

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 8, 1998 Revised: _____

Subject: Sexual Predators Act

| | <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|----|-----------------|-----------------------|------------------|---------------------|
| 1. | <u>Erickson</u> | <u>Miller</u> | <u>CJ</u> | <u>Favorable/CS</u> |
| 2. | _____ | _____ | <u>WM</u> | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

The CS for SB 1992 is intended to conform Florida’s laws relating to registration of sexual predators and sexual offenders with federal standards to preserve all of the federal Byrne formula funding the state receives; correct deficiencies in the current sexual predator and sexual offender registration system and the reporting of public records information relating to these offenders; provide for the sharing of criminal history information for the purpose of child protective investigations; enhance collection of DNA samples from criminal offenders; and prohibit offenders convicted of certain offenses, primarily sex offenses, from being placed on administrative probation; providing that certain probation and community control conditions relating to specified sex offenders are standard conditions that do not require oral pronouncement at sentencing.

This CS substantially amends or creates the following sections of the Florida Statutes: 415.5018, 775.13, 775.21, 775.24, 775.25, 943.043, 943.0435, 943.325, 944.605, 944.606, 944.607, 947.177, 948.01, and 948.03.

II. Present Situation:

Florida’s laws relating to registration of sexual predators and sexual offenders and the release to the public of information regarding these offenders have undergone significant changes over the last decade. Much of that change has been the result of a shift in state policy from simply using sexual predator registration as a law enforcement tool to track sexual predators. This policy shift has also been the result of federal laws, such as the Jacob Wetterling Act and the federal Megan’s Law, which condition each state’s receipt of its portion of federal Byrne grant formula funding upon the state’s compliance with the federal standards.

The release of information regarding sexual predators, prohibited in the original Sexual Predator Act, is now encouraged with agencies given the authority to determine the means of conveying this public records information, including the Internet. This expanded informational capacity has not been limited to keeping track of sexual predators and sexual offenders. For example, criminal information can be shared with agencies that are required to investigate reports of child abuse or neglect. Further, the information collection techniques are increasingly more sophisticated with the development of DNA analysis. Consistent with these public safety measures, the Legislature has also developed sophisticated measures to monitor sexual offenders on probation, and has placed limitations on these offenders such as prohibiting them from working at places where children regularly congregate.

A. Florida's Laws Relating to Sexual Predator and Sexual Offender Registration

In 1996, the Florida Legislature enacted into law the most expansive changes to Florida's sexual predator and sexual offender laws in the history of these laws. See ch. 97-209, L.O.F. SB 958 by Senator Burt; the "Public Safety Information Act"). Florida's Sexual Predator Act, s. 775.21, F.S., provides that an offender shall be designated as a "sexual predator" for certain statutorily designated sex offenses such as capital, life, or first degree felony sexual batteries. The court sentencing the offender for the sex offense makes the designation subject to statutory procedures for making a written finding. The designated sexual predator, if not under the custody, control, or supervision of the Department of Corrections (DOC), is required to initially register at an office of the Florida Department of Law Enforcement (FDLE) or at the sheriff's office in the county in which the predator resides, within 48 hours after establishing permanent or temporary residence and provide certain information, such as address and conviction, and be fingerprinted. If the sexual predator initially registers with the sheriff's office, the sheriff is required to take a photograph and fingerprints and forward them to the FDLE with the information the predator is required to provide. If the sexual predator is in the custody, control or supervision of the DOC, the predator must register with the DOC. Private correctional facilities are also governed by these requirements. The sexual predator is not required to register as a convicted felon under s. 775.13, F.S.

Subsequent to this initial registration, the sexual predator is required to register in person at a Florida driver's license facility within 48 hours after any change in the predator's permanent or temporary residence. At the driver's license facility, the sexual predator is required, if qualified, to secure a Florida driver's license or license renewal, or in lieu of that, secure a Florida identification card. The sexual predator is required to identify himself or herself as a sexual predator who is required to comply with s. 775.21, F.S., provide his or her permanent or temporary residence, and submit to the taking of a digitized photograph for use in issuing a driver's license, license renewal, or ID card, and for the FDLE's use in maintaining current sexual predator records.

The sexual predator is required to pay the costs assessed by the Department of Highway Safety and Motor Vehicles (DHSMV) for issuance, renewal, or reissuance of the driver's license or ID card. Upon request, the sexual predator is required to provide additional information to confirm

the predator's identity, including a set of fingerprints. If the driver's license or ID card is subject to renewal, the predator is required to report in person to the driver's license facility, even if the predator's residence has not changed, and shall be subject to the same requirements as previously stated. The DHSMV is required to forward all photographs and information provided to the FDLE and the DOC.

The FDLE is required to maintain hotline access for local, state, and federal law enforcement agencies to obtain instantaneous locator files and offender characteristics information on all registered sexual predators for the purpose of monitoring, tracking, and prosecuting these predators.

The FDLE is required to notify the public of all designated sexual predators through the Internet, and a sheriff or police chief, when informed that a sexual predator resides in the county or municipality, is required to notify the community and public of the sexual predator's presence in a manner they deem appropriate. This notification is also consistent with s. 943.043, F.S., which provides specific statutory authorization for any state or local law enforcement agency to release to the public any criminal history information and other information regarding a criminal offender, including public notification of this information, unless the information is confidential and exempt from public disclosure. However, this section does not contravene s. 943.053, F.S., relating to the method by which a copy of an offender's public Florida criminal history information report ("rap sheet") is obtained. Under s. 943.053, F.S., criminal justice information derived from federal criminal justice information systems or criminal justice information systems of other states shall not be disseminated in a manner inconsistent with the laws, regulations, or rules of the originating agency.

A designated sexual predator must maintain registration with the FDLE for the duration of the offender's life, unless the predator's civil rights are restored, a full pardon has been granted for the qualifying conviction, the conviction has been set aside, or the offender's petition to have his designation removed is granted. A petition may be filed by the sexual predator who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years, and has not been arrested for any felony or misdemeanor offense since release.

Section 943.046, F.S., requires the FDLE to provide a toll-free number for public access to public information regarding sex offenders. The FDLE and its personnel are provided with immunity from civil liability for damages for good-faith compliance with this section.

Section 943.0435, F.S., requires a "sex offender," which is a person who has been convicted of one or more designated sex offenses who was released on or after October 1, 1997, from the sanction imposed for the offense or offenses, to report and register in a manner similar to the registration of sexual predators under s. 775.21, F.S. This section does not apply to sexual predators. A sex offender who does not comply with the requirements of the new section commits a third degree felony.

The FDLE, the DHSMV, the DOC, and the personnel of those departments are immune from civil liability for damages for good-faith compliance with this section.

Section 944.607, F.S., requires the DOC to report to the FDLE certain information regarding sex offenders who are in the custody, control or supervision of the DOC or a private correctional facility on or after October 1, 1997. The qualifying offenses are the same as those offenses which would qualify a releasee as a sex offender.

A digitized photograph of the sex offender must be taken within 60 days before the sex offender's release from the custody of the DOC or a private correctional facility, or by October 1, 1997, by expiration of sentence, or within 60 days after the onset of DOC's supervision of the sex offender. If the information changes, the DOC must provide the FDLE with the updated information. The DOC takes the digitized photograph if the offender is in the custody of the DOC; the private correctional facility takes the photograph if the offender is in its custody.

The DOC is required to make the information electronically available to the FDLE as soon as this information is in its database and in a format compatible with the requirements of the Florida Crime Information Center.

The DOC and its personnel are provided with immunity from civil liability for damages for good-faith compliance with this section.

B. Florida's Laws Relating to Notification of Inmate Release

Sections 944.605 and 947.177, F.S., provide that within 6 months prior to the anticipated release of an inmate from the custody of the DOC or a private correctional facility, or as soon as possible if an inmate is released earlier than anticipated, the notification of the anticipated released date shall be made known by the appropriate agency to the chief judge of the circuit in which the offender was sentenced, the appropriate state attorney, the original arresting law enforcement agency, the FDLE, and the sheriff of the county where the inmate plans to reside, and the victim or the victim's representative. The Parole Commission, the Control Release Authority, or the DOC may be the appropriate agency depending on the type of release.

Within 60 days before the anticipated release of the inmate, a digitized photograph of the inmate must be taken by the DOC or a private correctional facility, whichever has custody of the inmate, and be placed in the inmate's file and be made available electronically to the FDLE.

If an inmate is to be released after having served one or more sentences for a conviction of robbery, sexual battery, home-invasion robbery, or carjacking, or the inmate being released has a prior conviction for any of these offenses, the appropriate releasing agency shall, within 6 months prior to the discharge of the inmate, release to the sheriff of the county and, if appropriate, the police chief of the municipality where the inmate plans to reside, certain information regarding the inmate which includes the inmate's fingerprints and a digitized photograph.

C. Florida's Laws Relating to Sexual Offender Information

Section 944.606, F.S., requires that the DOC provide, within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if the offender is released earlier than anticipated, certain descriptive information regarding the sexual offender, such as criminal history, fingerprints, and a digitized photograph taken within 60 days prior to the inmate's release. The information is provided to the sheriff of the county where a sexual offender is sentenced, the sheriff of the county and, if applicable, the chief of police of the municipality where the sexual offender plans to reside, the FDLE, and any person requesting such information. The term "sexual offender" is defined to include a person who has been convicted of sexual battery and other designated sexual offenses.

Upon receiving this information, the FDLE, sheriff, or police chief is required to provide this information to any individual who requests it, and the information may be released to the public in any manner deemed appropriate unless the information is confidential and exempt from public disclosure. An elected or appointed official, public employee, or agency is immune from civil liability for damages resulting from release of this information in accordance with this section.

D. Federal Laws and Legislation Relating to Sexual Predator and Sexual Offender Registration

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (codified at 42 U.S.C. 14071) contains the "Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act," which "provides a financial incentive for states to establish 10-year registration requirements for persons convicted of certain crimes against minors and sexually violent offenses, and to establish a more stringent set of registration requirements for a sub-class of highly dangerous sex offenders. . . ." Attorney General's Guidelines, 62 FR 39009, 39010.

On May 17, 1996, President Clinton signed into law a tougher federal version of New Jersey's "Megan's Law." This law amends the Wetterling Act in two important ways: it eliminates a general requirement that information collected under state registration programs be treated as private data, and it requires, rather than permits, law enforcement agencies to release information regarding certain sexually violent offenders if they deem it necessary to protect the public.

Subsequent to the enactment of the federal Megan's Law, Congress enacted the "Pam Lychner Sexual Offender Tracking and Registration Act of 1996," Pub. L. No. 104-236, 110 Stat. 3093, which "includes, inter alia, amendments to the Jacob Wetterling Act affecting the duration of the registration requirements, sexually violent predator certification, fingerprinting of registered offenders, and address verification." Attorney General Guidelines, 62 FR at 39011.

The U.S. House of Representatives has passed H.R. 1683 by Rep. Bill McCollum, (R.- Florida). This bill is now in the Senate Judiciary Committee. The bill provides a waiver from the requirement in the Wetterling Act that all states have a board of experts, although this

requirement has already been determined by the U.S. Attorney General to have been waived for the purpose of determining if a person is a sexually violent offender if the state already chooses to subject all persons convicted of a sexually violent offense to the stringent requirements and standards of the Wetterling Act. Florida's laws should fall within this exception. The requirements of the bill include, but are not limited to the following: requiring Florida to participate in the national database; requiring Florida to ensure that procedures are in place for persons in this state who were convicted of an offense in another state, a federal offense, or sentenced by a court-martial; and requiring the registration of out-of-state offenders entering Florida.

Florida's laws relating to registration of sexual predators and sexual offenders appear to meet most, but not all, of the requirements imposed by these federal laws and legislation. Further, some provisions may be insufficient in their present form to meet the federal standards. For example, Florida's laws do not appear to contain the type of mail verification system the federal laws require. The sexual predator criteria in s. 775.21, F.S., does not capture all of the offenses contained in the federal criteria. Collection of fingerprints of sexual predators and sexual offenders may not be sufficient for the purpose of the national registry being developed. Florida's laws do not capture for registration sexual predators from other states who enter this state, nor do those laws inform other states when a sexual predator in Florida leaves the state. The current mechanism for removing the sexual predator designation may not be in compliance with federal standards.

E. Sharing of Criminal Information/Child Protective Investigations

Section 415.5018, F.S., provides, in part, that within existing resources the district office of the Department of Children and Family Services (DCFS), with the approval of the district health and human services board and the Secretary of the DCFS, shall enter into an agreement with certain local law enforcement agencies to allow those entities to assume a lead in conducting any potential criminal investigations or certain components of protective investigations involving child abuse or neglect, and authorizes the sharing of certain Florida criminal history information with the district personnel directly responsible for child protective investigations and emergency child placement.

F. DNA Analysis

Section 943.325, F.S., provides, in part, that any person convicted of a sexual battery offense, an offense involving lewdness, murder, aggravated battery, carjacking, and home-invasion robbery, and who is within the confines of the legal state boundaries, shall be required to submit two specimens of blood to the FDLE designated testing facility for analysis. The section defines "any person" to include both juveniles and adults committed to or under the supervision of the DOC or the Department of Juvenile Justice (DJJ). The withdrawal of blood shall be in a medically approved manner and only under the supervision of a licensed physician, registered nurse, licensed practical nurse, or duly licensed medical personnel. The analysis of the blood specimens is for the purpose of determining genetic markers and characteristics for the purpose of individual

identification of the person submitting the sample, and the completed analysis is entered into the automated database of the FDLE for such purpose.

G. Administrative Probation

Section 948.01, F.S., defines “administrative probation” as “a form of non contact supervision in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be placed by the Department of Corrections in nonreporting status until expiration of the term of supervision.” Staff of the DOC report the sentencing courts have placed offenders on administrative probation who, arguably, may not present a low risk of harm to the community, and have placed offenders on administrative probation to serve this entire, nonprison portion of their sentence. Moreover, offenders are sometimes placed in such probation for the full term of their probation, and not all offenders placed on such probation would be associated by most persons as “low risk.” DOC staff states that there are even some offenders on administrative probation who have been convicted of attempted capital felony sexual battery. In these cases, the prosecutor usually has a weak case. The prosecutor agrees to the administrative probation because the prosecutor can at least seek a more severe sentence if the offender violates probation.

H. Terms and Conditions of Probation and Community Control Relating to Specified Sex Offenders

Section 948.03, F.S., relates to terms and conditions of probation or community control. This section directs that certain conditions specified in the section which relate to probation and community control may be considered standard conditions of probation and community control and do not require oral pronouncement at the time of sentencing. The section does not specifically direct whether conditions of probation or community control for specified sex offenders provided in s. 948.03(5)(a) and (5)(b), F.S., require oral pronouncement.

Pursuant to s. 948.03(5)(a), F.S., and effective for probationers or community controllees whose crimes were committed on or after October 1, 1995, and who are placed under supervision for a conviction for a sexual battery offense, a lewd assault or act, inducing or promoting sexual performance of a child, or selling or buying a minor to promote the minor engaging in sexually explicit conduct, the sentencing court must impose, in addition to all other standard and special conditions imposed, the following conditions: a mandatory curfew; a prohibition on living within 1,000 feet from a place where children regularly congregate; active participation in and successful completion of a sex offender treatment program; a prohibition on any contact with the victim; a prohibition on contact with a minor victim; a prohibition on working where children regularly congregate; a prohibition on obscene, pornographic, or sexually stimulating materials; a requirement to submit blood specimens for DNA analysis; a restitution requirement; and submission to a warrantless search by the offender’s community control or probation officer. Several of the conditions are subject to modification based on certain factors such as completion of a sex offender treatment program.

Pursuant to s. 948.03(5)(b), F.S., and effective for probationers or community controllees whose crimes were committed on or after October 1, 1997, and who are placed on sex offender probation for a conviction for a sexual battery offense, a lewd assault or act, inducing or promoting sexual performance of a child, a selling or buying of a minor to promote the minor engaging in sexually explicit conduct, the sentencing court must impose, in addition to the conditions specified in s. 98.03(5)(a), F.S., as previously described herein, the following conditions: polygraph examinations as part of a treatment program; maintenance of a driving log and a prohibition on driving alone without the prior approval of the supervising officer; a prohibition on obtaining a post office box without prior approval of the supervising officer; if there was sexual contact, a submission to an HIV test with the results released to the victim and/or the victim's parent or guardian; and electronic monitoring when deemed necessary by the community control or probation officer and the officer's supervisor, and ordered by the court at the recommendation of the DOC.

III. Effect of Proposed Changes:

Section 1

Section 1 of CS/SB 1992 amends s. 415.5018, F.S., which relates to the sharing of criminal information in child protective investigations, to provide that, notwithstanding any other law, the FDLE shall provide the DCFS with electronic access to criminal justice information that is lawfully available and not exempt from public disclosure, only for the purposes of child protective investigations and emergency child placement. As a condition of such access, the DCFS must execute an appropriate user agreement with the FDLE which addresses access, use, dissemination, and destruction of such information and which complies with all applicable laws and with the FDLE's rules. Information shared will include information regarding the sexual abuse of children.

Section 2

Section 2 of CS/SB 1992 amends s. 775.13, F.S., relates to the registration of convicted felons, exemptions from the registration requirements and penalties for failure to comply with the registration requirements. The CS provides a definition of the term "conviction" that is consistent with the definitions of this term in the other sections relating to registration of sexual predators and sexual offenders. Further, current law provides that persons subject to sexual predator registration are exempt from the requirement to register as convicted felons, because such registration is duplicative. For consistency, the CS also provides that persons subject to sexual offender registration are exempt from the requirement to register as convicted felons. Staff notes that these exemptions only remain in force as long as such persons are registered as sexual predators or sexual offenders.

Section 3

Section 3 of CS/SB 1992 amends s. 775.21, F.S., which relates to the designation of sexual predators, the registration of designated sexual predators, and the notification of public records information regarding designated sexual predators, to provide for a definition of the term "conviction," which more clearly indicates that such term is intended to capture convictions by a

federal or military tribunal, or convictions from other states, for offenses which are similar to Florida offenses that qualify a person for designation as a sexual predator.

The CS also provides for more comprehensive definitions of the terms “permanent residence” and “temporary residence,” because current definitions may not apply, for example, to offenders who reside in another state but work or go to school in this state, or to offenders who spend short periods of time in Florida within any year, but which, in the aggregate, amount to a considerable period of time spent in Florida within any year.

The CS also provides that the FDLE is required to notify “members” of the community and public of a sexual predator’s presence. It is a practical impossibility for the FDLE or any other law enforcement agency or entity to notify each and every member of a community and the public of a sexual predator’s presence.

The CS also provides additional clarification regarding the legislative intent behind the statutory mandate regarding the sexual predator designation. The designation of a person as a sexual predator is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes.

The CS also adds the attempt to commit a capital, life, or first degree felony violation of the sexual battery chapter to the list of offenses that qualifies a person as a sexual predator if the person is convicted of any of these offenses. The CS also adds the following offenses: kidnaping or false imprisonment where the victim is a minor and the defendant is not the victim’s parent; procuring a minor for prostitution; lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult; and computer pornography. *These changes are intended to conform s. 775.21, F.S., to the federal standards applicable to Florida’s laws relating to the registration of sexual predator and sexual offenders.*

The CS also requires the clerk of that court which designates a person as a sexual predator to transmit a copy of the order containing the written sexual predator finding to the FDLE within 48 hours after entry of the order. This requirement is to ensure that the FDLE is fully and timely apprised of all such orders.

The CS also provides that, if a sexual predator is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual predator’s fingerprints are taken and forwarded to the FDLE within 48 hours after the court renders its written sexual predator finding. The fingerprint card shall be clearly marked, “Sexual Predator Registration Card.” Additionally, the clerk is required to forward to the FDLE and the DOC a certified copy of any order entered by the court imposing any special condition or restriction on the sexual predator which restricts or prohibits access to the victim, if the victim is a minor, or to other minors. *The collection and forwarding of fingerprints are intended to conform s. 775.21, F.S., to the federal standards applicable to Florida’s laws relating to the registration of designated sexual predators.* The forwarding of information regarding special conditions or restrictions is intended to provide the

FDLE and the DOC with a more complete and accurate database regarding offenders who commit sexual offenses against minors.

The CS also provides that any person who has been designated in another state or jurisdiction as a sexual predator or other similar designation, and was, as a result of such designation, subjected to registration or community or public notification, or both, in the other state or jurisdiction, shall register as a sexual offender in the manner provided in the laws relating to sexual offender registration and is subject to the community and public notification provisions, as well as the penalty provisions, of such laws. Under those laws, law enforcement agencies and entities may notify the community and public of the presence of a sexual offender. The sexual offender is subject to the requirements noted here until he or she provides the FDLE with an order from the court which designated the person as a sexual predator or similar designation removing such designation, and provided that such person no longer meets the criteria for registration as a sexual offender under the laws of this state. *The requirements described here are intended to conform s. 775.21, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual predator and sexual offenders.*

Current law provides that a designated sexual predator must register his or her address of legal residence and address of any current temporary residence. The CS requires that the address information shall include a rural route address and a post office box. A post office box cannot be provided in lieu of a physical residential address. The CS also corrects a current omission in the law by requiring a sexual predator who resides in a motor vehicle, trailer, mobile home, manufactured home, or resides on a vessel, live-aboard vessel, or houseboat, to register certain descriptive information which identifies the residence and its location.

The CS also requires that the DOC provide to the FDLE registration information regarding a sexual predator under the DOC's supervision, including information regarding the office responsible for supervising the sexual predator.

The CS also requires that the custodian of a local jail having custody of a sexual predator shall register the sexual predator and forward the registration information to the FDLE.

The FDLE has informed staff that certain federal agencies responsible for supervising offenders who would qualify as sexual predators under Florida law have requested specific direction from the Florida Legislature that the Legislature is also interested in having those federal agencies provide information regarding these offenders. The CS also provides that such federal agencies may provide information regarding sexual predators under their supervision to the FDLE and may indicate whether the use of the information provided is restricted to law enforcement purposes or may be used by the FDLE for purposes of public notification.

The CS also requires that a sexual predator who is not incarcerated but is under the supervision of the DOC must initially register with the DOC and, within 48 hours after initial registration, present proof of this initial registration and register with the DHSMV in the manner provided in s. 775.21, F.S. Within 48 hours of any change of the predator's residence, the predator is required

to report in person to DHSMV the change in residence, and the predator must also report to the DHSMV when his or her driver's license or identification card is subject to renewal.

The CS also provides that a sexual predator who intends to establish residence in another state or jurisdiction shall notify the sheriff of the county of current residence or the FDLE within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The sexual predator is required to provide certain information regarding the location of intended residence. If the sexual predator provides this information to the sheriff, the sheriff shall promptly provide the information to the FDLE. The FDLE shall notify the statewide law enforcement agency, or comparable agency, in the intended state or jurisdiction of the sexual predator's intended residence. It is a third degree felony if a sexual predator fails to provide his or her intended place of residence.

A sexual predator who indicates his or her intent to reside in another state or jurisdiction and later decides to remain in this state shall, within 48 hours after the date upon which the sexual predator indicated he or she would leave this state, notify the sheriff or the department, whichever agency is the agency to which the sexual predator reported the intended change of residence, of the sexual predator's intent to remain in this state. If the sheriff is notified by the sexual predator that he or she intends to remain in this state, the sheriff shall promptly report this information to the FDLE. It is a second degree felony if a sexual predator reports his or intent to reside in another state or jurisdiction but remains in this state without reporting to the sheriff or the FDLE in the manner described here. *The requirements described here are intended to conform s. 775.21, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual predators and sexual offenders.*

The CS also provides that a person who was designated a sexual predator by a court on or after October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since release, may petition the circuit court in the circuit in which the sexual predator resides for the purpose of the removal of the sexual predator designation. The court may grant or deny such relief if the petitioner demonstrates that he or she has not been arrested for any felony or misdemeanor offense since release, the requested relief complies with federal standards applicable to the removal of the sexual predator designation, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the petition, and may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the same standards described here. If the petitioner obtains an order removing the sexual predator designation, the petitioner is required to forward a certified copy of that order to the FDLE in order to have the sexual predator designation removed from the sexual predator registry. Current provisions relating to a petition for removal of the sexual predator designation continue to apply to persons designated as sexual predators prior to October 1, 1998. *The requirements described here are intended to conform s. 775.21, F.S., to the federal standards*

applicable to Florida's laws relating to the registration of sexual predators and sexual offenders. Under current federal standards, the predator petitioning for relief will have to demonstrate to the court's satisfaction that he or she is not "suffering from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses." (Wetterling Act).

The CS also requires the FDLE and the DOC to implement a system for the verification of the addresses of sexual predators that is consistent with federal requirements that apply to this state's laws governing sexual predators. The DOC must verify the addresses of sexual predators who are not incarcerated but reside in the community under the DOC's supervision. The FDLE must verify the addresses of sexual predators who are not under the care, custody, control or supervision of the DOC. *The requirements described here are intended to conform s. 775.21, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual predators and sexual offenders.*

The CS also provides that any individual or entity acting at the request or upon the direction of any law enforcement agency, and school administrators or employees, are immune from civil liability for damages resulting from their release of public information regarding sexual predators under s. 775.21, F.S. Staff notes that "good-faith compliance" would probably not include the release of information regarding a sexual predator which is confidential and exempt from public disclosure, and certainly would not include the misuse of public records information as described below.

The CS also clarifies that the penalty provisions of s. 775.21, F.S., apply to a sexual predator's failure, by act or omission, to comply with the requirements of s. 775.21, F.S.

The CS also provides that it is a first degree misdemeanor to misuse public records information relating to sexual predators and sexual offenders to secure a payment from a sexual predator or sexual offender, knowingly distribute or publish false information regarding sexual predators or sexual offenders which the person misrepresents as public records information, or materially alter public records information regarding sexual predators and sexual offenders which is provided or displayed by law enforcement agencies.

Section 4

Section 4 of CS/SB 1992 creates s. 775.24, F.S., which provides that it is the Legislature's intent that requirements imposed upon sexual predators and sexual offenders shall not be limited or nullified by court orders, absent a determination by the court that a person or entity is not operating in accordance with the laws of this state governing sexual predators or sexual offenders, or that such laws or any part of such laws are unconstitutional or unconstitutionally applied. It is further provided that an agency affected by such orders may file a motion in the court issuing such an order within 60 days after receipt of such order, moving to modify or set-aside such order, or if the order is in the nature of an injunction, dissolve the injunction. A number of grounds are provided for granting this motion, but the agency is not limited to the grounds provided.

Section 5

Section 5 of CS/SB 1992 creates s. 775.25, F.S., which provides that a sexual predator or sexual offender may be prosecuted for committing a violation of the laws relating to sexual predators and sexual offenders in the county in which the act or omission was committed, the county of the last registered address of the sexual predator or sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating the person as a sexual predator or sexual offender. Additionally, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 6

Section 6 of CS/SB 1992 amends s. 943.043, F.S., which relates to the FDLE's toll-free number and other means of communicating sexual offender information, to provide further clarifying language that the FDLE is authorized to notify the public through the Internet of any information regarding sexual predators and sexual offenders which is not confidential and exempt from public disclosure. The CS also clarifies that information that the FDLE is required to provide through its toll-free number relates to sexual predators and sexual offenders, and that the FDLE may provide other information reported to the FDLE. The CS also provides an individual or entity acting at the request or upon the direction of the FDLE with immunity from civil liability for damages for good-faith compliance with this section.

Section 7

Section 7 amends s. 943.0435, F.S., which relates to registration of released sexual offenders, to add the attempt to commit a capital, life, or first degree felony violation of the sexual battery chapter to the list of offenses that qualifies a person as a sexual offender if the person is convicted of any of these offenses. The CS also adds the following offenses: kidnaping or false imprisonment where the victim is a minor and the defendant is not the victim's parent; procuring a minor for prostitution; lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult; and computer pornography. *These changes are intended to conform s. 943.0435, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual offenders.*

The CS also provides for a definition of the term "conviction," which more clearly indicates that such term is intended to capture convictions by a federal or military tribunal, or convictions from other states, for offenses which are similar to Florida offenses that qualify a person for classification as a sexual offender.

The CS also provides for more comprehensive definitions of the terms "permanent residence" and "temporary residence," by cross-reference to the new definitions of these terms in s. 775.21, F.S. (See Section 3)

Current law provides that a sexual offender under this section must register his or her permanent or legal residence and address of any current temporary residence. The CS also requires that the address information shall include a rural route address and a post office box. A post office box cannot be provided in lieu of a physical residential address. The CS also corrects a current

omission in the law by requiring a sexual offender who resides in a motor vehicle, trailer, mobile home, manufactured home, or resides on a vessel, live-aboard vessel, or houseboat, to register certain descriptive information which identifies the residence and its location. In addition, sexual offenders are required to provide their social security number and occupation and place of employment.

The CS also requires that a sexual offender under this section shall report in person to the DHSMV within 48 hours after initial registration with the FDLE or the sheriff, present proof of this initial registration and register with the DHSMV in the manner provided in s. 943.0435, F.S. Within 48 hours of any change in the offender's residence, the offender shall report in person to DHSMV to report the change in residence, and the offender must also report to the DHSMV whenever his or her driver's license or identification card is subject to renewal.

The CS also requires the FDLE to verify the addresses of sexual offenders who are not under the care, custody, control or supervision of the DOC. *The requirements described here are intended to conform s. 943.0435, F.S., to the federal verification requirements applicable to Florida's laws relating to the registration of sexual offenders.*

The CS also provides that a sexual offender who intends to establish residence in another state or jurisdiction shall notify the sheriff of the county of current residence or the FDLE within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The sexual offender is required to provide certain information regarding the location of intended residence. If the sexual offender provides this information to the sheriff, the sheriff must promptly provide the information to the FDLE. The FDLE shall notify the statewide law enforcement agency, or comparable agency, in the intended state or jurisdiction of the sexual offender's intended residence. It is a third degree felony if a sexual offender fails to provide his or her intended place of residence.

A sexual offender who indicates his or her intent to reside in another state or jurisdiction and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender indicated he or she would leave this state, notify the sheriff or the department, whichever agency is the agency to which the sexual offender reported the intended change of residence, of the sexual offender's intent to remain in this state. If the sheriff is notified by the sexual offender that he or she intends to remain in this state, the sheriff shall promptly report this information to the FDLE. It is a second degree felony if a sexual offender reports his or her intent to reside in another state or jurisdiction but remains in this state without reporting to the sheriff or the FDLE in the manner described here. *The requirements described here are intended to conform s. 943.0435, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual offenders.*

The CS also provides that individuals or entities acting at the request or upon the direction of the FDLE, the DHSMV, or the DOC are immune from civil liability for damages for good-faith compliance with this section.

The CS also provides that a sexual offender must maintain registration with the FDLE for the duration of his or her life, unless the sexual offender has had his or her civil rights restored or has received a pardon or has had a conviction set aside in a postconviction proceeding for any felony sex offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since release may petition the circuit court in the circuit in which the sexual offender resides for the purpose of the removal of the sexual offender classification. The court may grant or deny such relief if the petitioner demonstrates that he or she has not been arrested for any felony or misdemeanor offense since release, the requested relief complies with federal standards applicable to the removal of the sexual offender classification, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the petition, and may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the same standards described here. The FDLE shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the FDLE a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender. *The requirements described here are intended to conform s. 943.0435, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual offenders.*

Section 8

Section 8 of CS/SB 1992 amends s. 943.325, F.S., which relates to requirements for certain offenders to submit to the taking of blood specimens for the purpose of DNA analysis, to amend the definition of "any person" to include juvenile and adult offenders committed to a county jail. The CS also provides that, upon conviction of any person convicted of a sexual battery offense, an offense involving lewdness, murder, aggravated battery, carjacking, and home-invasion robbery, which results in the commitment of the person to a county jail, correctional facility, or juvenile facility, the entity responsible for the facility shall assure that the blood specimens of the person are promptly secured and transmitted to the FDLE. If the person is not incarcerated upon conviction, the person may not be released from the court's custody or released pursuant to a bond or surety until blood specimens have been taken.

The chief judge of each circuit shall, in conjunction with the sheriff or other entity that maintains the county jail, assure implementation of a method to promptly collect the blood specimens and forward them to the FDLE. The FDLE, in conjunction with the sheriff, the courts, the DOC, and the DJJ shall develop a statewide protocol for securing the blood specimens of any person required to provide these specimens. Personnel at the commitment facility shall implement the protocol as part of the regular processing of offenders.

If the blood specimens submitted to the FDLE are found to be unacceptable for analysis and use or cannot be used by the FDLE in the manner required by this section, the FDLE may require that another set of specimens be taken.

If the FDLE determines that a convicted person who is required to submit blood specimens has not provided the specimens, the FDLE, a state attorney, or any law enforcement agency may apply to the circuit court for an order that authorizes the taking of the person into custody for the purpose of securing the required specimens. The court shall issue the order upon a showing of probable cause. Following issuance of the order, the convicted person shall be transported to a location acceptable to the agency that has custody of the person, the blood specimens shall be withdrawn in a reasonable manner, and the person shall be released if there is no other reason to justify holding the person in custody. The agency that takes the convicted person into custody may transport the person back to the location where the person was taken into custody. The procedures described here for issuance of the order may also be used if blood specimens submitted to the FDLE are found to be unacceptable for analysis and use or cannot be used by the FDLE in the manner required by this section, and the FDLE requires that another set of specimens be taken. Unless the convicted person has been declared indigent by the court, the convicted person shall pay the actual costs of collecting the blood specimens.

The CS also provides that a hospital, clinical laboratory, medical clinic, or similar medical institution; a physician, certified paramedic, registered nurse, license practical nurse, or other personnel authorized by a hospital to draw blood; a licensed clinical laboratory director, supervisor, technologist, or technician; or any other person who assists a law enforcement officer is not civilly or criminally liable as a result of withdrawing blood specimens according to accepted medical standards when requested to do so by a law enforcement officer or any personnel of a jail, correctional facility, or juvenile detention facility, regardless of whether the convicted person resisted the drawing of blood specimens.

The CS also provides that, in the event a court, law enforcement agency, or the FDLE fail to strictly comply with this section or to abide by statewide protocol for collecting blood specimens, such failure is not grounds for challenging the validity of the collection or the use of a specimen, and evidence based upon or derived from the collected blood specimens may not be excluded by a court.

Section 9

Section 9 of CS/SB 1992 amends s. 944.605, F.S., which requires the DOC to make a digitized photograph of certain offenders, including offenders convicted of sexual battery, available electronically to the FDLE, to provide that an inmate who refuses to have his or her digitized photograph taken, commits a third degree felony.

Section 10

Section 10 of CS/SB 1992 amends s. 944.606, F.S., which requires the DOC to provide certain information regarding any sexual offender, as that term is defined, to the FDLE, sheriffs, or any person requesting such information, to provide for a definition of the term "conviction," which

more clearly indicates that such term is intended to capture convictions by a federal or military tribunal, or convictions from other states, for offenses which are similar to Florida offenses that qualify a person for designation as a sexual offender.

The CS also adds the attempt to commit a capital, life, or first degree felony violation of the sexual battery chapter to the list of offenses that qualifies a person as a sexual offender if the person is convicted of any of these offenses. The CS also adds the following offenses: kidnaping or false imprisonment where the victim is a minor and the defendant is not the victim's parent; procuring a minor for prostitution; lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult; and computer pornography. *These changes are intended to conform s. 944.606, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual offenders.*

The CS also provides that if the sexual offender is in the custody of a local jail, the custodian of the local jail shall notify the FDLE of the sexual offender's release and provide to the FDLE the same type of personal information regarding the sexual offender that the DOC is required to provide to the FDLE under this section.

The CS also provides that individuals or entities acting at the request or upon the direction of any law enforcement agency, and school administrators and employees are immune from civil liability for damages for good-faith compliance with this section.

Section 11

Section 11 of CS/SB 1992 amends s. 944.607, F.S., which requires the DOC to notify the FDLE regarding certain information relating to sexual offenders under the custody or control of, or under the supervision of the DOC, to add the attempt to commit a capital, life, or first degree felony violation of the sexual battery chapter to the list of offenses that qualifies a person as a sexual offender if the person is convicted of any of these offenses. The CS also adds the following offenses: kidnaping or false imprisonment where the victim is a minor and the defendant is not the victim's parent; procuring a minor for prostitution; lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult; and computer pornography. *These changes are intended to conform s. 944.607, F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual offenders.*

The CS also provides for a definition of the term "conviction," which more clearly indicates that such term is intended to capture convictions by a federal or military tribunal, or convictions from other states, for offenses which are similar to Florida offenses that qualify a person for designation as a sexual offender.

The CS also provides that the clerk of that court which convicted and sentenced the sexual offender for the offense or offenses that qualified the person to be classified as a sexual offender shall ensure that the sexual offender's fingerprints are taken and forwarded to the FDLE within 48 hours after the court sentences the offender. The fingerprint card shall be clearly marked "Sexual Offender Registration Card." *The fingerprint requirement is intended to conform s. 944.607,*

F.S., to the federal standards applicable to Florida's laws relating to the registration of sexual offenders.

The CS also provides that a sexual offender, as described in this section, who is under the DOC's supervision but not incarcerated must register with the DOC and provide certain personal information, and additionally report to the DHSMV, register, and obtain a driver's license in the manner provided in s. 943.0435, F.S. (See Section 7) However, if the sexual offender is also a sexual predator, the offender shall register as provided in s. 775.21, F.S. The DOC shall verify the address of each sexual offender in accordance in the manner described in s. 775.21, F.S., and s. 943.0435, F.S. (See Sections 3 and 7) A sexual offender who fails to comply with the requirements of s. 943.0435, F.S., is subject to the penalties provided in that section. The CS also provides that the failure of the sexual offender to submit to the taking of a digitized photograph is a third degree felony.

The CS also provides that an individual or entity acting at the request or upon the direction of the FDLE, the DHSMV, the FDLE, or the DOC, is immune from civil liability for damages for good-faith compliance with this section.

Section 12

Section 12 of CS/SB 1992, amends s. 944.177, F.S., which provides for the taking of digitized photographs of those sexual offenders subject to release by expiration of sentence, control release, or parole, to provide that an inmate who refuses to submit to the taking of a digitized photograph commits a third degree felony.

Section 13

Section 13 of CS/SB 1992, amends s. 948.01, F.S., which relates to when a court may place a defendant on community control or probation, to provide that, effective July 1, 1998, a person is ineligible for placement on administrative probation if the person is sentenced to or is serving a term of probation or community control, regardless of adjudication, for committing, or attempting, conspiring, or soliciting to commit kidnaping or false imprisonment where the victim is a minor and the defendant is not the victim's parent, luring or enticing a child, sexual battery, procuring a minor for prostitution, a lewd or indecent assault or act, lewd or lascivious offenses committed against the elderly or a disabled adult, offenses relating to the use or promotion of a child to perform sexual acts, computer pornography and other felony pornography offenses, and selling or buying minors for sexually explicit conduct.

Section 14

Section 14 of CS/SB 1992 provides that the statutory probation or community control conditions in s. 948.03(5)(a) and (5)(b), F.S., that the sentencing court must impose on offenders convicted of certain sex offenses are standard conditions that do not require oral pronouncement at sentencing.

Section 15

Section 15 provides that this act shall take effect upon becoming law. Section 5 shall also take effect upon becoming law. Sections 1, 2, 4, 7, 9, 13, and 14, of this act shall take effect July 1, 1998. Sections 3, 6, 8, 10, 11, and 12, of this act shall take effect October 1, 1998.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

New Jersey's "Megan's Law" was challenged in the federal courts by a group of sex offenders whose crimes were committed before Megan's Law went into effect. These offenders claimed that public notification of their names and addresses subjected them to community harassment and violence amounting to a second punishment in violation of the double jeopardy clause. They additionally argued that the retroactive application of Megan's Law to them violated the prohibition against ex post facto laws. The Third Federal Circuit disagreed that the law constituted additional punishment, finding that the law imposed no restrictions on a person's ability to live, work in the community, move from place to place, obtain a professional license, or secure a governmental benefit. On February 23, 1998, the U.S. Supreme Court denied certiorari, thereby letting the Third Circuit ruling stand. *E.B. v. Verniero*, 119 F.3d 1077 (3rd Cir. 1997), *cert. denied*, 66 LW 3543 (Case No. 97-887).

On February 23, 1998, the U.S. Supreme Court also denied certiorari in another case, which let stand a ruling of the Second Federal Circuit that New York's "Sex Offender Registration Act" did not inflict punishment, and therefore, the retroactive application of its provisions did not violate the prohibition against ex post facto laws. *Doe v. Pataki*, 120 F.3d 1263 (3rd Cir. 1997), *cert. denied*, 66 LW 3556 (Case No. 97-7023). While this case did not garner the headlines like the New Jersey case, it is more instructive in that the case deals with both registration and public notification.

As far as the Act's registration requirements for high-risk sex offenders, the Second Circuit declared: these requirements were enacted primarily to serve the nonpunitive goal of enhancing future law enforcement efforts; registration is a necessary prerequisite to public

notification which also serves a nonpunitive goal of protecting members of the public from potential danger posed by convicted sex offenders; and the text of the Act bears out these goals by providing that the duration, form, and frequency of the registration are determined solely by the sexual offender meeting the qualifications, the offender can petition the court for removal of the registration requirements, and the unauthorized release of information regarding the offender is prohibited. The court also declared that the registration requirements “do not ordinarily result even in societal opprobrium or harassment,” do not “serve the goals of criminal punishment,” and do not “resemble any measures traditionally considered punitive.”

As far as the Act’s community notification requirements, the Second Federal Circuit declared: the Legislature intended the Act to serve nonpunitive goals; retroactive application was guided by the Legislature’s desire to protect the public from potentially dangerous offenders; isolated statements of some legislators that may have indicated that they saw the Act as punitive are entitled to little or no weight, since these statements were contradicted by the statements of other legislators and the Act’s text and core structure bears out that the goals of the Act are nonpunitive in nature; detrimental consequences that may adhere to individuals subject to public notification are not consequences imposed or condoned by the Act; even though access to information is enhanced, this information was available to the public before the creation of the Act and improved access does not add a punitive consequence to an otherwise regulatory measure; and the fact the Act’s requirements are triggered by prior criminal convictions is common to all regulatory disabilities from a prior conviction. However with regard to this latter finding, the court found two features of the Act indicative that the requirements were nonpunitive: the risk-level of the offender was not determined at time of sentencing but just prior to the offender’s release; and the court acts only on the recommendation of a panel of experts on sex offenders. Neither of these features are features in Florida’s laws which are offense-driven, i.e., the seriousness of the offense and the number of such offenses indicate whether the offender should be classified as a sexual offender or designated as a sexual predator.

No national precedent was set by the U.S. Supreme Court’s denial of certiorari in either case discussed here, though these cases would have been perfect vehicles for the Court to address the issues raised in these cases. New Jersey’s “Megan’s Law” is the progenitor of all sexual predator laws.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector impact of CS/SB 1992 would be on sexual predators and sexual offenders required to register in person at an office of the Department of Highway Safety and Motor Vehicles, obtain a Florida driver's license or identification card, and subsequently report again to such office each time the predator or offender changes his or her address, or his or license or identification card is subject to renewal.

C. Government Sector Impact:

A state that is in noncompliance with the federal standards in the Jacob Wetterling Act and the federal Megan's Law will lose 10 percent of its federal Byrne formula funding. Florida receives approximately \$24,500,000 in federal Byrne formula funding. Consequently, if Florida's laws relating to the registration of sexual predators and sexual offenders are determined to be in noncompliance with these federal standards, Florida will lose approximately \$2.4 to 2.5 million dollars in federal Byrne formula funding. The CS is the best effort of Senate staff and the staffs of the Florida Department of Law Enforcement and the Department of Corrections to determine what changes need to be made to Florida's laws to comply with federal standards yet comply at the least expense to the agencies required to implement the provisions of these laws.

All of the departments affected by CS/SB 1992 were asked to participate and comment on the legislation, including its impact on their departments. None of the affected departments (the Department of Law Enforcement, the Department of Corrections, or the Department of Highway Safety and Motor Vehicles) have indicated to staff that they are unable to meet their duties under this legislation within their existing budgets, though all of the departments anticipate some fiscal impact on their departments.

Staff anticipates that the CS will have some fiscal impact on the clerks of the circuit courts. An analysis of SB 1992 prepared by the State Courts Administrator concluded that SB 1992 should have a minimal impact on the state court system. The CS only imposes a few additional duties on the clerks, and all duties imposed upon the clerks relate only to the copying and forwarding of certain orders and fingerprint cards.

Staff has requested that the CS be placed on the agenda of the Criminal Justice Estimating Conference; however, a final draft of the CS was only recently provided to the Conference and the Conference cannot agenda the CS until completion of its review of the legislation. The Economic and Demographic Research Division (EDR) has provided a preliminary analysis of the criminal penalties created by the legislation, which have not changed since staff informed the EDR of these penalties. The EDR's preliminary estimate is that the CS will have an indeterminate, and probably insignificant, impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 4 of CS/SB 1992 provides that it is the Legislature's intent that requirements imposed upon sexual predators and sexual offenders shall not be limited or nullified by court orders, absent a determination by the court that a person or entity is not operating in accordance with the laws of this state governing sexual predators or sexual offenders, or that such laws or any part of such laws are unconstitutional or unconstitutionally applied. Staff of the FDLE has provided this staff with copies of two orders that would fall within the class of orders this provision seeks to have modified or set aside. One of the orders, which was issued in the Broward Circuit Court, approves a plea agreement that neither the DOC nor any law enforcement agency shall publish the defendant's photograph or any other information regarding him on the Internet. The other order, which issued in the Escambia Circuit Court, is not a ratification of a plea agreement. This order directs Parole and Probation Services not to provide to the FDLE or any other agency any information regarding the defendant's arrest for inclusion in the sexual offender registry, and further directs that no photographs, digitized or otherwise, shall be provided to any entity for publication in the sexual offender registry.

VIII. Amendments:

None.