 considered necessary, including criminal and delinquency
 1415 records, when available.

1416 Section 13. Subsection (4) and paragraph (b) of subsection
 1417 (13) of section 985.4815, Florida Statutes, are amended to read:

1418 985.4815 Notification to Department of Law Enforcement of
 1419 information on juvenile sexual offenders.—

1420 (4) A sexual offender, as described in this section, who
 1421 is under the supervision of the department but who is not
 1422 committed must register with the department within 3 business
 1423 days after adjudication and disposition for a registrable
 1424 offense and otherwise provide information as required by this

HB 7047

2012

1425 subsection.

1426 (a) The sexual offender shall provide his or her name;
1427 date of birth; social security number; race; sex; height;
1428 weight; hair and eye color; tattoos or other identifying marks;
1429 the make, model, color, registration number, and license tag
1430 number of all vehicles owned; permanent or legal residence and
1431 address of temporary residence within the state or out of state
1432 while the sexual offender is in the care or custody or under the
1433 jurisdiction or supervision of the department in this state,
1434 including any rural route address or post office box; if no
1435 permanent or temporary address, any transient residence;
1436 address, location or description, and dates of any current or
1437 known future temporary residence within the state or out of
1438 state; and the name and address of each school attended. The
1439 sexual offender must also produce his or her passport, if he or
1440 she has a passport, and, if he or she is an alien, must produce
1441 or provide information about documents establishing his or her
1442 immigration status. The offender must also provide information
1443 about any professional licenses he or she may have. The
1444 department shall verify the address of each sexual offender and
1445 shall report to the Department of Law Enforcement any failure by
1446 a sexual offender to comply with registration requirements.

1447 (b) If the sexual offender is enrolled, employed,
1448 volunteering, or carrying on a vocation at an institution of
1449 higher education in this state, the sexual offender shall
1450 provide the name, address, and county of each institution,
1451 including each campus attended, and the sexual offender's
1452 enrollment, volunteer, or employment status. Each change in

HB 7047

2012

1453 enrollment, volunteer, or employment status shall be reported to
 1454 the department within 48 hours after the change in status. The
 1455 department shall promptly notify each institution of the sexual
 1456 offender's presence and any change in the sexual offender's
 1457 enrollment, volunteer, or employment status.

1458 (13)

1459 (b) The sheriff's office may determine the appropriate
 1460 times and days for reporting by the sexual offender, which shall
 1461 be consistent with the reporting requirements of this
 1462 subsection. Reregistration shall include any changes to the
 1463 following information:

1464 1. Name; social security number; age; race; sex; date of
 1465 birth; height; weight; hair and eye color; fingerprints; palm
 1466 prints; address of any permanent residence and address of any
 1467 current temporary residence, within the state or out of state,
 1468 including a rural route address and a post office box; if no
 1469 permanent or temporary address, any transient residence;
 1470 address, location or description, and dates of any current or
 1471 known future temporary residence within the state or out of
 1472 state; passport information, if he or she has a passport, and,
 1473 if he or she is an alien, information about documents
 1474 establishing his or her immigration status; name and address of
 1475 each school attended; date and place of any employment; the
 1476 ~~vehicle~~ make, model, color, registration number, and license tag
 1477 number of all vehicles owned; ~~fingerprints;~~ and photograph. A
 1478 post office box shall not be provided in lieu of a physical
 1479 residential address. The offender must also provide information
 1480 about any professional licenses he or she may have.

HB 7047

2012

1481 2. If the sexual offender is enrolled, employed,
1482 volunteering, or carrying on a vocation at an institution of
1483 higher education in this state, the sexual offender shall also
1484 provide to the department the name, address, and county of each
1485 institution, including each campus attended, and the sexual
1486 offender's enrollment, volunteer, or employment status.

1487 3. If the sexual offender's place of residence is a motor
1488 vehicle, trailer, mobile home, or manufactured home, as defined
1489 in chapter 320, the sexual offender shall also provide the
1490 vehicle identification number; the license tag number; the
1491 registration number; and a description, including color scheme,
1492 of the motor vehicle, trailer, mobile home, or manufactured
1493 home. If the sexual offender's place of residence is a vessel,
1494 live-aboard vessel, or houseboat, as defined in chapter 327, the
1495 sexual offender shall also provide the hull identification
1496 number; the manufacturer's serial number; the name of the
1497 vessel, live-aboard vessel, or houseboat; the registration
1498 number; and a description, including color scheme, of the
1499 vessel, live-aboard vessel, or houseboat.

1500 4. Any sexual offender who fails to report in person as
1501 required at the sheriff's office, ~~or~~ who fails to respond to any
1502 address verification correspondence from the department within 3
1503 weeks after the date of the correspondence, or who knowingly
1504 provides false registration information by act or omission
1505 commits a felony of the third degree, punishable as provided in
1506 ss. 775.082, 775.083, and 775.084.

1507 Section 14. Paragraphs (g) and (i) of subsection (3) of
1508 section 921.0022, Florida Statutes, are amended to read:

HB 7047

2012

1509 921.0022 Criminal Punishment Code; offense severity
 1510 ranking chart.—

1511 (3) OFFENSE SEVERITY RANKING CHART

1512 (g) LEVEL 7

1513

Florida	Felony	
Statute	Degree	Description

1514

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
---------------	-----	--

1515

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
-----------------	-----	--

1516

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
----------------	-----	---

1517

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
----------------	-----	---

1518

402.319(2)	2nd	Misrepresentation and
------------	-----	-----------------------

HB 7047

2012

			negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1519	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1520	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1521	456.065 (2)	3rd	Practicing a health care profession without a license.
1522	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1523	458.327 (1)	3rd	Practicing medicine without a license.
1524	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1525	460.411 (1)	3rd	Practicing chiropractic

HB 7047

2012

1526			medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1527			
	462.17	3rd	Practicing naturopathy without a license.
1528			
	463.015 (1)	3rd	Practicing optometry without a license.
1529			
	464.016 (1)	3rd	Practicing nursing without a license.
1530			
	465.015 (2)	3rd	Practicing pharmacy without a license.
1531			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1532			
	467.201	3rd	Practicing midwifery without a license.
1533			
	468.366	3rd	Delivering respiratory care services without a license.
1534			
	483.828 (1)	3rd	Practicing as clinical

HB 7047

2012

1535			laboratory personnel without a license.
1536	483.901 (9)	3rd	Practicing medical physics without a license.
1537	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1538	484.053	3rd	Dispensing hearing aids without a license.
1539	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1540	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments

HB 7047

2012

1541	655.50 (10) (b) 1.	3rd	exceeding \$300 but less than \$20,000.
1542	775.21 (10) (a)	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1543	775.21 (10) (b)	3rd	Sexual predator; failure to register; failure to renew <u>driver</u> driver's license or identification card; other registration violations.
1544	775.21 (10) (g)	3rd	Sexual predator working where children regularly congregate.
1545	782.051 (3)	2nd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1546			Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

HB 7047

2012

1547	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1548	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1549	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1550	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1551	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
1552	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
	784.048(4)	3rd	Aggravated stalking; violation

HB 7047

2012

			of injunction or court order.
1553	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1554	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1555	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1556	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1557	784.081 (1)	1st	Aggravated battery on specified official or employee.
1558	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1559	784.083 (1)	1st	Aggravated battery on code inspector.
1560	790.07 (4)	1st	Specified weapons violation subsequent to previous

HB 7047

2012

			conviction of s. 790.07(1) or (2).
1561	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1562	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1563	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1564	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1565	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1566	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided

HB 7047

2012

1567			for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1568			
	796.03	2nd	Procuring any person under <u>18</u> 16 years for prostitution.
1569			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
1570			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
1571			
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1572			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1573			

HB 7047

2012

1574	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1575	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1576	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1577	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1578	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1579	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

HB 7047

2012

1580	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1581	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1582	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1583	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1584	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1585	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1586	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1587	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.

HB 7047

2012

	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1588	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1589	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
1590	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1591	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1592	837.05 (2)	3rd	Giving false information about

HB 7047

2012

1593			alleged capital felony to a law enforcement officer.
1594	838.015	2nd	Bribery.
1595	838.016	2nd	Unlawful compensation or reward for official behavior.
1596	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1597	838.22	2nd	Bid tampering.
1598	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1599	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1600	872.06	2nd	Abuse of a dead human body.
1601	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

HB 7047

2012

1602

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

1603

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

1604

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

893.135(1)(a)1. 1st Trafficking in cannabis, more

HB 7047

2012

1605	893.135 (1) (b) 1.a.	1st	than 25 lbs., less than 2,000 lbs. Trafficking in cocaine, more than 28 grams, less than 200 grams.
1606	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1607	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1608	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1609	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1610	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

1611

HB 7047

2012

1612	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1613	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1614	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1615	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1616	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1617	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

HB 7047

2012

1618	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1619	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1620	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1621	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1622	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1623	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.

HB 7047

2012

1624	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1625	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1626	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1627	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1628	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1629	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

HB 7047

2012

1630	(i) LEVEL 9		
1631	Florida	Felony	
1632	Statute	Degree	Description
1630	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1633	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1634	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1635	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1636	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1637	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1638			

HB 7047

2012

1639	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1640	775.0844	1st	Aggravated white collar crime.
1641	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1642	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
1643	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1644	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1645	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.

HB 7047

2012

1646

787.01(1)(a)2. 1st, PBL Kidnapping with intent to
commit or facilitate commission
of any felony.

1647

787.01(1)(a)4. 1st, PBL Kidnapping with intent to
interfere with performance of
any governmental or political
function.

1648

787.02(3)(a) 1st, PBL False imprisonment; child under
age 13; perpetrator also
commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.

1649

790.161 1st Attempted capital destructive
device offense.

1650

790.166(2) 1st, PBL Possessing, selling, using, or
attempting to use a weapon of
mass destruction.

1651

794.011(2) 1st Attempted sexual battery;
victim less than 12 years of
age.

HB 7047

2012

1652	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1653	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
1654	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1655	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1656	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1657	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1658	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.

HB 7047

2012

1659	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1660	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1661	827.03 (2)	1st	Aggravated child abuse.
1662	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1663	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1664	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.

HB 7047

2012

1665	893.135	1st	Attempted capital trafficking offense.
1666	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1667	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1668	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1669	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1670	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1671	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1672	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

HB 7047

2012

1673	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
1674	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
1675	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
1676	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
1677	Section 15. This act shall take effect October 1, 2012.		