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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/29/2010 10:55 AM

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Senators Crist and Aronberg moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 856.022, Florida Statutes, is created to  
read:

856.022 Loitering or prowling by certain offenders in close  
proximity to children; penalty.-

(1) Except as provided in subsection (2), this section  
applies to a person convicted of committing, or attempting,  
soliciting, or conspiring to commit, any of the criminal  
offenses proscribed in the following statutes in this state or



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14 similar offenses in another jurisdiction against a victim who  
15 was under 18 years of age at the time of the offense: s. 787.01,  
16 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
17 the offender was not the victim's parent or guardian; s.  
18 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
19 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
20 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
21 847.0145; s. 985.701(1); or any similar offense committed in  
22 this state which has been redesignated from a former statute  
23 number to one of those listed in this subsection, if the person  
24 has not received a pardon for any felony or similar law of  
25 another jurisdiction necessary for the operation of this  
26 subsection and a conviction of a felony or similar law of  
27 another jurisdiction necessary for the operation of this  
28 subsection has not been set aside in any postconviction  
29 proceeding.

30 (2) This section does not apply to a person who has been  
31 removed from the requirement to register as a sexual offender or  
32 sexual predator pursuant to s. 943.04354.

33 (3) A person described in subsection (1) commits loitering  
34 and prowling by a person convicted of a sexual offense against a  
35 minor if, in committing loitering and prowling, he or she was  
36 within 300 feet of a place where children were congregating.

37 (4) It is unlawful for a person described in subsection (1)  
38 to:

39 (a) Knowingly approach, contact, or communicate with a  
40 child under 18 years of age in any public park building or on  
41 real property comprising any public park or playground with the  
42 intent to engage in conduct of a sexual nature or to make a



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43 communication of any type with any content of a sexual nature.  
44 This paragraph applies only to a person described in subsection  
45 (1) whose offense was committed on or after the effective date  
46 of this act.

47 (b)1. Knowingly be present in any child care facility or  
48 school containing any students in prekindergarten through grade  
49 12 or on real property comprising any child care facility or  
50 school containing any students in prekindergarten through grade  
51 12 when the child care facility or school is in operation unless  
52 the person had previously provided written notification of his  
53 or her intent to be present to the school board, superintendent,  
54 principal, or child care facility owner;

55 2. Fail to notify the child care facility owner or the  
56 school principal's office when he or she arrives and departs the  
57 child care facility or school; or

58 3. Fail to remain under direct supervision of a school  
59 official or designated chaperone when present in the vicinity of  
60 children. As used in this paragraph, the term "school official"  
61 means a principal, a school resource officer, a teacher or any  
62 other employee of the school, the superintendent of schools, a  
63 member of the school board, a child care facility owner, or a  
64 child care provider.

65 (c) A person is not in violation of paragraph (b) if:

66 1. The child care facility or school is a voting location  
67 and the person is present for the purpose of voting during the  
68 hours designated for voting; or

69 2. The person is only dropping off or picking up his or her  
70 own children or grandchildren at the child care facility or  
71 school.



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72           (5) Any person who violates this section commits a  
73 misdemeanor of the first degree, punishable as provided in s.  
74 775.082 or s. 775.083.

75           Section 2. Subsection (2), paragraph (c) of subsection (4),  
76 paragraph (a) of subsection (5), paragraphs (a), (f), (g), (i),  
77 and (j) of subsection (6), paragraph (a) of subsection (7),  
78 paragraph (a) of subsection (8), and paragraph (b) of subsection  
79 (10) of section 775.21, Florida Statutes, are amended to read:

80           775.21 The Florida Sexual Predators Act.—

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

82           (a)~~(i)~~ "Change in enrollment or employment status" means  
83 the commencement or termination of enrollment or employment or a  
84 change in location of enrollment or employment.

85           (b)~~(a)~~ "Chief of police" means the chief law enforcement  
86 officer of a municipality.

87           (c) "Child care facility" has the same meaning as provided  
88 in s. 402.302.

89           (d)~~(b)~~ "Community" means any county where the sexual  
90 predator lives or otherwise establishes or maintains a temporary  
91 or permanent residence.

92           (e)~~(c)~~ "Conviction" means a determination of guilt which is  
93 the result of a trial or the entry of a plea of guilty or nolo  
94 contendere, regardless of whether adjudication is withheld. A  
95 conviction for a similar offense includes, but is not limited  
96 to, a conviction by a federal or military tribunal, including  
97 courts-martial conducted by the Armed Forces of the United  
98 States, and includes a conviction or entry of a plea of guilty  
99 or nolo contendere resulting in a sanction in any state of the  
100 United States or other jurisdiction. A sanction includes, but is



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101 not limited to, a fine, probation, community control, parole,  
102 conditional release, control release, or incarceration in a  
103 state prison, federal prison, private correctional facility, or  
104 local detention facility.

105 ~~(f)~~ ~~(d)~~ "Department" means the Department of Law  
106 Enforcement.

107 ~~(g)~~ ~~(j)~~ "Electronic mail address" has the same meaning as  
108 provided in s. 668.602.

109 ~~(h)~~ ~~(e)~~ "Entering the county" includes being discharged from  
110 a correctional facility or jail or secure treatment facility  
111 within the county or being under supervision within the county  
112 for the commission of a violation enumerated in subsection (4).

113 ~~(i)~~ ~~(k)~~ "Instant message name" means an identifier that  
114 allows a person to communicate in real time with another person  
115 using the Internet.

116 ~~(j)~~ ~~(h)~~ "Institution of higher education" means a career  
117 center, community college, college, state university, or  
118 independent postsecondary institution.

119 ~~(k)~~ ~~(f)~~ "Permanent residence" means a place where the person  
120 abides, lodges, or resides for 5 or more consecutive days.

121 ~~(l)~~ ~~(g)~~ "Temporary residence" means a place where the person  
122 abides, lodges, or resides, including, but not limited to,  
123 vacation, business, or personal travel destinations in or out of  
124 this state, for a period of 5 or more days in the aggregate  
125 during any calendar year and which is not the person's permanent  
126 address or, for a person whose permanent residence is not in  
127 this state, a place where the person is employed, practices a  
128 vocation, or is enrolled as a student for any period of time in  
129 this state.



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130           (m) "Transient residence" means a place or county where a  
131 person lives, remains, or is located for a period of 5 or more  
132 days in the aggregate during a calendar year and which is not  
133 the person's permanent or temporary address. The term includes,  
134 but is not limited to, a place where the person sleeps or seeks  
135 shelter and a location that has no specific street address.

136           (4) SEXUAL PREDATOR CRITERIA.—

137           (c) If an offender has been registered as a sexual predator  
138 by the Department of Corrections, the department, or any other  
139 law enforcement agency and if:

140           1. The court did not, for whatever reason, make a written  
141 finding at the time of sentencing that the offender was a sexual  
142 predator; or

143           2. The offender was administratively registered as a sexual  
144 predator because the Department of Corrections, the department,  
145 or any other law enforcement agency obtained information that  
146 indicated that the offender met the criteria for designation as  
147 a sexual predator based on a violation of a similar law in  
148 another jurisdiction,

149  
150 the department shall remove that offender from the department's  
151 list of sexual predators and, for an offender described under  
152 subparagraph 1., shall notify the state attorney who prosecuted  
153 the offense that met the criteria for administrative designation  
154 as a sexual predator, and, for an offender described under this  
155 paragraph, shall notify the state attorney of the county where  
156 the offender establishes or maintains a permanent, ~~or~~ temporary,  
157 or transient residence. The state attorney shall bring the  
158 matter to the court's attention in order to establish that the



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159 offender meets the criteria for designation as a sexual  
160 predator. If the court makes a written finding that the offender  
161 is a sexual predator, the offender must be designated as a  
162 sexual predator, must register or be registered as a sexual  
163 predator with the department as provided in subsection (6), and  
164 is subject to the community and public notification as provided  
165 in subsection (7). If the court does not make a written finding  
166 that the offender is a sexual predator, the offender may not be  
167 designated as a sexual predator with respect to that offense and  
168 is not required to register or be registered as a sexual  
169 predator with the department.

170 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
171 as a sexual predator as follows:

172 (a)1. An offender who meets the sexual predator criteria  
173 described in paragraph (4)(d) is a sexual predator, and the  
174 court shall make a written finding at the time such offender is  
175 determined to be a sexually violent predator under chapter 394  
176 that such person meets the criteria for designation as a sexual  
177 predator for purposes of this section. The clerk shall transmit  
178 a copy of the order containing the written finding to the  
179 department within 48 hours after the entry of the order;

180 2. An offender who meets the sexual predator criteria  
181 described in paragraph (4)(a) who is before the court for  
182 sentencing for a current offense committed on or after October  
183 1, 1993, is a sexual predator, and the sentencing court must  
184 make a written finding at the time of sentencing that the  
185 offender is a sexual predator, and the clerk of the court shall  
186 transmit a copy of the order containing the written finding to  
187 the department within 48 hours after the entry of the order; or



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188           3. If the Department of Corrections, the department, or any  
189 other law enforcement agency obtains information which indicates  
190 that an offender who establishes or maintains a permanent, ~~or~~  
191 temporary, or transient residence in this state meets the sexual  
192 predator criteria described in paragraph (4) (a) or paragraph  
193 (4) (d) because the offender was civilly committed or committed a  
194 similar violation in another jurisdiction on or after October 1,  
195 1993, the Department of Corrections, the department, or the law  
196 enforcement agency shall notify the state attorney of the county  
197 where the offender establishes or maintains a permanent, ~~or~~  
198 temporary, or transient residence of the offender's presence in  
199 the community. The state attorney shall file a petition with the  
200 criminal division of the circuit court for the purpose of  
201 holding a hearing to determine if the offender's criminal record  
202 or record of civil commitment from another jurisdiction meets  
203 the sexual predator criteria. If the court finds that the  
204 offender meets the sexual predator criteria because the offender  
205 has violated a similar law or similar laws in another  
206 jurisdiction, the court shall make a written finding that the  
207 offender is a sexual predator.

208  
209 When the court makes a written finding that an offender is a  
210 sexual predator, the court shall inform the sexual predator of  
211 the registration and community and public notification  
212 requirements described in this section. Within 48 hours after  
213 the court designating an offender as a sexual predator, the  
214 clerk of the circuit court shall transmit a copy of the court's  
215 written sexual predator finding to the department. If the  
216 offender is sentenced to a term of imprisonment or supervision,



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217 a copy of the court's written sexual predator finding must be  
218 submitted to the Department of Corrections.

219 (6) REGISTRATION.—

220 (a) A sexual predator must register with the department  
221 through the sheriff's office by providing the following  
222 information to the department:

223 1. Name;; social security number;; age;; race;; sex;; date  
224 of birth;; height;; weight;; hair and eye color;; photograph;;  
225 address of legal residence and address of any current temporary  
226 residence, within the state or out of state, including a rural  
227 route address and a post office box;; if no permanent or  
228 temporary address, any transient residence within the state;  
229 address, location or description, and dates of any current or  
230 known future temporary residence within the state or out of  
231 state; any electronic mail address and any instant message name  
232 required to be provided pursuant to subparagraph (g)4.; home  
233 telephone number and any cellular telephone number;; date and  
234 place of any employment;; date and place of each conviction;;  
235 fingerprints;; and a brief description of the crime or crimes  
236 committed by the offender. A post office box shall not be  
237 provided in lieu of a physical residential address.

238 a. If the sexual predator's place of residence is a motor  
239 vehicle, trailer, mobile home, or manufactured home, as defined  
240 in chapter 320, the sexual predator shall also provide to the  
241 department written notice of the vehicle identification number;  
242 the license tag number; the registration number; and a  
243 description, including color scheme, of the motor vehicle,  
244 trailer, mobile home, or manufactured home. If a sexual  
245 predator's place of residence is a vessel, live-aboard vessel,



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246 or houseboat, as defined in chapter 327, the sexual predator  
247 shall also provide to the department written notice of the hull  
248 identification number; the manufacturer's serial number; the  
249 name of the vessel, live-aboard vessel, or houseboat; the  
250 registration number; and a description, including color scheme,  
251 of the vessel, live-aboard vessel, or houseboat.

252 b. If the sexual predator is enrolled, employed, or  
253 carrying on a vocation at an institution of higher education in  
254 this state, the sexual predator shall also provide to the  
255 department the name, address, and county of each institution,  
256 including each campus attended, and the sexual predator's  
257 enrollment or employment status. Each change in enrollment or  
258 employment status shall be reported in person at the sheriff's  
259 office, or the Department of Corrections if the sexual predator  
260 is in the custody or control of or under the supervision of the  
261 Department of Corrections, within 48 hours after any change in  
262 status. The sheriff or the Department of Corrections shall  
263 promptly notify each institution of the sexual predator's  
264 presence and any change in the sexual predator's enrollment or  
265 employment status.

266 2. Any other information determined necessary by the  
267 department, including criminal and corrections records;  
268 nonprivileged personnel and treatment records; and evidentiary  
269 genetic markers when available.

270 (f) Within 48 hours after the registration required under  
271 paragraph (a) or paragraph (e), a sexual predator who is not  
272 incarcerated and who resides in the community, including a  
273 sexual predator under the supervision of the Department of  
274 Corrections, shall register in person at a driver's license



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275 office of the Department of Highway Safety and Motor Vehicles  
276 and shall present proof of registration. At the driver's license  
277 office the sexual predator shall:

278 1. If otherwise qualified, secure a Florida driver's  
279 license, renew a Florida driver's license, or secure an  
280 identification card. The sexual predator shall identify himself  
281 or herself as a sexual predator who is required to comply with  
282 this section, provide his or her place of permanent, ~~or~~  
283 temporary, or transient residence, including a rural route  
284 address and a post office box, and submit to the taking of a  
285 photograph for use in issuing a driver's license, renewed  
286 license, or identification card, and for use by the department  
287 in maintaining current records of sexual predators. A post  
288 office box shall not be provided in lieu of a physical  
289 residential address. If the sexual predator's place of residence  
290 is a motor vehicle, trailer, mobile home, or manufactured home,  
291 as defined in chapter 320, the sexual predator shall also  
292 provide to the Department of Highway Safety and Motor Vehicles  
293 the vehicle identification number; the license tag number; the  
294 registration number; and a description, including color scheme,  
295 of the motor vehicle, trailer, mobile home, or manufactured  
296 home. If a sexual predator's place of residence is a vessel,  
297 live-aboard vessel, or houseboat, as defined in chapter 327, the  
298 sexual predator shall also provide to the Department of Highway  
299 Safety and Motor Vehicles the hull identification number; the  
300 manufacturer's serial number; the name of the vessel, live-  
301 aboard vessel, or houseboat; the registration number; and a  
302 description, including color scheme, of the vessel, live-aboard  
303 vessel, or houseboat.



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304           2. Pay the costs assessed by the Department of Highway  
305 Safety and Motor Vehicles for issuing or renewing a driver's  
306 license or identification card as required by this section. The  
307 driver's license or identification card issued to the sexual  
308 predator must be in compliance with s. 322.141(3).

309           3. Provide, upon request, any additional information  
310 necessary to confirm the identity of the sexual predator,  
311 including a set of fingerprints.

312           (g)1. Each time a sexual predator's driver's license or  
313 identification card is subject to renewal, and, without regard  
314 to the status of the predator's driver's license or  
315 identification card, within 48 hours after any change of the  
316 predator's residence or change in the predator's name by reason  
317 of marriage or other legal process, the predator shall report in  
318 person to a driver's license office and shall be subject to the  
319 requirements specified in paragraph (f). The Department of  
320 Highway Safety and Motor Vehicles shall forward to the  
321 department and to the Department of Corrections all photographs  
322 and information provided by sexual predators. Notwithstanding  
323 the restrictions set forth in s. 322.142, the Department of  
324 Highway Safety and Motor Vehicles is authorized to release a  
325 reproduction of a color-photograph or digital-image license to  
326 the Department of Law Enforcement for purposes of public  
327 notification of sexual predators as provided in this section.

328           2. A sexual predator who vacates a permanent, temporary, or  
329 transient residence and fails to establish or maintain another  
330 permanent, ~~or~~ temporary, or transient residence shall, within 48  
331 hours after vacating the permanent, temporary, or transient  
332 residence, report in person to the sheriff's office of the



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333 county in which he or she is located. The sexual predator shall  
334 specify the date upon which he or she intends to or did vacate  
335 such residence. The sexual predator must provide or update all  
336 of the registration information required under paragraph (a).  
337 The sexual predator must provide an address for the residence or  
338 other place ~~location~~ that he or she is or will be located  
339 ~~occupying~~ during the time in which he or she fails to establish  
340 or maintain a permanent or temporary residence.

341 3. A sexual predator who remains at a permanent, temporary,  
342 or transient residence after reporting his or her intent to  
343 vacate such residence shall, within 48 hours after the date upon  
344 which the predator indicated he or she would or did vacate such  
345 residence, report in person to the sheriff's office to which he  
346 or she reported pursuant to subparagraph 2. for the purpose of  
347 reporting his or her address at such residence. When the sheriff  
348 receives the report, the sheriff shall promptly convey the  
349 information to the department. An offender who makes a report as  
350 required under subparagraph 2. but fails to make a report as  
351 required under this subparagraph commits a felony of the second  
352 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
353 775.084.

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

361 (i) A sexual predator who intends to establish a permanent,



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362 temporary, or transient residence in another state or  
363 jurisdiction other than the State of Florida shall report in  
364 person to the sheriff of the county of current residence within  
365 48 hours before the date he or she intends to leave this state  
366 to establish residence in another state or jurisdiction. The  
367 sexual predator must provide to the sheriff the address,  
368 municipality, county, and state of intended residence. The  
369 sheriff shall promptly provide to the department the information  
370 received from the sexual predator. The department shall notify  
371 the statewide law enforcement agency, or a comparable agency, in  
372 the intended state or jurisdiction of residence of the sexual  
373 predator's intended residence. The failure of a sexual predator  
374 to provide his or her intended place of residence is punishable  
375 as provided in subsection (10).

376 (j) A sexual predator who indicates his or her intent to  
377 establish a permanent, temporary, or transient residence ~~reside~~  
378 in another state or jurisdiction other than the State of Florida  
379 and later decides to remain in this state shall, within 48 hours  
380 after the date upon which the sexual predator indicated he or  
381 she would leave this state, report in person to the sheriff to  
382 which the sexual predator reported the intended change of  
383 residence, and report his or her intent to remain in this state.  
384 If the sheriff is notified by the sexual predator that he or she  
385 intends to remain in this state, the sheriff shall promptly  
386 report this information to the department. A sexual predator who  
387 reports his or her intent to establish a permanent, temporary,  
388 or transient residence ~~reside~~ in another state or jurisdiction,  
389 but who remains in this state without reporting to the sheriff  
390 in the manner required by this paragraph, commits a felony of



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391 the second degree, punishable as provided in s. 775.082, s.  
392 775.083, or s. 775.084.

393 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

394 (a) Law enforcement agencies must inform members of the  
395 community and the public of a sexual predator's presence. Upon  
396 notification of the presence of a sexual predator, the sheriff  
397 of the county or the chief of police of the municipality where  
398 the sexual predator establishes or maintains a permanent or  
399 temporary residence shall notify members of the community and  
400 the public of the presence of the sexual predator in a manner  
401 deemed appropriate by the sheriff or the chief of police. Within  
402 48 hours after receiving notification of the presence of a  
403 sexual predator, the sheriff of the county or the chief of  
404 police of the municipality where the sexual predator temporarily  
405 or permanently resides shall notify each licensed child care  
406 facility ~~day care center~~, elementary school, middle school, and  
407 high school within a 1-mile radius of the temporary or permanent  
408 residence of the sexual predator of the presence of the sexual  
409 predator. Information provided to members of the community and  
410 the public regarding a sexual predator must include:

- 411 1. The name of the sexual predator;
- 412 2. A description of the sexual predator, including a  
413 photograph;
- 414 3. The sexual predator's current permanent, temporary, and  
415 transient addresses, and descriptions of registered locations  
416 that have no specific street address, including the name of the  
417 county or municipality if known;
- 418 4. The circumstances of the sexual predator's offense or  
419 offenses; and



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420           5. Whether the victim of the sexual predator's offense or  
421 offenses was, at the time of the offense, a minor or an adult.  
422

423           This paragraph does not authorize the release of the name  
424 of any victim of the sexual predator.

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

443           (a) A sexual predator must report in person each year  
444 during the month of the sexual predator's birthday and during  
445 every third month thereafter to the sheriff's office in the  
446 county in which he or she resides or is otherwise located to  
447 reregister. The sheriff's office may determine the appropriate  
448 times and days for reporting by the sexual predator, which shall



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449 be consistent with the reporting requirements of this paragraph.  
450 Reregistration shall include any changes to the following  
451 information:

452 1. Name; social security number; age; race; sex; date of  
453 birth; height; weight; hair and eye color; address of any  
454 permanent residence and address of any current temporary  
455 residence, within the state or out of state, including a rural  
456 route address and a post office box; if no permanent or  
457 temporary address, any transient residence within the state;  
458 address, location or description, and dates of any current or  
459 known future temporary residence within the state or out of  
460 state; any electronic mail address and any instant message name  
461 required to be provided pursuant to subparagraph (6)(g)4.; home  
462 telephone number and any cellular telephone number; date and  
463 place of any employment; vehicle make, model, color, and license  
464 tag number; fingerprints; and photograph. A post office box  
465 shall not be provided in lieu of a physical residential address.

466 2. If the sexual predator is enrolled, employed, or  
467 carrying on a vocation at an institution of higher education in  
468 this state, the sexual predator shall also provide to the  
469 department the name, address, and county of each institution,  
470 including each campus attended, and the sexual predator's  
471 enrollment or employment status.

472 3. If the sexual predator's place of residence is a motor  
473 vehicle, trailer, mobile home, or manufactured home, as defined  
474 in chapter 320, the sexual predator shall also provide the  
475 vehicle identification number; the license tag number; the  
476 registration number; and a description, including color scheme,  
477 of the motor vehicle, trailer, mobile home, or manufactured



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478 home. If the sexual predator's place of residence is a vessel,  
479 live-aboard vessel, or houseboat, as defined in chapter 327, the  
480 sexual predator shall also provide the hull identification  
481 number; the manufacturer's serial number; the name of the  
482 vessel, live-aboard vessel, or houseboat; the registration  
483 number; and a description, including color scheme, of the  
484 vessel, live-aboard vessel, or houseboat.

485 (10) PENALTIES.—

486 (b) A sexual predator who has been convicted of or found to  
487 have committed, or has pled nolo contendere or guilty to,  
488 regardless of adjudication, any violation, or attempted  
489 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
490 the victim is a minor and the defendant is not the victim's  
491 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
492 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.  
493 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a  
494 violation of a similar law of another jurisdiction when the  
495 victim of the offense was a minor, and who works, whether for  
496 compensation or as a volunteer, at any business, school, child  
497 care facility ~~day care center~~, park, playground, or other place  
498 where children regularly congregate, commits a felony of the  
499 third degree, punishable as provided in s. 775.082, s. 775.083,  
500 or s. 775.084.

501 Section 3. Section 794.065, Florida Statutes, is  
502 transferred, renumbered as section 775.215, Florida Statutes,  
503 and amended to read:

504 775.215 ~~794.065~~ Residency restriction ~~Unlawful place of~~  
505 ~~residence~~ for persons convicted of certain sex offenses.—

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



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507       (a) "Child care facility" has the same meaning as provided  
508 in s. 402.302.

509       (b) "Park" means all public and private property  
510 specifically designated as being used for recreational purposes  
511 and where children regularly congregate.

512       (c) "Playground" means a designated independent area in the  
513 community or neighborhood that is designated solely for children  
514 and has one or more play structures.

515       (d) "School" has the same meaning as provided in s. 1003.01  
516 and includes a private school as defined in s. 1002.01, a  
517 voluntary prekindergarten education program as described in s.  
518 1002.53(3), a public school as described in s. 402.3025(1), the  
519 Florida School for the Deaf and the Blind, the Florida Virtual  
520 School as established under s. 1002.37, and a K-8 Virtual School  
521 as established under s. 1002.415, but does not include  
522 facilities dedicated exclusively to the education of adults.

523       (2) (a) ~~(1)~~ A ~~It is unlawful for any person who has been~~  
524 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
525 s. 847.0135(5), or s. 847.0145, regardless of whether  
526 adjudication has been withheld, in which the victim of the  
527 offense was less than 16 years of age, may not ~~to~~ reside within  
528 1,000 feet of any school, child care facility ~~day care center,~~  
529 park, or playground. However, a person does not violate this  
530 subsection and may not be forced to relocate if he or she is  
531 living in a residence that meets the requirements of this  
532 subsection and a school, child care facility, park, or  
533 playground is subsequently established within 1,000 feet of his  
534 or her residence.

535       (b) A person who violates this subsection ~~section~~ and whose



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536 conviction under s. 794.011, s. 800.04, s. 827.071, s.  
537 847.0135(5), or s. 847.0145 was classified as a felony of the  
538 first degree or higher commits a felony of the third degree,  
539 punishable as provided in s. 775.082 or s. 775.083. A person who  
540 violates this subsection ~~section~~ and whose conviction under s.  
541 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145  
542 was classified as a felony of the second or third degree commits  
543 a misdemeanor of the first degree, punishable as provided in s.  
544 775.082 or s. 775.083.

545 (c)(2) This subsection ~~section~~ applies to any person  
546 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
547 s. 847.0135(5), or s. 847.0145 for offenses that occur on or  
548 after October 1, 2004, excluding persons who have been removed  
549 from the requirement to register as a sexual offender or sexual  
550 predator pursuant to s. 943.04354.

551 (3)(a) A person who has been convicted of an offense in  
552 another jurisdiction that is similar to a violation of s.  
553 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,  
554 regardless of whether adjudication has been withheld, in which  
555 the victim of the offense was less than 16 years of age, may not  
556 reside within 1,000 feet of any school, child care facility,  
557 park, or playground. However, a person does not violate this  
558 subsection and may not be forced to relocate if he or she is  
559 living in a residence that meets the requirements of this  
560 subsection and a school, child care facility, park, or  
561 playground is subsequently established within 1,000 feet of his  
562 or her residence.

563 (b) A person who violates this subsection and whose  
564 conviction in another jurisdiction resulted in a penalty that is



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565 substantially similar to a felony of the first degree or higher  
566 commits a felony of the third degree, punishable as provided in  
567 s. 775.082 or s. 775.083. A person who violates this subsection  
568 and whose conviction in another jurisdiction resulted in a  
569 penalty that is substantially similar to a felony of the second  
570 or third degree commits a misdemeanor of the first degree,  
571 punishable as provided in s. 775.082 or s. 775.083.

572 (c) This subsection applies to any person convicted of an  
573 offense in another jurisdiction that is similar to a violation  
574 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
575 847.0145 if such offense occurred on or after the effective date  
576 of this act, excluding persons who have been removed from the  
577 requirement to register as a sexual offender or sexual predator  
578 pursuant to s. 943.04354.

579 Section 4. Paragraph (c) of subsection (1), subsection (2),  
580 paragraphs (a), (b), and (c) of subsection (4), subsections (7),  
581 (8), and (10), and paragraph (c) of subsection (14) of section  
582 943.0435, Florida Statutes, are amended to read:

583 943.0435 Sexual offenders required to register with the  
584 department; penalty.—

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

586 (c) "Permanent residence," ~~and~~ "temporary residence," and  
587 "transient residence" have the same meaning ascribed in s.  
588 775.21.

589 (2) A sexual offender shall:

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

591 1. In the county in which the offender establishes or  
592 maintains a permanent, ~~or~~ temporary, or transient residence  
593 within 48 hours after:



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594 a. Establishing permanent, ~~or~~ temporary, or transient  
595 residence in this state; or  
596 b. Being released from the custody, control, or supervision  
597 of the Department of Corrections or from the custody of a  
598 private correctional facility; or  
599 2. In the county where he or she was convicted within 48  
600 hours after being convicted for a qualifying offense for  
601 registration under this section if the offender is not in the  
602 custody or control of, or under the supervision of, the  
603 Department of Corrections, or is not in the custody of a private  
604 correctional facility.

605  
606 Any change in the information required to be provided pursuant  
607 to paragraph (b), including, but not limited to, any change in  
608 the sexual offender's permanent, ~~or~~ temporary, or transient  
609 residence, name, any electronic mail address and any instant  
610 message name required to be provided pursuant to paragraph  
611 (4) (d), after the sexual offender reports in person at the  
612 sheriff's office, shall be accomplished in the manner provided  
613 in subsections (4), (7), and (8).

614 (b) Provide his or her name;i date of birth;i social  
615 security number;i race;i sex;i height;i weight;i hair and eye  
616 color;i tattoos or other identifying marks;i occupation and  
617 place of employment;i address of permanent or legal residence or  
618 address of any current temporary residence, within the state or  
619 ~~and~~ out of state, including a rural route address and a post  
620 office box;i if no permanent or temporary address, any transient  
621 residence within the state, address, location or description,  
622 and dates of any current or known future temporary residence



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623 within the state or out of state; home telephone number and any  
624 cellular telephone number;7 any electronic mail address and any  
625 instant message name required to be provided pursuant to  
626 paragraph (4) (d);7 date and place of each conviction;7 and a  
627 brief description of the crime or crimes committed by the  
628 offender. A post office box shall not be provided in lieu of a  
629 physical residential address.

630 1. If the sexual offender's place of residence is a motor  
631 vehicle, trailer, mobile home, or manufactured home, as defined  
632 in chapter 320, the sexual offender shall also provide to the  
633 department through the sheriff's office written notice of the  
634 vehicle identification number; the license tag number; the  
635 registration number; and a description, including color scheme,  
636 of the motor vehicle, trailer, mobile home, or manufactured  
637 home. If the sexual offender's place of residence is a vessel,  
638 live-aboard vessel, or houseboat, as defined in chapter 327, the  
639 sexual offender shall also provide to the department written  
640 notice of the hull identification number; the manufacturer's  
641 serial number; the name of the vessel, live-aboard vessel, or  
642 houseboat; the registration number; and a description, including  
643 color scheme, of the vessel, live-aboard vessel, or houseboat.

644 2. If the sexual offender is enrolled, employed, or  
645 carrying on a vocation at an institution of higher education in  
646 this state, the sexual offender shall also provide to the  
647 department through the sheriff's office the name, address, and  
648 county of each institution, including each campus attended, and  
649 the sexual offender's enrollment or employment status. Each  
650 change in enrollment or employment status shall be reported in  
651 person at the sheriff's office, within 48 hours after any change



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652 in status. The sheriff shall promptly notify each institution of  
653 the sexual offender's presence and any change in the sexual  
654 offender's enrollment or employment status.

655  
656 When a sexual offender reports at the sheriff's office, the  
657 sheriff shall take a photograph and a set of fingerprints of the  
658 offender and forward the photographs and fingerprints to the  
659 department, along with the information provided by the sexual  
660 offender. The sheriff shall promptly provide to the department  
661 the information received from the sexual offender.

662 (4) (a) Each time a sexual offender's driver's license or  
663 identification card is subject to renewal, and, without regard  
664 to the status of the offender's driver's license or  
665 identification card, within 48 hours after any change in the  
666 offender's permanent, ~~or~~ temporary, or transient residence or  
667 change in the offender's name by reason of marriage or other  
668 legal process, the offender shall report in person to a driver's  
669 license office, and shall be subject to the requirements  
670 specified in subsection (3). The Department of Highway Safety  
671 and Motor Vehicles shall forward to the department all  
672 photographs and information provided by sexual offenders.  
673 Notwithstanding the restrictions set forth in s. 322.142, the  
674 Department of Highway Safety and Motor Vehicles is authorized to  
675 release a reproduction of a color-photograph or digital-image  
676 license to the Department of Law Enforcement for purposes of  
677 public notification of sexual offenders as provided in this  
678 section and ss. 943.043 and 944.606.

679 (b) A sexual offender who vacates a permanent, temporary,  
680 or transient residence and fails to establish or maintain



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681 another permanent, ~~or~~ temporary, or transient residence shall,  
682 within 48 hours after vacating the permanent, temporary, or  
683 transient residence, report in person to the sheriff's office of  
684 the county in which he or she is located. The sexual offender  
685 shall specify the date upon which he or she intends to or did  
686 vacate such residence. The sexual offender must provide or  
687 update all of the registration information required under  
688 paragraph (2) (b). The sexual offender must provide an address  
689 for the residence or other place ~~location~~ that he or she is or  
690 will be located ~~occupying~~ during the time in which he or she  
691 fails to establish or maintain a permanent or temporary  
692 residence.

693 (c) A sexual offender who remains at a permanent,  
694 temporary, or transient residence after reporting his or her  
695 intent to vacate such residence shall, within 48 hours after the  
696 date upon which the offender indicated he or she would or did  
697 vacate such residence, report in person to the agency to which  
698 he or she reported pursuant to paragraph (b) for the purpose of  
699 reporting his or her address at such residence. When the sheriff  
700 receives the report, the sheriff shall promptly convey the  
701 information to the department. An offender who makes a report as  
702 required under paragraph (b) but fails to make a report as  
703 required under this paragraph commits a felony of the second  
704 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
705 775.084.

706 (7) A sexual offender who intends to establish a permanent,  
707 temporary, or transient residence in another state or  
708 jurisdiction other than the State of Florida shall report in  
709 person to the sheriff of the county of current residence within



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710 48 hours before the date he or she intends to leave this state  
711 to establish residence in another state or jurisdiction. The  
712 notification must include the address, municipality, county, and  
713 state of intended residence. The sheriff shall promptly provide  
714 to the department the information received from the sexual  
715 offender. The department shall notify the statewide law  
716 enforcement agency, or a comparable agency, in the intended  
717 state or jurisdiction of residence of the sexual offender's  
718 intended residence. The failure of a sexual offender to provide  
719 his or her intended place of residence is punishable as provided  
720 in subsection (9).

721 (8) A sexual offender who indicates his or her intent to  
722 establish a permanent, temporary, or transient residence ~~reside~~  
723 in another state or jurisdiction other than the State of Florida  
724 and later decides to remain in this state shall, within 48 hours  
725 after the date upon which the sexual offender indicated he or  
726 she would leave this state, report in person to the sheriff to  
727 which the sexual offender reported the intended change of  
728 permanent, temporary, or transient residence, and report his or  
729 her intent to remain in this state. The sheriff shall promptly  
730 report this information to the department. A sexual offender who  
731 reports his or her intent to establish a permanent, temporary,  
732 or transient residence ~~reside~~ in another state or jurisdiction  
733 but who remains in this state without reporting to the sheriff  
734 in the manner required by this subsection commits a felony of  
735 the second degree, punishable as provided in s. 775.082, s.  
736 775.083, or s. 775.084.

737 (10) The department, the Department of Highway Safety and  
738 Motor Vehicles, the Department of Corrections, the Department of



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739 Juvenile Justice, any law enforcement agency in this state, and  
740 the personnel of those departments; an elected or appointed  
741 official, public employee, or school administrator; or an  
742 employee, agency, or any individual or entity acting at the  
743 request or upon the direction of any law enforcement agency is  
744 immune from civil liability for damages for good faith  
745 compliance with the requirements of this section or for the  
746 release of information under this section, and shall be presumed  
747 to have acted in good faith in compiling, recording, reporting,  
748 or releasing the information. The presumption of good faith is  
749 not overcome if a technical or clerical error is made by the  
750 department, the Department of Highway Safety and Motor Vehicles,  
751 the Department of Corrections, the Department of Juvenile  
752 Justice, the personnel of those departments, or any individual  
753 or entity acting at the request or upon the direction of any of  
754 those departments in compiling or providing information, or if  
755 information is incomplete or incorrect because a sexual offender  
756 fails to report or falsely reports his or her current place of  
757 permanent, ~~or~~ temporary, or transient residence.

758 (14)

759 (c) The sheriff's office may determine the appropriate  
760 times and days for reporting by the sexual offender, which shall  
761 be consistent with the reporting requirements of this  
762 subsection. Reregistration shall include any changes to the  
763 following information:

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



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768 route address and a post office box; if no permanent or  
769 temporary address, any transient residence within the state;  
770 address, location or description, and dates of any current or  
771 known future temporary residence within the state or out of  
772 state; any electronic mail address and any instant message name  
773 required to be provided pursuant to paragraph (4) (d); home  
774 telephone number and any cellular telephone number; date and  
775 place of any employment; vehicle make, model, color, and license  
776 tag number; fingerprints; and photograph. A post office box  
777 shall not be provided in lieu of a physical residential address.

778 2. If the sexual offender is enrolled, employed, or  
779 carrying on a vocation at an institution of higher education in  
780 this state, the sexual offender shall also provide to the  
781 department the name, address, and county of each institution,  
782 including each campus attended, and the sexual offender's  
783 enrollment or employment status.

784 3. If the sexual offender's place of residence is a motor  
785 vehicle, trailer, mobile home, or manufactured home, as defined  
786 in chapter 320, the sexual offender shall also provide the  
787 vehicle identification number; the license tag number; the  
788 registration number; and a description, including color scheme,  
789 of the motor vehicle, trailer, mobile home, or manufactured  
790 home. If the sexual offender's place of residence is a vessel,  
791 live-aboard vessel, or houseboat, as defined in chapter 327, the  
792 sexual offender shall also provide the hull identification  
793 number; the manufacturer's serial number; the name of the  
794 vessel, live-aboard vessel, or houseboat; the registration  
795 number; and a description, including color scheme, of the  
796 vessel, live-aboard vessel or houseboat.



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797           4. Any sexual offender who fails to report in person as  
798 required at the sheriff's office, or who fails to respond to any  
799 address verification correspondence from the department within 3  
800 weeks of the date of the correspondence or who fails to report  
801 electronic mail addresses or instant message names, commits a  
802 felony of the third degree, punishable as provided in s.  
803 775.082, s. 775.083, or s. 775.084.

804           Section 5. Section 943.04352, Florida Statutes, is amended  
805 to read:

806           943.04352 Search of registration information regarding  
807 sexual predators and sexual offenders required when placement on  
808 misdemeanor probation.—When the court places a defendant on  
809 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
810 public or private entity providing probation services must  
811 conduct a search of the probationer's name or other identifying  
812 information against the registration information regarding  
813 sexual predators and sexual offenders maintained by the  
814 Department of Law Enforcement under s. 943.043. The probation  
815 services provider may conduct the search using the Internet site  
816 maintained by the Department of Law Enforcement. Also, a  
817 national search must be conducted through the Dru Sjodin  
818 National Sex Offender Public Website maintained by the United  
819 States Department of Justice.

820           Section 6. Section 943.04354, Florida Statutes, is amended  
821 to read:

822           943.04354 Removal of the requirement to register as a  
823 sexual offender or sexual predator in special circumstances.—

824           (1) For purposes of this section, a person shall be  
825 considered for removal of the requirement to register as a



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826 sexual offender or sexual predator only if the person:

827 (a) Was or will be convicted or adjudicated delinquent of a  
828 violation of s. 794.011, s. 800.04, s. 827.071, or s.  
829 847.0135(5) or the person committed a violation of s. 794.011,  
830 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication  
831 of guilt was or will be withheld, and the person does not have  
832 any other conviction, adjudication of delinquency, or withhold  
833 of adjudication of guilt for a violation of s. 794.011, s.  
834 800.04, s. 827.071, or s. 847.0135(5);

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

837 (c) Is not more than 4 years older than the victim of this  
838 violation who was 14 years of age or older but not more than 17  
839 years of age at the time the person committed this violation.

840 (2) If a person meets the criteria in subsection (1) and  
841 the violation of s. 794.011, s. 800.04, s. 827.071, or s.  
842 847.0135(5) was committed on or after July 1, 2007, the person  
843 may move the court that will sentence or dispose of this  
844 violation to remove the requirement that the person register as  
845 a sexual offender or sexual predator. The person must allege in  
846 the motion that he or she meets the criteria in subsection (1)  
847 and that removal of the registration requirement will not  
848 conflict with federal law. The state attorney must be given  
849 notice of the motion at least 21 days before the date of  
850 sentencing or disposition of this violation and may present  
851 evidence in opposition to the requested relief or may otherwise  
852 demonstrate why the motion should be denied. At sentencing or  
853 disposition of this violation, the court shall rule on this  
854 motion and, if the court determines the person meets the



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855 criteria in subsection (1) and the removal of the registration  
856 requirement will not conflict with federal law, it may grant the  
857 motion and order the removal of the registration requirement. If  
858 the court denies the motion, the person is not authorized under  
859 this section to petition for removal of the registration  
860 requirement.

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

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

865 2. Is subject to registration as a sexual offender or  
866 sexual predator for a violation of s. 794.011, ~~or~~ s. 800.04, or  
867 s. 827.071; and

868 3. Meets the criteria in subsection (1).

869 (b) A person may petition the court in which the sentence  
870 or disposition for the violation of s. 794.011, ~~or~~ s. 800.04, or  
871 s. 827.071 occurred for removal of the requirement to register  
872 as a sexual offender or sexual predator. The person must allege  
873 in the petition that he or she meets the criteria in subsection  
874 (1) and removal of the registration requirement will not  
875 conflict with federal law. The state attorney must be given  
876 notice of the petition at least 21 days before the hearing on  
877 the petition and may present evidence in opposition to the  
878 requested relief or may otherwise demonstrate why the petition  
879 should be denied. The court shall rule on the petition and, if  
880 the court determines the person meets the criteria in subsection  
881 (1) and removal of the registration requirement will not  
882 conflict with federal law, it may grant the petition and order  
883 the removal of the registration requirement. If the court denies



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884 the petition, the person is not authorized under this section to  
885 file any further petition for removal of the registration  
886 requirement.

887 (4) If a person provides to the Department of Law  
888 Enforcement a certified copy of the court's order removing the  
889 requirement that the person register as a sexual offender or  
890 sexual predator for the violation of s. 794.011, s. 800.04, s.  
891 827.071, or s. 847.0135(5), the registration requirement will  
892 not apply to the person and the department shall remove all  
893 information about the person from the public registry of sexual  
894 offenders and sexual predators maintained by the department.  
895 However, the removal of this information from the public  
896 registry does not mean that the public is denied access to  
897 information about the person's criminal history or record that  
898 is otherwise available as a public record.

899 Section 7. Paragraph (a) of subsection (3) of section  
900 944.606, Florida Statutes, is amended to read:

901 944.606 Sexual offenders; notification upon release.-

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

905 1. The department must provide: the sexual offender's name,  
906 any change in the offender's name by reason of marriage or other  
907 legal process, and any alias, if known; the correctional  
908 facility from which the sexual offender is released; the sexual  
909 offender's social security number, race, sex, date of birth,  
910 height, weight, and hair and eye color; address of any planned  
911 permanent residence or temporary residence, within the state or  
912 out of state, including a rural route address and a post office



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913 box; if no permanent or temporary address, any transient  
914 residence within the state; address, location or description,  
915 and dates of any known future temporary residence within the  
916 state or out of state; date and county of sentence and each  
917 crime for which the offender was sentenced; a copy of the  
918 offender's fingerprints and a digitized photograph taken within  
919 60 days before release; the date of release of the sexual  
920 offender; any electronic mail address and any instant message  
921 name required to be provided pursuant to s. 943.0435(4)(d); and  
922 home telephone number and any cellular telephone number; ~~and the~~  
923 ~~offender's intended residence address, if known.~~ The department  
924 shall notify the Department of Law Enforcement if the sexual  
925 offender escapes, absconds, or dies. If the sexual offender is  
926 in the custody of a private correctional facility, the facility  
927 shall take the digitized photograph of the sexual offender  
928 within 60 days before the sexual offender's release and provide  
929 this photograph to the Department of Corrections and also place  
930 it in the sexual offender's file. If the sexual offender is in  
931 the custody of a local jail, the custodian of the local jail  
932 shall register the offender within 3 business days after intake  
933 of the offender for any reason and upon release, and shall  
934 notify the Department of Law Enforcement of the sexual  
935 offender's release and provide to the Department of Law  
936 Enforcement the information specified in this paragraph and any  
937 information specified in subparagraph 2. that the Department of  
938 Law Enforcement requests.

939 2. The department may provide any other information deemed  
940 necessary, including criminal and corrections records,  
941 nonprivileged personnel and treatment records, when available.



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942 Section 8. Subsections (4) and (6) and paragraph (c) of  
943 subsection (13) of section 944.607, Florida Statutes, are  
944 amended to read:

945 944.607 Notification to Department of Law Enforcement of  
946 information on sexual offenders.—

947 (4) A sexual offender, as described in this section, who is  
948 under the supervision of the Department of Corrections but is  
949 not incarcerated must register with the Department of  
950 Corrections within 3 business days after sentencing for a  
951 registrable ~~registerable~~ offense and otherwise provide  
952 information as required by this subsection.

953 (a) The sexual offender shall provide his or her name; date  
954 of birth; social security number; race; sex; height; weight;  
955 hair and eye color; tattoos or other identifying marks; any  
956 electronic mail address and any instant message name required to  
957 be provided pursuant to s. 943.0435(4) (d); ~~and~~ permanent or  
958 legal residence and address of temporary residence within the  
959 state or out of state while the sexual offender is under  
960 supervision in this state, including any rural route address or  
961 post office box; if no permanent or temporary address, any  
962 transient residence within the state; and address, location or  
963 description, and dates of any current or known future temporary  
964 residence within the state or out of state. The Department of  
965 Corrections shall verify the address of each sexual offender in  
966 the manner described in ss. 775.21 and 943.0435. The department  
967 shall report to the Department of Law Enforcement any failure by  
968 a sexual predator or sexual offender to comply with registration  
969 requirements.

970 (b) If the sexual offender is enrolled, employed, or



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971 carrying on a vocation at an institution of higher education in  
972 this state, the sexual offender shall provide the name, address,  
973 and county of each institution, including each campus attended,  
974 and the sexual offender's enrollment or employment status. Each  
975 change in enrollment or employment status shall be reported to  
976 the department within 48 hours after the change in status. The  
977 Department of Corrections shall promptly notify each institution  
978 of the sexual offender's presence and any change in the sexual  
979 offender's enrollment or employment status.

980 (6) The information provided to the Department of Law  
981 Enforcement must include:

982 (a) The information obtained from the sexual offender under  
983 subsection (4);

984 (b) The sexual offender's most current address, ~~and~~ place  
985 of permanent, ~~and~~ temporary, or transient residence within the  
986 state or out of state, and address, location or description, and  
987 dates of any current or known future temporary residence within  
988 the state or out of state, while the sexual offender is under  
989 supervision in this state, including the name of the county or  
990 municipality in which the offender permanently or temporarily  
991 resides, or has a transient residence, and address, location or  
992 description, and dates of any current or known future temporary  
993 residence within the state or out of state, and, if known, the  
994 intended place of permanent, ~~or~~ temporary, or transient  
995 residence, and address, location or description, and dates of  
996 any current or known future temporary residence within the state  
997 or out of state upon satisfaction of all sanctions;

998 (c) The legal status of the sexual offender and the  
999 scheduled termination date of that legal status;



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1000 (d) The location of, and local telephone number for, any  
1001 Department of Corrections' office that is responsible for  
1002 supervising the sexual offender;

1003 (e) An indication of whether the victim of the offense that  
1004 resulted in the offender's status as a sexual offender was a  
1005 minor;

1006 (f) The offense or offenses at conviction which resulted in  
1007 the determination of the offender's status as a sex offender;  
1008 and

1009 (g) A digitized photograph of the sexual offender which  
1010 must have been taken within 60 days before the offender is  
1011 released from the custody of the department or a private  
1012 correctional facility by expiration of sentence under s. 944.275  
1013 or must have been taken by January 1, 1998, or within 60 days  
1014 after the onset of the department's supervision of any sexual  
1015 offender who is on probation, community control, conditional  
1016 release, parole, provisional release, or control release or who  
1017 is supervised by the department under the Interstate Compact  
1018 Agreement for Probationers and Parolees. If the sexual offender  
1019 is in the custody of a private correctional facility, the  
1020 facility shall take a digitized photograph of the sexual  
1021 offender within the time period provided in this paragraph and  
1022 shall provide the photograph to the department.

1023  
1024 If any information provided by the department changes during the  
1025 time the sexual offender is under the department's control,  
1026 custody, or supervision, including any change in the offender's  
1027 name by reason of marriage or other legal process, the  
1028 department shall, in a timely manner, update the information and



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1029 provide it to the Department of Law Enforcement in the manner  
1030 prescribed in subsection (2).

1031 (13)

1032 (c) The sheriff's office may determine the appropriate  
1033 times and days for reporting by the sexual offender, which shall  
1034 be consistent with the reporting requirements of this  
1035 subsection. Reregistration shall include any changes to the  
1036 following information:

1037 1. Name; social security number; age; race; sex; date of  
1038 birth; height; weight; hair and eye color; address of any  
1039 permanent residence and address of any current temporary  
1040 residence, within the state or out of state, including a rural  
1041 route address and a post office box; if no permanent or  
1042 temporary address, any transient residence; address, location or  
1043 description, and dates of any current or known future temporary  
1044 residence within the state or out of state; any electronic mail  
1045 address and any instant message name required to be provided  
1046 pursuant to s. 943.0435(4)(d); date and place of any employment;  
1047 vehicle make, model, color, and license tag number;  
1048 fingerprints; and photograph. A post office box shall not be  
1049 provided in lieu of a physical residential address.

1050 2. If the sexual offender is enrolled, employed, or  
1051 carrying on a vocation at an institution of higher education in  
1052 this state, the sexual offender shall also provide to the  
1053 department the name, address, and county of each institution,  
1054 including each campus attended, and the sexual offender's  
1055 enrollment or employment status.

1056 3. If the sexual offender's place of residence is a motor  
1057 vehicle, trailer, mobile home, or manufactured home, as defined



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1058 in chapter 320, the sexual offender shall also provide the  
1059 vehicle identification number; the license tag number; the  
1060 registration number; and a description, including color scheme,  
1061 of the motor vehicle, trailer, mobile home, or manufactured  
1062 home. If the sexual offender's place of residence is a vessel,  
1063 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1064 sexual offender shall also provide the hull identification  
1065 number; the manufacturer's serial number; the name of the  
1066 vessel, live-aboard vessel, or houseboat; the registration  
1067 number; and a description, including color scheme, of the  
1068 vessel, live-aboard vessel or houseboat.

1069 4. Any sexual offender who fails to report in person as  
1070 required at the sheriff's office, or who fails to respond to any  
1071 address verification correspondence from the department within 3  
1072 weeks of the date of the correspondence, or who fails to report  
1073 electronic mail addresses or instant message names, commits a  
1074 felony of the third degree, punishable as provided in s.  
1075 775.082, s. 775.083, or s. 775.084.

1076 Section 9. Section 947.005, Florida Statutes, is amended to  
1077 read:

1078 947.005 Definitions.—As used in this chapter, unless the  
1079 context clearly indicates otherwise:

1080 (1)~~(8)~~ "Authority" means the Control Release Authority.

1081 (2) "Child care facility" has the same meaning as provided  
1082 in s. 402.302.

1083 (3)~~(1)~~ "Commission" means the Parole Commission.

1084 (4)~~(2)~~ "Department" means the Department of Corrections.

1085 (5) "Effective parole release date" means the actual parole  
1086 release date as determined by the presumptive parole release



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1087 date, satisfactory institutional conduct, and an acceptable  
1088 parole plan.

1089 (6) "Park" has the same meaning as provided in s. 775.215.

1090 (7) "Playground" has the same meaning as provided in s.  
1091 775.215.

1092 (8)~~(4)~~ "Presumptive parole release date" means the  
1093 tentative parole release date as determined by objective parole  
1094 guidelines.

1095 (9)~~(7)~~ "Provisional release date" means the date projected  
1096 for the prisoner's release from custody as determined pursuant  
1097 to s. 944.277.

1098 (10)~~(9)~~ "Qualified practitioner" means a social worker,  
1099 mental health counselor, or a marriage and family therapist  
1100 licensed under chapter 491 who, as determined by rule of the  
1101 respective board, has the coursework, training, qualifications,  
1102 and experience to evaluate and treat sexual offenders; a  
1103 psychiatrist licensed under chapter 458 or chapter 459; ~~or, a~~  
1104 psychologist licensed under chapter 490, ~~or a social worker, a~~  
1105 mental health counselor, or a marriage and family therapist  
1106 licensed under chapter 491 who practices in accordance with his  
1107 or her respective practice act.

1108 (11)~~(10)~~ "Risk assessment" means an assessment completed by  
1109 an independent qualified practitioner to evaluate the level of  
1110 risk associated when a sex offender has contact with a child.

1111 (12)~~(11)~~ "Safety plan" means a written document prepared by  
1112 the qualified practitioner, in collaboration with the sex  
1113 offender, the child's parent or legal guardian, and, when  
1114 appropriate, the child, which establishes clear roles and  
1115 responsibilities for each individual involved in any contact



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1116 between the child and the sex offender.

1117 (13) "School" has the same meaning as provided in s.  
1118 775.215.

1119 (14)~~(3)~~ "Secretary" means the Secretary of Corrections.

1120 (15)~~(6)~~ "Tentative release date" means the date projected  
1121 for the prisoner's release from custody by virtue of gain-time  
1122 granted or forfeited pursuant to s. 944.275(3)(a).

1123 Section 10. Subsection (7) of section 947.1405, Florida  
1124 Statutes, is amended, and subsection (12) is added to that  
1125 section, to read:

1126 947.1405 Conditional release program.—

1127 (7) (a) Any inmate who is convicted of a crime committed on  
1128 or after October 1, 1995, or who has been previously convicted  
1129 of a crime committed on or after October 1, 1995, in violation  
1130 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
1131 847.0145, and is subject to conditional release supervision,  
1132 shall have, in addition to any other conditions imposed, the  
1133 following special conditions imposed by the commission:

1134 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission  
1135 may designate another 8-hour period if the offender's employment  
1136 precludes the above specified time, and such alternative is  
1137 recommended by the Department of Corrections. If the commission  
1138 determines that imposing a curfew would endanger the victim, the  
1139 commission may consider alternative sanctions.

1140 2. If the victim was under the age of 18, a prohibition on  
1141 living within 1,000 feet of a school, child care facility ~~day~~  
1142 ~~care center~~, park, playground, designated public school bus  
1143 stop, or other place where children regularly congregate. A  
1144 releasee who is subject to this subparagraph may not relocate to



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1145 a residence that is within 1,000 feet of a public school bus  
1146 stop. Beginning October 1, 2004, the commission or the  
1147 department may not approve a residence that is located within  
1148 1,000 feet of a school, child care facility ~~day care center,~~  
1149 park, playground, designated school bus stop, or other place  
1150 where children regularly congregate for any releasee who is  
1151 subject to this subparagraph. On October 1, 2004, the department  
1152 shall notify each affected school district of the location of  
1153 the residence of a releasee 30 days prior to release and  
1154 thereafter, if the releasee relocates to a new residence, shall  
1155 notify any affected school district of the residence of the  
1156 releasee within 30 days after relocation. If, on October 1,  
1157 2004, any public school bus stop is located within 1,000 feet of  
1158 the existing residence of such releasee, the district school  
1159 board shall relocate that school bus stop. Beginning October 1,  
1160 2004, a district school board may not establish or relocate a  
1161 public school bus stop within 1,000 feet of the residence of a  
1162 releasee who is subject to this subparagraph. The failure of the  
1163 district school board to comply with this subparagraph shall not  
1164 result in a violation of conditional release supervision. A  
1165 releasee who is subject to this subparagraph may not be forced  
1166 to relocate and does not violate his or her conditional release  
1167 supervision if he or she is living in a residence that meets the  
1168 requirements of this subparagraph and a school, child care  
1169 facility, park, playground, designated public school bus stop,  
1170 or other place where children regularly congregate is  
1171 subsequently established within 1,000 feet of his or her  
1172 residence.

1173 3. Active participation in and successful completion of a



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1174 sex offender treatment program with qualified practitioners  
1175 specifically trained to treat sex offenders, at the releasee's  
1176 own expense. If a qualified practitioner is not available within  
1177 a 50-mile radius of the releasee's residence, the offender shall  
1178 participate in other appropriate therapy.

1179 4. A prohibition on any contact with the victim, directly  
1180 or indirectly, including through a third person, unless approved  
1181 by the victim, a qualified practitioner in the sexual offender  
1182 treatment program ~~the offender's therapist~~, and the sentencing  
1183 court.

1184 5. If the victim was under the age of 18, a prohibition  
1185 against contact with children under the age of 18 without review  
1186 and approval by the commission. The commission may approve  
1187 supervised contact with a child under the age of 18 if the  
1188 approval is based upon a recommendation for contact issued by a  
1189 qualified practitioner who is basing the recommendation on a  
1190 risk assessment. Further, the sex offender must be currently  
1191 enrolled in or have successfully completed a sex offender  
1192 therapy program. The commission may not grant supervised contact  
1193 with a child if the contact is not recommended by a qualified  
1194 practitioner and may deny supervised contact with a child at any  
1195 time. When considering whether to approve supervised contact  
1196 with a child, the commission must review and consider the  
1197 following:

1198 a. A risk assessment completed by a qualified practitioner.  
1199 The qualified practitioner must prepare a written report that  
1200 must include the findings of the assessment and address each of  
1201 the following components:

1202 (I) The sex offender's current legal status;



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- 1203           (II) The sex offender's history of adult charges with  
1204           apparent sexual motivation;
- 1205           (III) The sex offender's history of adult charges without  
1206           apparent sexual motivation;
- 1207           (IV) The sex offender's history of juvenile charges,  
1208           whenever available;
- 1209           (V) The sex offender's offender treatment history,  
1210           including a consultation from the sex offender's treating, or  
1211           most recent treating, therapist;
- 1212           (VI) The sex offender's current mental status;
- 1213           (VII) The sex offender's mental health and substance abuse  
1214           history as provided by the Department of Corrections;
- 1215           (VIII) The sex offender's personal, social, educational,  
1216           and work history;
- 1217           (IX) The results of current psychological testing of the  
1218           sex offender if determined necessary by the qualified  
1219           practitioner;
- 1220           (X) A description of the proposed contact, including the  
1221           location, frequency, duration, and supervisory arrangement;
- 1222           (XI) The child's preference and relative comfort level with  
1223           the proposed contact, when age-appropriate;
- 1224           (XII) The parent's or legal guardian's preference regarding  
1225           the proposed contact; and
- 1226           (XIII) The qualified practitioner's opinion, along with the  
1227           basis for that opinion, as to whether the proposed contact would  
1228           likely pose significant risk of emotional or physical harm to  
1229           the child.

1230  
1231           The written report of the assessment must be given to the



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1232 commission.

1233           b. A recommendation made as a part of the risk-assessment  
1234 report as to whether supervised contact with the child should be  
1235 approved;

1236           c. A written consent signed by the child's parent or legal  
1237 guardian, if the parent or legal guardian is not the sex  
1238 offender, agreeing to the sex offender having supervised contact  
1239 with the child after receiving full disclosure of the sex  
1240 offender's present legal status, past criminal history, and the  
1241 results of the risk assessment. The commission may not approve  
1242 contact with the child if the parent or legal guardian refuses  
1243 to give written consent for supervised contact;

1244           d. A safety plan prepared by the qualified practitioner,  
1245 who provides treatment to the offender, in collaboration with  
1246 the sex offender, the child's parent or legal guardian, and the  
1247 child, when age appropriate, which details the acceptable  
1248 conditions of contact between the sex offender and the child.  
1249 The safety plan must be reviewed and approved by the Department  
1250 of Corrections before being submitted to the commission; and

1251           e. Evidence that the child's parent or legal guardian, if  
1252 the parent or legal guardian is not the sex offender,  
1253 understands the need for and agrees to the safety plan and has  
1254 agreed to provide, or to designate another adult to provide,  
1255 constant supervision any time the child is in contact with the  
1256 offender.

1257  
1258 The commission may not appoint a person to conduct a risk  
1259 assessment and may not accept a risk assessment from a person  
1260 who has not demonstrated to the commission that he or she has



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1261 met the requirements of a qualified practitioner as defined in  
1262 this section.

1263         6. If the victim was under age 18, a prohibition on working  
1264 for pay or as a volunteer at any school, child care facility ~~day~~  
1265 ~~care center~~, park, playground, or other place where children  
1266 regularly congregate, as prescribed by the commission.

1267         7. Unless otherwise indicated in the treatment plan  
1268 provided by a qualified practitioner in the sexual offender  
1269 treatment program, a prohibition on viewing, owning, or  
1270 possessing any obscene, pornographic, or sexually stimulating  
1271 visual or auditory material, including telephone, electronic  
1272 media, computer programs, or computer services that are relevant  
1273 to the offender's deviant behavior pattern.

1274         8. Effective for a releasee whose crime is committed on or  
1275 after July 1, 2005, a prohibition on accessing the Internet or  
1276 other computer services until a qualified practitioner in the  
1277 offender's sex offender treatment program, after a risk  
1278 assessment is completed, approves and implements a safety plan  
1279 for the offender's accessing or using the Internet or other  
1280 computer services.

1281         9. A requirement that the releasee must submit two  
1282 specimens of blood to the ~~Florida~~ Department of Law Enforcement  
1283 to be registered with the DNA database.

1284         10. A requirement that the releasee make restitution to the  
1285 victim, as determined by the sentencing court or the commission,  
1286 for all necessary medical and related professional services  
1287 relating to physical, psychiatric, and psychological care.

1288         11. Submission to a warrantless search by the community  
1289 control or probation officer of the probationer's or community



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1290 controllee's person, residence, or vehicle.

1291 (b) For a releasee whose crime was committed on or after  
1292 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
1293 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
1294 conditional release supervision, in addition to any other  
1295 provision of this subsection, the commission shall impose the  
1296 following additional conditions of conditional release  
1297 supervision:

1298 1. As part of a treatment program, participation in a  
1299 minimum of one annual polygraph examination to obtain  
1300 information necessary for risk management and treatment and to  
1301 reduce the sex offender's denial mechanisms. The polygraph  
1302 examination must be conducted by a polygrapher who is a member  
1303 of a national or state polygraph association and who is  
1304 certified as a postconviction sex offender polygrapher ~~trained~~  
1305 ~~specifically in the use of the polygraph for the monitoring of~~  
1306 ~~sex offenders~~, where available, and at the expense of the  
1307 releasee ~~sex offender~~. The results of the examination shall be  
1308 provided to the releasee's probation officer and qualified  
1309 practitioner and may not be used as evidence in a hearing to  
1310 prove that a violation of supervision has occurred.

1311 2. Maintenance of a driving log and a prohibition against  
1312 driving a motor vehicle alone without the prior approval of the  
1313 supervising officer.

1314 3. A prohibition against obtaining or using a post office  
1315 box without the prior approval of the supervising officer.

1316 4. If there was sexual contact, a submission to, at the  
1317 releasee's ~~probationer's or community controllee's~~ expense, an  
1318 HIV test with the results to be released to the victim or the



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1319 victim's parent or guardian.

1320         5. Electronic monitoring of any form when ordered by the  
1321 commission. Any person who has been placed under supervision and  
1322 is electronically monitored by the department must pay the  
1323 department for the cost of the electronic monitoring service at  
1324 a rate that may not exceed the full cost of the monitoring  
1325 service. Funds collected under this subparagraph shall be  
1326 deposited into the General Revenue Fund. The department may  
1327 exempt a person from the payment of all or any part of the  
1328 electronic monitoring service cost if the department finds that  
1329 any of the factors listed in s. 948.09(3) exist.

1330         (12) In addition to all other conditions imposed, for a  
1331 releasee who is subject to conditional release for a crime that  
1332 was committed on or after the effective date of this act, and  
1333 who has been convicted at any time of committing, or attempting,  
1334 soliciting, or conspiring to commit, any of the criminal  
1335 offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar  
1336 offense in another jurisdiction against a victim who was under  
1337 18 years of age at the time of the offense, if the releasee has  
1338 not received a pardon for any felony or similar law of another  
1339 jurisdiction necessary for the operation of this subsection, if  
1340 a conviction of a felony or similar law of another jurisdiction  
1341 necessary for the operation of this subsection has not been set  
1342 aside in any postconviction proceeding, or if the releasee has  
1343 not been removed from the requirement to register as a sexual  
1344 offender or sexual predator pursuant to s. 943.04354, the  
1345 commission must impose the following conditions:

1346         (a) A prohibition on visiting schools, child care  
1347 facilities, parks, and playgrounds without prior approval from



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1348 the releasee's supervising officer. The commission may also  
1349 designate additional prohibited locations to protect a victim.  
1350 The prohibition ordered under this paragraph does not prohibit  
1351 the releasee from visiting a school, child care facility, park,  
1352 or playground for the sole purpose of attending a religious  
1353 service as defined in s. 775.0861 or picking up or dropping off  
1354 the releasee's child or grandchild at a child care facility or  
1355 school.

1356 (b) A prohibition on distributing candy or other items to  
1357 children on Halloween; wearing a Santa Claus costume, or other  
1358 costume to appeal to children, on or preceding Christmas;  
1359 wearing an Easter Bunny costume, or other costume to appeal to  
1360 children, on or preceding Easter; entertaining at children's  
1361 parties; or wearing a clown costume without prior approval from  
1362 the commission.

1363 Section 11. Section 948.001, Florida Statutes, is amended  
1364 to read:

1365 948.001 Definitions.—As used in this chapter, the term:

1366 (1) "Administrative probation" means a form of noncontact  
1367 supervision in which an offender who presents a low risk of harm  
1368 to the community may, upon satisfactory completion of half the  
1369 term of probation, be transferred by the Department of  
1370 Corrections to nonreporting status until expiration of the term  
1371 of supervision.

1372 (2) "Child care facility" has the same meaning as provided  
1373 in s. 402.302.

1374 (3) ~~(2)~~ "Community control" means a form of intensive,  
1375 supervised custody in the community, including surveillance on  
1376 weekends and holidays, administered by officers with restricted



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1377 caseloads. Community control is an individualized program in  
1378 which the freedom of an offender is restricted within the  
1379 community, home, or noninstitutional residential placement and  
1380 specific sanctions are imposed and enforced.

1381 (4)~~(9)~~ "Community residential drug punishment center" means  
1382 a residential drug punishment center designated by the  
1383 Department of Corrections. The Department of Corrections shall  
1384 adopt rules as necessary to define and operate such a center.

1385 (5)~~(3)~~ "Criminal quarantine community control" means  
1386 intensive supervision, by officers with restricted caseloads,  
1387 with a condition of 24-hour-per-day electronic monitoring, and a  
1388 condition of confinement to a designated residence during  
1389 designated hours.

1390 (6)~~(4)~~ "Drug offender probation" means a form of intensive  
1391 supervision that ~~which~~ emphasizes treatment of drug offenders in  
1392 accordance with individualized treatment plans administered by  
1393 officers with restricted caseloads. Caseloads should be  
1394 restricted to a maximum of 50 cases per officer in order to  
1395 ensure an adequate level of staffing.

1396 (7) "Park" has the same meaning as provided in s. 775.215.

1397 (8) "Playground" has the same meaning as provided in s.  
1398 775.215.

1399 (9)~~(5)~~ "Probation" means a form of community supervision  
1400 requiring specified contacts with parole and probation officers  
1401 and other terms and conditions as provided in s. 948.03.

1402 (10)~~(6)~~ "Qualified practitioner" means a social worker,  
1403 mental health counselor, or a marriage and family therapist  
1404 licensed under chapter 491 who, as determined by rule of the  
1405 respective board, has the coursework, training, qualifications,



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1406 and experience to evaluate and treat sexual offenders; a  
1407 psychiatrist licensed under chapter 458 or chapter 459; or, a  
1408 psychologist licensed under chapter 490, or a social worker, a  
1409 mental health counselor, or a marriage and family therapist  
1410 licensed under chapter 491 who practices in accordance with his  
1411 or her respective practice act.

1412 (11)(7) "Risk assessment" means an assessment completed by  
1413 a an independent qualified practitioner to evaluate the level of  
1414 risk associated when a sex offender has contact with a child.

1415 (12)(8) "Safety plan" means a written document prepared by  
1416 the qualified practitioner, in collaboration with the sex  
1417 offender, the child's parent or legal guardian, and, when  
1418 appropriate, the child which establishes clear roles and  
1419 responsibilities for each individual involved in any contact  
1420 between the child and the sex offender.

1421 (13) "School" has the same meaning as provided in s.  
1422 775.215.

1423 (14)(10) "Sex offender probation" or "sex offender  
1424 community control" means a form of intensive supervision, with  
1425 or without electronic monitoring, which emphasizes treatment and  
1426 supervision of a sex offender in accordance with an  
1427 individualized treatment plan administered by an officer who has  
1428 a restricted caseload and specialized training. An officer who  
1429 supervises an offender placed on sex offender probation or sex  
1430 offender community control must meet as necessary with a  
1431 treatment provider and polygraph examiner to develop and  
1432 implement the supervision and treatment plan, if a treatment  
1433 provider and polygraph examiner specially trained in the  
1434 treatment and monitoring of sex offenders are reasonably



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1435 available.

1436 Section 12. Subsection (1) and paragraph (a) of subsection  
1437 (2) of section 948.30, Florida Statutes, are amended, and  
1438 subsection (4) is added to that section, to read:

1439 948.30 Additional terms and conditions of probation or  
1440 community control for certain sex offenses.—Conditions imposed  
1441 pursuant to this section do not require oral pronouncement at  
1442 the time of sentencing and shall be considered standard  
1443 conditions of probation or community control for offenders  
1444 specified in this section.

1445 (1) Effective for probationers or community controllees  
1446 whose crime was committed on or after October 1, 1995, and who  
1447 are placed under supervision for violation of chapter 794, s.  
1448 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court  
1449 must impose the following conditions in addition to all other  
1450 standard and special conditions imposed:

1451 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may  
1452 designate another 8-hour period if the offender's employment  
1453 precludes the above specified time, and the alternative is  
1454 recommended by the Department of Corrections. If the court  
1455 determines that imposing a curfew would endanger the victim, the  
1456 court may consider alternative sanctions.

1457 (b) If the victim was under the age of 18, a prohibition on  
1458 living within 1,000 feet of a school, child care facility ~~day~~  
1459 ~~care center~~, park, playground, or other place where children  
1460 regularly congregate, as prescribed by the court. The 1,000-foot  
1461 distance shall be measured in a straight line from the  
1462 offender's place of residence to the nearest boundary line of  
1463 the school, child care facility ~~day care center~~, park,



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1464 playground, or other place where children congregate. The  
1465 distance may not be measured by a pedestrian route or automobile  
1466 route. A probationer or community controllee who is subject to  
1467 this paragraph may not be forced to relocate and does not  
1468 violate his or her probation or community control if he or she  
1469 is living in a residence that meets the requirements of this  
1470 paragraph and a school, child care facility, park, playground,  
1471 or other place where children regularly congregate is  
1472 subsequently established within 1,000 feet of his or her  
1473 residence.

1474 (c) Active participation in and successful completion of a  
1475 sex offender treatment program with qualified practitioners  
1476 specifically trained to treat sex offenders, at the  
1477 probationer's or community controllee's own expense. If a  
1478 qualified practitioner is not available within a 50-mile radius  
1479 of the probationer's or community controllee's residence, the  
1480 offender shall participate in other appropriate therapy.

1481 (d) A prohibition on any contact with the victim, directly  
1482 or indirectly, including through a third person, unless approved  
1483 by the victim, a qualified practitioner in the sexual offender  
1484 treatment program ~~the offender's therapist~~, and the sentencing  
1485 court.

1486 (e) If the victim was under the age of 18, a prohibition on  
1487 contact with a child under the age of 18 except as provided in  
1488 this paragraph. The court may approve supervised contact with a  
1489 child under the age of 18 if the approval is based upon a  
1490 recommendation for contact issued by a qualified practitioner  
1491 who is basing the recommendation on a risk assessment. Further,  
1492 the sex offender must be currently enrolled in or have



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1493 successfully completed a sex offender therapy program. The court  
1494 may not grant supervised contact with a child if the contact is  
1495 not recommended by a qualified practitioner and may deny  
1496 supervised contact with a child at any time. When considering  
1497 whether to approve supervised contact with a child, the court  
1498 must review and consider the following:

1499 1. A risk assessment completed by a qualified practitioner.  
1500 The qualified practitioner must prepare a written report that  
1501 must include the findings of the assessment and address each of  
1502 the following components:

1503 a. The sex offender's current legal status;

1504 b. The sex offender's history of adult charges with  
1505 apparent sexual motivation;

1506 c. The sex offender's history of adult charges without  
1507 apparent sexual motivation;

1508 d. The sex offender's history of juvenile charges, whenever  
1509 available;

1510 e. The sex offender's offender treatment history, including  
1511 consultations with the sex offender's treating, or most recent  
1512 treating, therapist;

1513 f. The sex offender's current mental status;

1514 g. The sex offender's mental health and substance abuse  
1515 treatment history as provided by the Department of Corrections;

1516 h. The sex offender's personal, social, educational, and  
1517 work history;

1518 i. The results of current psychological testing of the sex  
1519 offender if determined necessary by the qualified practitioner;

1520 j. A description of the proposed contact, including the  
1521 location, frequency, duration, and supervisory arrangement;



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1522 k. The child's preference and relative comfort level with  
1523 the proposed contact, when age appropriate;

1524 1. The parent's or legal guardian's preference regarding  
1525 the proposed contact; and

1526 m. The qualified practitioner's opinion, along with the  
1527 basis for that opinion, as to whether the proposed contact would  
1528 likely pose significant risk of emotional or physical harm to  
1529 the child.

1530  
1531 The written report of the assessment must be given to the court;

1532 2. A recommendation made as a part of the risk assessment  
1533 report as to whether supervised contact with the child should be  
1534 approved;

1535 3. A written consent signed by the child's parent or legal  
1536 guardian, if the parent or legal guardian is not the sex  
1537 offender, agreeing to the sex offender having supervised contact  
1538 with the child after receiving full disclosure of the sex  
1539 offender's present legal status, past criminal history, and the  
1540 results of the risk assessment. The court may not approve  
1541 contact with the child if the parent or legal guardian refuses  
1542 to give written consent for supervised contact;

1543 4. A safety plan prepared by the qualified practitioner,  
1544 who provides treatment to the offender, in collaboration with  
1545 the sex offender, the child's parent or legal guardian, if the  
1546 parent or legal guardian is not the sex offender, and the child,  
1547 when age appropriate, which details the acceptable conditions of  
1548 contact between the sex offender and the child. The safety plan  
1549 must be reviewed and approved by the court; and

1550 5. Evidence that the child's parent or legal guardian



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1551 understands the need for and agrees to the safety plan and has  
1552 agreed to provide, or to designate another adult to provide,  
1553 constant supervision any time the child is in contact with the  
1554 offender.

1555

1556 The court may not appoint a person to conduct a risk assessment  
1557 and may not accept a risk assessment from a person who has not  
1558 demonstrated to the court that he or she has met the  
1559 requirements of a qualified practitioner as defined in this  
1560 section.

1561 (f) If the victim was under age 18, a prohibition on  
1562 working for pay or as a volunteer at any place where children  
1563 regularly congregate, including, but not limited to, schools,  
1564 child care facilities ~~day care centers~~, parks, playgrounds, pet  
1565 stores, libraries, zoos, theme parks, and malls.

1566 (g) Unless otherwise indicated in the treatment plan  
1567 provided by a qualified practitioner in the sexual offender  
1568 treatment program, a prohibition on viewing, accessing, owning,  
1569 or possessing any obscene, pornographic, or sexually stimulating  
1570 visual or auditory material, including telephone, electronic  
1571 media, computer programs, or computer services that are relevant  
1572 to the offender's deviant behavior pattern.

1573 (h) Effective for probationers and community controllees  
1574 whose crime is committed on or after July 1, 2005, a prohibition  
1575 on accessing the Internet or other computer services until a  
1576 qualified practitioner in the offender's sex offender treatment  
1577 program, after a risk assessment is completed, approves and  
1578 implements a safety plan for the offender's accessing or using  
1579 the Internet or other computer services.



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1580 (i) A requirement that the probationer or community  
1581 controllee must submit a specimen of blood or other approved  
1582 biological specimen to the Department of Law Enforcement to be  
1583 registered with the DNA data bank.

1584 (j) A requirement that the probationer or community  
1585 controllee make restitution to the victim, as ordered by the  
1586 court under s. 775.089, for all necessary medical and related  
1587 professional services relating to physical, psychiatric, and  
1588 psychological care.

1589 (k) Submission to a warrantless search by the community  
1590 control or probation officer of the probationer's or community  
1591 controllee's person, residence, or vehicle.

1592 (2) Effective for a probationer or community controllee  
1593 whose crime was committed on or after October 1, 1997, and who  
1594 is placed on community control or sex offender probation for a  
1595 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
1596 or s. 847.0145, in addition to any other provision of this  
1597 section, the court must impose the following conditions of  
1598 probation or community control:

1599 (a) As part of a treatment program, participation at least  
1600 annually in polygraph examinations to obtain information  
1601 necessary for risk management and treatment and to reduce the  
1602 sex offender's denial mechanisms. A polygraph examination must  
1603 be conducted by a polygrapher who is a member of a national or  
1604 state polygraph association and who is certified as a  
1605 postconviction sex offender polygrapher ~~trained specifically in~~  
1606 ~~the use of the polygraph for the monitoring of sex offenders,~~  
1607 where available, and shall be paid for by the probationer or  
1608 community controllee ~~sex offender~~. The results of the polygraph



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1609 examination shall be provided to the probationer's or community  
1610 controllee's probation officer and qualified practitioner and  
1611 shall not be used as evidence in court to prove that a violation  
1612 of community supervision has occurred.

1613 (4) In addition to all other conditions imposed, for a  
1614 probationer or community controllee who is subject to  
1615 supervision for a crime that was committed on or after the  
1616 effective date of this act, and who has been convicted at any  
1617 time of committing, or attempting, soliciting, or conspiring to  
1618 commit, any of the criminal offenses listed in s.  
1619 943.0435(1)(a)1.a.(I), or a similar offense in another  
1620 jurisdiction, against a victim who was under the age of 18 at  
1621 the time of the offense; if the offender has not received a  
1622 pardon for any felony or similar law of another jurisdiction  
1623 necessary for the operation of this subsection, if a conviction  
1624 of a felony or similar law of another jurisdiction necessary for  
1625 the operation of this subsection has not been set aside in any  
1626 postconviction proceeding, or if the offender has not been  
1627 removed from the requirement to register as a sexual offender or  
1628 sexual predator pursuant to s. 943.04354, the court must impose  
1629 the following conditions:

1630 (a) A prohibition on visiting schools, child care  
1631 facilities, parks, and playgrounds, without prior approval from  
1632 the offender's supervising officer. The court may also designate  
1633 additional locations to protect a victim. The prohibition  
1634 ordered under this paragraph does not prohibit the offender from  
1635 visiting a school, child care facility, park, or playground for  
1636 the sole purpose of attending a religious service as defined in  
1637 s. 775.0861 or picking up or dropping off the offender's



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1638 children or grandchildren at a child care facility or school.

1639 (b) A prohibition on distributing candy or other items to  
1640 children on Halloween; wearing a Santa Claus costume, or other  
1641 costume to appeal to children, on or preceding Christmas;  
1642 wearing an Easter Bunny costume, or other costume to appeal to  
1643 children, on or preceding Easter; entertaining at children's  
1644 parties; or wearing a clown costume; without prior approval from  
1645 the court.

1646 Section 13. Section 948.31, Florida Statutes, is amended to  
1647 read:

1648 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual  
1649 predators and offenders placed on probation or community control  
1650 ~~for certain sex offenses or child exploitation.~~ The court shall  
1651 require an a diagnosis and evaluation by a qualified  
1652 practitioner to determine the need of a probationer or community  
1653 controlee offender in community control for treatment. If the  
1654 court determines that a need therefor is established by the such  
1655 ~~diagnosis and~~ evaluation process, the court shall require sexual  
1656 offender treatment outpatient counseling as a term or condition  
1657 of probation or community control for any person who is required  
1658 to register as a sexual predator under s. 775.21 or sexual  
1659 offender under s. 943.0435, s. 944.606, or s. 944.607. was found  
1660 guilty of any of the following, or whose plea of guilty or nolo  
1661 contendere to any of the following was accepted by the court:

1662 (1) ~~Lewd or lascivious battery, lewd or lascivious~~  
1663 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1664 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1665 (2) ~~Sexual battery, as defined in chapter 794, against a~~  
1666 ~~child.~~



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1667           ~~(3) Exploitation of a child as provided in s. 450.151, or~~  
1668 ~~for prostitution.~~

1669  
1670 Such treatment ~~counseling~~ shall be required to be obtained from  
1671 a qualified practitioner as defined in s. 948.001. Treatment may  
1672 not be administered by a qualified practitioner who has been  
1673 convicted or adjudicated delinquent of committing, or  
1674 attempting, soliciting, or conspiring to commit, any offense  
1675 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall  
1676 impose a restriction against contact with minors if sexual  
1677 offender treatment is recommended ~~a community mental health~~  
1678 ~~center, a recognized social service agency providing mental~~  
1679 ~~health services, or a private mental health professional or~~  
1680 ~~through other professional counseling. The~~ evaluation and  
1681 recommendations ~~plan for treatment of counseling for the~~  
1682 probationer or community controllee individual shall be provided  
1683 to the court for review.

1684           Section 14. Paragraph (a) of subsection (3) of section  
1685 985.481, Florida Statutes, is amended to read:

1686           985.481 Sexual offenders adjudicated delinquent;  
1687 notification upon release.-

1688           (3) (a) The department must provide information regarding  
1689 any sexual offender who is being released after serving a period  
1690 of residential commitment under the department for any offense,  
1691 as follows:

1692           1. The department must provide the sexual offender's name,  
1693 any change in the offender's name by reason of marriage or other  
1694 legal process, and any alias, if known; the correctional  
1695 facility from which the sexual offender is released; the sexual



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1696 offender's social security number, race, sex, date of birth,  
1697 height, weight, and hair and eye color; address of any planned  
1698 permanent residence or temporary residence, within the state or  
1699 out of state, including a rural route address and a post office  
1700 box; if no permanent or temporary address, any transient  
1701 residence within the state; address, location or description,  
1702 and dates of any known future temporary residence within the  
1703 state or out of state; date and county of disposition and each  
1704 crime for which there was a disposition; a copy of the  
1705 offender's fingerprints and a digitized photograph taken within  
1706 60 days before release; the date of release of the sexual  
1707 offender; and home telephone number and any cellular telephone  
1708 number; ~~and the offender's intended residence address, if known.~~  
1709 The department shall notify the Department of Law Enforcement if  
1710 the sexual offender escapes, absconds, or dies. If the sexual  
1711 offender is in the custody of a private correctional facility,  
1712 the facility shall take the digitized photograph of the sexual  
1713 offender within 60 days before the sexual offender's release and  
1714 also place it in the sexual offender's file. If the sexual  
1715 offender is in the custody of a local jail, the custodian of the  
1716 local jail shall register the offender within 3 business days  
1717 after intake of the offender for any reason and upon release,  
1718 and shall notify the Department of Law Enforcement of the sexual  
1719 offender's release and provide to the Department of Law  
1720 Enforcement the information specified in this subparagraph and  
1721 any information specified in subparagraph 2. which the  
1722 Department of Law Enforcement requests.

1723 2. The department may provide any other information  
1724 considered necessary, including criminal and delinquency



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1725 records, when available.

1726 Section 15. Paragraph (a) of subsection (4), paragraph (a)  
1727 of subsection (6), and paragraph (b) of subsection (13) of  
1728 section 985.4815, Florida Statutes, are amended to read:

1729 985.4815 Notification to Department of Law Enforcement of  
1730 information on juvenile sexual offenders.-

1731 (4) A sexual offender, as described in this section, who is  
1732 under the supervision of the department but who is not committed  
1733 must register with the department within 3 business days after  
1734 adjudication and disposition for a registrable offense and  
1735 otherwise provide information as required by this subsection.

1736 (a) The sexual offender shall provide his or her name; date  
1737 of birth; social security number; race; sex; height; weight;  
1738 hair and eye color; tattoos or other identifying marks; ~~and~~  
1739 permanent or legal residence and address of temporary residence  
1740 within the state or out of state while the sexual offender is in  
1741 the care or custody or under the jurisdiction or supervision of  
1742 the department in this state, including any rural route address  
1743 or post office box; if no permanent or temporary address, any  
1744 transient residence; address, location or description, and dates  
1745 of any current or known future temporary residence within the  
1746 state or out of state;<sup>7</sup> and the name and address of each school  
1747 attended. The department shall verify the address of each sexual  
1748 offender and shall report to the Department of Law Enforcement  
1749 any failure by a sexual offender to comply with registration  
1750 requirements.

1751 (6) (a) The information provided to the Department of Law  
1752 Enforcement must include the following:

1753 1. The information obtained from the sexual offender under



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1754 subsection (4).

1755         2. The sexual offender's most current address and place of  
1756 permanent, ~~or~~ temporary, or transient residence within the state  
1757 or out of state, and address, location or description, and dates  
1758 of any current or known future temporary residence within the  
1759 state or out of state, while the sexual offender is in the care  
1760 or custody or under the jurisdiction or supervision of the  
1761 department in this state, including the name of the county or  
1762 municipality in which the offender permanently or temporarily  
1763 resides, or has a transient residence, and address, location or  
1764 description, and dates of any current or known future temporary  
1765 residence within the state or out of state; and, if known, the  
1766 intended place of permanent, ~~or~~ temporary, or transient  
1767 residence, and address, location or description, and dates of  
1768 any current or known future temporary residence within the state  
1769 or out of state upon satisfaction of all sanctions.

1770         3. The legal status of the sexual offender and the  
1771 scheduled termination date of that legal status.

1772         4. The location of, and local telephone number for, any  
1773 department office that is responsible for supervising the sexual  
1774 offender.

1775         5. An indication of whether the victim of the offense that  
1776 resulted in the offender's status as a sexual offender was a  
1777 minor.

1778         6. The offense or offenses at adjudication and disposition  
1779 that resulted in the determination of the offender's status as a  
1780 sex offender.

1781         7. A digitized photograph of the sexual offender, which  
1782 must have been taken within 60 days before the offender was



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1783 released from the custody of the department or a private  
1784 correctional facility by expiration of sentence under s.  
1785 944.275, or within 60 days after the onset of the department's  
1786 supervision of any sexual offender who is on probation,  
1787 postcommitment probation, residential commitment, nonresidential  
1788 commitment, licensed child-caring commitment, community control,  
1789 conditional release, parole, provisional release, or control  
1790 release or who is supervised by the department under the  
1791 Interstate Compact Agreement for Probationers and Parolees. If  
1792 the sexual offender is in the custody of a private correctional  
1793 facility, the facility shall take a digitized photograph of the  
1794 sexual offender within the time period provided in this  
1795 subparagraph and shall provide the photograph to the department.

1796 (13)

1797 (b) The sheriff's office may determine the appropriate  
1798 times and days for reporting by the sexual offender, which shall  
1799 be consistent with the reporting requirements of this  
1800 subsection. Reregistration shall include any changes to the  
1801 following information:

1802 1. Name; social security number; age; race; sex; date of  
1803 birth; height; weight; hair and eye color; address of any  
1804 permanent residence and address of any current temporary  
1805 residence, within the state or out of state, including a rural  
1806 route address and a post office box; if no permanent or  
1807 temporary address, any transient residence; address, location or  
1808 description, and dates of any current or known future temporary  
1809 residence within the state or out of state; name and address of  
1810 each school attended; date and place of any employment; vehicle  
1811 make, model, color, and license tag number; fingerprints; and



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1812 photograph. A post office box shall not be provided in lieu of a  
1813 physical residential address.

1814 2. If the sexual offender is enrolled, employed, or  
1815 carrying on a vocation at an institution of higher education in  
1816 this state, the sexual offender shall also provide to the  
1817 department the name, address, and county of each institution,  
1818 including each campus attended, and the sexual offender's  
1819 enrollment or employment status.

1820 3. If the sexual offender's place of residence is a motor  
1821 vehicle, trailer, mobile home, or manufactured home, as defined  
1822 in chapter 320, the sexual offender shall also provide the  
1823 vehicle identification number; the license tag number; the  
1824 registration number; and a description, including color scheme,  
1825 of the motor vehicle, trailer, mobile home, or manufactured  
1826 home. If the sexual offender's place of residence is a vessel,  
1827 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1828 sexual offender shall also provide the hull identification  
1829 number; the manufacturer's serial number; the name of the  
1830 vessel, live-aboard vessel, or houseboat; the registration  
1831 number; and a description, including color scheme, of the  
1832 vessel, live-aboard vessel, or houseboat.

1833 4. Any sexual offender who fails to report in person as  
1834 required at the sheriff's office, or who fails to respond to any  
1835 address verification correspondence from the department within 3  
1836 weeks after the date of the correspondence, commits a felony of  
1837 the third degree, punishable as provided in ss. 775.082,  
1838 775.083, and 775.084.

1839 Section 16. The Legislature intends that nothing in this  
1840 act reduce or diminish a court's jurisdiction.



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1841           Section 17. If any provision of this act or its application  
1842 to any person or circumstance is held invalid, the invalidity  
1843 does not affect other provisions or applications of this act  
1844 which can be given effect without the invalid provision or  
1845 application, and to this end the provisions of this act are  
1846 declared severable.

1847           Section 18. The Division of Statutory Revision is directed  
1848 to replace the phrase "the effective date of this act" wherever  
1849 it occurs in this act with the date this act becomes a law.

1850           Section 19. This act shall take effect upon becoming a law.  
1851

1852 ===== T I T L E   A M E N D M E N T =====

1853 And the title is amended as follows:

1854           Delete everything before the enacting clause  
1855 and insert:

1856                                   A bill to be entitled  
1857           An act relating to sexual offenders and predators;  
1858           creating s. 856.022, F.S.; prohibiting loitering or  
1859           prowling by certain offenders within a specified  
1860           distance of places where children were congregating;  
1861           prohibiting certain actions toward a child at a public  
1862           park or playground by certain offenders; prohibiting  
1863           the presence of certain offenders at or on real  
1864           property comprising a child care facility or  
1865           prekindergarten through grade 12 school without notice  
1866           and supervision; providing exceptions; providing  
1867           penalties; amending s. 775.21, F.S.; revising and  
1868           providing definitions; conforming terminology to  
1869           changes made by the act; revising provisions relating



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1870 to residence reporting requirements for sexual  
1871 predators; transferring, renumbering, and amending s.  
1872 794.065, F.S.; providing definitions; substituting the  
1873 term "child care facility" for the term "day care  
1874 center"; providing that the section does not apply to  
1875 a person living in an approved residence before the  
1876 establishment of a school, child care facility, park,  
1877 or playground within 1,000 feet of the residence;  
1878 including offenses in other jurisdictions that are  
1879 similar to the offenses listed for purposes of  
1880 providing residency restrictions for persons convicted  
1881 of certain sex offenses, applicable to offenses  
1882 committed on or after a specified date; providing that  
1883 the section does not apply to persons who were removed  
1884 from the requirement to register as a sexual offender  
1885 or sexual predator under a specified provision;  
1886 amending s. 943.0435, F.S.; revising provisions  
1887 relating to residence reporting requirements for  
1888 sexual offenders; amending s. 943.04352, F.S.;;  
1889 requiring that the probation services provider search  
1890 in an additional specified sex offender registry for  
1891 information regarding sexual predators and sexual  
1892 offenders when an offender is placed on misdemeanor  
1893 probation; amending s. 943.04354, F.S.; allowing the  
1894 removal of the requirement to register as a sexual  
1895 offender or sexual predator for a violation involving  
1896 sexual performance by a child in special  
1897 circumstances; amending s. 944.606, F.S.; revising  
1898 address reporting requirements for sexual offenders;



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1899 amending s. 944.607, F.S.; requiring additional  
1900 registration information from sex offenders who are  
1901 under the supervision of the Department of Corrections  
1902 but who are not incarcerated; amending s. 947.005,  
1903 F.S.; providing additional definitions; amending s.  
1904 947.1405, F.S.; conforming terminology to changes made  
1905 by the act; providing that a releasee living in an  
1906 approved residence before the establishment of a  
1907 school, child care facility, park, or playground  
1908 within 1,000 feet of the residence may not be forced  
1909 to relocate and does not violate his or her  
1910 conditional release supervision; revising provisions  
1911 relating to polygraph examinations of specified  
1912 conditional releasees who have committed specified  
1913 sexual offenses; providing additional restrictions for  
1914 certain conditional releasees who have committed  
1915 specified sexual offenses against minors or have  
1916 similar convictions in another jurisdiction; amending  
1917 s. 948.001, F.S.; revising and providing definitions;  
1918 amending s. 948.30, F.S.; conforming terminology to  
1919 changes made by the act; providing that a probationer  
1920 or community controllee living in an approved  
1921 residence before the establishment of a school, child  
1922 care facility, park, or playground within 1,000 feet  
1923 of the residence may not be forced to relocate and  
1924 does not violate his or her probation or community  
1925 control; revising provisions relating to polygraph  
1926 examinations of specified probationers or community  
1927 controllees who have committed specified sexual



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1928 offenses; providing additional restrictions for  
1929 certain probationers or community controllees who  
1930 committed specified sexual offenses against minors or  
1931 who have similar convictions in another jurisdiction;  
1932 amending s. 948.31, F.S.; deleting a requirement for  
1933 diagnosis of certain sexual predators and sexual  
1934 offenders on community control; revising provisions  
1935 relating to treatment for such offenders and  
1936 predators; amending s. 985.481, F.S.; providing  
1937 additional address reporting requirements for sexual  
1938 offenders adjudicated delinquent; amending s.  
1939 985.4815, F.S.; revising provisions relating to  
1940 address and residence reporting requirements for  
1941 sexual offenders adjudicated delinquent; providing  
1942 legislative intent; providing severability; providing  
1943 a directive to the Division of Statutory Revision;  
1944 providing an effective date.