

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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BILL: SB 1230

INTRODUCER: Senator Bradley

SUBJECT: Sexual Predators and Sexual Offenders

DATE: February 7, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 1230 amends both ss. 775.21 (sexual predators), and 943.0435, F.S. (sexual offenders), to:

- Remove references to “a sanction” in the definition of the terms conviction and convicted.
- Specify that certain sexual predators and sexual offenders must provide the registration number for a vessel, live-aboard vessel, or houseboat.
- Authorize sexual predators and sexual offenders to report to the Department of Law Enforcement (FDLE) or through the FDLE’s online system within a specified timeframe after changes to vehicle information.
- Require sexual predators and sexual offenders to register all changes in vehicles owned.
- Require that a sexual predator or sexual offender report in person to the sheriff’s office in the county of current residence *at least 48 hours* before the date the person intends to leave this state to establish residence in another state or jurisdiction, or at least 21 days before the intended travel date for any travel outside the United States. Any travel not known at least 48 hours before the person intends to establish a residence in another state or jurisdiction or 21 days before departure for travel outside the United States must be reported to the sheriff’s office as soon as possible before departure.
- Specify that the FDLE must notify the intended country of travel of such travel.
- Establish that transient check-in information shall be gathered by each sheriff’s office in a manner set forth by the FDLE, rather than each sheriff’s office determining how to conduct check-ins. The sheriff’s office must electronically submit such information within 2 business days after the sexual predator or sexual offender provides it to the sheriff’s office.
- Require sexual predators and offenders to respond to any address verification correspondence from FDLE or from county or local law enforcement agencies within three weeks after the date of the correspondence, rather than only from FDLE.
- Specify that each instance of failure to register or report changes to the required information specified constitutes a separate offense.

The bill amends s. 775.21, F.S., to amend the definitions of the terms “permanent residence,” “temporary residence,” and “transient residence” to specify the number of days a person is required to be in a place for each type of residence.

The bill further amends s. 775.21, F.S., to specify that certain sexual predators must meet criteria provided in s. 943.0435, F.S., to qualify for removal of certain registration requirements.

The bill amends s. 943.0435, F.S., to require the FDLE be notified of a petition for relief and may present evidence at a hearing. A person eligible for relief from registration must show that they do not meet any qualifying criteria.

The bill amends s. 943.0435, F.S., to require all of the following:

- Require the local jail to register sexual offenders in their custody within certain time frames;
- Require jail custodians to take digital photographs of sexual offenders in their custody, provide those photographs to the FDLE, and notify the FDLE if the sexual offender escapes or dies.

The bill will have an insignificant negative fiscal impact on FDLE. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

## II. Present Situation:

### **Sexual Predators and Offenders**

The Florida Department of Law Enforcement is the state agency responsible for Florida’s sex offender registry. The information contained in the sex offender registry is reported directly to FDLE by the Florida Department of Corrections (DOC), the Florida Department of Highway Safety and Motor Vehicles (DHSMV), and law enforcement officials.<sup>1</sup> Florida’s sexual offender and sexual predator registration laws were implemented in 1993 and 1997.<sup>2</sup> The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.<sup>3</sup>

#### ***Florida’s Sexual Predator and Sexual Offender Registration Laws***

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.<sup>4</sup> The registration laws also require reregistration and provide for public and community notification of

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<sup>1</sup> FDLE, *Sexual Offender and Predator System*, <https://offender.fdle.state.fl.us/offender.sops.home.jsf>, (last visited on January 11, 2024).

<sup>2</sup> Sections 775.21 and 943.0435, F.S.

<sup>3</sup> *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

<sup>4</sup> Sections 775.21 and 943.0435, F.S.

certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes<sup>5</sup> and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the DHSMV, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;<sup>6</sup>
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.<sup>7</sup>

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.<sup>8</sup>

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.<sup>9</sup> Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, and travel. The FDLE, through its

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<sup>5</sup> Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

<sup>6</sup> Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

<sup>7</sup> Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

<sup>8</sup> Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

<sup>9</sup> All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), 944.607(13)(a), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

agency website, provides a searchable database that includes some of this information.<sup>10</sup> Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

### ***FDLE's Online System***

The FDLE is required to establish an online system through which sexual predators and sexual offenders may securely access, submit, and update all electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.<sup>11</sup>

A sexual predator or sexual offender must register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the FDLE through the FDLE's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DOC, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DOC before using such electronic mail addresses or Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DJJ, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DJJ before using such electronic mail addresses or Internet identifiers.<sup>12</sup>

A sexual predator or sexual offender must register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education in the same manner previously described.<sup>13</sup>

Currently, the law does not specify that a sexual predator and sexual offender may report changes to vehicles owned through FDLE's online system. The FDLE notes that "[c]urrent law requires sexual offenders and predators to report in-person to the sheriff's office within 48 hours after any change in vehicle owned. While vehicle information is incredibly important to law enforcement, the mandate to have every change to this information reported in-person to the sheriff's office has created a significant burden."<sup>14</sup> Further, according to the FDLE, "[a]llowing

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<sup>10</sup> The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on Mar. 4, 2021).

<sup>11</sup> Sections 775.21(6)(g)5.c. and 943.0435(4)(e)3., F.S.

<sup>12</sup> Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

<sup>13</sup> Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

<sup>14</sup> *Registry Amendments – Talking Points*, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

registrants the option to report their vehicle information and address changes online will facilitate faster access to this critical information and reduce the impact on sheriff's offices.”<sup>15</sup>

***Reporting when Driver License or State Identification is Renewed and Reporting Change of Residence or Name***

Within 48 hours after initial registration with the sheriff's office, a sexual predator or sexual offender who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the DOC, must register in person at a driver license office of the DHSMV and present proof of registration unless a driver license or an identification card that complies with the requirements of s. 322.141(3), F.S., was previously secured or updated under s. 944.607, F.S.<sup>16</sup>

At the driver license office the sexual predator or sexual offender must do all of the following:

- If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card.
- Identify himself or herself as a sexual predator or sexual offender who is required to register, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the FDLE in maintaining current records of sexual predators. (There are registration requirements for other places of residence such as mobile homes and vessels.)
- Pay the costs assessed by the DHSMV for issuing or renewing a driver license or an identification card.
- Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.<sup>17</sup>

Each time a sexual predator's or sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the predator's or offender's driver license or identification card, within 48 hours after any change of the predator's or offender's residence or change in the predator's or offender's name by reason of marriage or other legal process, the predator or offender must report in person to a driver license office and is subject to the requirements previously described. The DHSMV must forward to the FDLE and the DOC all photographs and information provided by sexual predators or sexual offenders.<sup>18</sup>

A sexual predator or sexual offender who is unable to secure or update a driver license or an identification card with the DHSMV as previously described must also report any change of the predator's or offender's residence or change in the predator's or offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the predator resides or is located and provide confirmation that he or she reported such information to the DHSMV. These reporting requirements do not negate the requirement for a sexual predator or sexual offender to obtain a Florida driver license or identification card.<sup>19</sup>

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<sup>15</sup> *Id.*

<sup>16</sup> Section 775.021(6)(f) and 943.0435(3), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Sections 775.021(6)(g)1. and 943.0435(4), F.S.

<sup>19</sup> *Id.*

### ***Reporting Residence in Another State or Jurisdiction and Travel***

A sexual predator or sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than Florida must report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual predator or sexual offender 21 days before the departure date must be reported to the sheriff's office as soon as possible before departure.<sup>20</sup>

The sexual predator or sexual offender must provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual predator or sexual offender must also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel.<sup>21</sup>

The sheriff must promptly provide to the FDLE the information received from the sexual predator or sexual offender. The FDLE must notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual predator's or sexual offender's intended residence. The failure of a sexual predator or sexual offender to provide his or her intended place of residence is a third degree felony.<sup>22</sup>

A sexual predator or sexual offender who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than Florida, or another country and later decides to remain in this state must, within 48 hours after the date upon which the sexual predator or sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual predator or sexual offender reported the intended change of residence, and report his or her intent to remain in this state. If the sheriff is notified by the sexual predator or sexual offender that he or she intends to remain in this state, the sheriff must promptly report this information to the FDLE. A sexual predator or sexual offender who reports his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than Florida, or another country, but who remains in this state without reporting to the sheriff as previously described commits a second degree felony.<sup>23</sup>

### ***Residence Definitions***

Section 775.21, F.S., defines the terms "permanent residence," "temporary residence," and "transient residence" for the purpose of reporting residence information. Section 943.0435, F.S., also uses these definitions.<sup>24</sup>

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<sup>20</sup> Sections 775.21(6)(i) and 943.0435(7), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* A third degree felony is punishable by up to 5 years in state prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>23</sup> Sections 775.21(6)(j) and (10) and 943.0435(8), F.S. A second degree felony is punishable by up to 15 years in state prison and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>24</sup> Sections 775.21(2)(k), (n), and (o) and 943.0435(1)(f), F.S.

“Permanent residence” means a place where the person abides, lodges, or resides for 3 or more consecutive days.<sup>25</sup>

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.<sup>26</sup>

“Transient residence” means a county where a person lives, remains, or is located for a period of 3 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.<sup>27</sup>

Section 775.21, F.S., refers to “days” when addressing “permanent residence,” “temporary residence,” and “transient residence,” however the current law does not specify how “a day” is calculated.

***Removal Requirements and Sexual Offender Registration Based on Out-of-State Conviction for Offense Not Similar to Florida Offense Requiring Registration and Not Public in Other State***

A sexual predator must maintain registration with the FDLE for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding.<sup>28</sup>

Except as provided in s. 943.04354, F.S., a sexual offender must maintain registration with the FDLE for the duration of his or her life unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding. However, a sexual offender must be considered for removal of the registration requirement if he or she has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, and the requirement to register was not based on an adult conviction for specified crimes.<sup>29</sup>

A sexual offender may petition the court to remove the requirement and the court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release. The requested relief must comply with the U.S. Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current

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<sup>25</sup> Section 775.21(2)(k), F.S.

<sup>26</sup> Section 775.21(2)(n), F.S.

<sup>27</sup> Section 775.21(2)(o), F.S.

<sup>28</sup> Section 775.21(6)(l), F.S.

<sup>29</sup> Section 943.0435(11)(a)1., F.S.

or potential threat to public safety.<sup>30</sup> This relief does not require the court or the offender to notify FDLE of the petitions.

As previously noted, for purposes of sexual offender registration, the definition of “sexual offender” includes, but is not limited to, a person who establishes or maintains a residence in Florida and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender.<sup>31</sup>

According to the FDLE, the criteria previously described apply to a person “based solely upon a requirement to register in another state for an offense that is *not* similar to a conviction offense requiring registration in Florida and whose registration in that other state is held confidential, not for public release, and for criminal justice purposes only.”<sup>32</sup>

The FDLE has indicated concerns about the application of these criteria to such person. “As Florida does not have a non-public registry, such an individual’s registration information would be publicly available.”<sup>33</sup>

### III. Effect of Proposed Changes:

#### Section 775.21, F.S., The Florida Sexual Predators Act

The bill amends s. 775.21, F.S., by clarifying definitions of “permanent residence,”<sup>34</sup> “temporary residence,”<sup>35</sup> and “transient residence”<sup>36</sup> by specifying how days are calculated for each type of residence. For each of the above definitions for residence, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The definition for qualifications of transient residence was clarified to include the county where the person is located for the purpose of abiding, lodging, or residing.

The bill removes reference to a “sanction” in the definition of “convicted.”

The bill clarifies that the removal of registration requirements for persons who have not yet been designated a sexual predator by a court, but has the sexual predator, sexually violent predator, or another sexual offender designation in another state or jurisdiction, must meet the criteria for removal in s. 943.0435, F.S.

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<sup>30</sup> Section 943.0435(11)(a)3., F.S.

<sup>31</sup> Section 943.0435(1)(h)1.b., F.S.

<sup>32</sup> *Registry Amendments – Talking Points*, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

<sup>33</sup> *Id.*

<sup>34</sup> Section 775.21(2)(k), F.S.

<sup>35</sup> Section 775.21(2)(n), F.S.

<sup>36</sup> Section 775.21(2)(o), F.S.

### ***Registration and Verification***

Section 775.21(6)(d), F.S., is amended to allow a sexual predator to report to the FDLE through their online system or in person to the sheriff's office within 48 hours after any change in vehicles owned. The bill requires a sexual predator to register all changes to vehicles owned.

Section 775.21(6), F.S., specifies the timeframe for sexual predators who intend to establish permanent, temporary, or transient residence in another state or jurisdiction to report to the sheriff *at least* 48 hours before the date intended to leave. If travel is not known to the offender 48 hours prior to departure, it must be reported to the sheriff's office as soon as possible.

All travel outside of the United States must also be reported to the sheriff's office 21 days before the departure date. If travel is not known to the offender 21 days prior to departure, it must be reported as soon as possible before departure.

The FDLE must provide notification of intent to travel.

The bill amends s. 775.21, F.S., to specify if the sexual predator's place of residence is a vessel, live aboard vessel, or house boat, he or she must provide the registration number for the vessel, live-aboard vessel, or houseboat.

### ***Penalties***

Section 775.21(10), F.S., adds or clarifies the following reporting requirements for sexual predators:

- Change of name information;
- Employment changes;
- Vehicle ownership, including new vehicles, changes to the make, model, or color, vehicle identification number, and license and tag numbers of previously reported vehicles; and
- Address verification from county or local law enforcement agencies.

The bill also adds language to clarify that each instance of failure to register or report constitutes a separate offense.

### ***Section 943.0435, F.S., Sexual Offenders Required to Register***

Section 943.0435, F.S., is amended to allow a sexual offender to report to the FDLE through their online system or in person to the sheriff's office within 48 hours after any change in vehicles owned. The bill requires a sexual offender to register all changes to vehicles owned.

The bill amends s. 943.0435, F.S., to specify if the sexual predator's place of residence is a vessel, live aboard vessel, or houseboat, he or she must provide the registration number for the vessel, live-aboard vessel, or houseboat.

The bill amends s. 943.0435, F.S., to:

- Require the local jail to register sexual offenders in their custody within certain time frames; and

- Require jail custodians to take digital photographs of sexual offenders in their custody, provide those photographs to the FDLE, and notify the FDLE if the sexual offender escapes or dies.

Section 943.0435, F.S, specifies the timeframe for sexual offenders who intend to establish permanent, temporary, or transient residence in another state or jurisdiction to report to the sheriff *at least* 48 hours before the date intended to leave. If travel is not known to the offender 48 hours prior to departure, it must be reported to the sheriff's office as soon as possible.

All travel outside of the United States must also be reported to the sheriff's office 21 days before the departure date. If travel is not known to the offender 21 days prior to departure, it must be reported as soon as possible before departure.

The bill amends s. 943.0435(9)(a), F.S., to specify requirements for reporting and provides that failure to report each instance constitutes a separate offense. It is a third degree felony,<sup>37</sup> for a sexual offender to fail:

- To register;
- After registration, to maintain, acquire, or renew a driver license or ID card;
- To provide required location information;
- To provide change-of-name information;
- To provide electronic mail addresses, internet identifiers, and each Internet identifier's corresponding website homepage or application software name;
- To provide all home telephone numbers and cellular telephone numbers;
- To report any changes to employment information;
- To report changes in status at an institution of higher education;
- To report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles;
- To make a required report in connection with vacating a permanent residence;
- To reregister as required;
- To respond to any address verification correspondence from the department or from county or local law enforcement agencies within three weeks after the date of the correspondence; and
- To knowingly provide false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section.

The FDLE must be notified of a petition for relief under s. 943.0435(11), F.S. The bill clarifies that a person eligible for relief from registration must show that they do not meet any of the qualifying criteria under the entirety of sub-subparagraph (1)(h)1.

The bill amends definitions by providing clarification for "educational" institution when referring to an institution of higher education, and by removing references to "a sanction" in the definition of the term convicted. The term sanction referred to a fine, probation, community

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<sup>37</sup> Section 893.13(1), F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

control, parole, conditional release, control release, or incarceration in state, federal or private prison or local detention facility.

The bill amends both s. 775.21 and s. 943.0435, F.S., by restructuring and reorganizing the language, and making technical changes throughout the bill.

The bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE reports this bill requires changes to existing IT systems with an estimated cost of \$15,000<sup>38</sup>, which can be absorbed within existing resources.

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<sup>38</sup> 2024 FDLE Legislative Bill Analysis, January 5, 2024 (on file with the Senate Committee on Criminal Justice).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 775.21 and 943.0435.

The bill reenacts the following sections of the Florida Statutes: 944.606, 1012.467, 320.02, 775.25, 938.10, 944.607, 985.481, and 985.4815.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.