

1 A bill to be entitled
2 An act relating to sexual offenders and predators;
3 amending s. 775.21, F.S.; replacing the definition of the
4 term "instant message name" with the definition of the
5 term "Internet identifier"; conforming provisions;
6 providing that a sexual predator is not in violation of
7 specified reporting provisions if he or she reports an
8 address or location change to the local sheriff's office
9 within a specified period of such change with proof that
10 he or she also promptly reported such information to the
11 Department of Highway Safety and Motor Vehicles; creating
12 s. 847.0141, F.S.; prohibiting a minor's use of an
13 electronic communication device to transmit, distribute,
14 or display a visual depiction of himself or herself that
15 depicts nudity and is harmful to minors; providing
16 penalties; prohibiting a minor's intentional or knowing
17 possession of a visual depiction of another minor that
18 depicts nudity and is harmful to minors; providing an
19 exception; providing penalties; providing duties for law
20 enforcement officers; providing for prosecution of a minor
21 under other provisions; amending s. 943.0435, F.S.;
22 revising the definition of the term "sexual offender" to
23 include additional offenses and persons released for
24 sanctions for certain offenses after a specified date;
25 replacing the definition of the term "instant message
26 name" with the definition of the term "Internet
27 identifier"; conforming provisions; providing that a
28 sexual offender is not in violation of specified reporting

provisions if he or she reports an address or location change to the local sheriff's office within a specified period of such change with proof that he or she also promptly reported such information to the Department of Highway Safety and Motor Vehicles; providing additional requirements for offenders intending to reside outside of the United States; amending s. 943.04351, F.S.; requiring a specified national search of registration information regarding sexual predators and sexual offenders prior to appointment or employment of persons by state agencies and governmental subdivisions; creating s. 943.04355, F.S.; allowing persons required to register as sexual offenders or sexual predators who were under a specified age when they committed the act giving rise to the requirements to petition for the removal of the obligation for registration or for an exemption from community and public notification; providing eligibility requirements; providing duties of state attorneys; providing requirements for a subsequent petition if a petition is denied; providing a definition; providing duties for the Department of Law Enforcement if a petition is granted; providing for an order for nonpublic registration for a juvenile sexual offender at any time if certain conditions are met; providing for revocation of such an order for nonpublic registration; amending s. 943.0437, F.S.; replacing the definition of the term "instant message name" with the definition of the term "Internet identifier"; conforming provisions; amending ss. 944.606

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57 and 944.607, F.S.; revising the definition of the term
58 "sexual offender" to include additional offenses and
59 persons released for sanctions for certain offenses after
60 a specified date; replacing the definition of the term
61 "instant message name" with the definition of the term
62 "Internet identifier"; conforming provisions; amending s.
63 947.005, F.S.; revising the definition of the term "risk
64 assessment"; amending s. 948.31, F.S.; providing that
65 conditions imposed under that section do not require oral
66 pronouncement at the time of sentencing and shall be
67 considered standard conditions of probation or community
68 control for certain offenders; providing severability;
69 providing an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Paragraph (i) of subsection (2), paragraphs
74 (a), (e), and (g) of subsection (6), paragraph (a) of subsection
75 (8), and paragraph (a) of subsection (10) of section 775.21,
76 Florida Statutes, are amended to read:

77 775.21 The Florida Sexual Predators Act.—

78 (2) DEFINITIONS.—As used in this section, the term:

79 (i) "Internet identifier" ~~Instant message name~~ means any
80 electronic mail, chat, instant messenger, social networking, or
81 similar name used for Internet communication, but does not
82 include a date of birth, social security number, or PIN number
83 ~~an identifier that allows a person to communicate in real time~~
84 ~~with another person using the Internet.~~

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(6) REGISTRATION.—

(a) A sexual predator must register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; photograph; address of legal residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any Internet identifier ~~instant message name~~ required to be provided pursuant to subparagraph (g)4.; home telephone number and any cellular telephone number; date and place of any employment; date and place of each conviction; fingerprints; and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address.

a. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel,

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113 or houseboat, as defined in chapter 327, the sexual predator
114 shall also provide to the department written notice of the hull
115 identification number; the manufacturer's serial number; the
116 name of the vessel, live-aboard vessel, or houseboat; the
117 registration number; and a description, including color scheme,
118 of the vessel, live-aboard vessel, or houseboat.

119 b. If the sexual predator is enrolled, employed, or
120 carrying on a vocation at an institution of higher education in
121 this state, the sexual predator shall also provide to the
122 department the name, address, and county of each institution,
123 including each campus attended, and the sexual predator's
124 enrollment or employment status. Each change in enrollment or
125 employment status shall be reported in person at the sheriff's
126 office, or the Department of Corrections if the sexual predator
127 is in the custody or control of or under the supervision of the
128 Department of Corrections, within 48 hours after any change in
129 status. The sheriff or the Department of Corrections shall
130 promptly notify each institution of the sexual predator's
131 presence and any change in the sexual predator's enrollment or
132 employment status.

133 2. Any other information determined necessary by the
134 department, including criminal and corrections records;
135 nonprivileged personnel and treatment records; and evidentiary
136 genetic markers when available.

137 (e)1. If the sexual predator is not in the custody or
138 control of, or under the supervision of, the Department of
139 Corrections or is not in the custody of a private correctional
140 facility, the sexual predator shall register in person:

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141 a. At the sheriff's office in the county where he or she
142 establishes or maintains a residence within 48 hours after
143 establishing or maintaining a residence in this state; and

144 b. At the sheriff's office in the county where he or she
145 was designated a sexual predator by the court within 48 hours
146 after such finding is made.

147 2. Any change in the sexual predator's permanent or
148 temporary residence, name, or any electronic mail address and
149 any Internet identifier ~~instant message name~~ required to be
150 provided pursuant to subparagraph (g)4., after the sexual
151 predator registers in person at the sheriff's office as provided
152 in subparagraph 1., shall be accomplished in the manner provided
153 in paragraphs (g), (i), and (j). When a sexual predator
154 registers with the sheriff's office, the sheriff shall take a
155 photograph and a set of fingerprints of the predator and forward
156 the photographs and fingerprints to the department, along with
157 the information that the predator is required to provide
158 pursuant to this section.

159 (g)1. Each time a sexual predator's driver's license or
160 identification card is subject to renewal, and, without regard
161 to the status of the predator's driver's license or
162 identification card, within 48 hours after any change of the
163 predator's residence or change in the predator's name by reason
164 of marriage or other legal process, the predator shall report in
165 person to a driver's license office and shall be subject to the
166 requirements specified in paragraph (f). The Department of
167 Highway Safety and Motor Vehicles shall forward to the
168 department and to the Department of Corrections all photographs

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169 and information provided by sexual predators. Notwithstanding
170 the restrictions set forth in s. 322.142, the Department of
171 Highway Safety and Motor Vehicles is authorized to release a
172 reproduction of a color-photograph or digital-image license to
173 the Department of Law Enforcement for purposes of public
174 notification of sexual predators as provided in this section. A
175 sexual predator is not in violation of this paragraph if he or
176 she reports an address or location change to the local sheriff's
177 office within 48 hours after such change with proof that he or
178 she also promptly reported such information to the Department of
179 Highway Safety and Motor Vehicles.

180 2. A sexual predator who vacates a permanent, temporary,
181 or transient residence and fails to establish or maintain
182 another permanent, temporary, or transient residence shall,
183 within 48 hours after vacating the permanent, temporary, or
184 transient residence, report in person to the sheriff's office of
185 the county in which he or she is located. The sexual predator
186 shall specify the date upon which he or she intends to or did
187 vacate such residence. The sexual predator must provide or
188 update all of the registration information required under
189 paragraph (a). The sexual predator must provide an address for
190 the residence or other place that he or she is or will be
191 located during the time in which he or she fails to establish or
192 maintain a permanent or temporary residence.

193 3. A sexual predator who remains at a permanent,
194 temporary, or transient residence after reporting his or her
195 intent to vacate such residence shall, within 48 hours after the
196 date upon which the predator indicated he or she would or did

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197 vacate such residence, report in person to the sheriff's office
198 to which he or she reported pursuant to subparagraph 2. for the
199 purpose of reporting his or her address at such residence. When
200 the sheriff receives the report, the sheriff shall promptly
201 convey the information to the department. An offender who makes
202 a report as required under subparagraph 2. but fails to make a
203 report as required under this subparagraph commits a felony of
204 the second degree, punishable as provided in s. 775.082, s.
205 775.083, or s. 775.084.

206 4. A sexual predator must register any electronic mail
207 address or Internet identifier ~~instant message name~~ with the
208 department prior to using such electronic mail address or
209 Internet identifier ~~instant message name on or after October 1,~~
210 ~~2007~~. The department shall establish an online system through
211 which sexual predators may securely access and update all
212 electronic mail address and Internet identifier ~~instant message~~
213 ~~name~~ information.

214 (8) VERIFICATION.—The department and the Department of
215 Corrections shall implement a system for verifying the addresses
216 of sexual predators. The system must be consistent with the
217 provisions of the federal Adam Walsh Child Protection and Safety
218 Act of 2006 and any other federal standards applicable to such
219 verification or required to be met as a condition for the
220 receipt of federal funds by the state. The Department of
221 Corrections shall verify the addresses of sexual predators who
222 are not incarcerated but who reside in the community under the
223 supervision of the Department of Corrections and shall report to
224 the department any failure by a sexual predator to comply with

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225 registration requirements. County and local law enforcement
226 agencies, in conjunction with the department, shall verify the
227 addresses of sexual predators who are not under the care,
228 custody, control, or supervision of the Department of
229 Corrections. Local law enforcement agencies shall report to the
230 department any failure by a sexual predator to comply with
231 registration requirements.

232 (a) A sexual predator must report in person each year
233 during the month of the sexual predator's birthday and during
234 every third month thereafter to the sheriff's office in the
235 county in which he or she resides or is otherwise located to
236 reregister. The sheriff's office may determine the appropriate
237 times and days for reporting by the sexual predator, which shall
238 be consistent with the reporting requirements of this paragraph.
239 Reregistration shall include any changes to the following
240 information:

241 1. Name; social security number; age; race; sex; date of
242 birth; height; weight; hair and eye color; address of any
243 permanent residence and address of any current temporary
244 residence, within the state or out of state, including a rural
245 route address and a post office box; if no permanent or
246 temporary address, any transient residence within the state;
247 address, location or description, and dates of any current or
248 known future temporary residence within the state or out of
249 state; any electronic mail address and any Internet identifier
250 ~~instant message name~~ required to be provided pursuant to
251 subparagraph (6)(g)4.; home telephone number and any cellular
252 telephone number; date and place of any employment; vehicle

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253 make, model, color, and license tag number; fingerprints; and
254 photograph. A post office box shall not be provided in lieu of a
255 physical residential address.

256 2. If the sexual predator is enrolled, employed, or
257 carrying on a vocation at an institution of higher education in
258 this state, the sexual predator shall also provide to the
259 department the name, address, and county of each institution,
260 including each campus attended, and the sexual predator's
261 enrollment or employment status.

262 3. If the sexual predator's place of residence is a motor
263 vehicle, trailer, mobile home, or manufactured home, as defined
264 in chapter 320, the sexual predator shall also provide the
265 vehicle identification number; the license tag number; the
266 registration number; and a description, including color scheme,
267 of the motor vehicle, trailer, mobile home, or manufactured
268 home. If the sexual predator's place of residence is a vessel,
269 live-aboard vessel, or houseboat, as defined in chapter 327, the
270 sexual predator shall also provide the hull identification
271 number; the manufacturer's serial number; the name of the
272 vessel, live-aboard vessel, or houseboat; the registration
273 number; and a description, including color scheme, of the
274 vessel, live-aboard vessel, or houseboat.

275 (10) PENALTIES.—

276 (a) Except as otherwise specifically provided, a sexual
277 predator who fails to register; who fails, after registration,
278 to maintain, acquire, or renew a driver's license or
279 identification card; who fails to provide required location
280 information, electronic mail address information, Internet

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281 identifier ~~instant message name~~ information, home telephone
282 number and any cellular telephone number, or change-of-name
283 information; who fails to make a required report in connection
284 with vacating a permanent residence; who fails to reregister as
285 required; who fails to respond to any address verification
286 correspondence from the department within 3 weeks of the date of
287 the correspondence; or who otherwise fails, by act or omission,
288 to comply with the requirements of this section, commits a
289 felony of the third degree, punishable as provided in s.
290 775.082, s. 775.083, or s. 775.084.

291 Section 2. Section 847.0141, Florida Statutes, is created
292 to read:

293 847.0141 Unlawful electronic communication between minors;
294 possession of visual depiction of another minor.—

295 (1) It is unlawful for a minor to intentionally or
296 knowingly use an electronic communication device to transmit,
297 distribute, or display a visual depiction of himself or herself
298 that depicts nudity and is harmful to minors.

299 (2)(a) It is unlawful for a minor to intentionally or
300 knowingly posses a visual depiction of another minor that
301 depicts nudity and is harmful to minors.

302 (b) A minor does not violate paragraph (a) if all of the
303 following apply:

- 304 1. The minor did not solicit the visual depiction.
305 2. The minor took reasonable steps to destroy or eliminate
306 the visual depiction or report the visual depiction to the
307 minor's parent or guardian or to a school or law enforcement
308 official.

309 3. The minor did not transmit or distribute the visual
310 depiction to a third party.

311 (3) A minor who violates subsection (1) or subsection (2):

312 (a) Commits a noncriminal violation for a first violation,
313 punishable by 8 hours of community service or, if ordered by the
314 court in lieu of community service, a \$60 fine. The court may
315 also order suitable training concerning such offenses and may
316 prohibit the use or possession of electronic devices, which may
317 include, but are not limited to, cellular telephones, cameras,
318 computers, or other electronic media devices. The court shall
319 order the confiscation of such unlawful material and authorize
320 the law enforcement agency in which the material is held to
321 destroy the unlawful material.

322 (b) Commits a misdemeanor of the second degree for a
323 violation that occurs after being found to have committed a
324 noncriminal violation under paragraph (a), punishable as
325 provided in s. 775.082 or s. 775.083. The court must order
326 suitable training concerning such offenses and prohibit the use
327 or possession of electronic communication devices, which may
328 include, but are not limited to, cellular telephones, cameras,
329 computers, or other electronic media devices. The court shall
330 order the confiscation of such unlawful material and authorize
331 the law enforcement agency in which the material is held to
332 destroy the unlawful material.

333 (c) Commits a misdemeanor of the first degree for a
334 violation that occurs after being found to have committed a
335 misdemeanor of the second degree under paragraph (b), punishable
336 as provided in s. 775.082 or s. 775.083. The court must order

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suitable training concerning such offenses or, if ordered by the court in lieu of training, counseling and prohibit the use or possession of electronic devices, which may include, but are not limited to, cellular telephones, cameras, computers, or other electronic media devices. The court shall order confiscation of such unlawful material and authorize the law enforcement agency in which the material is held to destroy the unlawful material.

(d) Commits a felony of the third degree for a violation that occurs after being found to have committed a misdemeanor of the first degree under paragraph (c), punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The court must order a mental health evaluation by a qualified practitioner, as defined in s. 948.001, and treatment, if recommended by the practitioner. The court shall order confiscation of such unlawful material and authorize the law enforcement agency in which the material is held to destroy the unlawful material.

(4) Whenever any law enforcement officer arrests any person charged with any offense under this section, the officer shall seize the prohibited material and take the material into his or her custody to await the sentence of the court upon the trial of the offender.

(5) This section does not prohibit the prosecution of a minor for a violation of any law of this state if the electronic communication includes the depiction of sexual conduct or sexual excitement and does not prohibit the prosecution of a minor for stalking under s. 784.048.

Section 3. Paragraphs (a) and (g) of subsection (1), subsection (2), paragraphs (a) and (d) of subsection (4),

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subsection (7), and paragraph (c) of subsection (14) of section 943.0435, Florida Statutes, are amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

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

(a)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., ~~or~~ sub-subparagraph d., or sub-subparagraph e., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a minor and the defendant is 18 years of age or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine,

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393 probation, community control, parole, conditional release,
394 control release, or incarceration in a state prison, federal
395 prison, private correctional facility, or local detention
396 facility;

397 b. Establishes or maintains a residence in this state and
398 who has not been designated as a sexual predator by a court of
399 this state but who has been designated as a sexual predator, as
400 a sexually violent predator, or by another sexual offender
401 designation in another state or jurisdiction and was, as a
402 result of such designation, subjected to registration or
403 community or public notification, or both, or would be if the
404 person were a resident of that state or jurisdiction, without
405 regard to whether the person otherwise meets the criteria for
406 registration as a sexual offender;

407 c. Establishes or maintains a residence in this state who
408 is in the custody or control of, or under the supervision of,
409 any other state or jurisdiction as a result of a conviction for
410 committing, or attempting, soliciting, or conspiring to commit,
411 any of the criminal offenses proscribed in the following
412 statutes or similar offense in another jurisdiction: s. 787.01,
413 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
414 the defendant is not the victim's parent or guardian; s.
415 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
416 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a
417 minor and the defendant is 18 years of age or older; s. 827.071;
418 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;
419 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
420 offense committed in this state which has been redesignated from

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a former statute number to one of those listed in this sub-
subparagraph; ~~or~~

d. On or after July 1, 2007, has been adjudicated
delinquent for committing, or attempting, soliciting, or
conspiring to commit, any of the criminal offenses proscribed in
the following statutes in this state or similar offenses in
another jurisdiction when the juvenile was 14 years of age or
older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(b) where the victim is under 12
years of age or where the court finds sexual activity by the use
of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds
molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of
force or coercion and unclothed genitals; or

e. Has been released on or after October 1, 2011, from any
sanction imposed for any felony conviction or similar offense in
another jurisdiction, and:

(I) Has been convicted of committing, or attempting,
soliciting, or conspiring to commit, any of the criminal
offenses proscribed in the following statutes in this state or
similar offenses in another jurisdiction: s. 787.01, s. 787.02,
or s. 787.025(2)(c), where the victim is a minor and the
defendant is not the victim's parent or guardian; s. 794.011,
excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
800.04; s. 825.1025; s. 826.04 where the victim is a minor and
the defendant is 18 years of age or older; s. 827.071; s.

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449 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
450 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
451 committed in this state which has been redesignated from a
452 former statute number to one of those listed in this sub-sub-
453 subparagraph; or

454 (II) Has been adjudicated delinquent for committing, or
455 attempting, soliciting, or conspiring to commit, any of the
456 criminal offenses proscribed in the following statutes in this
457 state or similar offenses in another jurisdiction when the
458 juvenile was 14 years of age or older at the time of the
459 offense:

460 (A) Section 794.011, excluding s. 794.011(10);

461 (B) Section 800.04(4)(b) where the victim is under 12
462 years of age or where the court finds sexual activity by the use
463 of force or coercion;

464 (C) Section 800.04(5)(c)1. where the court finds
465 molestation involving unclothed genitals; or

466 (D) Section 800.04(5)(d) where the court finds the use of
467 force or coercion and unclothed genitals.

468
469 For purposes of this sub-subparagraph, a sanction imposed in
470 this state or in any other jurisdiction includes, but is not
471 limited to, a fine, probation, community control, parole,
472 conditional release, control release, or incarceration in a
473 state prison, federal prison, private correctional facility, or
474 local detention facility.

475 2. For all qualifying offenses listed in sub-subparagraph
476 (1)(a)1.d., the court shall make a written finding of the age of

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the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall additionally make a written finding indicating that the offense did or did not involve sexual activity and indicating that the offense did or did not involve force or coercion. For a violation of s. 800.04(5), the court shall additionally make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(g) "Internet identifier ~~Instant message name~~" has the same meaning as provided in s. 775.21 ~~means an identifier that allows a person to communicate in real time with another person using the Internet.~~

(2) A sexual offender shall:

(a) Report in person at the sheriff's office:

1. In the county in which the offender establishes or maintains a permanent, temporary, or transient residence within 48 hours after:

a. Establishing permanent, temporary, or transient residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for

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505 registration under this section if the offender is not in the
506 custody or control of, or under the supervision of, the
507 Department of Corrections, or is not in the custody of a private
508 correctional facility.

509
510 Any change in the information required to be provided pursuant
511 to paragraph (b), including, but not limited to, any change in
512 the sexual offender's permanent, temporary, or transient
513 residence, name, any electronic mail address and any Internet
514 identifier ~~instant message name~~ required to be provided pursuant
515 to paragraph (4)(d), after the sexual offender reports in person
516 at the sheriff's office, shall be accomplished in the manner
517 provided in subsections (4), (7), and (8).

518 (b) Provide his or her name; date of birth; social
519 security number; race; sex; height; weight; hair and eye color;
520 tattoos or other identifying marks; occupation and place of
521 employment; address of permanent or legal residence or address
522 of any current temporary residence, within the state or out of
523 state, including a rural route address and a post office box; if
524 no permanent or temporary address, any transient residence
525 within the state, address, location or description, and dates of
526 any current or known future temporary residence within the state
527 or out of state; home telephone number and any cellular
528 telephone number; any electronic mail address and any Internet
529 identifier ~~instant message name~~ required to be provided pursuant
530 to paragraph (4)(d); date and place of each conviction; and a
531 brief description of the crime or crimes committed by the
532 offender. A post office box shall not be provided in lieu of a

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physical residential address.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department through the sheriff's office the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the sheriff's office, within 48 hours after any change in status. The sheriff shall promptly notify each institution of the sexual offender's presence and any change in the sexual offender's enrollment or employment status.

When a sexual offender reports at the sheriff's office, the

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sheriff shall take a photograph and a set of fingerprints of the offender and forward the photographs and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(4)(a) Each time a sexual offender's driver's license or identification card is subject to renewal, and, without regard to the status of the offender's driver's license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver's license office, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender is not in violation of this paragraph if he or she reports an address or location change to the local sheriff's office within 48 hours after such change with proof that he or she also promptly reported such information to the Department of Highway Safety and Motor Vehicles.

(d) A sexual offender must register any electronic mail

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589 address or Internet identifier ~~instant message name~~ with the
590 department prior to using such electronic mail address or
591 Internet identifier ~~instant message name on or after October 1,~~
592 ~~2007~~. The department shall establish an online system through
593 which sexual offenders may securely access and update all
594 electronic mail address and Internet identifier ~~instant message~~
595 ~~name~~ information.

596 (7) A sexual offender who intends to establish a
597 permanent, temporary, or transient residence in another state or
598 jurisdiction other than the State of Florida shall report in
599 person to the sheriff of the county of current residence within
600 48 hours before the date he or she intends to leave this state
601 to establish residence in another state or jurisdiction or
602 within 21 days before his or her planned departure date if the
603 intended residence of 7 days or more is outside of the United
604 States. The notification must include the address, municipality,
605 county, ~~and state,~~ and country of intended residence. The
606 sheriff shall promptly provide to the department the information
607 received from the sexual offender. The department shall notify
608 the statewide law enforcement agency, or a comparable agency, in
609 the intended state or jurisdiction of residence of the sexual
610 offender's intended residence. The failure of a sexual offender
611 to provide his or her intended place of residence is punishable
612 as provided in subsection (9).

613 (14)

614 (c) The sheriff's office may determine the appropriate
615 times and days for reporting by the sexual offender, which shall
616 be consistent with the reporting requirements of this

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subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any Internet identifier ~~instant message name~~ required to be provided pursuant to paragraph (4)(d); home telephone number and any cellular telephone number; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme,

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of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence or who fails to report electronic mail addresses or Internet identifiers ~~instant message names~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 943.04351, Florida Statutes, is amended to read:

943.04351 Search of registration information regarding sexual predators and sexual offenders required prior to appointment or employment.—A state agency or governmental subdivision, prior to making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The agency or governmental subdivision may conduct

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the search using the Internet site maintained by the Department of Law Enforcement. Also, a national search must be conducted through the Dru Sjodin National Sex Offender Public Website maintained by the United States Department of Justice. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

Section 5. Section 943.04355, Florida Statutes, is created to read:

943.04355 Juvenile and youthful sex offender and predator registration; exceptions.—

(1) If a person obligated to register as a sexual offender or sexual predator was less than 22 years of age at the time he or she committed the act or acts giving rise to the requirement to register as such, he or she may petition the criminal division of the circuit court of the circuit in which he or she resides for the purpose of the removal of the registration obligation or for an exemption from community and public notification.

(2) To be eligible for removal from the obligation to register as a sexual offender or sexual predator, the petitioner must show by clear and convincing evidence that all of the following criteria have been met:

(a) The requested relief complies with the provisions of the federal 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 sexual predator or required to be met as a condition for the receipt of

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federal funds by the state and that the removal of the registration obligation requirement will not otherwise conflict with federal law.

(b) The petitioner was less than 22 years of age when he or she committed the sex offense subjecting him or her to the obligation to registration.

(c) The circumstances surrounding the crime requiring registration did not involve a child less than 13 years of age while the offender was 18 years of age or older but less than 22 years of age.

(d) The petitioner demonstrates to the satisfaction of the court that he or she does not pose a risk or danger to the community.

(e) The petitioner has not been arrested for any crime since being released from the sanctions relevant to the qualifying offense requiring registration.

(f) The petitioner has participated in and satisfactorily completed a sexual offender treatment program obtained from a qualified practitioner as defined in s. 948.001.

(g) The petitioner has paid restitution to either the victim or crimes compensation trust fund, if applicable.

(h) The petitioner successfully completed the terms of supervision and substantially complied with registration requirements.

(i) The petitioner is not required to register as a sexual offender or sexual predator in another state or jurisdiction as a result of committing a sexual offense in a jurisdiction outside of this state.

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729 (3) (a) The state attorney in the circuit in which the
730 petition is filed must be given notice of the petition at least
731 3 weeks before the hearing on the matter. As soon as practicable
732 after a petition has been filed under this section, the state
733 attorney shall make a reasonable effort to notify the victim of
734 the crime that the person has filed a petition seeking relief
735 under this section. Also, the state attorney may present
736 evidence in opposition to the requested relief or may otherwise
737 demonstrate the reasons why the petition should be denied. If
738 the court denies the petition, the court may set a future date
739 at which the sexual offender or sexual predator may again
740 petition the court for relief, subject to the standards for
741 relief provided in this section. A subsequent petition for
742 relief may not be submitted under this section unless a future
743 date for eligibility to file such a petition is set by the
744 court. The court shall order removal of the sexual offender or
745 sexual predator from classification as a sexual offender or
746 sexual predator for the purpose of registration if the petition
747 is granted. The court may also grant the petition, in part, and
748 order nonpublic registration.

749 (b) For the purpose of this section, the term "nonpublic
750 registration" means an exemption from community and public
751 notification. The offender or predator is still obligated to
752 report in person and register with the local sheriff's office
753 and the Department of Highway Safety and Motor Vehicles pursuant
754 to s. 775.21 and s. 943.0435. The offender's or predator's
755 registration information will not be visible on the public
756 registry, but it will continue to be updated; however, the

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information will only be available for use by law enforcement agencies for investigative purposes.

(4) The department shall remove an offender or predator from classification as a sexual offender or sexual predator for purposes of registration if he or she provides the department with a certified copy of the court's written findings or order that indicates that he or she is no longer required to comply with the requirements for registration as a sexual offender or sexual predator. If the sexual offender or sexual predator is granted nonpublic registration or a court order or findings exempting him or her from community and public notification, the department must promptly remove the offender's or predator's registration information from the public registry of sexual offenders and sexual predators maintained by the department. However, the removal of this information from the public registry of sexual offenders and sexual predators shall not prevent public access to information about the person's criminal history or record that is otherwise available as a public record.

(5) The court may order nonpublic registration for a juvenile sexual offender as defined in s. 985.475 at any time if he or she has completed a juvenile sexual offender commitment program or if the court is satisfied that he or she is not a current or potential threat to public safety. The court may revoke a nonpublic registration order made under this subsection for any reason.

Section 6. Subsection (2) and paragraph (a) of subsection (3) of section 943.0437, Florida Statutes, are amended to read:

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943.0437 Commercial social networking websites.—

(2) The department may provide information relating to electronic mail addresses and Internet identifiers ~~instant message names~~ maintained as part of the sexual offender registry to commercial social networking websites or third parties designated by commercial social networking websites. The commercial social networking website may use this information for the purpose of comparing registered users and screening potential users of the commercial social networking website against the list of electronic mail addresses and Internet identifiers ~~instant message names~~ provided by the department.

(3) This section shall not be construed to impose any civil liability on a commercial social networking website for:

(a) Any action voluntarily taken in good faith to remove or disable any profile of a registered user associated with an electronic mail address or Internet identifier ~~instant message name~~ contained in the sexual offender registry.

Section 7. Paragraphs (b) and (d) of subsection (1) and paragraph (a) of subsection (3) of section 944.606, Florida Statutes, are amended to read:

944.606 Sexual offenders; notification upon release.—

(1) As used in this section:

(b) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the

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victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a minor and the defendant is 18 years of age or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

(d) "Internet identifier ~~Instant message name"~~ has the same meaning as provided in s. 775.21 ~~means an identifier that allows a person to communicate in real time with another person using the Internet.~~

(3)(a) The department must provide information regarding any sexual offender who is being released after serving a period of incarceration for any offense, as follows:

1. The department must provide: the sexual offender's name, any change in the offender's name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender's social security number, race, sex, date of birth, height, weight, and hair and eye color; address of any planned permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description,

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841 and dates of any known future temporary residence within the
842 state or out of state; date and county of sentence and each
843 crime for which the offender was sentenced; a copy of the
844 offender's fingerprints and a digitized photograph taken within
845 60 days before release; the date of release of the sexual
846 offender; any electronic mail address and any Internet
847 identifier ~~instant message name~~ required to be provided pursuant
848 to s. 943.0435(4)(d); and home telephone number and any cellular
849 telephone number. The department shall notify the Department of
850 Law Enforcement if the sexual offender escapes, absconds, or
851 dies. If the sexual offender is in the custody of a private
852 correctional facility, the facility shall take the digitized
853 photograph of the sexual offender within 60 days before the
854 sexual offender's release and provide this photograph to the
855 Department of Corrections and also place it in the sexual
856 offender's file. If the sexual offender is in the custody of a
857 local jail, the custodian of the local jail shall register the
858 offender within 3 business days after intake of the offender for
859 any reason and upon release, and shall notify the Department of
860 Law Enforcement of the sexual offender's release and provide to
861 the Department of Law Enforcement the information specified in
862 this paragraph and any information specified in subparagraph 2.
863 that the Department of Law Enforcement requests.

864 2. The department may provide any other information deemed
865 necessary, including criminal and corrections records,
866 nonprivileged personnel and treatment records, when available.

867 Section 8. Paragraphs (a) and (f) of subsection (1),
868 paragraph (a) of subsection (4), and paragraph (c) of subsection

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(13) of section 944.607, Florida Statutes, are amended to read:
944.607 Notification to Department of Law Enforcement of
information on sexual offenders.—

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

(a) "Sexual offender" means a person who is in the custody
or control of, or under the supervision of, the department or is
in the custody of a private correctional facility:

1. On or after October 1, 1997, as a result of a
conviction for committing, or attempting, soliciting, or
conspiring to commit, any of the criminal offenses proscribed in
the following statutes in this state or similar offenses in
another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
where the victim is a minor and the defendant is not the
victim's parent or guardian; s. 794.011, excluding s.
794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
825.1025; s. 826.04 where the victim is a minor and the
defendant is 18 years of age or older; s. 827.071; s. 847.0133;
s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
s. 847.0145; or s. 985.701(1); or any similar offense committed
in this state which has been redesignated from a former statute
number to one of those listed in this subparagraph ~~paragraph~~; ~~or~~

2. On or after October 1, 2011, as a result of committing
any felony, if the offender has a prior conviction for
committing, or attempting, soliciting, or conspiring to commit,
any of the criminal offenses proscribed in the following
statutes in this state or similar offenses in another
jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
the victim is a minor and the defendant is not the victim's

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parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a minor and the defendant is 18 years of age or older; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph; or

3.2. Who establishes or maintains a residence in this state 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 as to whether the person otherwise meets the criteria for registration as a sexual offender.

(f) "Internet identifier ~~Instant message name"~~ has the same meaning as provided in s. 775.21 ~~means an identifier that allows a person to communicate in real time with another person using the Internet.~~

(4) A sexual offender, as described in this section, who is under the supervision of the Department of Corrections but is not incarcerated must register with the Department of Corrections within 3 business days after sentencing for a registrable offense and otherwise provide information as required by this subsection.

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925 (a) The sexual offender shall provide his or her name;
926 date of birth; social security number; race; sex; height;
927 weight; hair and eye color; tattoos or other identifying marks;
928 any electronic mail address and any Internet identifier ~~instant~~
929 ~~message-name~~ required to be provided pursuant to s.
930 943.0435(4)(d); permanent or legal residence and address of
931 temporary residence within the state or out of state while the
932 sexual offender is under supervision in this state, including
933 any rural route address or post office box; if no permanent or
934 temporary address, any transient residence within the state; and
935 address, location or description, and dates of any current or
936 known future temporary residence within the state or out of
937 state. The Department of Corrections shall verify the address of
938 each sexual offender in the manner described in ss. 775.21 and
939 943.0435. The department shall report to the Department of Law
940 Enforcement any failure by a sexual predator or sexual offender
941 to comply with registration requirements.

942 (13)

943 (c) The sheriff's office may determine the appropriate
944 times and days for reporting by the sexual offender, which shall
945 be consistent with the reporting requirements of this
946 subsection. Reregistration shall include any changes to the
947 following information:

948 1. Name; social security number; age; race; sex; date of
949 birth; height; weight; hair and eye color; address of any
950 permanent residence and address of any current temporary
951 residence, within the state or out of state, including a rural
952 route address and a post office box; if no permanent or

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temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any Internet identifier ~~instant message name~~ required to be provided pursuant to s. 943.0435(4)(d); date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as

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required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence, or who fails to report electronic mail addresses or Internet identifiers ~~instant message names~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Subsection (11) of section 947.005, Florida Statutes, is amended to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(11) "Risk assessment" means an assessment completed by a ~~an independent~~ qualified practitioner to evaluate the level of risk associated when a sex offender has contact with a child.

Section 10. Section 948.31, Florida Statutes, is amended to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section. The court shall require an evaluation by a qualified practitioner to determine the need of a probationer or community controllee for treatment. If the court determines that a need therefor is established by the evaluation process, the court shall require sexual offender treatment as a term or condition of probation or community control for any person who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s.

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1009 944.607. Such treatment shall be required to be obtained from a
1010 qualified practitioner as defined in s. 948.001. Treatment may
1011 not be administered by a qualified practitioner who has been
1012 convicted or adjudicated delinquent of committing, or
1013 attempting, soliciting, or conspiring to commit, any offense
1014 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall
1015 impose a restriction against contact with minors if sexual
1016 offender treatment is recommended. The evaluation and
1017 recommendations for treatment of the probationer or community
1018 controllee shall be provided to the court for review.

1019 Section 11. If any provision of this act or its
1020 application to any person or circumstance is held invalid, the
1021 invalidity does not affect other provisions or applications of
1022 this act which can be given effect without the invalid provision
1023 or application, and to this end the provisions of this act are
1024 severable.

1025 Section 12. This act shall take effect upon becoming a
1026 law.