

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"; providing that voluntary
6 disclosure of specified information waives a disclosure
7 exemption for such information; conforming provisions;
8 requiring disclosure of passport and immigration status
9 information; requiring that a sexual predator who is
10 unable to secure or update a driver's license or
11 identification card within a specified period must report
12 specified information to the local sheriff's office within
13 a specified period after such change with confirmation
14 that he or she also reported such information to the
15 Department of Highway Safety and Motor Vehicles; revising
16 reporting requirements if a sexual predator plans to leave
17 the United States for more than a specified period;
18 amending s. 943.0435, F.S.; replacing the definition of
19 the term "instant message name" with the definition of the
20 term "Internet identifier"; conforming provisions;
21 requiring disclosure of passport and immigration status
22 information; requiring that a sexual predator who is
23 unable to secure or update a driver's license or
24 identification card within a specified period must report
25 specified information to the local sheriff's office within
26 a specified period of such change with confirmation that
27 he or she also reported such information to the Department
28 of Highway Safety and Motor Vehicles; providing additional

29 requirements for sexual offenders intending to reside
30 outside of the United States; amending s. 943.04351, F.S.;
31 requiring a specified national search of registration
32 information regarding sexual predators and sexual
33 offenders prior to appointment or employment of persons by
34 state agencies and governmental subdivisions; amending s.
35 943.04354, F.S.; revising the age range applicable to
36 provisions allowing removal of the requirement to register
37 as a sexual offender or sexual predator in certain
38 circumstances; amending s. 943.0437, F.S.; replacing the
39 definition of the term "instant message name" with the
40 definition of the term "Internet identifier"; conforming
41 provisions; amending ss. 944.606 and 944.607, F.S.;
42 replacing the definition of the term "instant message
43 name" with the definition of the term "Internet
44 identifier"; conforming provisions; requiring disclosure
45 of passport and immigration status information; amending
46 s. 947.005, F.S.; revising the definition of the term
47 "risk assessment"; amending s. 948.31, F.S.; providing
48 that conditions imposed under that section do not require
49 oral pronouncement at the time of sentencing and shall be
50 considered standard conditions of probation or community
51 control for certain offenders; removing a provision
52 prohibiting contact with minors if sexual offender
53 treatment is recommended; amending ss. 985.481 and
54 985.4815, F.S.; requiring disclosure of passport and
55 immigration status information by certain sexual offenders
56 adjudicated delinquent and certain juvenile sexual

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57 offenders; providing severability; providing an effective
58 date.

59
60 Be It Enacted by the Legislature of the State of Florida:

61
62 Section 1. Paragraph (i) of subsection (2), paragraphs
63 (a), (e), (g), (i), and (j) of subsection (6), paragraph (a) of
64 subsection (8), and paragraph (a) of subsection (10) of section
65 775.21, Florida Statutes, are amended to read:

66 775.21 The Florida Sexual Predators Act.—

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

68 (i) "Internet identifier ~~Instant message name~~" means all
69 electronic mail, chat, instant messenger, social networking, or
70 similar name used for Internet communication, but does not
71 include a date of birth, social security number, or personal
72 identification number (PIN) ~~an identifier that allows a person~~
73 ~~to communicate in real time with another person using the~~
74 ~~Internet.~~ Voluntary disclosure by the sexual predator of his or
75 her date of birth, social security number, or personal
76 identification number (PIN) as an Internet identifier waives the
77 disclosure exemption in this paragraph for such personal
78 information.

79 (6) REGISTRATION.—

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

83 1. Name; social security number; age; race; sex; date of
84 birth; height; weight; hair and eye color; photograph; address

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85 of legal residence and address of any current temporary
86 residence, within the state or out of state, including a rural
87 route address and a post office box; if no permanent or
88 temporary address, any transient residence within the state;
89 address, location or description, and dates of any current or
90 known future temporary residence within the state or out of
91 state; all ~~any~~ electronic mail addresses ~~address~~ and all
92 Internet identifiers ~~any instant message name~~ required to be
93 provided pursuant to subparagraph (g)4.; all home telephone
94 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date
95 and place of any employment; date and place of each conviction;
96 fingerprints; and a brief description of the crime or crimes
97 committed by the offender. A post office box shall not be
98 provided in lieu of a physical residential address. The sexual
99 predator must also produce or provide information about his or
100 her passport, if he or she has a passport, and, if he or she is
101 an alien, must produce or provide information about documents
102 establishing his or her immigration status.

103 a. If the sexual predator's place of residence is a motor
104 vehicle, trailer, mobile home, or manufactured home, as defined
105 in chapter 320, the sexual predator shall also provide to the
106 department written notice of the vehicle identification number;
107 the license tag number; the registration number; and a
108 description, including color scheme, of the motor vehicle,
109 trailer, mobile home, or manufactured home. If a sexual
110 predator's place of residence is a vessel, live-aboard vessel,
111 or houseboat, as defined in chapter 327, the sexual predator
112 shall also provide to the department written notice of the hull

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113 identification number; the manufacturer's serial number; the
114 name of the vessel, live-aboard vessel, or houseboat; the
115 registration number; and a description, including color scheme,
116 of the vessel, live-aboard vessel, or houseboat.

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

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

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

139 a. At the sheriff's office in the county where he or she
140 establishes or maintains a residence within 48 hours after

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141 establishing or maintaining a residence in this state; and

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

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

157 (g)1. Each time a sexual predator's driver's license or
158 identification card is subject to renewal, and, without regard
159 to the status of the predator's driver's license or
160 identification card, within 48 hours after any change of the
161 predator's residence or change in the predator's name by reason
162 of marriage or other legal process, the predator shall report in
163 person to a driver's license office and shall be subject to the
164 requirements specified in paragraph (f). The Department of
165 Highway Safety and Motor Vehicles shall forward to the
166 department and to the Department of Corrections all photographs
167 and information provided by sexual predators. Notwithstanding
168 the restrictions set forth in s. 322.142, the Department of

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169 Highway Safety and Motor Vehicles is authorized to release a
170 reproduction of a color-photograph or digital-image license to
171 the Department of Law Enforcement for purposes of public
172 notification of sexual predators as provided in this section. A
173 sexual predator who is unable to secure or update a driver's
174 license or identification card with the Department of Highway
175 Safety and Motor Vehicles as provided in s. 943.0435(3) and (4)
176 must also report any change of the predator's residence or
177 change in the predator's name by reason of marriage or other
178 legal process within 48 hours after the change to the sheriff's
179 office in the county where the predator resides or is located
180 and provide confirmation that he or she reported such
181 information to the Department of Highway Safety and Motor
182 Vehicles.

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

196 3. A sexual predator who remains at a permanent,

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temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the predator indicated he or she would or did vacate such residence, report in person to the sheriff's office to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(i) A sexual predator who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or within 21 days before his or her planned departure date if the intended residence of 7 days or more is outside of the United

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225 States. The sexual predator must provide to the sheriff the
226 address, municipality, county, ~~and~~ state, and country of
227 intended residence. The sheriff shall promptly provide to the
228 department the information received from the sexual predator.
229 The department shall notify the statewide law enforcement
230 agency, or a comparable agency, in the intended state, ~~or~~
231 jurisdiction, or country of residence of the sexual predator's
232 intended residence. The failure of a sexual predator to provide
233 his or her intended place of residence is punishable as provided
234 in subsection (10).

235 (j) A sexual predator who indicates his or her intent to
236 establish a permanent, temporary, or transient residence in
237 another state, a ~~or~~ jurisdiction other than the State of
238 Florida, or another country and later decides to remain in this
239 state shall, within 48 hours after the date upon which the
240 sexual predator indicated he or she would leave this state,
241 report in person to the sheriff to which the sexual predator
242 reported the intended change of residence, and report his or her
243 intent to remain in this state. If the sheriff is notified by
244 the sexual predator that he or she intends to remain in this
245 state, the sheriff shall promptly report this information to the
246 department. A sexual predator who reports his or her intent to
247 establish a permanent, temporary, or transient residence in
248 another state, a ~~or~~ jurisdiction other than the State of
249 Florida, or another country, but who remains in this state
250 without reporting to the sheriff in the manner required by this
251 paragraph, commits a felony of the second degree, punishable as
252 provided in s. 775.082, s. 775.083, or s. 775.084.

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(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections and shall report to the department any failure by a sexual predator to comply with registration requirements. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections. Local law enforcement agencies shall report to the department any failure by a sexual predator to comply with registration requirements.

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

1. Name; social security number; age; race; sex; date of

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281 birth; height; weight; hair and eye color; address of any
282 permanent residence and address of any current temporary
283 residence, within the state or out of state, including a rural
284 route address and a post office box; if no permanent or
285 temporary address, any transient residence within the state;
286 address, location or description, and dates of any current or
287 known future temporary residence within the state or out of
288 state; all ~~any~~ electronic mail addresses ~~address~~ and all
289 Internet identifiers ~~any instant message name~~ required to be
290 provided pursuant to subparagraph (6)(g)4.; all home telephone
291 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~; date
292 and place of any employment; vehicle make, model, color, and
293 license tag number; fingerprints; and photograph. A post office
294 box shall not be provided in lieu of a physical residential
295 address.

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

302 3. If the sexual predator's place of residence is a motor
303 vehicle, trailer, mobile home, or manufactured home, as defined
304 in chapter 320, the sexual predator shall also provide the
305 vehicle identification number; the license tag number; the
306 registration number; and a description, including color scheme,
307 of the motor vehicle, trailer, mobile home, or manufactured
308 home. If the sexual predator's place of residence is a vessel,

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live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator 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.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information, electronic mail address information, Internet identifier ~~instant message name~~ information, all home telephone numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraphs (a) and (g) of subsection (1), subsection (2), paragraphs (a) and (d) of subsection (4), subsections (7) and (8), 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.—

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(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., 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, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and

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365 who has not been designated as a sexual predator by a court of
366 this state but who has been designated as a sexual predator, as
367 a sexually violent predator, or by another sexual offender
368 designation in another state or jurisdiction and was, as a
369 result of such designation, subjected to registration or
370 community or public notification, or both, or would be if the
371 person were a resident of that state or jurisdiction, without
372 regard to whether the person otherwise meets the criteria for
373 registration as a sexual offender;

374 c. Establishes or maintains a residence in this state who
375 is in the custody or control of, or under the supervision of,
376 any other state or jurisdiction as a result of a conviction for
377 committing, or attempting, soliciting, or conspiring to commit,
378 any of the criminal offenses proscribed in the following
379 statutes or similar offense in another jurisdiction: s. 787.01,
380 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
381 the defendant is not the victim's parent or guardian; s.
382 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
383 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a
384 minor and the defendant is 18 years of age or older; s. 827.071;
385 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;
386 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
387 offense committed in this state which has been redesignated from
388 a former statute number to one of those listed in this sub-
389 subparagraph; or

390 d. On or after July 1, 2007, has been adjudicated
391 delinquent for committing, or attempting, soliciting, or
392 conspiring to commit, any of the criminal offenses proscribed in

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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.

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

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421 ~~using the Internet.~~

422 (2) A sexual offender shall:

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

424 1. In the county in which the offender establishes or
425 maintains a permanent, temporary, or transient residence within
426 48 hours after:

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

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

432 2. In the county where he or she was convicted within 48
433 hours after being convicted for a qualifying offense for
434 registration under this section if the offender is not in the
435 custody or control of, or under the supervision of, the
436 Department of Corrections, or is not in the custody of a private
437 correctional facility.

438
439 Any change in the information required to be provided pursuant
440 to paragraph (b), including, but not limited to, any change in
441 the sexual offender's permanent, temporary, or transient
442 residence, name, all ~~any~~ electronic mail addresses ~~address~~ and
443 all Internet identifiers ~~any instant message name~~ required to be
444 provided pursuant to paragraph (4)(d), after the sexual offender
445 reports in person at the sheriff's office, shall be accomplished
446 in the manner provided in subsections (4), (7), and (8).

447 (b) Provide his or her name; date of birth; social
448 security number; race; sex; height; weight; hair and eye color;

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449 tattoos or other identifying marks; occupation and place of
450 employment; address of permanent or legal residence or address
451 of any current temporary residence, within the state or out of
452 state, including a rural route address and a post office box; if
453 no permanent or temporary address, any transient residence
454 within the state, address, location or description, and dates of
455 any current or known future temporary residence within the state
456 or out of state; all home telephone numbers ~~number~~ and ~~any~~
457 cellular telephone numbers ~~number~~; all ~~any~~ electronic mail
458 addresses ~~address~~ and all Internet identifiers ~~any instant~~
459 ~~message name~~ required to be provided pursuant to paragraph
460 (4) (d); date and place of each conviction; and a brief
461 description of the crime or crimes committed by the offender. A
462 post office box shall not be provided in lieu of a physical
463 residential address. The sexual offender must also produce or
464 provide information about his or her passport, if he or she has
465 a passport, and, if he or she is an alien, must produce or
466 provide information about documents establishing his or her
467 immigration status.

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

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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 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

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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 who is unable to secure or update a driver's license or identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection must also report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to Department of Highway Safety and Motor Vehicles.

(d) A sexual offender must register all ~~any~~ electronic mail addresses and Internet identifiers ~~address or instant message name~~ with the department prior to using such electronic mail addresses and Internet identifiers ~~address or instant message name~~ on or after October 1, 2007. The department shall establish an online system through which sexual offenders may

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533 securely access and update all electronic mail address and
534 Internet identifier ~~instant message name~~ information.

535 (7) A sexual offender who intends to establish a
536 permanent, temporary, or transient residence in another state or
537 jurisdiction other than the State of Florida shall report in
538 person to the sheriff of the county of current residence within
539 48 hours before the date he or she intends to leave this state
540 to establish residence in another state or jurisdiction or
541 within 21 days before his or her planned departure date if the
542 intended residence of 7 days or more is outside of the United
543 States. The notification must include the address, municipality,
544 county, ~~and state,~~ and country of intended residence. The
545 sheriff shall promptly provide to the department the information
546 received from the sexual offender. The department shall notify
547 the statewide law enforcement agency, or a comparable agency, in
548 the intended state, ~~or jurisdiction,~~ or country of residence of
549 the sexual offender's intended residence. The failure of a
550 sexual offender to provide his or her intended place of
551 residence is punishable as provided in subsection (9).

552 (8) A sexual offender who indicates his or her intent to
553 establish a permanent, temporary, or transient residence in
554 another state, a ~~or~~ jurisdiction other than the State of
555 Florida, or another country and later decides to remain in this
556 state shall, within 48 hours after the date upon which the
557 sexual offender indicated he or she would leave this state,
558 report in person to the sheriff to which the sexual offender
559 reported the intended change of permanent, temporary, or
560 transient residence, and report his or her intent to remain in

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561 this state. The sheriff shall promptly report this information
562 to the department. A sexual offender who reports his or her
563 intent to establish a permanent, temporary, or transient
564 residence in another state, a ~~or~~ jurisdiction other than the
565 State of Florida, or another country but who remains in this
566 state without reporting to the sheriff in the manner required by
567 this subsection commits a felony of the second degree,
568 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

569 (14)

570 (c) The sheriff's office may determine the appropriate
571 times and days for reporting by the sexual offender, which shall
572 be consistent with the reporting requirements of this
573 subsection. Reregistration shall include any changes to the
574 following information:

575 1. Name; social security number; age; race; sex; date of
576 birth; height; weight; hair and eye color; address of any
577 permanent residence and address of any current temporary
578 residence, within the state or out of state, including a rural
579 route address and a post office box; if no permanent or
580 temporary address, any transient residence within the state;
581 address, location or description, and dates of any current or
582 known future temporary residence within the state or out of
583 state; all ~~any~~ electronic mail addresses ~~address~~ and all
584 Internet identifiers ~~any instant message name~~ required to be
585 provided pursuant to paragraph (4) (d); all home telephone
586 numbers ~~number~~ and all ~~any~~ cellular telephone numbers ~~number~~;
587 date and place of any employment; vehicle make, model, color,
588 and license tag number; fingerprints; and photograph. A post

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589 office box shall not be provided in lieu of a physical
590 residential address.

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

597 3. If the sexual offender's place of residence is a motor
598 vehicle, trailer, mobile home, or manufactured home, as defined
599 in chapter 320, the sexual offender shall also provide the
600 vehicle identification number; the license tag number; the
601 registration number; and a description, including color scheme,
602 of the motor vehicle, trailer, mobile home, or manufactured
603 home. If the sexual offender's place of residence is a vessel,
604 live-aboard vessel, or houseboat, as defined in chapter 327, the
605 sexual offender shall also provide the hull identification
606 number; the manufacturer's serial number; the name of the
607 vessel, live-aboard vessel, or houseboat; the registration
608 number; and a description, including color scheme, of the
609 vessel, live-aboard vessel or houseboat.

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

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617 Section 3. Section 943.04351, Florida Statutes, is amended
618 to read:

619 943.04351 Search of registration information regarding
620 sexual predators and sexual offenders required prior to
621 appointment or employment.—A state agency or governmental
622 subdivision, prior to making any decision to appoint or employ a
623 person to work, whether for compensation or as a volunteer, at
624 any park, playground, day care center, or other place where
625 children regularly congregate, must conduct a search of that
626 person's name or other identifying information against the
627 registration information regarding sexual predators and sexual
628 offenders maintained by the Department of Law Enforcement under
629 s. 943.043. The agency or governmental subdivision may conduct
630 the search using the Internet site maintained by the Department
631 of Law Enforcement. Also, a national search must be conducted
632 through the Dru Sjodin National Sex Offender Public Website
633 maintained by the United States Department of Justice. This
634 section does not apply to those positions or appointments within
635 a state agency or governmental subdivision for which a state and
636 national criminal history background check is conducted.

637 Section 4. Subsection (1) of section 943.04354, Florida
638 Statutes, is amended to read:

639 943.04354 Removal of the requirement to register as a
640 sexual offender or sexual predator in special circumstances.—

641 (1) For purposes of this section, a person shall be
642 considered for removal of the requirement to register as a
643 sexual offender or sexual predator only if the person:

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(a) Was or will be convicted or adjudicated delinquent of a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) or the person committed a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication of guilt was or will be withheld, and the person does not have any other conviction, adjudication of delinquency, or withhold of adjudication of guilt for a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5);

(b) Is required to register as a sexual offender or sexual predator solely on the basis of this violation; and

(c) Is not more than 4 years older than the victim of this violation who was 13 ~~14~~ years of age or older but not more than 18 ~~17~~ years of age at the time the person committed this violation.

Section 5. Subsection (2) and paragraph (a) of subsection (3) of section 943.0437, Florida Statutes, are amended to read:

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

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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 6. 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 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

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700 same meaning as provided in s. 775.21 ~~means an identifier that~~
701 ~~allows a person to communicate in real time with another person~~
702 ~~using the Internet.~~

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

706 1. The department must provide: the sexual offender's
707 name, any change in the offender's name by reason of marriage or
708 other legal process, and any alias, if known; the correctional
709 facility from which the sexual offender is released; the sexual
710 offender's social security number, race, sex, date of birth,
711 height, weight, and hair and eye color; address of any planned
712 permanent residence or temporary residence, within the state or
713 out of state, including a rural route address and a post office
714 box; if no permanent or temporary address, any transient
715 residence within the state; address, location or description,
716 and dates of any known future temporary residence within the
717 state or out of state; date and county of sentence and each
718 crime for which the offender was sentenced; a copy of the
719 offender's fingerprints and a digitized photograph taken within
720 60 days before release; the date of release of the sexual
721 offender; all ~~any~~ electronic mail addresses ~~address~~ and all
722 Internet identifiers ~~any instant message name~~ required to be
723 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone
724 numbers ~~number~~ and ~~any~~ cellular telephone numbers; and passport
725 information, if he or she has a passport, and, if he or she is
726 an alien, information about documents establishing his or her
727 immigration status ~~number~~. The department shall notify the

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728 Department of Law Enforcement if the sexual offender escapes,
729 absconds, or dies. If the sexual offender is in the custody of a
730 private correctional facility, the facility shall take the
731 digitized photograph of the sexual offender within 60 days
732 before the sexual offender's release and provide this photograph
733 to the Department of Corrections and also place it in the sexual
734 offender's file. If the sexual offender is in the custody of a
735 local jail, the custodian of the local jail shall register the
736 offender within 3 business days after intake of the offender for
737 any reason and upon release, and shall notify the Department of
738 Law Enforcement of the sexual offender's release and provide to
739 the Department of Law Enforcement the information specified in
740 this paragraph and any information specified in subparagraph 2.
741 that the Department of Law Enforcement requests.

742 2. The department may provide any other information deemed
743 necessary, including criminal and corrections records,
744 nonprivileged personnel and treatment records, when available.

745 Section 7. Paragraphs (a) and (f) of subsection (1),
746 paragraph (a) of subsection (4), and paragraph (c) of subsection
747 (13) of section 944.607, Florida Statutes, are amended to read:

748 944.607 Notification to Department of Law Enforcement of
749 information on sexual offenders.—

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

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

754 1. On or after October 1, 1997, as a result of a
755 conviction for committing, or attempting, soliciting, or

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756 conspiring to commit, any of the criminal offenses proscribed in
757 the following statutes in this state or similar offenses in
758 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
759 where the victim is a minor and the defendant is not the
760 victim's parent or guardian; s. 794.011, excluding s.
761 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
762 825.1025; s. 826.04 where the victim is a minor and the
763 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
764 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
765 s. 847.0145; or s. 985.701(1); or any similar offense committed
766 in this state which has been redesignated from a former statute
767 number to one of those listed in this paragraph; or

768 2. Who establishes or maintains a residence in this state
769 and who has not been designated as a sexual predator by a court
770 of this state but who has been designated as a sexual predator,
771 as a sexually violent predator, or by another sexual offender
772 designation in another state or jurisdiction and was, as a
773 result of such designation, subjected to registration or
774 community or public notification, or both, or would be if the
775 person were a resident of that state or jurisdiction, without
776 regard as to whether the person otherwise meets the criteria for
777 registration as a sexual offender.

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

782 (4) A sexual offender, as described in this section, who
783 is under the supervision of the Department of Corrections but is

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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.

(a) The sexual offender shall provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; all any electronic mail addresses address and all Internet identifiers any instant message name required to be provided pursuant to s. 943.0435(4)(d); permanent or legal residence and address of temporary residence within the state or out of state while the sexual offender is under supervision in this state, including any rural route address or post office box; if no permanent or temporary address, any transient residence within the state; and address, location or description, and dates of any current or known future temporary residence within the state or out of state. The sexual offender must also produce or provide information about his or her passport, if he or she has a passport, and, if he or she is an alien, must produce or provide information about documents establishing his or her immigration status. The Department of Corrections shall verify the address of each sexual offender in the manner described in ss. 775.21 and 943.0435. The department shall report to the Department of Law Enforcement any failure by a sexual predator or sexual offender to comply with registration requirements.

(13)

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall

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be consistent with the reporting requirements of this 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; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all ~~any~~ electronic mail addresses ~~address~~ and all Internet identifiers ~~any 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,

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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 all electronic mail addresses and all Internet identifiers ~~or 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 8. 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 9. 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

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

Section 10. Paragraph (a) of subsection (3) of section
985.481, Florida Statutes, is amended to read:

985.481 Sexual offenders adjudicated delinquent;
notification upon release.—

(3)(a) The department must provide information regarding
any sexual offender who is being released after serving a period
of residential commitment under the department 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, and dates of any known future temporary residence within the state or out of state; date and county of disposition and each crime for which there was a disposition; a copy of the offender's fingerprints and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; all and home telephone numbers number and any cellular telephone numbers; and passport information, if he or she has a passport, and, if he or she is an alien, information about documents establishing his or her immigration status number. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender's release and also place it in the sexual offender's file. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release,

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923 and shall notify the Department of Law Enforcement of the sexual
924 offender's release and provide to the Department of Law
925 Enforcement the information specified in this subparagraph and
926 any information specified in subparagraph 2. which the
927 Department of Law Enforcement requests.

928 2. The department may provide any other information
929 considered necessary, including criminal and delinquency
930 records, when available.

931 Section 11. Paragraph (a) of subsection (4) and paragraph
932 (b) of subsection (13) of section 985.4815, Florida Statutes,
933 are amended to read:

934 985.4815 Notification to Department of Law Enforcement of
935 information on juvenile sexual offenders.—

936 (4) A sexual offender, as described in this section, who
937 is under the supervision of the department but who is not
938 committed must register with the department within 3 business
939 days after adjudication and disposition for a registrable
940 offense and otherwise provide information as required by this
941 subsection.

942 (a) The sexual offender shall provide his or her name;
943 date of birth; social security number; race; sex; height;
944 weight; hair and eye color; tattoos or other identifying marks;
945 permanent or legal residence and address of temporary residence
946 within the state or out of state while the sexual offender is in
947 the care or custody or under the jurisdiction or supervision of
948 the department in this state, including any rural route address
949 or post office box; if no permanent or temporary address, any
950 transient residence; address, location or description, and dates

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951 of any current or known future temporary residence within the
952 state or out of state; passport information, if he or she has a
953 passport, and, if he or she is an alien, information about
954 documents establishing his or her immigration status; and the
955 name and address of each school attended. The department shall
956 verify the address of each sexual offender and shall report to
957 the Department of Law Enforcement any failure by a sexual
958 offender to comply with registration requirements.

959 (13)

960 (b) The sheriff's office may determine the appropriate
961 times and days for reporting by the sexual offender, which shall
962 be consistent with the reporting requirements of this
963 subsection. Reregistration shall include any changes to the
964 following information:

965 1. Name; social security number; age; race; sex; date of
966 birth; height; weight; hair and eye color; address of any
967 permanent residence and address of any current temporary
968 residence, within the state or out of state, including a rural
969 route address and a post office box; if no permanent or
970 temporary address, any transient residence; address, location or
971 description, and dates of any current or known future temporary
972 residence within the state or out of state; passport
973 information, if he or she has a passport, and, if he or she is
974 an alien, information about documents establishing his or her
975 immigration status; name and address of each school attended;
976 date and place of any employment; vehicle make, model, color,
977 and license tag number; fingerprints; and photograph. A post

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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 required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks after the date of the correspondence, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

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1005 Section 12. If any provision of this act or its
1006 application to any person or circumstance is held invalid, the
1007 invalidity does not affect other provisions or applications of
1008 this act which can be given effect without the invalid provision
1009 or application, and to this end the provisions of this act are
1010 severable.

1011 Section 13. This act shall take effect upon becoming a
1012 law.