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1 A bill to be entitled

2 An act relating to the designation and registration of  
3 sexual predators and sexual offenders; amending s. 775.21,  
4 F.S.; amending the definition of the term "conviction";  
5 providing that an offender who has been designated as a  
6 sexually violent predator under the civil commitment  
7 proceedings provided in ch. 394, F.S., or similarly  
8 designated pursuant to a similar proceeding in another  
9 state, meets the criteria for designation as a sexual  
10 predator under the Florida Sexual Predators Act; providing  
11 that such offender shall be subject to the registration  
12 and notification requirements of the act; providing that  
13 such offender shall be designated a sexual predator  
14 pursuant to an order of the committing court; requiring  
15 the committing court of such offender to make a written  
16 finding that the offender is a sexual predator for  
17 purposes of the act; requiring the clerk to transmit a  
18 copy of the committing court's order to the Department of  
19 Law Enforcement within a time certain; specifying  
20 circumstances in which the state attorney shall seek a  
21 hearing to determine whether the offender's criminal  
22 record or record of civil commitment from another  
23 jurisdiction meets the criteria for designation as a  
24 sexual predator; clarifying circumstances related to the  
25 registration requirements applicable to sexual predators;  
26 clarifying that registration requirements apply each time  
27 the driver's license or identification card of a sexual  
28 predator is subject to renewal and also apply after each  
29 change in specified information; specifying registration

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30 and reporting requirements for sexual predators in  
31 circumstances where the predator has vacated or intends to  
32 vacate a permanent residence; specifying reporting  
33 requirements in circumstances where the sexual predator  
34 remains at or returns to a permanent residence; revising  
35 and clarifying the circumstances in which criminal  
36 penalties apply to sexual predators for acts or omissions  
37 related to registration;; specifying venue for the  
38 prosecution of a sexual predator in circumstances  
39 involving acts or omissions concerning the failure to  
40 register as required; providing that an arrest,  
41 information, complaint, or arraignment related to charges  
42 of failure to register constitutes actual notice of the  
43 duty to register; providing that the failure of a sexual  
44 predator to immediately register following such notice  
45 constitutes grounds for a subsequent charge; requiring any  
46 sexual predator who asserts, or intends to assert, a lack  
47 of notice of the duty to register as a defense to a charge  
48 of failure to register to immediately register as  
49 required; providing that a sexual predator who is charged  
50 with a subsequent failure to register may not assert the  
51 defense of a lack of notice of the duty to register;  
52 providing that registration following arrest, service, or  
53 arraignment related to a charge of failure to register is  
54 not a defense and does not relieve the sexual predator of  
55 criminal liability for the failure to register; providing  
56 that the lack of a permanent or temporary residence is not  
57 a defense and does not relieve the sexual predator of his  
58 or her responsibility to register as required; conforming

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59 a cross reference; amending s. 943.0435, F.S.; amending  
60 the definition of the term "convicted"; clarifying that  
61 registration requirements apply each time the driver's  
62 license or identification card of a sexual offender is  
63 subject to renewal and also apply after each change in  
64 specified information; specifying registration and  
65 reporting requirements for sexual offenders in  
66 circumstances where the offender has vacated or intends to  
67 vacate a permanent residence; specifying reporting  
68 requirements in circumstances where the sexual offender  
69 remains at or returns to a permanent residence; revising  
70 and clarifying the circumstances in which criminal  
71 penalties apply to sexual offenders for acts or omissions  
72 related to registration; specifying venue for the  
73 prosecution of a sexual offender in circumstances  
74 involving acts or omissions concerning the failure to  
75 register as required; providing that an arrest,  
76 information, complaint, or arraignment related to charges  
77 of failure to register constitutes actual notice of the  
78 duty to register; providing that the failure of a sexual  
79 offender to immediately register following such notice  
80 constitutes grounds for a subsequent charge; requiring any  
81 sexual offender who asserts, or intends to assert, a lack  
82 of notice of the duty to register as a defense to a charge  
83 of failure to register to immediately register as  
84 required; providing that a sexual offender who is charged  
85 with a subsequent failure to register may not assert the  
86 defense of a lack of notice of the duty to register;  
87 providing that registration following arrest, service, or

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88 arraignment related to a charge of failure to register is  
89 not a defense and does not relieve the sexual offender of  
90 criminal liability for the failure to register; providing  
91 that the lack of a permanent or temporary residence is not  
92 a defense and does not relieve the sexual offender of his  
93 or her responsibility to register as required; revising a  
94 cross reference; amending s. 944.606, F.S.; amending the  
95 definition of the term "convicted"; amending s. 944.607,  
96 F.S.; amending the definition of the term "conviction";  
97 clarifying circumstances relating to the registration  
98 requirements applicable to sexual offenders; revising and  
99 clarifying the circumstances in which criminal penalties  
100 apply to sexual offenders for acts or omissions related to  
101 registration; specifying venue for the prosecution of a  
102 sexual offender in circumstances involving acts or  
103 omissions concerning the failure to register as required;  
104 providing that an arrest, information, complaint, or  
105 arraignment related to charges of failure to register  
106 constitutes actual notice of the duty to register;  
107 providing that the failure of a sexual offender to  
108 immediately register following such notice constitutes  
109 grounds for a subsequent charge; requiring any sexual  
110 offender who asserts, or intends to assert, a lack of  
111 notice of the duty to register as a defense to a charge of  
112 failure to register to immediately register as required;  
113 providing that a sexual offender who is charged with a  
114 subsequent failure to register may not assert the defense  
115 of a lack of notice of the duty to register; providing  
116 that registration following arrest, service, or

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117 arraignment related to a charge of failure to register is  
118 not a defense and does not relieve the sexual offender of  
119 criminal liability for the failure to register; providing  
120 that the lack of a permanent or temporary residence is not  
121 a defense and does not relieve the sexual offender of his  
122 or her responsibility to register as required; reenacting  
123 s. 775.21(5)(d) and (6)(l), F.S., relating to the Florida  
124 Sexual Predators Act, for the purpose of incorporating the  
125 amendments to ss. 943.0435 and 944.607, F.S., in  
126 references thereto; reenacting s. 943.0435(5), F.S.,  
127 relating to sexual offender registration requirements, for  
128 the purpose of incorporating the amendment to s. 775.21,  
129 F.S., in references thereto; reenacting s. 944.607(9),  
130 F.S., relating to notification concerning sexual offenders  
131 to the Department of Law Enforcement, for the purpose of  
132 incorporating the amendments to ss. 775.21 and 943.0435,  
133 F.S., in references thereto; reenacting ss. 775.24(2) and  
134 943.0436(2), F.S., relating to the duty of the court to  
135 uphold laws governing sexual predators and sexual  
136 offenders, for the purpose of incorporating the amendments  
137 to ss. 943.0435, 944.606, and 944.607, F.S., in references  
138 thereto; reenacting s. 775.25, F.S., relating to the venue  
139 for prosecutions of sexual predators for acts or omissions  
140 relating to registration requirements, for the purpose of  
141 incorporating the amendments to ss. 775.21, 943.0435,  
142 944.606, and 944.607, F.S., in references thereto;  
143 reenacting ss. 775.13(5) and 775.261(3)(b), F.S., relating  
144 to the registration of convicted sexual predators and  
145 sexual offenders and criteria for registration under the

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146 Florida Career Offender Registration Act, respectively,  
 147 for the purpose of incorporating the amendments to ss.  
 148 775.21, 943.0435, and 944.607, F.S., in references  
 149 thereto; reenacting s. 921.0022(3)(f), F.S., relating to  
 150 the ranking of criminal offenses related to the failure of  
 151 a sexual offender or sexual predator to register in the  
 152 offense severity ranking chart of the Criminal Punishment  
 153 Code, for the purpose of incorporating the amendments to  
 154 ss. 775.21 and 943.0435, F.S., in references thereto;  
 155 reenacting s. 944.608(7), F.S., relating to notification  
 156 to the Department of Law Enforcement of information on  
 157 career offenders, for the purpose of incorporating the  
 158 amendments to ss. 775.21 and 944.607, F.S., in references  
 159 thereto; reenacting ss. 39.806(1)(d), 63.089(4)(b),  
 160 63.092(3), 944.609(4), 947.1405(2)(c), and 948.12(3),  
 161 F.S., relating to grounds for termination of parental  
 162 rights, findings of abandonment in proceedings to  
 163 terminate parental rights pending adoption, preliminary  
 164 studies of the homes of prospective adoptive parents,  
 165 career offender notification, the conditional release  
 166 program, and intensive supervision for postprison release  
 167 of violent offenders, respectively, for the purpose of  
 168 incorporating the amendment to s. 775.21, F.S., in  
 169 references thereto; providing an effective date.

171 WHEREAS, the Legislature finds that in order to protect the  
 172 public, a system of registration is required for sexual  
 173 predators and sexual offenders so that the public and law  
 174 enforcement agencies can keep track of the residences of

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175 predators and offenders and possibly prevent future sex crimes  
 176 from being perpetrated, and

177 WHEREAS, the Legislature intends to clarify that sexual  
 178 predators and sexual offenders are, and have been, required to  
 179 register a change of residency when the driver's licenses of  
 180 such persons are subject to renewal and also when such persons  
 181 have changed places of residence, and

182 WHEREAS, the Legislature finds that gaps in time between  
 183 changes in the registered information concerning a sexual  
 184 predator or sexual offender weaken the effectiveness of the  
 185 registration system and pose a threat to public safety by making  
 186 it more difficult to quickly locate sexual predators and sexual  
 187 offenders residing in Florida, and

188 WHEREAS, the Legislature finds that persons who commit  
 189 sexually based offenses, especially those who have committed  
 190 offenses against minors, often pose a high risk of engaging in  
 191 sexually based offenses even after being released from  
 192 incarceration or commitment, and

193 WHEREAS, the Legislature finds that a small but extremely  
 194 dangerous number of sexually violent predators exist who  
 195 generally have antisocial personality features that are  
 196 unamenable to existing mental illness treatment modalities, and  
 197 those features render them likely to engage in criminal,  
 198 sexually violent behavior, and

199 WHEREAS, the Legislature finds that the likelihood that  
 200 sexually violent predators will engage in repeat acts of  
 201 predatory sexual violence is high, and

202 WHEREAS, the Legislature finds that the protection of the  
 203 public from persons who commit sexually based offenses,

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204 especially those who are sexually violent predators, is a  
 205 paramount government interest, and

206 WHEREAS, the Legislature finds that persons who commit  
 207 sexually based offenses have a reduced expectation of privacy  
 208 because of the public's interest in public safety and in the  
 209 effective operation of government, and

210 WHEREAS, the Legislature finds that releasing information  
 211 concerning persons who commit sexually based offenses to law  
 212 enforcement agencies and to persons who request such information,  
 213 and the release of such information to the public by a law  
 214 enforcement agency or public agency, will further the  
 215 governmental interests of public safety, and

216 WHEREAS, the Legislature finds that the designation of a  
 217 person as a sexual offender or sexual predator is not a sentence  
 218 or a punishment but is simply a status that reflects the past  
 219 behavior of a person, NOW, THEREFORE,

220

221 Be It Enacted by the Legislature of the State of Florida:

222

223 Section 1. Paragraph (c) of subsection (2), paragraphs (a)  
 224 and (c) of subsection (5), paragraph (g) of subsection (6), and  
 225 subsection (10) of section 775.21, Florida Statutes, are  
 226 amended, paragraph (d) is added to subsection (4) of said  
 227 section, and paragraph (d) of subsection (5) and paragraph (1)  
 228 of subsection (6) of said section are reenacted for the purpose  
 229 of incorporating the amendments to sections 943.0435 and  
 230 944.607, Florida Statutes, in references thereto, to read:

231 775.21 The Florida Sexual Predators Act; definitions;  
 232 legislative findings, purpose, and intent; criteria;



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233 designation; registration; community and public notification;  
 234 immunity; penalties.--

235 (2) DEFINITIONS.--As used in this section, the term:

236 (c) "Conviction" means a determination of guilt which is  
 237 the result of a trial or the entry of a plea of guilty or nolo  
 238 contendere, regardless of whether adjudication is withheld. A  
 239 conviction for a similar offense includes, but is not limited  
 240 to, a conviction by a federal or military tribunal, including  
 241 courts-martial conducted by the Armed Forces of the United  
 242 States, and includes a conviction or entry of a plea of guilty  
 243 or nolo contendere resulting in a sanction in any state of the  
 244 United States or other jurisdiction. A sanction includes, but is  
 245 not limited to, a fine, probation, community control, parole,  
 246 conditional release, control release, or incarceration in a  
 247 state prison, federal prison, private correctional facility, or  
 248 local detention facility.

249 (4) SEXUAL PREDATOR CRITERIA.--

250 (d) An offender who has been determined to be a sexually  
 251 violent predator pursuant to a civil commitment proceeding under  
 252 chapter 394 or who is the subject of a similar determination  
 253 pursuant to a similar proceeding in another state shall be  
 254 designated as a "sexual predator" under subsection (5) and  
 255 subject to registration under subsection (6) and community and  
 256 public notification under subsection (7).

257 (5) SEXUAL PREDATOR DESIGNATION.--An offender is  
 258 designated as a sexual predator as follows:

259 (a)1. An offender who meets the sexual predator criteria  
 260 described in paragraph (4)(d) is a sexual predator, and the  
 261 court must make a written finding at the time such offender is

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262 determined to be a sexually violent predator under chapter 394  
 263 that such person meets the criteria for designation as a sexual  
 264 predator for purposes of this section. The clerk shall transmit  
 265 a copy of the order containing the written finding to the  
 266 department within 48 hours after the entry of the order;

267 2. An offender who meets the sexual predator criteria  
 268 described in paragraph (4)(a) who is before the court for  
 269 sentencing for a current offense committed on or after October  
 270 1, 1993, is a sexual predator, and the sentencing court must  
 271 make a written finding at the time of sentencing that the  
 272 offender is a sexual predator, and the clerk of the court shall  
 273 transmit a copy of the order containing the written finding to  
 274 the department within 48 hours after the entry of the order; or

275 ~~3.2.~~ If the Department of Corrections, the department, or  
 276 any other law enforcement agency obtains information which  
 277 indicates that an offender who establishes or maintains a  
 278 permanent or temporary residence in this state meets the sexual  
 279 predator criteria described in paragraph (4)(a) or (4)(d)  
 280 because the offender committed a similar violation or was  
 281 civilly committed in another jurisdiction on or after October 1,  
 282 1993, the Department of Corrections, the department, or the law  
 283 enforcement agency shall notify the state attorney of the county  
 284 where the offender establishes or maintains a permanent or  
 285 temporary residence of the offender's presence in the community.  
 286 The state attorney shall file a petition with the criminal  
 287 division of the circuit court for the purpose of holding a  
 288 hearing to determine if the offender's criminal record or record  
 289 of civil commitment from another jurisdiction meets the sexual  
 290 predator criteria. If the court finds that the offender meets

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291 the sexual predator criteria because the offender has violated a  
 292 similar law or similar laws in another jurisdiction, the court  
 293 shall make a written finding that the offender is a sexual  
 294 predator.

295  
 296 When the court makes a written finding that an offender is a  
 297 sexual predator, the court shall inform the sexual predator of  
 298 the registration and community and public notification  
 299 requirements described in this section. Within 48 hours after ~~of~~  
 300 the court designating an offender as a sexual predator, the  
 301 clerk of the circuit court shall transmit a copy of the court's  
 302 written sexual predator finding to the department. If the  
 303 offender is sentenced to a term of imprisonment or supervision,  
 304 a copy of the court's written sexual predator finding must be  
 305 submitted to the Department of Corrections.

306 (c) If the Department of Corrections, the department, or  
 307 any other law enforcement agency obtains information which  
 308 indicates that an offender meets the sexual predator criteria  
 309 but the court did not make a written finding that the offender  
 310 is a sexual predator as required in paragraph (a), the  
 311 Department of Corrections, the department, or the law  
 312 enforcement agency shall notify the state attorney who  
 313 prosecuted the offense for offenders described in subparagraph  
 314 (a)1., or the state attorney of the county where the offender  
 315 establishes or maintains a residence upon first entering the  
 316 state for offenders described in subparagraph (a)3.2~~3.2~~. The state  
 317 attorney shall bring the matter to the court's attention in  
 318 order to establish that the offender meets the sexual predator  
 319 criteria. If the state attorney fails to establish that an

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320 offender meets the sexual predator criteria and the court does  
 321 not make a written finding that an offender is a sexual  
 322 predator, the offender is not required to register with the  
 323 department as a sexual predator. The Department of Corrections,  
 324 the department, or any other law enforcement agency shall not  
 325 administratively designate an offender as a sexual predator  
 326 without a written finding from the court that the offender is a  
 327 sexual predator.

328 (d) A person who establishes or maintains a residence in  
 329 this state and who has not been designated as a sexual predator  
 330 by a court of this state but who has been designated as a sexual  
 331 predator, as a sexually violent predator, or by another sexual  
 332 offender designation in another state or jurisdiction and was,  
 333 as a result of such designation, subjected to registration or  
 334 community or public notification, or both, or would be if the  
 335 person was a resident of that state or jurisdiction, shall  
 336 register in the manner provided in s. 943.0435 or s. 944.607 and  
 337 shall be subject to community and public notification as  
 338 provided in s. 943.0435 or s. 944.607. A person who meets the  
 339 criteria of this section is subject to the requirements and  
 340 penalty provisions of s. 943.0435 or s. 944.607 until the person  
 341 provides the department with an order issued by the court that  
 342 designated the person as a sexual predator, as a sexually  
 343 violent predator, or by another sexual offender designation in  
 344 the state or jurisdiction in which the order was issued which  
 345 states that such designation has been removed or demonstrates to  
 346 the department that such designation, if not imposed by a court,  
 347 has been removed by operation of law or court order in the state  
 348 or jurisdiction in which the designation was made, and provided

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349 such person no longer meets the criteria for registration as a  
 350 sexual offender under the laws of this state.

351 (6) REGISTRATION.--

352 (g)1. Each time a sexual predator's driver's license or  
 353 identification card is subject to renewal, and, without regard  
 354 to the status of the predator's driver's license or  
 355 identification card, within 48 hours after any change of the  
 356 predator's residence or change in the predator's name by reason  
 357 of marriage or other legal process, the predator shall report in  
 358 person to a driver's license office, and shall be subject to the  
 359 requirements specified in paragraph (f). The Department of  
 360 Highway Safety and Motor Vehicles shall forward to the  
 361 department and to the Department of Corrections all photographs  
 362 and information provided by sexual predators. Notwithstanding  
 363 the restrictions set forth in s. 322.142, the Department of  
 364 Highway Safety and Motor Vehicles is authorized to release a  
 365 reproduction of a color-photograph or digital-image license to  
 366 the Department of Law Enforcement for purposes of public  
 367 notification of sexual predators as provided in this section.

368 2. A sexual predator who vacates a permanent residence and  
 369 fails to establish or maintain another permanent or temporary  
 370 residence shall, within 48 hours after vacating the permanent  
 371 residence, report in person to the department or the sheriff's  
 372 office of the county in which he or she is located. The sexual  
 373 predator shall specify the date upon which he or she intends to  
 374 or did vacate such residence. The sexual predator must provide  
 375 or update all of the registration information required under  
 376 paragraph (a). The sexual predator must provide an address for  
 377 the residence or other location that he or she is or will be

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378 occupying during the time in which he or she fails to establish  
379 or maintain a permanent or temporary residence.

380 3. A sexual predator who remains at a permanent residence  
381 after reporting his or her intent to vacate such residence  
382 shall, within 48 hours after the date upon which the predator  
383 indicated he or she would or did vacate such residence, report  
384 in person to the agency to which he or she reported pursuant to  
385 subparagraph 2. for the purpose of reporting his or her address  
386 at such residence. If the sheriff receives the report, the  
387 sheriff shall promptly convey the information to the department.  
388 An offender who makes a report as required under subparagraph 2.  
389 but fails to make a report as required under this subparagraph  
390 commits a felony of the second degree, punishable as provided in  
391 s. 775.082, s. 775.083, or s. 775.084.

392 (1) A sexual predator must maintain registration with the  
393 department for the duration of his or her life, unless the  
394 sexual predator has received a full pardon or has had a  
395 conviction set aside in a postconviction proceeding for any  
396 offense that met the criteria for the sexual predator  
397 designation. However, a sexual predator who was designated as a  
398 sexual predator by a court before October 1, 1998, and who has  
399 been lawfully released from confinement, supervision, or  
400 sanction, whichever is later, for at least 10 years and has not  
401 been arrested for any felony or misdemeanor offense since  
402 release, may petition the criminal division of the circuit court  
403 in the circuit in which the sexual predator resides for the  
404 purpose of removing the sexual predator designation. A sexual  
405 predator who was designated a sexual predator by a court on or  
406 after October 1, 1998, who has been lawfully released from

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407 confinement, supervision, or sanction, whichever is later, for  
408 at least 20 years, and who has not been arrested for any felony  
409 or misdemeanor offense since release may petition the criminal  
410 division of the circuit court in the circuit in which the sexual  
411 predator resides for the purpose of removing the sexual predator  
412 designation. The court may grant or deny such relief if the  
413 petitioner demonstrates to the court that he or she has not been  
414 arrested for any crime since release, the requested relief  
415 complies with the provisions of the federal Jacob Wetterling  
416 Act, as amended, and any other federal standards applicable to  
417 the removal of the designation as a sexual predator or required  
418 to be met as a condition for the receipt of federal funds by the  
419 state, and the court is otherwise satisfied that the petitioner  
420 is not a current or potential threat to public safety. The state  
421 attorney in the circuit in which the petition is filed must be  
422 given notice of the petition at least 3 weeks before the hearing  
423 on the matter. The state attorney may present evidence in  
424 opposition to the requested relief or may otherwise demonstrate  
425 the reasons why the petition should be denied. If the court  
426 denies the petition, the court may set a future date at which  
427 the sexual predator may again petition the court for relief,  
428 subject to the standards for relief provided in this paragraph.  
429 Unless specified in the order, a sexual predator who is granted  
430 relief under this paragraph must comply with the requirements  
431 for registration as a sexual offender and other requirements  
432 provided under s. 943.0435 or s. 944.607. If a petitioner  
433 obtains an order from the court that imposed the order  
434 designating the petitioner as a sexual predator which removes  
435 such designation, the petitioner shall forward a certified copy

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436 of the written findings or order to the department in order to  
 437 have the sexual predator designation removed from the sexual  
 438 predator registry.

439

440 The sheriff shall promptly provide to the department the  
 441 information received from the sexual predator.

442 (10) PENALTIES.--

443 (a) Except as otherwise specifically provided, a sexual  
 444 predator who fails to register; who fails, after registration,  
 445 to maintain, acquire, or renew a driver's license or  
 446 identification card; who fails to provide required location  
 447 information or change-of-name information; who fails to make a  
 448 required report in connection with vacating a permanent  
 449 residence; or who otherwise fails, by act or omission, to comply  
 450 with the requirements of this section, commits a felony of the  
 451 third degree, punishable as provided in s. 775.082, s. 775.083,  
 452 or s. 775.084.

453 (b) A sexual predator who has been convicted of or found  
 454 to have committed, or has pled nolo contendere or guilty to,  
 455 regardless of adjudication, any violation, or attempted  
 456 violation, of s. 787.01, s. 787.02, or s. 787.025, where the  
 457 victim is a minor and the defendant is not the victim's parent;  
 458 s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.  
 459 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation  
 460 of a similar law of another jurisdiction, when the victim of the  
 461 offense was a minor, and who works, whether for compensation or  
 462 as a volunteer, at any business, school, day care center, park,  
 463 playground, or other place where children regularly congregate,



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464 commits a felony of the third degree, punishable as provided in  
 465 s. 775.082, s. 775.083, or s. 775.084.

466 (c) Any person who misuses public records information  
 467 relating to a sexual predator, as defined in this section, or a  
 468 sexual offender, as defined in s. 943.0435 or s. 944.607, to  
 469 secure a payment from such a predator or offender; who knowingly  
 470 distributes or publishes false information relating to such a  
 471 predator or offender which the person misrepresents as being  
 472 public records information; or who materially alters public  
 473 records information with the intent to misrepresent the  
 474 information, including documents, summaries of public records  
 475 information provided by law enforcement agencies, or public  
 476 records information displayed by law enforcement agencies on  
 477 websites or provided through other means of communication,  
 478 commits a misdemeanor of the first degree, punishable as  
 479 provided in s. 775.082 or s. 775.083.

480 (d) A sexual predator who commits any act or omission in  
 481 violation of this section may be prosecuted for the act or  
 482 omission in the county in which the act or omission was  
 483 committed, the county of the last registered address of the  
 484 sexual predator, or the county in which the conviction occurred  
 485 for the offense or offenses that meet the criteria for  
 486 designating a person as a sexual predator.

487 (e) An arrest on charges of failure to register, the  
 488 service of an information or a complaint for a violation of this  
 489 section, or an arraignment on charges for a violation of this  
 490 section constitutes actual notice of the duty to register. A  
 491 sexual predator's failure to immediately register as required by  
 492 this section following such arrest, service, or arraignment

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493 constitutes grounds for a subsequent charge of failure to  
 494 register. A sexual predator charged with the crime of failure to  
 495 register who asserts, or intends to assert, a lack of notice of  
 496 the duty to register as a defense to a charge of failure to  
 497 register shall immediately register as required by this section.  
 498 A sexual predator who is charged with a subsequent failure to  
 499 register may not assert the defense of a lack of notice of the  
 500 duty to register.

501 (f) Registration following such arrest, service, or  
 502 arraignment is not a defense and does not relieve the sexual  
 503 predator of criminal liability for the failure to register.

504 (g) The lack of a permanent or temporary residence is not  
 505 a defense and does not relieve the sexual predator of his or her  
 506 responsibility to register pursuant to the provisions of this  
 507 section.

508 Section 2. Paragraph (b) of subsection (1) and subsections  
 509 (3), (4), and (9) of section 943.0435, Florida Statutes, are  
 510 amended, and subsection (5) of said section is reenacted for the  
 511 purpose of incorporating the amendment to section 775.21,  
 512 Florida Statutes, in references thereto, to read:

513 943.0435 Sexual offenders required to register with the  
 514 department; penalty.--

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

516 (b) "Convicted" means that there has been a determination  
 517 of guilt as a result of a trial or the entry of a plea of guilty  
 518 or nolo contendere, regardless of whether adjudication is  
 519 withheld. Conviction of a similar offense includes, but is not  
 520 limited to, a conviction by a federal or military tribunal,  
 521 including courts-martial conducted by the Armed Forces of the

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522 United States, and includes a conviction or entry of a plea of  
 523 guilty or nolo contendere resulting in a sanction in any state of  
 524 the United States or other jurisdiction. A sanction includes,  
 525 but is not limited to, a fine, probation, community control,  
 526 parole, conditional release, control release, or incarceration  
 527 in a state prison, federal prison, private correctional  
 528 facility, or local detention facility.

529 (3) Within 48 hours after the report required under  
 530 subsection (2), a sexual offender shall report in person at a  
 531 driver's license office of the Department of Highway Safety and  
 532 Motor Vehicles, unless a driver's license or identification card  
 533 was previously secured or updated under s. 944.607~~(9)~~. At the  
 534 driver's license office the sexual offender shall:

535 (a) If otherwise qualified, secure a Florida driver's  
 536 license, renew a Florida driver's license, or secure an  
 537 identification card. The sexual offender shall identify himself  
 538 or herself as a sexual offender who is required to comply with  
 539 this section and shall provide proof that the sexual offender  
 540 reported as required in subsection (2). The sexual offender  
 541 shall provide any of the information specified in subsection  
 542 (2), if requested. The sexual offender shall submit to the  
 543 taking of a photograph for use in issuing a driver's license,  
 544 renewed license, or identification card, and for use by the  
 545 department in maintaining current records of sexual offenders.

546 (b) Pay the costs assessed by the Department of Highway  
 547 Safety and Motor Vehicles for issuing or renewing a driver's  
 548 license or identification card as required by this section.

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549 (c) Provide, upon request, any additional information  
 550 necessary to confirm the identity of the sexual offender,  
 551 including a set of fingerprints.

552 (4)(a) Each time a sexual offender's driver's license or  
 553 identification card is subject to renewal, and, without regard  
 554 to the status of the offender's driver's license or  
 555 identification card, within 48 hours after any change in the  
 556 offender's permanent or temporary residence or change in the  
 557 offender's name by reason of marriage or other legal process,  
 558 the offender shall report in person to a driver's license  
 559 office, and shall be subject to the requirements specified in  
 560 subsection (3). The Department of Highway Safety and Motor  
 561 Vehicles shall forward to the department all photographs and  
 562 information provided by sexual offenders. Notwithstanding the  
 563 restrictions set forth in s. 322.142, the Department of Highway  
 564 Safety and Motor Vehicles is authorized to release a  
 565 reproduction of a color-photograph or digital-image license to  
 566 the Department of Law Enforcement for purposes of public  
 567 notification of sexual offenders as provided in ss. 943.043,  
 568 943.0435, and 944.606.

569 (b) A sexual offender who vacates a permanent residence  
 570 and fails to establish or maintain another permanent or  
 571 temporary residence shall, within 48 hours after vacating the  
 572 permanent residence, report in person to the department or the  
 573 sheriff's office of the county in which he or she is located.  
 574 The sexual offender shall specify the date upon which he or she  
 575 intends to or did vacate such residence. The sexual offender  
 576 must provide or update all of the registration information  
 577 required under paragraph (2)(b). The sexual offender must

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578 provide an address for the residence or other location that he  
579 or she is or will be occupying during the time in which he or  
580 she fails to establish or maintain a permanent or temporary  
581 residence.

582 (c) A sexual offender who remains at a permanent residence  
583 after reporting his or her intent to vacate such residence  
584 shall, within 48 hours after the date upon which the offender  
585 indicated he or she would or did vacate such residence, report  
586 in person to the agency to which he or she reported pursuant to  
587 paragraph (b) for the purpose of reporting his or her address at  
588 such residence. If the sheriff receives the report, the sheriff  
589 shall promptly convey the information to the department. An  
590 offender who makes a report as required under paragraph (b) but  
591 fails to make a report as required under this paragraph commits  
592 a felony of the second degree, punishable as provided in s.  
593 775.082, s. 775.083, or s. 775.084.

594 (5) This section does not apply to a sexual offender who  
595 is also a sexual predator, as defined in s. 775.21. A sexual  
596 predator must register as required under s. 775.21.

597 (9)(a) A sexual offender who does not comply with the  
598 requirements of this section commits a felony of the third  
599 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
600 775.084.

601 (b) A sexual offender who commits any act or omission in  
602 violation of this section may be prosecuted for the act or  
603 omission in the county in which the act or omission was  
604 committed, the county of the last registered address of the  
605 sexual offender, or the county in which the conviction occurred

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606 for the offense or offenses that meet the criteria for  
607 designating a person as a sexual offender.

608 (c) An arrest on charges of failure to register, the  
609 service of an information or a complaint for a violation of this  
610 section, or an arraignment on charges for a violation of this  
611 section constitutes actual notice of the duty to register. A  
612 sexual offender's failure to immediately register as required by  
613 this section following such arrest, service, or arraignment  
614 constitutes grounds for a subsequent charge of failure to  
615 register. A sexual offender charged with the crime of failure to  
616 register who asserts, or intends to assert, a lack of notice of  
617 the duty to register as a defense to a charge of failure to  
618 register shall immediately register as required by this section.  
619 A sexual offender who is charged with a subsequent failure to  
620 register may not assert the defense of a lack of notice of the  
621 duty to register.

622 (d) Registration following such arrest, service, or  
623 arraignment is not a defense and does not relieve the sexual  
624 offender of criminal liability for the failure to register.

625 (e) The lack of a permanent or temporary residence is not  
626 a defense and does not relieve the sexual offender of his or her  
627 responsibility to register pursuant to the provisions of this  
628 section.

629 Section 3. Paragraph (a) of subsection (1) of section  
630 944.606, Florida Statutes, is amended to read:

631 944.606 Sexual offenders; notification upon release.--

632 (1) As used in this section:

633 (a) "Convicted" means there has been a determination of  
634 guilt as a result of a trial or the entry of a plea of guilty or

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635 nolo contendere, regardless of whether adjudication is withheld.  
 636 A conviction for a similar offense includes, but is not limited  
 637 to, a conviction by a federal or military tribunal, including  
 638 courts-martial conducted by the Armed Forces of the United  
 639 States, and includes a conviction or entry of a plea of guilty  
 640 or nolo contendere resulting in a sanction in any state of the  
 641 United States or other jurisdiction. A sanction includes, but is  
 642 not limited to, a fine, probation, community control, parole,  
 643 conditional release, control release, or incarceration in a  
 644 state prison, federal prison, private correctional facility, or  
 645 local detention facility.

646 Section 4. Paragraph (b) of subsection (1) and subsections  
 647 (4) and (10) of section 944.607, Florida Statutes, are amended,  
 648 and subsection (9) of said section is reenacted for the purpose  
 649 of incorporating the amendments to sections 775.21 and 943.0435,  
 650 Florida Statutes, in references thereto, to read:

651 944.607 Notification to Department of Law Enforcement of  
 652 information on sexual offenders.--

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

654 (b) "Conviction" means a determination of guilt which is  
 655 the result of a trial or the entry of a plea of guilty or nolo  
 656 contendere, regardless of whether adjudication is withheld.  
 657 Conviction of a similar offense includes, but is not limited to,  
 658 a conviction by a federal or military tribunal, including  
 659 courts-martial conducted by the Armed Forces of the United  
 660 States, and includes a conviction or entry of a plea of guilty  
 661 or nolo contendere resulting in a sanction in any state of the  
 662 United States or other jurisdiction. A sanction includes, but is  
 663 not limited to, a fine, probation, community control, parole,

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664 conditional release, control release, or incarceration in a  
 665 state prison, federal prison, private correctional facility, or  
 666 local detention facility.

667 (4) A sexual offender, as described in this section, who  
 668 is under the supervision of the Department of Corrections but is  
 669 not incarcerated must register with the Department of  
 670 Corrections and provide ~~the following~~ information as required by  
 671 this subsection.÷

672 (a) The sexual offender must provide his or her name; date  
 673 of birth; social security number; race; sex; height; weight;  
 674 hair and eye color; tattoos or other identifying marks; and  
 675 permanent or legal residence and address of temporary residence  
 676 within the state or out of state while the sexual offender is  
 677 under supervision in this state, including any rural route  
 678 address or post office box. The Department of Corrections shall  
 679 verify the address of each sexual offender in the manner  
 680 described in ss. 775.21 and 943.0435.

681 (b) If the sexual offender is enrolled, employed, or  
 682 carrying on a vocation at an institution of higher education in  
 683 this state, the sexual offender must provide the name, address,  
 684 and county of each institution, including each campus attended,  
 685 and the sexual offender's enrollment or employment status. Each  
 686 change in enrollment or employment status shall be reported to  
 687 the department within 48 hours after the change in status. The  
 688 Department of Corrections shall promptly notify each institution  
 689 of the sexual offender's presence and any change in the sexual  
 690 offender's enrollment or employment status.

691 (9) A sexual offender, as described in this section, who  
 692 is under the supervision of the Department of Corrections but



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693 who is not incarcerated shall, in addition to the registration  
 694 requirements provided in subsection (4), register in the manner  
 695 provided in s. 943.0435(3), (4), and (5), unless the sexual  
 696 offender is a sexual predator, in which case he or she shall  
 697 register as required under s. 775.21. A sexual offender who  
 698 fails to comply with the requirements of s. 943.0435 is subject  
 699 to the penalties provided in s. 943.0435(9).

700 (10)(a) The failure of a sexual offender to submit to the  
 701 taking of a digitized photograph, or to otherwise comply with  
 702 the requirements of this section, is a felony of the third  
 703 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 704 775.084.

705 (b) A sexual offender who commits any act or omission in  
 706 violation of this section may be prosecuted for the act or  
 707 omission in the county in which the act or omission was  
 708 committed, the county of the last registered address of the  
 709 sexual offender, or the county in which the conviction occurred  
 710 for the offense or offenses that meet the criteria for  
 711 designating a person as a sexual offender.

712 (c) An arrest on charges of failure to register, the  
 713 service of an information or a complaint for a violation of this  
 714 section, or an arraignment on charges for a violation of this  
 715 section constitutes actual notice of the duty to register. A  
 716 sexual offender's failure to immediately register as required by  
 717 this section following such arrest, service, or arraignment  
 718 constitutes grounds for a subsequent charge of failure to  
 719 register. A sexual offender charged with the crime of failure to  
 720 register who asserts, or intends to assert, a lack of notice of  
 721 the duty to register as a defense to a charge of failure to

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722 register shall immediately register as required by this section.

723 A sexual offender who is charged with a subsequent failure to  
 724 register may not assert the defense of a lack of notice of the  
 725 duty to register.

726 (d) Registration following such arrest, service, or  
 727 arraignment is not a defense and does not relieve the sexual  
 728 offender of criminal liability for the failure to register.

729 (e) The lack of a permanent or temporary residence is not  
 730 a defense and does not relieve the sexual offender of his or her  
 731 responsibility to register pursuant to the provisions of this  
 732 section.

733 Section 5. For the purpose of incorporating the amendments  
 734 to sections 775.21, 943.0435, and 944.607, Florida Statutes, in  
 735 references thereto, subsection (5) of section 775.13, Florida  
 736 Statutes, is reenacted to read:

737 775.13 Registration of convicted felons, exemptions;  
 738 penalties.--

739 (5) This section does not apply to an offender:

740 (a) Who has had his or her civil rights restored;

741 (b) Who has received a full pardon for the offense for  
 742 which convicted;

743 (c) Who has been lawfully released from incarceration or  
 744 other sentence or supervision for a felony conviction for more  
 745 than 5 years prior to such time for registration, unless the  
 746 offender is a fugitive from justice on a felony charge or has  
 747 been convicted of any offense since release from such  
 748 incarceration or other sentence or supervision;

749 (d) Who is a parolee or probationer under the supervision  
 750 of the United States Parole Commission if the commission knows

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751 of and consents to the presence of the offender in Florida or is  
 752 a probationer under the supervision of any federal probation  
 753 officer in the state or who has been lawfully discharged from  
 754 such parole or probation;

755 (e) Who is a sexual predator and has registered as  
 756 required under s. 775.21;

757 (f) Who is a sexual offender and has registered as  
 758 required in s. 943.0435 or s. 944.607; or

759 (g) Who is a career offender who has registered as  
 760 required in s. 775.261 or s. 944.609.

761 Section 6. For the purpose of incorporating the amendments  
 762 to sections 943.0435, 944.606, and 944.607, Florida Statutes, in  
 763 references thereto, subsection (2) of section 943.0436, Florida  
 764 Statutes, is reenacted to read:

765 943.0436 Duty of the court to uphold laws governing sexual  
 766 predators and sexual offenders.--

767 (2) If a person meets the criteria in chapter 775 for  
 768 designation as a sexual predator or meets the criteria in s.  
 769 943.0435, s. 944.606, s. 944.607, or any other law for  
 770 classification as a sexual offender, the court may not enter an  
 771 order, for the purpose of approving a plea agreement or for any  
 772 other reason, which:

773 (a) Exempts a person who meets the criteria for  
 774 designation as a sexual predator or classification as a sexual  
 775 offender from such designation or classification, or exempts  
 776 such person from the requirements for registration or community  
 777 and public notification imposed upon sexual predators and sexual  
 778 offenders;

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779 (b) Restricts the compiling, reporting, or release of  
 780 public records information that relates to sexual predators or  
 781 sexual offenders; or

782 (c) Prevents any person or entity from performing its  
 783 duties or operating within its statutorily conferred authority  
 784 as such duty or authority relates to sexual predators or sexual  
 785 offenders.

786 Section 7. For the purpose of incorporating the amendments  
 787 to sections 943.0435, 944.606, and 944.607, Florida Statutes, in  
 788 references thereto, subsection (2) of section 775.24, Florida  
 789 Statutes, is reenacted to read:

790 775.24 Duty of the court to uphold laws governing sexual  
 791 predators and sexual offenders.--

792 (2) If a person meets the criteria in this chapter for  
 793 designation as a sexual predator or meets the criteria in s.  
 794 943.0435, s. 944.606, s. 944.607, or any other law for  
 795 classification as a sexual offender, the court may not enter an  
 796 order, for the purpose of approving a plea agreement or for any  
 797 other reason, which:

798 (a) Exempts a person who meets the criteria for  
 799 designation as a sexual predator or classification as a sexual  
 800 offender from such designation or classification, or exempts  
 801 such person from the requirements for registration or community  
 802 and public notification imposed upon sexual predators and sexual  
 803 offenders;

804 (b) Restricts the compiling, reporting, or release of  
 805 public records information that relates to sexual predators or  
 806 sexual offenders; or

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807 (c) Prevents any person or entity from performing its  
 808 duties or operating within its statutorily conferred authority  
 809 as such duty or authority relates to sexual predators or sexual  
 810 offenders.

811 Section 8. For the purpose of incorporating the amendments  
 812 to sections 775.21, 943.0435, 944.606, and 944.607, Florida  
 813 Statutes, in references thereto, section 775.25, Florida  
 814 Statutes, is reenacted to read:

815 775.25 Prosecutions for acts or omissions.--A sexual  
 816 predator or sexual offender who commits any act or omission in  
 817 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
 818 944.607, or s. 947.177 may be prosecuted for the act or omission  
 819 in the county in which the act or omission was committed, the  
 820 county of the last registered address of the sexual predator or  
 821 sexual offender, or the county in which the conviction occurred  
 822 for the offense or offenses that meet the criteria for  
 823 designating a person as a sexual predator or sexual offender. In  
 824 addition, a sexual predator may be prosecuted for any such act  
 825 or omission in the county in which he or she was designated a  
 826 sexual predator.

827 Section 9. For the purpose of incorporating the amendments  
 828 to sections 775.21, 943.0435, and 944.607, Florida Statutes, in  
 829 references thereto, paragraph (b) of subsection (3) of section  
 830 775.261, Florida Statutes, is reenacted to read:

831 775.261 The Florida Career Offender Registration Act;  
 832 definitions; criteria; designation; registration; community  
 833 notification; immunity; penalties.--

834 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.--

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835 (b) This section does not apply to any person who has been  
 836 designated as a sexual predator and required to register under  
 837 s. 775.21 or who is required to register as a sexual offender  
 838 under s. 943.0435 or s. 944.607. However, if a person is no  
 839 longer required to register as a sexual predator under s. 775.21  
 840 or as a sexual offender under s. 943.0435 or s. 944.607, the  
 841 person must register as a career offender under this section if  
 842 the person is otherwise designated as a career offender as  
 843 provided in this section.

844 Section 10. For the purpose of incorporating the  
 845 amendments to sections 775.21 and 943.0435, Florida Statutes, in  
 846 references thereto, paragraph (f) of subsection (3) of section  
 847 921.0022, Florida Statutes, is reenacted to read:

848 921.0022 Criminal Punishment Code; offense severity  
 849 ranking chart.--

850 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

851			(f) LEVEL 6
852	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
853	499.0051(3)	2nd	Forgery of pedigree papers.
854	499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
855	499.0051(5)	2nd	Sale of legend drug to unauthorized

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person.

856

775.0875(1) 3rd Taking firearm from law enforcement officer.

857

775.21(10) 3rd Sexual predators; failure to register; failure to renew driver's license or identification card.

858

784.021(1)(a) 3rd Aggravated assault; deadly weapon without intent to kill.

859

784.021(1)(b) 3rd Aggravated assault; intent to commit felony.

860

784.041 3rd Felony battery.

861

784.048(3) 3rd Aggravated stalking; credible threat.

862

784.048(5) 3rd Aggravated stalking of person under 16.

863

784.07(2)(c) 2nd Aggravated assault on law enforcement officer.

864

784.074(1)(b) 2nd Aggravated assault on sexually violent predators facility staff.

865

784.08(2)(b) 2nd Aggravated assault on a person 65 years of age or older.

866

784.081(2) 2nd Aggravated assault on specified official or employee.

867

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868	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
869	784.083(2)	2nd	Aggravated assault on code inspector.
870	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
871	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
872	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
873	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
874	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
875	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
876	794.05(1)	2nd	Unlawful sexual activity with specified minor.
877	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.



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878	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
879	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
880	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
881	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
882	812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
883	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
884	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
885	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
886	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
	825.102(1)	3rd	Abuse of an elderly person or disabled adult.

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887	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
888	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
889	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
890	827.03(1)	3rd	Abuse of a child.
891	827.03(3)(c)	3rd	Neglect of a child.
892	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
893	836.05	2nd	Threats; extortion.
894	836.10	2nd	Written threats to kill or do bodily injury.
895	843.12	3rd	Aids or assists person to escape.
896	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
897	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
898	943.0435(9)	3rd	Sex offenders; failure to comply with

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reporting requirements.

899

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

900

944.40 2nd Escapes.

901

944.46 3rd Harboring, concealing, aiding escaped prisoners.

902

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

903

951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

904

905 Section 11. For the purpose of incorporating the  
 906 amendments to sections 775.21 and 944.607, Florida Statutes, in  
 907 references thereto, subsection (7) of section 944.608, Florida  
 908 Statutes, is reenacted to read:

909 944.608 Notification to Department of Law Enforcement of  
 910 information on career offenders.--

911 (7) A career offender who is under the supervision of the  
 912 department but who is not incarcerated shall, in addition to the  
 913 registration requirements provided in subsection (3), register  
 914 in the manner provided in s. 775.261(4)(c), unless the career  
 915 offender is a sexual predator, in which case he or she shall

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916 register as required under s. 775.21, or is a sexual offender,  
 917 in which case he or she shall register as required in s.  
 918 944.607. A career offender who fails to comply with the  
 919 requirements of s. 775.261(4) is subject to the penalties  
 920 provided in s. 775.261(8).

921 Section 12. For the purpose of incorporating the amendment  
 922 to section 775.21, Florida Statutes, in a reference thereto,  
 923 paragraph (d) of subsection (1) of section 39.806, Florida  
 924 Statutes, is reenacted to read:

925 39.806 Grounds for termination of parental rights.--

926 (1) The department, the guardian ad litem, or any person  
 927 who has knowledge of the facts alleged or who is informed of  
 928 those facts and believes that they are true may petition for the  
 929 termination of parental rights under any of the following  
 930 circumstances:

931 (d) When the parent of a child is incarcerated in a state  
 932 or federal correctional institution and either:

933 1. The period of time for which the parent is expected to  
 934 be incarcerated will constitute a substantial portion of the  
 935 period of time before the child will attain the age of 18 years;

936 2. The incarcerated parent has been determined by the  
 937 court to be a violent career criminal as defined in s. 775.084,  
 938 a habitual violent felony offender as defined in s. 775.084, or  
 939 a sexual predator as defined in s. 775.21; has been convicted of  
 940 first degree or second degree murder in violation of s. 782.04  
 941 or a sexual battery that constitutes a capital, life, or first  
 942 degree felony violation of s. 794.011; or has been convicted of  
 943 an offense in another jurisdiction which is substantially  
 944 similar to one of the offenses listed in this paragraph. As used

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945 in this section, the term "substantially similar offense" means  
 946 any offense that is substantially similar in elements and  
 947 penalties to one of those listed in this subparagraph, and that  
 948 is in violation of a law of any other jurisdiction, whether that  
 949 of another state, the District of Columbia, the United States or  
 950 any possession or territory thereof, or any foreign  
 951 jurisdiction; or

952 3. The court determines by clear and convincing evidence  
 953 that continuing the parental relationship with the incarcerated  
 954 parent would be harmful to the child and, for this reason, that  
 955 termination of the parental rights of the incarcerated parent is  
 956 in the best interest of the child.

957 Section 13. For the purpose of incorporating the amendment  
 958 to section 775.21, Florida Statutes, in a reference thereto,  
 959 paragraph (b) of subsection (4) of section 63.089, Florida  
 960 Statutes, is reenacted to read:

961 63.089 Proceeding to terminate parental rights pending  
 962 adoption; hearing; grounds; dismissal of petition; judgment.--

963 (4) FINDING OF ABANDONMENT.--A finding of abandonment  
 964 resulting in a termination of parental rights must be based upon  
 965 clear and convincing evidence that a parent or person having  
 966 legal custody has abandoned the child in accordance with the  
 967 definition contained in s. 63.032(1). A finding of abandonment  
 968 may be based upon emotional abuse or a refusal to provide  
 969 reasonable financial support, when able, to a birth mother  
 970 during her pregnancy. If, in the opinion of the court, the  
 971 efforts of a parent or person having legal custody of the child  
 972 to support and communicate with the child are only marginal  
 973 efforts that do not evince a settled purpose to assume all

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974 parental duties, the court may declare the child to be  
 975 abandoned. In making this decision, the court may consider the  
 976 conduct of a father toward the child's mother during her  
 977 pregnancy.

978 (b) The child has been abandoned when the parent of a  
 979 child is incarcerated on or after October 1, 2001, in a state or  
 980 federal correctional institution and:

981 1. The period of time for which the parent is expected to  
 982 be incarcerated will constitute a substantial portion of the  
 983 period of time before the child will attain the age of 18 years;

984 2. The incarcerated parent has been determined by the  
 985 court to be a violent career criminal as defined in s. 775.084,  
 986 a habitual violent felony offender as defined in s. 775.084,  
 987 convicted of child abuse as defined in s. 827.03, or a sexual  
 988 predator as defined in s. 775.21; has been convicted of first  
 989 degree or second degree murder in violation of s. 782.04 or a  
 990 sexual battery that constitutes a capital, life, or first degree  
 991 felony violation of s. 794.011; or has been convicted of an  
 992 offense in another jurisdiction which is substantially similar  
 993 to one of the offenses listed in this subparagraph. As used in  
 994 this section, the term "substantially similar offense" means any  
 995 offense that is substantially similar in elements and penalties  
 996 to one of those listed in this subparagraph, and that is in  
 997 violation of a law of any other jurisdiction, whether that of  
 998 another state, the District of Columbia, the United States or  
 999 any possession or territory thereof, or any foreign  
 1000 jurisdiction; or

1001 3. The court determines by clear and convincing evidence  
 1002 that continuing the parental relationship with the incarcerated

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1003 parent would be harmful to the child and, for this reason, that  
 1004 termination of the parental rights of the incarcerated parent is  
 1005 in the best interest of the child.

1006 Section 14. For the purpose of incorporating the amendment  
 1007 to section 775.21, Florida Statutes, in a reference thereto,  
 1008 subsection (3) of section 63.092, Florida Statutes, is reenacted  
 1009 to read:

1010 63.092 Report to the court of intended placement by an  
 1011 adoption entity; at-risk placement; preliminary study.--

1012 (3) PRELIMINARY HOME STUDY.--Before placing the minor in  
 1013 the intended adoptive home, a preliminary home study must be  
 1014 performed by a licensed child-placing agency, a child-caring  
 1015 agency registered under s. 409.176, a licensed professional, or  
 1016 agency described in s. 61.20(2), unless the adoptee is an adult  
 1017 or the petitioner is a stepparent or a relative. If the adoptee  
 1018 is an adult or the petitioner is a stepparent or a relative, a  
 1019 preliminary home study may be required by the court for good  
 1020 cause shown. The department is required to perform the  
 1021 preliminary home study only if there is no licensed child-  
 1022 placing agency, child-caring agency registered under s. 409.176,  
 1023 licensed professional, or agency described in s. 61.20(2), in  
 1024 the county where the prospective adoptive parents reside. The  
 1025 preliminary home study must be made to determine the suitability  
 1026 of the intended adoptive parents and may be completed prior to  
 1027 identification of a prospective adoptive minor. A favorable  
 1028 preliminary home study is valid for 1 year after the date of its  
 1029 completion. Upon its completion, a copy of the home study must  
 1030 be provided to the intended adoptive parents who were the  
 1031 subject of the home study. A minor may not be placed in an

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1032 intended adoptive home before a favorable preliminary home study  
 1033 is completed unless the adoptive home is also a licensed foster  
 1034 home under s. 409.175. The preliminary home study must include,  
 1035 at a minimum:

- 1036 (a) An interview with the intended adoptive parents;
- 1037 (b) Records checks of the department's central abuse  
 1038 registry and criminal records correspondence checks pursuant to  
 1039 s. 435.045 through the Department of Law Enforcement on the  
 1040 intended adoptive parents;
- 1041 (c) An assessment of the physical environment of the home;
- 1042 (d) A determination of the financial security of the  
 1043 intended adoptive parents;
- 1044 (e) Documentation of counseling and education of the  
 1045 intended adoptive parents on adoptive parenting;
- 1046 (f) Documentation that information on adoption and the  
 1047 adoption process has been provided to the intended adoptive  
 1048 parents;
- 1049 (g) Documentation that information on support services  
 1050 available in the community has been provided to the intended  
 1051 adoptive parents; and
- 1052 (h) A copy of each signed acknowledgment of receipt of  
 1053 disclosure required by s. 63.085.

1054  
 1055 If the preliminary home study is favorable, a minor may be  
 1056 placed in the home pending entry of the judgment of adoption. A  
 1057 minor may not be placed in the home if the preliminary home  
 1058 study is unfavorable. If the preliminary home study is  
 1059 unfavorable, the adoption entity may, within 20 days after  
 1060 receipt of a copy of the written recommendation, petition the



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1061 court to determine the suitability of the intended adoptive  
 1062 home. A determination as to suitability under this subsection  
 1063 does not act as a presumption of suitability at the final  
 1064 hearing. In determining the suitability of the intended adoptive  
 1065 home, the court must consider the totality of the circumstances  
 1066 in the home. No minor may be placed in a home in which there  
 1067 resides any person determined by the court to be a sexual  
 1068 predator as defined in s. 775.21 or to have been convicted of an  
 1069 offense listed in s. 63.089(4)(b)2.

1070 Section 15. For the purpose of incorporating the amendment  
 1071 to section 775.21, Florida Statutes, in references thereto,  
 1072 subsection (4) of section 944.609, Florida Statutes, is  
 1073 reenacted to read:

1074 944.609 Career offenders; notification upon release.--

1075 (4) The department or any law enforcement agency may  
 1076 notify the community and the public of a career offender's  
 1077 presence in the community. However, with respect to a career  
 1078 offender who has been found to be a sexual predator under s.  
 1079 775.21, the Department of Law Enforcement or any other law  
 1080 enforcement agency must inform the community and the public of  
 1081 the career offender's presence in the community, as provided in  
 1082 s. 775.21.

1083 Section 16. For the purpose of incorporating the amendment  
 1084 to section 775.21, Florida Statutes, in a reference thereto,  
 1085 paragraph (c) of subsection (2) of section 947.1405, Florida  
 1086 Statutes, is reenacted to read:

1087 947.1405 Conditional release program.--

1088 (2) Any inmate who:

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1089 (c) Is found to be a sexual predator under s. 775.21 or  
 1090 former s. 775.23,  
 1091  
 1092 shall, upon reaching the tentative release date or provisional  
 1093 release date, whichever is earlier, as established by the  
 1094 Department of Corrections, be released under supervision subject  
 1095 to specified terms and conditions, including payment of the cost  
 1096 of supervision pursuant to s. 948.09. Such supervision shall be  
 1097 applicable to all sentences within the overall term of sentences  
 1098 if an inmate's overall term of sentences includes one or more  
 1099 sentences that are eligible for conditional release supervision  
 1100 as provided herein. Effective July 1, 1994, and applicable for  
 1101 offenses committed on or after that date, the commission may  
 1102 require, as a condition of conditional release, that the  
 1103 releasee make payment of the debt due and owing to a county or  
 1104 municipal detention facility under s. 951.032 for medical care,  
 1105 treatment, hospitalization, or transportation received by the  
 1106 releasee while in that detention facility. The commission, in  
 1107 determining whether to order such repayment and the amount of  
 1108 such repayment, shall consider the amount of the debt, whether  
 1109 there was any fault of the institution for the medical expenses  
 1110 incurred, the financial resources of the releasee, the present  
 1111 and potential future financial needs and earning ability of the  
 1112 releasee, and dependents, and other appropriate factors. If any  
 1113 inmate placed on conditional release supervision is also subject  
 1114 to probation or community control, resulting from a probationary  
 1115 or community control split sentence within the overall term of  
 1116 sentences, the Department of Corrections shall supervise such  
 1117 person according to the conditions imposed by the court and the

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1118 commission shall defer to such supervision. If the court revokes  
 1119 probation or community control and resentences the offender to a  
 1120 term of incarceration, such revocation also constitutes a  
 1121 sufficient basis for the revocation of the conditional release  
 1122 supervision on any nonprobationary or noncommunity control  
 1123 sentence without further hearing by the commission. If any such  
 1124 supervision on any nonprobationary or noncommunity control  
 1125 sentence is revoked, such revocation may result in a forfeiture  
 1126 of all gain-time, and the commission may revoke the resulting  
 1127 deferred conditional release supervision or take other action it  
 1128 considers appropriate. If the term of conditional release  
 1129 supervision exceeds that of the probation or community control,  
 1130 then, upon expiration of the probation or community control,  
 1131 authority for the supervision shall revert to the commission and  
 1132 the supervision shall be subject to the conditions imposed by  
 1133 the commission. A panel of no fewer than two commissioners shall  
 1134 establish the terms and conditions of any such release. If the  
 1135 offense was a controlled substance violation, the conditions  
 1136 shall include a requirement that the offender submit to random  
 1137 substance abuse testing intermittently throughout the term of  
 1138 conditional release supervision, upon the direction of the  
 1139 correctional probation officer as defined in s. 943.10(3). The  
 1140 commission shall also determine whether the terms and conditions  
 1141 of such release have been violated and whether such violation  
 1142 warrants revocation of the conditional release.

1143 Section 17. For the purpose of incorporating the amendment  
 1144 to section 775.21, Florida Statutes, in a reference thereto,  
 1145 subsection (3) of section 948.12, Florida Statutes, is reenacted  
 1146 to read:

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1147 948.12 Intensive supervision for postprison release of  
 1148 violent offenders.--It is the finding of the Legislature that  
 1149 the population of violent offenders released from state prison  
 1150 into the community poses the greatest threat to the public  
 1151 safety of the groups of offenders under community supervision.  
 1152 Therefore, for the purpose of enhanced public safety, any  
 1153 offender released from state prison who:

1154 (3) Has been found to be a sexual predator pursuant to s.  
 1155 775.21,

1156  
 1157 and who has a term of probation to follow the period of  
 1158 incarceration shall be provided intensive supervision by  
 1159 experienced correctional probation officers. Subject to specific  
 1160 appropriation by the Legislature, caseloads may be restricted to  
 1161 a maximum of 40 offenders per officer to provide for enhanced  
 1162 public safety as well as to effectively monitor conditions of  
 1163 electronic monitoring or curfews, if such was ordered by the  
 1164 court.

1165 Section 18. This act shall take effect July 1, 2004.