

1 A bill to be entitled
 2 An act relating to residency restrictions for persons
 3 convicted of certain sex offenses and required to
 4 register as a sexual offender or sexual predator;
 5 creating s. 775.2155, F.S.; defining the terms
 6 "convicted," "permanently reside," and "unrelated
 7 child"; prohibiting a person who is required to
 8 register as a sexual offender or sexual predator and
 9 who has been convicted of committing certain specified
 10 offenses in which the victim of the offense was
 11 younger than 12 years of age from permanently residing
 12 with an unrelated child; providing that a person who
 13 resides with such a child in violation of the act
 14 commits a felony of the third degree or a misdemeanor
 15 of the first degree, depending upon the classification
 16 of the underlying felony conviction; providing for the
 17 applicability of the act; amending ss. 775.21,
 18 943.0435, and 944.607, F.S.; requiring a sexual
 19 predator or sexual offender subject to the act to
 20 report to the sheriff's office, the Department of Law
 21 Enforcement, or the Department of Corrections, as
 22 appropriate, the name and age of any child permanently
 23 residing with the predator or offender; providing an
 24 effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Section 775.2155, Florida Statutes, is created

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29 | to read:

30 | 775.2155 Residency restriction for persons convicted of
 31 | certain sex offenses and required to register as a sexual
 32 | offender or sexual predator; application date.-

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

34 | (a) "Convicted" has the same meaning as provided in s.
 35 | 943.0435.

36 | (b) "Permanently reside" means to dwell or reside in a
 37 | place for 5 or more consecutive days.

38 | (c) "Unrelated child" means a child younger than 12 years
 39 | of age who is not related by blood to the offender within the
 40 | third degree of consanguinity and is not a stepchild of the
 41 | offender.

42 | (2) (a) A person who has been convicted of a violation of
 43 | s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 44 | 847.0145 in which the victim of the offense was younger than 12
 45 | years of age, and who is required to register as a sexual
 46 | offender or a sexual predator, may not permanently reside with
 47 | an unrelated child.

48 | (b) A person who violates this subsection whose conviction
 49 | under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 50 | 847.0145 was classified as a felony of the first degree or
 51 | higher and who is required to register as a sexual offender or a
 52 | sexual predator commits a felony of the third degree, punishable
 53 | as provided in s. 775.082 or s. 775.083. A person who violates
 54 | this subsection whose conviction under s. 794.011, s. 800.04, s.
 55 | 827.071, s. 847.0135(5), or s. 847.0145 was classified as a
 56 | felony of the second or third degree and who is required to

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57 register as a sexual offender or a sexual predator commits a
58 misdemeanor of the first degree, punishable as provided in s.
59 775.082 or s. 775.083.

60 (c) This subsection applies to a person convicted of a
61 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
62 or s. 847.0145 for an offense that occurs on or after October 1,
63 2012, and who is required to register as a sexual offender or a
64 sexual predator on or after October 1, 2012.

65 Section 2. Paragraph (a) of subsection (6) of section
66 775.21, Florida Statutes, is amended to read:

67 775.21 The Florida Sexual Predators Act.—

68 (6) REGISTRATION.—

69 (a) A sexual predator must register with the department
70 through the sheriff's office by providing the following
71 information to the department:

72 1. Name; social security number; age; race; sex; date of
73 birth; height; weight; hair and eye color; photograph; the name
74 and age of any child permanently residing with the sexual
75 predator; address of legal residence and address of any current
76 temporary residence, within the state or out of state, including
77 a rural route address and a post office box; if no permanent or
78 temporary address, any transient residence within the state;
79 address, location or description, and dates of any current or
80 known future temporary residence within the state or out of
81 state; any electronic mail address and any instant message name
82 required to be provided pursuant to subparagraph (g)4.; home
83 telephone number and any cellular telephone number; date and
84 place of any employment; date and place of each conviction;

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85 fingerprints; and a brief description of the crime or crimes
86 committed by the offender. A post office box may ~~shall~~ not be
87 provided in lieu of a physical residential address.

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

102 b. If the sexual predator is enrolled, employed, or
103 carrying on a vocation at an institution of higher education in
104 this state, the sexual predator shall also provide to the
105 department the name, address, and county of each institution,
106 including each campus attended, and the sexual predator's
107 enrollment or employment status. Each change in enrollment or
108 employment status shall be reported in person at the sheriff's
109 office, or the Department of Corrections if the sexual predator
110 is in the custody or control of or under the supervision of the
111 Department of Corrections, within 48 hours after any change in
112 status. The sheriff or the Department of Corrections shall

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113 promptly notify each institution of the sexual predator's
 114 presence and any change in the sexual predator's enrollment or
 115 employment status.

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

120 Section 3. Paragraph (b) of subsection (2) of section
 121 943.0435, Florida Statutes, is amended to read:

122 943.0435 Sexual offenders required to register with the
 123 department; penalty.—

124 (2) A sexual offender shall:

125 (b) Provide his or her name; date of birth; social
 126 security number; race; sex; height; weight; hair and eye color;
 127 tattoos or other identifying marks; occupation and place of
 128 employment; the name and age of any child permanently residing
 129 with the sexual offender; address of permanent or legal
 130 residence or address of any current temporary residence, within
 131 the state or out of state, including a rural route address and a
 132 post office box; if no permanent or temporary address, any
 133 transient residence within the state, address, location or
 134 description, and dates of any current or known future temporary
 135 residence within the state or out of state; home telephone
 136 number and any cellular telephone number; any electronic mail
 137 address and any instant message name required to be provided
 138 pursuant to paragraph (4) (d); date and place of each conviction;
 139 and a brief description of the crime or crimes committed by the
 140 offender. A post office box may ~~shall~~ not be provided in lieu of

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141 a physical residential address.

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

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

167

168 When a sexual offender reports at the sheriff's office, the

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169 | sheriff shall take a photograph and a set of fingerprints of the
 170 | offender and forward the photographs and fingerprints to the
 171 | department, along with the information provided by the sexual
 172 | offender. The sheriff shall promptly provide to the department
 173 | the information received from the sexual offender.

174 | Section 4. Paragraph (a) of subsection (4) of section
 175 | 944.607, Florida Statutes, is amended to read:

176 | 944.607 Notification to Department of Law Enforcement of
 177 | information on sexual offenders.—

178 | (4) A sexual offender, as described in this section, who
 179 | is under the supervision of the Department of Corrections but is
 180 | not incarcerated must register with the Department of
 181 | Corrections within 3 business days after sentencing for a
 182 | registrable offense and otherwise provide information as
 183 | required by this subsection.

184 | (a) The sexual offender shall provide his or her name;
 185 | date of birth; social security number; race; sex; height;
 186 | weight; hair and eye color; tattoos or other identifying marks;
 187 | the name and age of any child permanently residing with the
 188 | sexual offender; any electronic mail address and any instant
 189 | message name required to be provided pursuant to s.
 190 | 943.0435(4)(d); permanent or legal residence and address of
 191 | temporary residence within the state or out of state while the
 192 | sexual offender is under supervision in this state, including
 193 | any rural route address or post office box; if no permanent or
 194 | temporary address, any transient residence within the state; and
 195 | address, location or description, and dates of any current or
 196 | known future temporary residence within the state or out of

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197 | state. The Department of Corrections shall verify the address of
198 | each sexual offender in the manner described in ss. 775.21 and
199 | 943.0435. The department shall report to the Department of Law
200 | Enforcement any failure by a sexual predator or sexual offender
201 | to comply with registration requirements.

202 | Section 5. This act shall take effect October 1, 2012.