

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.)

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

BILL: CS/SB 1654

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Martin

SUBJECT: Registration of Sexual Predators and Sexual Offenders

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1654 amends ss. 775.21 and 943.0435, F.S., relating to sexual predators and sexual offenders, respectively, to:

- Include an in-state travel residence as a type of temporary residence;
- Provide that an in-state travel residence be reported within 48 hours of establishment of the residence;
- Require that specified employment information be registered through the sheriff's office.
- Specify that registrants must register the creation of a new business, including self-employment online;
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.¹

¹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

The bill amends s. 775.21, F.S., by clarifying the definition of “permanent residence”² to mean a person’s home or where a person primarily lives.

The bill amends s. 775.21, F.S., to specify that a sexual predator who is under the supervision of the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) must report changes to vehicle ownership within 48 hours after such change to the sheriff’s office instead of reporting these changes online or to the DOC or the DJJ and to specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision with the DOC at least four times per calendar year.

The bill amends 943.0435, F.S., to specify that if a sexual offender’s place of residence is a vessel, the sexual offender must provide the information to the FDLE through the sheriff’s office and to specify that county and local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.

The bill has an insignificant negative fiscal impact to the FDLE. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida’s sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the DOC, the DHSMV, and law enforcement officials.³ Florida’s sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁴ 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.⁵

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.⁶ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different

² Section 775.21(2)(k), F.S.

³Florida Department of Law Enforcement, Sexual Offender and Predator System, available at <https://offender.fdle.state.fl.us/offender/sops/home.jsf> (last visited on April 3, 2025).

⁴ Sections 775.21 and 943.0435, F.S.

⁵ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁶ Sections 775.21 and 943.0435, F.S.

chapters and numerous statutes⁷ and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the DOC, the 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;⁸
- 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.⁹

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.¹⁰

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.¹¹ 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, live-aboard vessel or houseboat, all changes in vehicles owned and travel. The FDLE, through its agency website, provides a

⁷ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

⁸ 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.).

⁹ 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.

¹⁰ 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."

¹¹ 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), 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.

searchable database that includes some of this information.¹² 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.¹³

A sexual predator or sexual offender must register all change of name information, 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.¹⁴

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.¹⁵

Currently, the law specifies that a sexual predator and sexual offender may report all changes to vehicles owned through the FDLE's online system.

The United States District Court for the Northern District of Florida, Tallahassee division, issued a March 2024 order which struck down a limited portion of Florida's sexual offender registration law that requires a sexual offender to report in person to the Department of Highway Safety and Motor Vehicles (DHSMV) any change of "permanent residence" or "temporary residence," as

¹² 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 April 3, 2025).

¹³ Sections 775.21(6)(a)1.a. and 943.0435(4)(e)3., F.S.

¹⁴ Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

¹⁵ Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

defined in s. 775.21(2)(k) and (n), F.S., that does not require the DHSMV to issue a replacement driver license or state identification card with the offender's new address.¹⁶

Under this order, a sexual offender is only required to report in-person to the DHSMV for a change in "permanent residence" or "temporary residence" that is either a change of address of the kind that all holders of driver licenses or identification cards must report, a change of the registrant's home, or a change of the place where the registrant habitually lives. Residence changes under s. 943.0435(4)(a), F.S., that are not listed above, such as "in-state travel," are required only to be reported to the sheriff's office, and a sexual offender is not required to confirm to the sheriff's office that they have met the previous requirement to report to DHSMV. The report to the sheriff's office need not be in person. Additionally, the order requires the FDLE to make available a method by which sexual offenders may report online or through similarly accessible means any change of "permanent residence" or "temporary residence," as required by s. 943.0435(4)(a), F.S., that is not a change of address that would require DHSMV to issue a replacement driver license or state identification card for that address.¹⁷

Currently, all temporary address changes, including in-state travel, are reported in person to DHSMV and, if unable to report to DHSMV, also to the sheriff's office.¹⁸¹⁹

The FDLE has implemented a mechanism in which sexual offenders can report in-state travel online, but this is currently not allowed under Florida's registration laws, s. 943.0435, F.S. (sexual offenders) and s. 775.21, F.S. (sexual predators).²⁰

Current registration laws require the reporting of employment information, but only the address is required. There is currently no set requirement for address verifications.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 775.21, F.S., relating to the Florida Sexual Predators Act, to clarify and amend residence definitions. Specifically, the bill clarifies that definition of the term "permanent residence"²² to mean a person's home or where a person primarily lives. The bill also amends the definition of "temporary residence,"²³ to create an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.

The section also amends registration requirements in s. 775.21, F.S., to:

- Require that in-state travel residences must be reported either online or in person with the sheriff's office;

¹⁶ United States District Court for the Northern District of Florida, Case No. 4:21cv85-RH-MJF (March 2024).

¹⁷ *Id.*

¹⁸ Section 775.21(6), F.S.

¹⁹ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators* (on file with the Senate Criminal Justice Committee)

²⁰ Florida Department of Law Enforcement, *Notice to Registrants*, available at <https://www.fdle.state.fl.us/SOPS/2024-Notice-to-Registrants-%e2%80%93-English> (last visited April 3, 2025).

²¹ Sections 775.21(8)(a)1., and 943.0435(2)2., F.S.

²² Section 775.21(2)(k), F.S.

²³ Section 775.21(2)(n), F.S.

- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ;
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number and require that registrants must register the creation of a new business, including self-employment;
- Remove language regarding proof of reporting changes to the DHSMV and the sheriff's office for all residence changes;
- Specify that a sexual predator who is under the supervision of the DOC or the DJJ must report changes to vehicles ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ;
- Specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision at least four times per calendar year to ensure the accuracy of the reported information, conforming to the FDLE's current recommendations to local law enforcement for address verifications; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁴

Section 2 amends s. 943.0435, F.S., relating to registration requirements for sexual offenders. The section amends registration provisions to:

- Require an offender to report an in-state travel residence within 48 hours after establishing the residence;
- Require that in-state travel residences must be reported either online or in person with the sheriff's office;
- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ;
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number and require that registrants must register the creation of a new business, including self-employment;
- Specify that if the sexual offender's place of residence is a vessel as outlined in statute the sexual offender provide the information to the FDLE through the sheriff's office;
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office;
- Specify that county or local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁵

²⁴ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

²⁵ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

Section 3 provides that the bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE estimates that it will cost \$12,350 to complete the programmatic changes necessary to address the bill's provisions.²⁶ The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill; however, the bill does not create any new criminal penalties.

VI. Technical Deficiencies:

None.

²⁶ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators*

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute provides technical changes and eliminates language requiring a sexual predator who is in the custody or control of the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) to report changes to vehicle ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ.

- B. **Amendments:**

None.