

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 1351](#)

**TITLE:** Registration of Sexual Predators and Sexual Offenders

**SPONSOR(S):** Baker

**COMPANION BILL:** [CS/SB 1654](#) (Martin)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 114 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill revises several provisions relating to sexual predator and sexual offender reporting requirements, including:

- Clarifying definitions of different types of residences.
- Requiring a sexual predator or sexual offender to register additional information related to his or her employment and providing penalties for noncompliance.
- Requiring a sexual predator or sexual offender to report in-state travel either in-person or online.
- Removing a requirement for a sexual predator or sexual offender to report in-state travel to the Department of Highway Safety and Motor Vehicles.
- Requiring law enforcement agencies to verify the address of a sexual predator at least four times per year and verify the address of a sexual offender at least one time per year.

#### Fiscal or Economic Impact:

The bill will have an insignificant fiscal impact on the Florida Department of Law Enforcement (FDLE) associated with updating registration forms, training materials, and online communication systems, which can be absorbed within existing resources. The bill may have a negative indeterminate fiscal impact on local governments, which may have to update existing training, policies, and procedures related to sexual predator and sexual offender reporting requirements and verify the addresses of such offenders more frequently.

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## ANALYSIS

### EFFECT OF THE BILL:

#### Sexual Offenders and Sexual Predators

##### [Residence Definitions](#)

The bill:

- Clarifies that, for purposes of sexual predator and sexual offender registration and reporting requirements, a person's "permanent residence" is the person's home or other place where the person primarily lives.
- Defines an "in-state travel residence," which is a type of temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state. (Section [1](#))

##### [Initial Registration](#)

The bill increases the information that a sexual predator or sexual offender is required to provide to the Florida Department of Law Enforcement (FDLE) upon his or her initial registration with FDLE, by requiring the sexual predator or sexual offender to register his or her occupation, business name, employment address, and telephone number. (Sections [1](#) and [2](#))

##### [Continuing Reporting Requirements](#)

**STORAGE NAME:** h1351z

**DATE:** 5/6/2025

The bill revises several provisions related to a sexual predator's or sexual offender's obligation to report changes to specified information, including:

- Requiring a sexual predator or sexual offender to report a change in his or her "in-state travel residence" within 48 hours after establishing the in-state travel residence, and requiring that such report be made:
  - Through FDLE's online system;
  - In person at the sheriff's office in the county in which the sexual predator or sexual offender is located; or
  - In person at the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) if the sexual predator or sexual offender is in the custody or control of, or under the supervision of, DOC or DJJ.
- Specifying that a sexual predator or sexual offender is *not* required to report an in-state travel residence change to the Department of Highway Safety and Motor Vehicles.
- Requiring a sexual predator who is under the supervision of the Department of Corrections (DOC) or the Department of Juvenile Justice (DJJ) to report any change in vehicles owned to the sheriff's office within 48 hours after such a change.
- Requiring a sexual predator or sexual offender to report any changes to his or her employment information, including his or her occupation, business name, employment address, and telephone number.
- Requiring a sexual predator or sexual offender to report the creation of a new business to FDLE, if he or she is self-employed. (Sections [1](#) and [2](#))

#### Verification

The bill requires county and local law enforcement agencies, in conjunction with FDLE, to verify the addresses of sexual predators or sexual offenders who are not in the care, custody, or control of DOC as follows:

- For sexual predators, at least four times per calendar year. (Section [1](#))
- For sexual offenders, at least once per calendar year. (Section [2](#))

#### Penalty for Noncompliance with Registration Requirements

The bill specifies that a sexual predator or sexual offender commits a third degree felony<sup>1</sup> if he or she fails to register or report the following information as required under the bill:

- The addition of new employment.
- The termination of existing employment.
- Changes to the occupation, business name, employment address, and telephone number of previously reported employment.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2025. (Section [3](#))

#### **FISCAL OR ECONOMIC IMPACT:**

##### STATE GOVERNMENT:

FDLE estimates that updating registration forms, training materials, and making technical changes to online communication systems will cost \$12,350. The cost will be absorbed within FDLE's existing resources.<sup>2</sup>

##### LOCAL GOVERNMENT:

The bill may have a negative indeterminate fiscal impact on local governments, which may have to update existing training, policies, and procedures related to sexual predator and sexual offender reporting requirements and verify the addresses of such offenders more frequently.

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<sup>1</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083](#) or [775.084, F.S.](#)

<sup>2</sup> Florida Department of Law Enforcement, Agency Analysis of House Bill 1351, p. 4 (Mar. 10, 2025) (on file with the House Criminal Justice Subcommittee).

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### **Sexual Offenders and Sexual Predators**

##### *Sexual Offenders*

Under Florida law, a person is a sexual offender if he or she is convicted of a qualifying offense and:

- Was released on or after October 1, 1997, from the criminal sanction resulting from a qualifying conviction.<sup>3</sup> A sanction imposed in this state or in any other jurisdiction includes, but is not limited to:
  - Probation,
  - Community control,
  - Parole,
  - Conditional release,
  - Control release, or
  - Incarceration in a state prison, federal prison, private correctional facility, or local detention facility.
- Establishes or maintains a residence in Florida and has not been designated a sexual predator by a court of this state but has been designated a sexual predator, sexually violent predator, or another sexual offender designation in another state or jurisdiction, if such designation subjects or would subject him or her to registration or public notification in that state or jurisdiction.<sup>4</sup>
- Establishes or maintains a residence in this state and is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a qualifying conviction.<sup>5</sup>
- Has been adjudicated delinquent on or after July 1, 2007, for a qualifying offense, if the juvenile was at least 14 years old at the time he or she committed the offense.<sup>6</sup>
- Is in the custody or control of, or under the supervision of, the Department of Corrections (DOC) or is in the custody of a private correctional facility.<sup>7</sup>

Qualifying convictions for sexual offender designation include:

- Sexual misconduct with an individual with a developmental disability;<sup>8</sup>
- Sexual misconduct with a mental health patient by an employee;<sup>9</sup>
- Kidnapping or false imprisonment, where the victim is a minor and there is a sexual component to the crime;<sup>10</sup>
- Luring or enticing a child, with a prior sexual conviction;<sup>11</sup>
- Human trafficking;<sup>12</sup>
- Sexual battery;<sup>13</sup>
- Unlawful sexual activity with minors;<sup>14</sup>
- Lewd or lascivious battery, molestation, conduct, or exhibition;<sup>15</sup>
- Video voyeurism with a prior video voyeurism conviction;<sup>16</sup>
- Lewd or lascivious offense on an elderly person;<sup>17</sup>
- Sexual performance by a child;<sup>18</sup>

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<sup>3</sup> [S. 943.0435\(1\)\(h\)1.a.\(II\), F.S.](#)

<sup>4</sup> [S. 943.0435\(1\)\(h\)1.b., F.S.](#)

<sup>5</sup> [S. 943.0435\(1\)\(h\)1.c., F.S.](#)

<sup>6</sup> [S. 943.0435\(1\)\(h\)1, F.S.](#)

<sup>7</sup> [S. 944.607\(1\)\(f\), F.S.](#)

<sup>8</sup> [S. 393.135\(2\), F.S.](#)

<sup>9</sup> [S. 394.4593\(2\), F.S.](#)

<sup>10</sup> [Ss. 787.01, F.S. and 787.02, F.S.](#)

<sup>11</sup> [S. 787.025\(2\), F.S.](#)

<sup>12</sup> [S. 787.06\(3\)\(b\), \(d\), \(f\), or \(g\), F.S.](#)

<sup>13</sup> [S. 794.011, F.S.](#) excluding [s. 794.011\(10\), F.S.](#)

<sup>14</sup> [S. 794.05, F.S.](#)

<sup>15</sup> [S. 800.04, F.S.](#)

<sup>16</sup> [S. 810.145\(8\), F.S.](#)

<sup>17</sup> [S. 825.1025, F.S.](#)

<sup>18</sup> [S. 827.071, F.S.](#)

- Providing obscene materials to a minor;<sup>19</sup>
- Computer pornography involving minors;<sup>20</sup>
- Soliciting a minor over the Internet;<sup>21</sup>
- Traveling to meet minors;<sup>22</sup>
- Lewd or lascivious exhibition over the Internet;<sup>23</sup>
- Transmission of child pornography by electronic device or equipment;<sup>24</sup>
- Transmission of material harmful to minors;<sup>25</sup>
- Selling or buying minors to engage in sexually explicit conduct;<sup>26</sup>
- Racketeering involving at least one sexual offense;<sup>27</sup>
- Sexual misconduct with a forensic client;<sup>28</sup> and
- Sexual misconduct by an employee on a juvenile offender.<sup>29</sup>

Qualifying delinquency adjudications for sexual offender designation include:

- Sexual battery;<sup>30</sup>
- Lewd or lascivious battery by encouraging, forcing, or enticing any person under 16 years old to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity,<sup>31</sup> if either the:
  - Victim is under 12 years old; or
  - Court finds sexual activity by the use of force or coercion;
- Lewd or lascivious molestation against a victim less than 12 years old,<sup>32</sup> if the court finds molestation involving unclothed genitals;
- Lewd or lascivious molestation against a victim at least 12 years old but less than 16 years old,<sup>33</sup> if the court finds both:
  - Use of force or coercion; and
  - Unclothed genitals.

### *Sexual Predators*

A person is a sexual predator in Florida if he or she:

- Was convicted of a qualifying offense committed on or after October 1, 1993; and
- Has not received a pardon or otherwise had the conviction set aside for the qualifying offense.

Qualifying convictions for sexual predator designation include:

- Capital, life, or first degree felony kidnapping or false imprisonment, when the victim is a minor and there is a sexual component to the crime;<sup>34</sup>
- Capital, life, or first degree felony sexual battery;<sup>35</sup>
- Capital, life, or first degree felony lewd or lascivious battery or molestation;<sup>36</sup>
- Capital, life, or first degree felony selling or buying minors to engage in sexually explicit conduct;<sup>37</sup>

<sup>19</sup> [S. 847.0133, F.S.](#)

<sup>20</sup> [S. 847.0135\(2\), F.S.](#)

<sup>21</sup> [S. 847.0135\(3\), F.S.](#)

<sup>22</sup> [S. 847.0135\(4\), F.S.](#)

<sup>23</sup> [S. 847.0135\(5\), F.S.](#)

<sup>24</sup> [S. 847.0137, F.S.](#)

<sup>25</sup> [S. 847.0138, F.S.](#)

<sup>26</sup> [S. 847.0145, F.S.](#)

<sup>27</sup> [S. 895.03, F.S.](#)

<sup>28</sup> [S. 916.1075\(2\), F.S.](#)

<sup>29</sup> [S. 985.701\(1\), F.S.](#)

<sup>30</sup> [S. 794.011, F.S.](#)

<sup>31</sup> [S. 800.04\(4\)\(a\)2., F.S.](#)

<sup>32</sup> [S. 800.04\(5\)\(c\)1., F.S.](#)

<sup>33</sup> [S. 800.04\(5\)\(d\), F.S.](#)

<sup>34</sup> [Ss. 787.01](#) and [787.02, F.S.](#); *Raines v. State*, 805 So.2d 999 (Fla. 4th DCA 2001).

<sup>35</sup> *Supra*, note 30.

<sup>36</sup> [S. 800.04, F.S.](#)

- An offense that would require registration as a sexual offender, other than transmission of child pornography by electronic device or transmission of material harmful to minors, by a person with a prior conviction for a sexual offense;<sup>38</sup> or
- A conviction for a similar offense committed in another jurisdiction.<sup>39</sup>

The court must make written findings designating a person who meets the criteria as a sexual predator.<sup>40</sup>

## **Registration Requirements for Sexual Offenders and Sexual Predators**

### **Initial Registration**

Current law requires all sexual offenders and sexual predators to comply with a number of statutory registration requirements. A sexual offender<sup>41</sup> must register:

- With DOC if the sexual offender is under the supervision of DOC but not incarcerated within three business days after being sentenced for a qualifying offense.<sup>42</sup>
- In person at his or her local sheriff's office within 48 hours of:
  - Establishing a permanent, temporary, or transient residence in Florida; or
  - Being released from the custody, control, or supervision of DOC or from the custody of a private correctional facility.<sup>43</sup>

A sexual predator must register:

- With DOC if the sexual predator is in DOC's custody or control, under DOC's supervision, or in the custody of a private correctional facility;<sup>44</sup>
  - If the sexual predator is under DOC's supervision but not in custody, he or she must register within three days of the court designating him or her as a sexual predator;<sup>45</sup>
- With the custodian of the local jail, within three days of the court designating him or her as a sexual predator, if the sexual predator is in the custody of a local jail;<sup>46</sup>
- In person at the sheriff's office in the county where:
  - The sexual predator establishes or maintains a residence within 48 hours of establishing or maintaining a residence in Florida;<sup>47</sup> or
  - The sexual predator was designated a sexual predator within 48 hours after such finding is made.<sup>48</sup>

Additionally, within 48 hours of registration, a sexual offender or a sexual predator who is not incarcerated and resides in the community must register in person at a driver license office of the Department of Highway Safety and Motor Vehicles (DHSMV) and:

- Secure a Florida driver license, renew a Florida driver license, or secure an identification card, if otherwise qualified;
- Identify himself or herself as a sexual offender or sexual predator;
- Provide his or her permanent, temporary, or transient residence; and
- Submit to a photograph.<sup>49</sup>

### ***Information Required for Registration***

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<sup>37</sup> *Supra*, note 26.

<sup>38</sup> [S. 775.21\(4\)\(a\)1.b., F.S.](#)

<sup>39</sup> [S. 775.21\(4\), F.S.](#)

<sup>40</sup> [Ss. 775.21\(4\)\(c\) and 775.21\(5\), F.S.](#)

<sup>41</sup> A juvenile sexual offender who is under the care or custody of the Department of Juvenile Justice is subject to separate registration requirements under [s. 985.4815, F.S.](#)

<sup>42</sup> [S. 944.607\(4\), F.S.](#)

<sup>43</sup> [S. 943.0435\(2\)\(a\)1., F.S.](#)

<sup>44</sup> [S. 775.21\(6\)\(b\), F.S.](#)

<sup>45</sup> *Id.*

<sup>46</sup> [S. 775.21\(6\)\(c\), F.S.](#)

<sup>47</sup> [S. 775.21\(6\)\(e\)1.a., F.S.](#)

<sup>48</sup> [S. 775.21\(6\)\(e\)1.b., F.S.](#)

<sup>49</sup> [S. 775.21\(6\)\(f\)1., F.S.](#)

During his or her initial registration, the sexual offender or sexual predator must provide the following information:

- Name;
- Date of birth;
- Social Security number;
- Race;
- Sex;
- Height and weight;
- Hair and eye color;
- Tattoos or other identifying marks;
- Fingerprints and palm prints;
- Photograph;
- Employment information;
- Address of permanent or legal residence;
- Address of any current temporary residence;
- Address, location, or description of any transient residence, if the person does not have a permanent or temporary address;
- Dates of any current or known future temporary residence within the state or out of state;
- Make, model, color, vehicle information number, and license tag number of all vehicles owned;
- Home and cellular telephone numbers;
- Electronic mail addresses;
- Internet identifiers and each Internet identifier's corresponding website homepage or application software name;
- Date and place of each conviction and a brief description of the crime or crimes committed by the offender;
- Information about immigration status, if the person is an alien;
- Information about any professional licenses;
- Vehicle identification number, license tag number, registration number, and a description of a motor vehicle, trailer, mobile home, or manufactured home, if it is the person's residence;
- Hull identification number, manufacturer's serial number, name, registration number, and description of a vessel, live-aboard vessel, or houseboat, if it is the person's residence; and
- Enrollment, volunteer, or employment status at an institution of higher education and the name and address of the institution, if applicable.<sup>50</sup>

#### Continuing Reporting Requirements

A sexual offender or sexual predator must report in person to reregister at the following specified intervals:

- Twice a year for most sexual offenders;<sup>51</sup>
- Four times a year for all sexual predators, some sexual offenders, and all juvenile sexual offenders;<sup>52</sup> or
- Every 30 days for a sexual offender or sexual predator with a transient residence.<sup>53</sup>

A sexual offender or sexual predator must report the following information within 48 hours:

- In person, to the sheriff's office or to DHSMV, if applicable:
  - Change in the offender's permanent, temporary, or transient residence;<sup>54</sup>
  - Change in the offender's name, by reason of marriage or other legal process; and

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<sup>50</sup> [Ss. 775.21\(6\)\(a\)](#) and [943.0435\(2\)\(b\)](#), F.S.

<sup>51</sup> [S. 943.0435\(14\)](#), F.S.

<sup>52</sup> [Ss. 775.21\(8\)\(a\)](#) and [943.0435\(14\)](#), F.S.

<sup>53</sup> [Ss. 775.21\(6\)\(g\)2.a.](#) and [943.0435\(4\)\(b\)2.](#), F.S.

<sup>54</sup> The U.S. District Court for the Northern District of Florida held that the requirement for a sexual offender to report in person to both DHSMV and a sheriff's office when he or she is providing notification of an in-state change of residence was unconstitutional and unduly burdensome. The Court ruled that there was no rational basis for the state to require such double reporting and ordered FDLE to develop a method by which sexual offenders could report such in-state travel online. *Harper v. Glass*, CASE NO. 4:21cv85-RH-MJF (N.D. Fla. 2024).

- When the offender vacates a permanent, temporary, or transient residence, or when the offender remains in a permanent, temporary, or transient residence after reporting his or her intent to vacate such a residence.<sup>55</sup>
- In person, to the sheriff's office or through FDLE's online system:
  - Use of a new electronic mail address or Internet identifier;
  - Change to home or cellular telephone numbers;
  - Change to employment information;
  - Change in status related to enrollment, volunteering, or employment at institutions of higher education; and
  - Change to vehicles owned.<sup>56</sup>

A sexual offender or sexual predator must report in person to the sheriff of the county of his or her residence at least 21 days before the date he or she intends to travel outside the United States.<sup>57</sup>

### Residence Definitions

For purposes of sexual offender or sexual predator residence reporting requirements, the term:

- "Permanent residence" means a place where the person abides, lodges, or resides for three or more consecutive days.<sup>58</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 three 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>59</sup>
- "Transient residence" means a county where a person lives, remains, or is located for a period of three 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>60</sup>

### Verification

County and local law enforcement agencies, in conjunction with FDLE, are responsible for verifying the addresses of sexual predators and sexual offenders who are not under the care, custody, or control of DOC.<sup>61</sup> DOC is responsible for verifying the addresses of sexual predators who are not incarcerated but who reside in the community under DOC supervision.<sup>62</sup>

### Penalty for Noncompliance with Registration Requirements

Generally, failing to comply with registration requirements is a third degree felony,<sup>63</sup> punishable by up to five years in prison and a \$5,000 fine.<sup>64</sup>

<sup>55</sup> [Ss. 775.21\(6\)\(i\)](#) and [943.0435\(4\)\(e\)](#), F.S.

<sup>56</sup> *Id.*

<sup>57</sup> [Ss. 775.21\(6\)\(i\)](#) and [943.0435\(7\)](#), F.S.

<sup>58</sup> [S. 775.21\(2\)\(k\)](#), F.S.

<sup>59</sup> [S. 775.21\(2\)\(n\)](#), F.S.

<sup>60</sup> [S. 775.21\(2\)\(o\)](#), F.S.

<sup>61</sup> [Ss. 775.21\(8\)](#) and [943.0435\(6\)](#), F.S.

<sup>62</sup> [S. 775.21\(8\)](#), F.S.

<sup>63</sup> [Ss. 775.082](#), [775.083](#) or [775.084](#), F.S.

<sup>64</sup> [Ss. 775.21\(10\)](#) and [943.0435\(9\)\(a\)](#), F.S.; but see, [ss. 775.21\(6\)\(f\)3.](#), [775.21\(6\)\(i\)](#), [943.0435\(4\)\(c\)](#), and [943.0435\(8\)](#), F.S. (providing for circumstances in which failure to comply with registration requirements is a second degree felony, punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082](#), [775.083](#) or [775.084](#), F.S.).