



**COMMITTEE ON
HOMELAND SECURITY &
PUBLIC SAFETY**

COMMITTEE MEETING

WEDNESDAY, MARCH 26, 2008

8:00 a.m. - 9:00 a.m.

**ROOM
REED HALL
(102 HOB)**

ACTION PACKET

Marco Rubio
Speaker

Sandra "Sandy" Adams
Chair

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety
3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Sandra Adams (Chair)	X		
Jennifer Carroll	X		
Luis Garcia	X		
Gayle Harrell	X		
Doug Holder	X		
Matt Hudson	X		
Evan Jenne	X		
Paige Kreegel	X		
Ari Porth	X		
Michael Scionti	X		
William Snyder	X		
Totals:	11	0	0

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 721 : Admissibility of Statements of a Criminal Defendant in Felony Cases

<input checked="" type="checkbox"/> Unfavorable					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jennifer Carroll		X			
Luis Garcia		X			
Gayle Harrell		X			
Doug Holder		X			
Matt Hudson		X			
Evan Jenne	X				
Paige Kreegel		X			
Ari Porth		X			
Michael Scionti		X			
William Snyder		X			
Sandra Adams (Chair)		X			
Total Yeas: 1 Total Nays: 10					

Appearances:

HB 721 by Thurston--Admissibility of Statements of a Criminal Defendant in Felony Cases

Bill Cervone (State Employee) - Opponent
 Florida Prosecuting Attorney Association
 120 W University Avenue
 Gainesville Florida 32601
 Phone: 352-374-3686

HB 721 by Thurston--Admissibility of Statements of a Criminal Defendant in Felony Cases

John Rutherford (State Employee) - Opponent
 Florida Sheriff's Association
 501 E. Bay Street
 Jacksonville Florida 32202
 Phone: 904-630-5898

HB 721 by Thurston--Admissibility of Statements of a Criminal Defendant in Felony Cases

Robert Trammell (Lobbyist) - Proponent
 Florida Public Defenders
 P.O. Box 1799
 Tallahassee Florida 32302
 Phone: 850-510-2187

HB 721 by Thurston--Admissibility of Statements of a Criminal Defendant in Felony Cases

Tom Powell - Proponent
 Florida Association of Criminal Defense Lawyers
 803 N. Calhoun Street
 Tallahassee Florida 32303
 Phone: 850-224-1452

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety
3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 721 by Thurston--Admissibility of Statements of a Criminal Defendant in Felony Cases

Glenn Theobald - Opponent

Miami-Dade Chiefs of Police Association

9105 NW 25th Street

Miami Florida 33172

Phone: 305-471-2561

HB 721 by Thurston--Admissibility of Statements of a Criminal Defendant in Felony Cases

Michael Ramage (Lobbyist) (State Employee) - Opponent

Florida Department of Law Enforcement

P.O. Box 1489

Tallahassee Florida 32302

Phone: 410-7676

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety
3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)
HB 1043 : Street Racing

<input checked="" type="checkbox"/>	<i>Favorable</i>				
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jennifer Carroll	X				
Luis Garcia	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel	X				
Ari Porth	X				
Michael Scionti	X				
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

COMMITTEE MEETING REPORT

Committee on Homeland Security & Public Safety

3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1333 : Sexual Offenders and Predators

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jennifer Carroll	X				
Luis Garcia	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel				X	
Ari Porth	X				
Michael Scionti	X				
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

ADOPTED

1 Council/Committee hearing bill: Committee on Homeland Security
2 & Public Safety

3 Representative(s) Adams offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (3) and (4) of section 322.141,
8 Florida Statutes, are amended to read:

9 322.141 Color or markings of certain licenses or
10 identification cards.--

11 (3) All licenses for the operation of motor vehicles or
12 identification cards originally issued or reissued by the
13 department to persons who are designated as sexual predators
14 under s. 775.21 or subject to registration as sexual offenders
15 under s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815 shall have on
16 the front of the license or identification card the following:

17 (a) For a person designated as a sexual predator under s.
18 775.21, the marking "775.21, F.S."

19 (b) For a person subject to registration as a sexual
20 offender under s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815, the
21 marking "943.0435, F.S."

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22 (4) Unless previously secured or updated, each sexual
23 offender and sexual predator shall report to the department
24 during the month of his or her reregistration as required under
25 s. 775.21(8), s. 943.0435(14), ~~or~~ s. 944.607(13), or s. 985.4815
26 in order to obtain an updated or renewed driver's license or
27 identification card as required by subsection (3).

28 Section 2. Paragraph (g) of subsection (2), paragraphs (a)
29 and (c) of subsection (4), paragraphs (a) and (d) of subsection
30 (5), paragraphs (a), (c), (e), (f), (g), (i), (j), and (k) of
31 subsection (6), paragraph (a) of subsection (7), paragraph (a)
32 of subsection (8), and paragraphs (a), (b), and (c) of
33 subsection (10) of section 775.21, Florida Statutes, are
34 amended, and paragraphs (l) and (m) are added to subsection (2)
35 of that section, to read:

36 775.21 The Florida Sexual Predators Act.--

37 (2) DEFINITIONS.--As used in this section, the term:

38 (g) "Temporary residence" means a place where the person
39 abides, lodges, or resides, including, but not limited to,
40 vacation, business, or personal travel destinations in or out of
41 this state, for a period of 5 or more days in the aggregate
42 during any calendar year and which is not the person's permanent
43 address or, for a person whose permanent residence is not in
44 this state, a place where the person is employed, practices a
45 vocation, or is enrolled as a student for any period of time in
46 this state.

47 (l) "Transient residence" means a place or county where a
48 person lives, remains, or is located for a period of 5 or more
49 days in the aggregate during a calendar year and which is not
50 the person's permanent or temporary address, and the term
51 includes, but is not limited to, any place where the person

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52 sleeps or seeks shelter, including a location that has no
53 specific street address.

54 (m) "Secondary educational institution" means any trade,
55 professional, or secondary school, whether public, private,
56 religious, denominational, parochial, or nonparochial, attended
57 for any purpose, including, but not limited to, secular,
58 religious, or cultural studies.

59 (4) SEXUAL PREDATOR CRITERIA.--

60 (a) For a current offense committed on or after October 1,
61 1993, upon conviction, an offender shall be designated as a
62 "sexual predator" under subsection (5), and subject to
63 registration under subsection (6) and community and public
64 notification under subsection (7) if:

65 1. The felony is:

66 a. A capital, life, or first-degree felony violation, or
67 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
68 is a minor and the defendant is not the victim's parent or
69 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or any
70 conviction for a similar offense committed in this state which
71 has been redesignated from a former statute number to one of
72 those listed in this sub-subparagraph, or a violation of a
73 similar law of another jurisdiction; or

74 b. Any felony violation, or any attempt, solicitation, or
75 conspiracy to commit any felony violation thereof, of s. 787.01,
76 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
77 the defendant is not the victim's parent or guardian; s.
78 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
79 796.035; s. 800.04; s. 810.145, where the victim is a minor; s.
80 825.1025(2)(b); s. 827.071; s. 847.0145; or s. 985.701(1); or
81 any conviction for a similar offense committed in this state
82 which has been redesignated from a former statute number to one

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83 of those listed in this sub-subparagraph, or a violation of a
84 similar law of another jurisdiction, and the offender has
85 previously been convicted of or found to have committed, or
86 attempted, solicited, or conspired to commit, or has pled nolo
87 contendere or guilty to, regardless of adjudication, any
88 violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
89 the victim is a minor and the defendant is not the victim's
90 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
91 794.05; s. 796.03; s. 796.035; s. 800.04; felony violation of
92 s. 810.145, where the victim is a minor; s. 825.1025; s.
93 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(5)-(4);
94 s. 847.0145; or s. 985.701(1); or any conviction for a similar
95 offense committed in this state which has been redesignated from
96 a former statute number to one of those listed in this sub-
97 subparagraph; or a violation of a similar law of another
98 jurisdiction;

99 2. The offender has not received a pardon for any felony
100 or similar law of another jurisdiction that is necessary for the
101 operation of this paragraph; and

102 3. A conviction of a felony or similar law of another
103 jurisdiction necessary to the operation of this paragraph has
104 not been set aside in any postconviction proceeding.

105 (c) If an offender has been registered as a sexual
106 predator by the Department of Corrections, the department, or
107 any other law enforcement agency and if:

108 1. The court did not, for whatever reason, make a written
109 finding at the time of sentencing that the offender was a sexual
110 predator; or

111 2. The offender was administratively registered as a
112 sexual predator because the Department of Corrections, the
113 department, or any other law enforcement agency obtained

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114 information that indicated that the offender met the criteria
115 for designation as a sexual predator based on a violation of a
116 similar law in another jurisdiction,
117
118 the department shall remove that offender from the department's
119 list of sexual predators and, for an offender described under
120 subparagraph 1., shall notify the state attorney who prosecuted
121 the offense that met the criteria for administrative designation
122 as a sexual predator, and, for an offender described under this
123 paragraph, shall notify the state attorney of the county where
124 the offender establishes or maintains a permanent, ~~or temporary,~~
125 or transient residence. The state attorney shall bring the
126 matter to the court's attention in order to establish that the
127 offender meets the criteria for designation as a sexual
128 predator. If the court makes a written finding that the offender
129 is a sexual predator, the offender must be designated as a
130 sexual predator, must register or be registered as a sexual
131 predator with the department as provided in subsection (6), and
132 is subject to the community and public notification as provided
133 in subsection (7). If the court does not make a written finding
134 that the offender is a sexual predator, the offender may not be
135 designated as a sexual predator with respect to that offense and
136 is not required to register or be registered as a sexual
137 predator with the department.

138 (5) SEXUAL PREDATOR DESIGNATION.--An offender is
139 designated as a sexual predator as follows:

140 (a)1. An offender who meets the sexual predator criteria
141 described in paragraph (4) (d) is a sexual predator, and the
142 court shall make a written finding at the time such offender is
143 determined to be a sexually violent predator under chapter 394
144 that such person meets the criteria for designation as a sexual

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145 predator for purposes of this section. The clerk shall transmit
146 a copy of the order containing the written finding to the
147 department within 48 hours after the entry of the order;

148 2. An offender who meets the sexual predator criteria
149 described in paragraph (4) (a) who is before the court for
150 sentencing for a current offense committed on or after October
151 1, 1993, is a sexual predator, and the sentencing court must
152 make a written finding at the time of sentencing that the
153 offender is a sexual predator, and the clerk of the court shall
154 transmit a copy of the order containing the written finding to
155 the department within 48 hours after the entry of the order; or

156 3. If the Department of Corrections, the department, or
157 any other law enforcement agency obtains information which
158 indicates that an offender who establishes or maintains a
159 permanent, ~~or~~ temporary, or transient residence in this state
160 meets the sexual predator criteria described in paragraph (4) (a)
161 or paragraph (4) (d) because the offender was civilly committed
162 or committed a similar violation in another jurisdiction on or
163 after October 1, 1993, the Department of Corrections, the
164 department, or the law enforcement agency shall notify the state
165 attorney of the county where the offender establishes or
166 maintains a permanent, ~~or~~ temporary, or transient residence of
167 the offender's presence in the community. The state attorney
168 shall file a petition with the criminal division of the circuit
169 court for the purpose of holding a hearing to determine if the
170 offender's criminal record or record of civil commitment from
171 another jurisdiction meets the sexual predator criteria. If the
172 court finds that the offender meets the sexual predator criteria
173 because the offender has violated a similar law or similar laws
174 in another jurisdiction, the court shall make a written finding
175 that the offender is a sexual predator.

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176

177 When the court makes a written finding that an offender is a
178 sexual predator, the court shall inform the sexual predator of
179 the registration and community and public notification
180 requirements described in this section. Within 48 hours after
181 the court designating an offender as a sexual predator, the
182 clerk of the circuit court shall transmit a copy of the court's
183 written sexual predator finding to the department. If the
184 offender is sentenced to a term of imprisonment or supervision,
185 a copy of the court's written sexual predator finding must be
186 submitted to the Department of Corrections.

187 (d) A person who establishes or maintains a residence in
188 this state and who has not been designated as a sexual predator
189 by a court of this state but who has been designated as a sexual
190 predator, as a sexually violent predator, or by another sexual
191 offender designation in another state or jurisdiction and was,
192 as a result of such designation, subjected to registration or
193 community or public notification, or both, or would be if the
194 person was a resident of that state or jurisdiction, without
195 regard to whether the person otherwise meets the criteria for
196 registration as a sexual offender, shall register in the manner
197 provided in s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815 and shall
198 be subject to community and public notification as provided in
199 s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815. A person who meets
200 the criteria of this section is subject to the requirements and
201 penalty provisions of s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815
202 until the person provides the department with an order issued by
203 the court that designated the person as a sexual predator, as a
204 sexually violent predator, or by another sexual offender
205 designation in the state or jurisdiction in which the order was
206 issued which states that such designation has been removed or

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207 demonstrates to the department that such designation, if not
208 imposed by a court, has been removed by operation of law or
209 court order in the state or jurisdiction in which the
210 designation was made, and provided such person no longer meets
211 the criteria for registration as a sexual offender under the
212 laws of this state.

213 (6) REGISTRATION.--

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

217 1. Name, nicknames, and pseudonyms; social security
218 number, including any alias or false social security numbers
219 ever used; age; race; sex; date of birth, including any alias
220 or false date of birth ever used; height, weight, hair and eye
221 color, and physical description, including scars, marks, and
222 tattoos; photograph; address of legal residence and address of
223 any current temporary residence, within the state or out of
224 state, including a rural route address and a post office box,
225 or, if no permanent or temporary address, any transient
226 residence within the state; address or location description and
227 dates of any current or known future temporary residence within
228 the state or out of state; any electronic mail address and any
229 instant message name required to be provided pursuant to
230 subparagraph (g)4.; all phone numbers, including fixed location
231 and cellular phone numbers and any other designations used for
232 purposes of routing or self-identification in telephonic
233 communications; date and place of any current or known future
234 employment, volunteer work, trade, or business, including
235 employer address or location if no specific address is
236 available; all professional licenses that authorize him or her
237 to engage in an occupation or carry out a trade or business; all

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238 driver's license and identification card numbers and
239 identifiers; all travel and immigration documents, including
240 passport and visa, and identifying information from such
241 documents, including, but not limited to, unique identifiers and
242 pertinent issuance and expiration dates, location of issuance,
243 destinations, and immigration status; biometric identification
244 information, including fingerprints and palm prints; date and
245 place of each conviction; ~~fingerprints,~~ and a brief description
246 of the crime or crimes committed by the offender. A post office
247 box shall not be provided in lieu of a physical residential
248 address. A sexual predator designated under this section on or
249 after June 1, 2009, must submit a set of palm prints during
250 registration. The sheriff shall promptly provide to the
251 department the palm prints in an electronic format. The
252 department is authorized to provide the palm prints to the
253 Federal Bureau of Investigation and to other criminal justice
254 agencies.

255 a. If the sexual predator's place of residence is a motor
256 vehicle, trailer, mobile home, or manufactured home, as defined
257 in chapter 320, the sexual predator shall also provide to the
258 department written notice of the vehicle identification number;
259 the license tag number; the registration number; and a
260 description, including color scheme, of the motor vehicle,
261 trailer, mobile home, or manufactured home. If a sexual
262 predator's place of residence is a vessel, live-aboard vessel,
263 or houseboat, as defined in chapter 327, the sexual predator
264 shall also provide to the department written notice of the hull
265 identification number; the manufacturer's serial number; the
266 name of the vessel, live-aboard vessel, or houseboat; the
267 registration number; and a description, including color scheme,
268 of the vessel, live-aboard vessel, or houseboat.

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269 b. If the sexual predator is or will be enrolled,
270 employed, or carrying on a vocation at an institution of higher
271 education or secondary educational institution in this state,
272 the sexual predator shall also provide to the department the
273 name, address, and county of each institution, including each
274 campus attended, and the sexual predator's enrollment or
275 employment status. Each change in enrollment or employment
276 status shall be reported in person at the sheriff's office, or
277 the Department of Corrections if the sexual predator is in the
278 custody or control of or under the supervision of the Department
279 of Corrections, within 48 hours after any change in status. The
280 sheriff or the Department of Corrections shall promptly notify
281 each institution of the sexual predator's presence and any
282 change in the sexual predator's enrollment or employment status.

283 c. If the sexual predator is employed, volunteers, or
284 carries out any trade or business, the sexual predator shall
285 register the employment address or location for that activity if
286 no specific address is available. In the case where the sexual
287 predator's employment lacks a fixed employment address or
288 location, the sexual predator shall register information
289 regarding his or her probable location during the course of the
290 employment, including normal routes or general areas, with
291 whatever definiteness is possible. Each change in the
292 registration information required in this sub-subparagraph shall
293 be reported in person at the sheriff's office, or the Department
294 of Corrections if the sexual predator is in the custody or
295 control of or under the supervision of the Department of
296 Corrections, within 48 hours after any change in status. The
297 sheriff or the Department of Corrections shall promptly notify
298 the department of this change of the sexual predator's
299 registration information.

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300 d. If the sexual predator owns or operates any vehicle,
301 vessel, aircraft, or other land vehicle for personal use or in
302 the course of any employment, the sexual predator shall register
303 information regarding such vehicle, vessel, aircraft, or other
304 land vehicle, including license tag number and information,
305 description, including trade or business names or information
306 thereon, registration and other identifiers, and information
307 regarding the place or places where such vehicle, vessel,
308 aircraft, or other land vehicle is habitually parked, docked, or
309 otherwise kept if the location is different than the
310 registrant's address. If the sexual predator has access to a
311 fleet consisting of more than 5 employment vehicles,
312 registration of individual vehicle registration and license tag
313 information is not mandated provided that physical descriptive
314 information identifying the common characteristics, markings and
315 locations amongst the fleet vehicles and the sexual predator's
316 access to the fleet of vehicles is registered. Each change in
317 the registration information required in this sub-subparagraph
318 shall be reported in person at the sheriff's office, or the
319 Department of Corrections if the sexual predator is in the
320 custody or control of or under the supervision of the Department
321 of Corrections, within 48 hours after any change in status. The
322 sheriff or the Department of Corrections shall promptly notify
323 the department of this change of the sexual predator's
324 registration information.

325 2. Any other information determined necessary by the
326 department, including criminal and corrections records;
327 nonprivileged personnel and treatment records; and evidentiary
328 genetic markers when available.

329 (c) If the sexual predator is in the custody of a local
330 jail, the custodian of the local jail shall electronically

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331 register the sexual predator within 3 business days after intake
332 of the sexual predator for any reason and upon release, and
333 shall forward the registration information to the department.
334 The custodian of the local jail shall also take a digitized
335 photograph of the sexual predator while the sexual predator
336 remains in custody and shall provide the digitized photograph to
337 the department. The custodian shall notify the department if the
338 sexual predator escapes from custody or dies.

339 (e)1. If the sexual predator is not in the custody or
340 control of, or under the supervision of, the Department of
341 Corrections or is not in the custody of a private correctional
342 facility, the sexual predator shall register in person:

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

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

349 2. Any change in the sexual predator's permanent, ~~or~~
350 temporary, or transient residence, name, or any electronic mail
351 address and any instant message name required to be provided
352 pursuant to subparagraph (g)4., after the sexual predator
353 registers in person at the sheriff's office as provided in
354 subparagraph 1., shall be accomplished in the manner provided in
355 paragraphs (g), (i), and (j). When a sexual predator registers
356 with the sheriff's office, the sheriff shall take a photograph
357 and a set of biometric identification information, including
358 fingerprints and palm prints, fingerprints of the predator and
359 forward the photographs and biometric identification information
360 fingerprints to the department, along with the information that
361 the predator is required to provide pursuant to this section.

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362 (f) Within 48 hours after the registration required under
363 paragraph (a) or paragraph (e), a sexual predator who is not
364 incarcerated and who resides in the community, including a
365 sexual predator under the supervision of the Department of
366 Corrections, shall register in person at a driver's license
367 office of the Department of Highway Safety and Motor Vehicles
368 and shall present proof of registration. At the driver's license
369 office the sexual predator shall:

370 1. If otherwise qualified, secure a Florida driver's
371 license, renew a Florida driver's license, or secure an
372 identification card. The sexual predator shall identify himself
373 or herself as a sexual predator who is required to comply with
374 this section, provide his or her place of permanent, ~~or~~
375 temporary, or transient residence, including a rural route
376 address and a post office box, and submit to the taking of a
377 photograph for use in issuing a driver's license, renewed
378 license, or identification card, and for use by the department
379 in maintaining current records of sexual predators. A post
380 office box shall not be provided in lieu of a physical
381 residential address. If the sexual predator's place of residence
382 is a motor vehicle, trailer, mobile home, or manufactured home,
383 as defined in chapter 320, the sexual predator shall also
384 provide to the Department of Highway Safety and Motor Vehicles
385 the vehicle identification number; the license tag number; the
386 registration number; and a description, including color scheme,
387 of the motor vehicle, trailer, mobile home, or manufactured
388 home. If a sexual predator's place of residence is a vessel,
389 live-aboard vessel, or houseboat, as defined in chapter 327, the
390 sexual predator shall also provide to the Department of Highway
391 Safety and Motor Vehicles the hull identification number; the
392 manufacturer's serial number; the name of the vessel, live-

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393 aboard vessel, or houseboat; the registration number; and a
394 description, including color scheme, of the vessel, live-aboard
395 vessel, or houseboat.

396 2. Pay the costs assessed by the Department of Highway
397 Safety and Motor Vehicles for issuing or renewing a driver's
398 license or identification card as required by this section. The
399 driver's license or identification card issued to the sexual
400 predator must be in compliance with s. 322.141(3).

401 3. Provide, upon request, any additional information
402 necessary to confirm the identity of the sexual predator,
403 including a set of fingerprints.

404 (g)1. Each time a sexual predator's driver's license or
405 identification card is subject to renewal, and, without regard
406 to the status of the predator's driver's license or
407 identification card, within 48 hours after any change of the
408 predator's residence or change in the predator's name by reason
409 of marriage or other legal process, the predator shall report in
410 person to a driver's license office and shall be subject to the
411 requirements specified in paragraph (f). The Department of
412 Highway Safety and Motor Vehicles shall forward to the
413 department and to the Department of Corrections all photographs
414 and information provided by sexual predators. Notwithstanding
415 the restrictions set forth in s. 322.142, the Department of
416 Highway Safety and Motor Vehicles is authorized to release a
417 reproduction of a color-photograph or digital-image license to
418 the Department of Law Enforcement for purposes of public
419 notification of sexual predators as provided in this section.

420 2. A sexual predator who vacates a permanent or temporary
421 residence and fails to establish or maintain another permanent
422 or temporary residence shall, within 48 hours after vacating the
423 permanent or temporary residence, report in person to the

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424 sheriff's office of the county in which he or she is located.
425 The sexual predator shall specify the date upon which he or she
426 intends to or did vacate such residence. The sexual predator
427 must provide or update all of the registration information
428 required under paragraph (a). The sexual predator must provide
429 an address for the residence or other place location that he or
430 she is or will be located ~~occupying~~ during the time in which he
431 or she fails to establish or maintain a permanent or temporary
432 residence.

433 3. A sexual predator who remains at a permanent or
434 temporary residence after reporting his or her intent to vacate
435 such residence shall, within 48 hours after the date upon which
436 the predator indicated he or she would or did vacate such
437 residence, report in person to the sheriff's office to which he
438 or she reported pursuant to subparagraph 2. for the purpose of
439 reporting his or her address at such residence. When the sheriff
440 receives the report, the sheriff shall promptly convey the
441 information to the department. An offender who makes a report as
442 required under subparagraph 2. but fails to make a report as
443 required under this subparagraph commits a felony of the second
444 degree, punishable as provided in s. 775.082, s. 775.083, or s.
445 775.084.

446 4. A sexual predator must register any electronic mail
447 address or instant message name with the department prior to
448 using such electronic mail address or instant message name on or
449 after October 1, 2007. The department shall establish an online
450 system through which sexual predators may securely access and
451 update all electronic mail address and instant message name
452 information.

453 (i) A sexual predator who intends to establish a
454 temporary, permanent, or transient residence in another state or

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455 jurisdiction other than the State of Florida shall report in
456 person to the sheriff of the county of current residence within
457 48 hours before the date he or she intends to leave this state
458 to establish residence in another state or jurisdiction. The
459 sexual predator must provide to the sheriff the address,
460 municipality, county, and state of intended residence. The
461 sheriff shall promptly provide to the department the information
462 received from the sexual predator. The department shall notify
463 the statewide law enforcement agency, or a comparable agency, in
464 the intended state or jurisdiction of residence of the sexual
465 predator's intended residence. The failure of a sexual predator
466 to provide his or her intended place of residence is punishable
467 as provided in subsection (10).

468 (j) A sexual predator who indicates his or her intent to
469 reside or establish a temporary or transient residence in
470 another state or jurisdiction other than the State of Florida
471 and later decides to remain in this state shall, within 48 hours
472 after the date upon which the sexual predator indicated he or
473 she would leave this state, report in person to the sheriff to
474 which the sexual predator reported the intended change of
475 residence, and report his or her intent to remain in this state.
476 If the sheriff is notified by the sexual predator that he or she
477 intends to remain in this state, the sheriff shall promptly
478 report this information to the department. A sexual predator who
479 reports his or her intent to reside or establish a temporary or
480 transient residence in another state or jurisdiction, but who
481 remains in this state without reporting to the sheriff in the
482 manner required by this paragraph, commits a felony of the
483 second degree, punishable as provided in s. 775.082, s. 775.083,
484 or s. 775.084.

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485 (k)1. The department is responsible for the online
486 maintenance of current information regarding each registered
487 sexual predator. The department must maintain hotline access for
488 state, local, and federal law enforcement agencies to obtain
489 instantaneous locator file and offender characteristics
490 information on all released registered sexual predators for
491 purposes of monitoring, tracking, and prosecution. The
492 photograph and biometric identification information does
493 ~~fingerprints~~ do not have to be stored in a computerized format.

494 2. The department's sexual predator registration list,
495 containing the information described in subparagraph (a)1., is a
496 public record. The department is authorized to disseminate this
497 public information by any means deemed appropriate, including
498 operating a toll-free telephone number for this purpose. When
499 the department provides information regarding a registered
500 sexual predator to the public, department personnel must advise
501 the person making the inquiry that positive identification of a
502 person believed to be a sexual predator cannot be established
503 unless a fingerprint comparison is made, and that it is illegal
504 to use public information regarding a registered sexual predator
505 to facilitate the commission of a crime.

506 3. The department shall adopt guidelines as necessary
507 regarding the registration of sexual predators and the
508 dissemination of information regarding sexual predators as
509 required by this section.

510 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

511 (a) Law enforcement agencies must inform members of the
512 community and the public of a sexual predator's presence. Upon
513 notification of the presence of a sexual predator, the sheriff
514 of the county or the chief of police of the municipality where
515 the sexual predator establishes or maintains a permanent or

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516 temporary residence shall notify members of the community and
517 the public of the presence of the sexual predator in a manner
518 deemed appropriate by the sheriff or the chief of police. Within
519 48 hours after receiving notification of the presence of a
520 sexual predator, the sheriff of the county or the chief of
521 police of the municipality where the sexual predator temporarily
522 or permanently resides shall notify each licensed day care
523 center, elementary school, middle school, and high school within
524 a 1-mile radius of the temporary or permanent residence of the
525 sexual predator of the presence of the sexual predator.

526 Information provided to members of the community and the public
527 regarding a sexual predator must include:

528 1. The name, nicknames, aliases, and pseudonyms of the
529 sexual predator;

530 2. A description of the sexual predator, including a
531 photograph, scars, marks and tattoos;

532 3. The sexual predator's current permanent, temporary, and
533 transient addresses and descriptions of registered locations
534 that have no specific street address, including the name of the
535 county or municipality if known;

536 4. The circumstances of the sexual predator's offense or
537 offenses; and

538 5. Whether the victim of the sexual predator's offense or
539 offenses was, at the time of the offense, a minor or an adult.

540 6. The sexual predator's employment address or, if the
541 sexual predator has no fixed employment address, information
542 regarding his or her probable location during the course of
543 employment, including normal routes or general areas, with
544 whatever definiteness is possible, and, if applicable,
545 information regarding places where the sexual predator
546 volunteers or carries out a trade or business.

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547 7. The sexual predator's institution of higher education
548 or secondary educational institution address.

549 8. The license tag number and description of each vehicle
550 owned or operated by the sexual predator.

551

552 This paragraph does not authorize the release of the name of any
553 victim of the sexual predator.

554 (8) VERIFICATION.--The department and the Department of
555 Corrections shall implement a system for verifying the addresses
556 of sexual predators. The system must be consistent with the
557 provisions of the federal Adam Walsh Child Protection and Safety
558 Act of 2006 and any other federal standards applicable to such
559 verification or required to be met as a condition for the
560 receipt of federal funds by the state. The Department of
561 Corrections shall verify the addresses of sexual predators who
562 are not incarcerated but who reside in the community under the
563 supervision of the Department of Corrections and shall report to
564 the department any failure by a sexual predator to comply with
565 registration requirements. County and local law enforcement
566 agencies, in conjunction with the department, shall verify the
567 addresses of sexual predators who are not under the care,
568 custody, control, or supervision of the Department of
569 Corrections. Local law enforcement agencies shall report to the
570 department any failure by a sexual predator to comply with
571 registration requirements.

572 (a) A sexual predator must report in person each year
573 during the month of the sexual predator's birthday and during
574 every third month thereafter to the sheriff's office in the
575 county in which he or she resides or is otherwise located to
576 reregister. The sheriff's office may determine the appropriate
577 times and days for reporting by the sexual predator, which shall

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578 be consistent with the reporting requirements of this paragraph.
579 Reregistration shall include any changes to the following
580 information:

581 1. Name, nicknames, and pseudonyms; social security
582 number, including any alias or false social security numbers
583 ever used; age; race; sex; date of birth, including any alias or
584 false date of birth ever used; height; weight; hair and eye
585 color; physical description, including scars, marks, and
586 tattoos; address of any permanent residence and address of any
587 current temporary residence, within the state or out of state,
588 including a rural route address and a post office box; if no
589 permanent or temporary address, any transient residence within
590 the state; address or location, description, and dates of any
591 current or known future temporary residence both within the
592 state and out of state; any electronic mail address and any
593 instant message name required to be provided pursuant to
594 subparagraph (6)(g)4.; all phone numbers, including fixed
595 location and cellular phone numbers and any other designations
596 used for purposes of routing or self-identification in
597 telephonic communications; date and place of any current or
598 known future employment; volunteer work, trade, or business,
599 including employer address or location if no specific address is
600 available; all professional licenses held by the sexual predator
601 that authorize him or her to engage in an occupation or carry
602 out a trade or business; all driver's license and identification
603 card numbers and identifiers; all travel and immigration
604 documents, including passport and visa, and identifying
605 information from such documents, including, but not limited to,
606 unique identifiers and pertinent issuance and expiration dates,
607 location of issuance, destinations, and immigration status; any
608 owned or operated vehicle, vessel, aircraft, or land vehicle

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609 make, model, color, and license tag number, and information,
610 description, including trade or business names or information
611 thereon, registration and other identifier information, and
612 information regarding the place or places where such vehicle,
613 vessel, aircraft, or land vehicle is habitually parked, docked
614 or, otherwise kept if the location is different than the
615 registrant's address. If the sexual predator has access to a
616 fleet consisting of more than 5 employment vehicles,
617 registration of individual vehicle registration and license tag
618 information is not mandated provided that physical descriptive
619 information identifying the common characteristics, markings and
620 locations amongst the fleet vehicles and the sexual predator's
621 access to the fleet of vehicles is registered; fingerprints;
622 biometric identification information; and photograph. A post
623 office box shall not be provided in lieu of a physical
624 residential address. On or after June 1, 2009, and by December
625 1, 2009, unless previously submitted as part of registration or
626 reregistration as required under this subsection, sexual
627 predators shall submit palm prints during the month of their
628 reregistration as required under this subsection. The sheriff
629 shall promptly provide to the department the palm prints in an
630 electronic format. The department is authorized to provide the
631 palm prints to the Federal Bureau of Investigation and to other
632 criminal justice agencies.

633 2. If the sexual predator is or will be enrolled,
634 employed, or carrying on a vocation at an institution of higher
635 education or secondary educational institution in this state,
636 the sexual predator shall also provide to the department the
637 name, address, and county of each institution, including each
638 campus attended, and the sexual predator's enrollment or
639 employment status.

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640 3. If the sexual predator's place of residence is a motor
641 vehicle, trailer, mobile home, or manufactured home, as defined
642 in chapter 320, the sexual predator shall also provide the
643 vehicle identification number; the license tag number; the
644 registration number; and a description, including color scheme,
645 of the motor vehicle, trailer, mobile home, or manufactured
646 home. If the sexual predator's place of residence is a vessel,
647 live-aboard vessel, or houseboat, as defined in chapter 327, the
648 sexual predator shall also provide the hull identification
649 number; the manufacturer's serial number; the name of the
650 vessel, live-aboard vessel, or houseboat; the registration
651 number; and a description, including color scheme, of the
652 vessel, live-aboard vessel, or houseboat.

653 (10) PENALTIES.--

654 (a) Except as otherwise specifically provided, a sexual
655 predator who fails to register; who fails, after registration,
656 to maintain, acquire, or renew a driver's license or
657 identification card; who fails to provide required location
658 information, electronic mail address information, instant
659 message name information, or change-of-name information; who
660 fails to make a required report in connection with vacating a
661 permanent residence; who fails to reregister as required; who
662 fails to respond to any address verification correspondence from
663 the department within 3 weeks of the date of the correspondence;
664 who knowingly provides false information by act or omission,
665 under penalty of perjury; or who otherwise fails, by act or
666 omission, to comply with the requirements of this section,
667 commits a felony of the third degree, punishable as provided in
668 s. 775.082, s. 775.083, or s. 775.084.

669 (b) A sexual predator who has been convicted of or found
670 to have committed, or has pled nolo contendere or guilty to,

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671 regardless of adjudication, any violation, or attempted
672 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
673 the victim is a minor and the defendant is not the victim's
674 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
675 794.05; s. 796.03; s. 796.035; s. 800.04; felony violation of s.
676 810.145, where the victim is a minor; s. 827.071; s. 847.0133;
677 s. 847.0145; or s. 985.701(1); or any conviction for a similar
678 offense committed in this state which has been redesignated from
679 a former statute number to one of those listed in this
680 paragraph; or a violation of a similar law of another
681 jurisdiction when the victim of the offense was a minor, and who
682 works, whether for compensation or as a volunteer, at any
683 business, school, day care center, park, playground, or other
684 place where children regularly congregate, commits a felony of
685 the third degree, punishable as provided in s. 775.082, s.
686 775.083, or s. 775.084.

687 (c) Any person who misuses public records information
688 relating to a sexual predator, as defined in this section, or a
689 sexual offender, as defined in s. 943.0435, ~~or~~ s. 944.607, or s.
690 985.4815, to secure a payment from such a predator or offender;
691 who knowingly distributes or publishes false information
692 relating to such a predator or offender which the person
693 misrepresents as being public records information; or who
694 materially alters public records information with the intent to
695 misrepresent the information, including documents, summaries of
696 public records information provided by law enforcement agencies,
697 or public records information displayed by law enforcement
698 agencies on websites or provided through other means of
699 communication, commits a misdemeanor of the first degree,
700 punishable as provided in s. 775.082 or s. 775.083.

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701 Section 3. Section 775.25, Florida Statutes, is amended to
702 read:

703 775.25 Prosecutions for acts or omissions.--A sexual
704 predator or sexual offender who commits any act or omission in
705 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
706 944.607, ~~or~~ s. 947.177, s. 985.481, or s. 985.4815 may be
707 prosecuted for the act or omission in the county in which the
708 act or omission was committed, the county of the last registered
709 address of the sexual predator or sexual offender, or the county
710 in which the conviction occurred for the offense or offenses
711 that meet the criteria for designating a person as a sexual
712 predator or sexual offender. In addition, a sexual predator may
713 be prosecuted for any such act or omission in the county in
714 which he or she was designated a sexual predator.

715 Section 4. Paragraphs (a) and (c) of subsection (1),
716 subsections (2) and (3), paragraphs (a), (b), and (c) of
717 subsection (4), subsections (7), (8), and (10), paragraph (a) of
718 subsection (11), and paragraphs (b) and (c) of subsection (14)
719 of section 943.0435, Florida Statutes, are amended, and
720 paragraph (h) is added to subsection (1) of that section, to
721 read:

722 943.0435 Sexual offenders required to register with the
723 department; penalty.--

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

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

729 a.(I) Has been convicted of committing, or attempting,
730 soliciting, or conspiring to commit, any of the criminal
731 offenses proscribed in the following statutes in this state or

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732 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
733 or s. 787.025(2)(c), where the victim is a minor and the
734 defendant is not the victim's parent or guardian; s. 794.011,
735 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
736 800.04; felony violation of s. 810.145, where the victim is a
737 minor; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
738 excluding s. 847.0135(5)(4); s. 847.0137; s. 847.0138; s.
739 847.0145; or s. 985.701(1); or any conviction for a similar
740 offense committed in this state which has been redesignated from
741 a former statute number to one of those listed in this sub-sub-
742 subparagraph; and

743 (II) Except as provided in sub-subparagraph e., has been
744 released on or after October 1, 1997, from the sanction imposed
745 for any conviction of an offense described in sub-sub-
746 subparagraph (I). For purposes of sub-sub-subparagraph (I), a
747 sanction imposed in this state or in any other jurisdiction
748 includes, but is not limited to, a fine, probation, community
749 control, parole, conditional release, control release, or
750 incarceration in a state prison, federal prison, private
751 correctional facility, or local detention facility;

752 b. Establishes or maintains a residence in this state and
753 who has not been designated as a sexual predator by a court of
754 this state but who has been designated as a sexual predator, as
755 a sexually violent predator, or by another sexual offender
756 designation in another state or jurisdiction and was, as a
757 result of such designation, subjected to registration or
758 community or public notification, or both, or would be if the
759 person were a resident of that state or jurisdiction, without
760 regard to whether the person otherwise meets the criteria for
761 registration as a sexual offender;

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762 c. Establishes or maintains a residence in this state who
763 is in the custody or control of, or under the supervision of,
764 any other state or jurisdiction as a result of a conviction for
765 committing, or attempting, soliciting, or conspiring to commit,
766 any of the criminal offenses proscribed in the following
767 statutes or similar offense in another jurisdiction: s. 787.01,
768 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
769 the defendant is not the victim's parent or guardian; s.
770 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
771 796.035; s. 800.04; felony violation of s. 810.145, where the
772 victim is a minor; s. 825.1025; s. 827.071; s. 847.0133; s.
773 847.0135, excluding s. 847.0135(5)(4); s. 847.0137; s. 847.0138;
774 s. 847.0145; or s. 985.701(1); or any conviction for a similar
775 offense committed in this state which has been redesignated from
776 a former statute number to one of those listed in this sub-
777 subparagraph; or

778 d. For an offense committed on or after July 1, 2007, has
779 been adjudicated delinquent for committing, or attempting,
780 soliciting, or conspiring to commit, any of the criminal
781 offenses proscribed in the following statutes in this state or
782 similar offenses in another jurisdiction when the juvenile was
783 14 years of age or older at the time of the offense:

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

785 (II) Section 800.04(4)(b) where the victim is under 12
786 years of age or where the court finds sexual activity by the use
787 of force or by threatening or placing the victim in fear that a
788 person would be subjected to death, serious bodily injury, or
789 kidnapping eereien;

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

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792 (IV) Section 800.04(5)(d) where the court finds the use of
793 force, or threat or placement of the victim in fear that a
794 person would be subjected to death, serious bodily injury, or
795 kidnapping, ~~exercise~~ and unclothed genitals.

796 e. Is released on or after July 1, 2008, from any sanction
797 as a result of a conviction for a felony offense in this state
798 and who has previously been convicted in any state or
799 jurisdiction for committing, or attempting, soliciting, or
800 conspiring to commit, any of the criminal offenses proscribed in
801 the following statutes or similar offense in another
802 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
803 the victim is a minor and the defendant is not the victim's
804 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
805 794.05; s. 796.03; s. 796.035; s. 800.04; felony violation of s.
806 810.145, where the victim is a minor; s. 825.1025; s. 827.071;
807 s. 847.0133; s. 847.0135, excluding s. 847.0135(5); s. 847.0137;
808 s. 847.0138; s. 847.0145; or s. 985.701(1); or any conviction
809 for a similar offense committed in this state which has been
810 redesignated from a former statute number to one of those listed
811 in this sub-subparagraph. This sub-subparagraph does not include
812 persons who have been released from sanctions for the previous
813 sexual offense for 25 or more years provided that there is no
814 more than one prior sexual offense conviction and provided that
815 the sexual offense was not a violation of any of the following:

816 (I) Section 787.01 or s. 787.02 where the victim is a
817 minor and the offender is not the victim's parent or guardian;

818 (II) Section 794.011, excluding s. 794.011 (8)(a) and
819 (10);

820 (III) Section 800.04(4)(b) where the court finds the
821 offense involved a victim under 12 years of age or sexual
822 activity by the use of force;

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823 (IV) Section 800.04(5)(b);

824 (V) Section 800.04(5)(c)1. where the court finds
825 molestation involving unclothed genitals or genital area;

826 (VI) Section 800.04(5)(c)2. where the court finds
827 molestation involving unclothed genitals or genital area;

828 (VII) Section 800.04(5)(d) where the court finds the use
829 of force, or threat or placement of the victim in fear that a
830 person would be subjected to death, serious bodily injury, or
831 kidnapping, and unclothed genitals or genital area;

832 (VIII) Any attempt or conspiracy to commit such offense;

833 (IX) A violation of a similar law of another jurisdiction;

834 or

835 (X) Any similar offense committed in this state which has
836 been redesignated from a former statute number to one of those
837 listed in this sub-subparagraph.

838 2. For all qualifying offenses listed in sub-subparagraph
839 (1)(a)1.d., the court shall make a written finding of the age of
840 the offender at the time of the offense.

841

842 For each violation of a qualifying offense listed in this
843 subsection, the court shall make a written finding of the age of
844 the victim at the time of the offense. For a violation of s.
845 800.04(4), the court shall additionally make a written finding
846 indicating that the offense did or did not involve sexual
847 activity and indicating that the offense did or did not involve
848 force or threat or placement of the victim in fear that a person
849 would be subjected to death, serious bodily injury, or
850 kidnapping ~~eeereien~~. For a violation of s. 800.04(5), the court
851 shall additionally make a written finding that the offense did
852 or did not involve unclothed genitals or genital area and that
853 the offense did or did not involve the use of force or threat or

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854 placement of the victim in fear that a person would be subjected
855 to death, serious bodily injury, or kidnapping coercion.

856 (c) "Permanent residence," and "temporary residence," and
857 "transient residence" have the same meaning ascribed in s.
858 775.21.

859 (h) "Secondary educational institution" means any trade,
860 professional, or secondary school, whether public, private,
861 religious, denominational, parochial, or nonparochial, attended
862 for any purpose, including, but not limited to, secular,
863 religious, or cultural studies.

864 (2) A sexual offender shall:

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

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

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

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

874 2. In the county where he or she was convicted within 48
875 hours after being convicted for a qualifying offense for
876 registration under this section if the offender is not in the
877 custody or control of, or under the supervision of, the
878 Department of Corrections, or is not in the custody of a private
879 correctional facility.

880

881 Any change in the information required to be provided pursuant
882 to paragraph (b), including, but not limited to, change in the
883 sexual offender's permanent, ~~or~~ temporary, or transient
884 residence, name, any electronic mail address, and any instant

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885 message name required to be provided pursuant to paragraph
886 (4) (d), after the sexual offender reports in person at the
887 sheriff's office, shall be accomplished in the manner provided
888 in subsections (4), (7), and (8).

889 (b) Provide his or her name, nicknames, and pseudonyms;
890 date of birth, including any alias or false date of birth ever
891 used; social security number, including any alias or false
892 social security numbers ever used; race; sex; height;
893 weight; hair and eye color; physical description, including
894 scars, tattoos, or other identifying marks; occupation and
895 place of employment; address of permanent or legal residence or
896 address of any current temporary residence, within the state and
897 out of state, including a rural route address and a post office
898 box; if no permanent or temporary address, any transient
899 residence within the state; address or location, description,
900 and dates of any current or known future temporary residence
901 within the state or out of state; all phone numbers, including
902 fixed location and cellular phone numbers and any other
903 designations used for purposes of routing or self-identification
904 in telephonic communications; any electronic mail address and
905 any instant message name required to be provided pursuant to
906 paragraph (4) (d); date and place of any current or known future
907 employment, volunteer work, trade, or business, including
908 employer address or location if no specific address is
909 available; all professional licenses that authorize the sexual
910 offender to engage in an occupation or carry out a trade or
911 business; all driver's license and identification card numbers
912 and identifiers; all travel and immigration documents, including
913 passport and visa, and identifying information from such
914 documents, including, but not limited to, unique identifiers and
915 pertinent issuance and expiration dates, location of issuance,

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916 destinations, and immigration status; date and place of each
917 conviction_{IT} and a brief description of the crime or crimes
918 committed by the offender. A post office box shall not be
919 provided in lieu of a physical residential address.

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

934 2. If the sexual offender is or will be enrolled,
935 employed, or carrying on a vocation at an institution of higher
936 education or secondary educational institution in this state,
937 the sexual offender shall also provide to the department through
938 the sheriff's office the name, address, and county of each
939 institution, including each campus attended, and the sexual
940 offender's enrollment or employment status. Each change in
941 enrollment or employment status shall be reported in person at
942 the sheriff's office, within 48 hours after any change in
943 status. The sheriff shall promptly notify each institution of
944 the sexual offender's presence and any change in the sexual
945 offender's enrollment or employment status.

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946 3. If the sexual offender is employed, volunteers, or
947 carries out any trade or business, the sexual offender shall
948 register the employment address or location if no specific
949 address is available. In the case where the sexual offender's
950 employment lacks a fixed employment address or location, the
951 sexual offender shall register information regarding the sexual
952 offender's probable location during the course of the
953 employment, including normal routes or general areas, with
954 whatever definiteness is possible. Each change in the
955 registration information required in this subparagraph shall be
956 reported in person at the sheriff's office within 48 hours after
957 any change in status. The sheriff shall promptly notify the
958 department of this change of the sexual offender's registration
959 information.

960 4. If the sexual offender owns or operates any vehicle,
961 vessel, aircraft, or other land vehicle for personal use or in
962 the course of any employment, the sexual offender shall register
963 information regarding such vehicle, vessel, aircraft, or land
964 vehicle, including license tag number and information,
965 description, including trade or business names or information
966 thereon, registration or other identifiers, and information
967 regarding the place or places where such vehicle, vessel,
968 aircraft, or other land vehicle is habitually parked, docked, or
969 otherwise kept if the location is different than the
970 registrant's address. If the sexual offender has access to a
971 fleet consisting of more than 5 employment vehicles,
972 registration of individual vehicle registration and license tag
973 information is not mandated provided that physical descriptive
974 information identifying the common characteristics, markings and
975 locations amongst the fleet vehicles and the sexual offender's
976 access to the fleet of vehicles is registered. Each change in

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977 the registration information required in this subparagraph shall
978 be reported in person at the sheriff's office within 48 hours
979 after any change in status. The sheriff shall promptly notify
980 the department of this change of the sexual offender's
981 registration information.

982

983 When a sexual offender reports at the sheriff's office, the
984 sheriff shall take a photograph and a set of biometric
985 identification information, including fingerprints and palm
986 prints, ~~fingerprints~~ of the offender and electronically forward
987 the photographs and biometric identification information
988 ~~fingerprints~~ to the department, along with the information
989 provided by the sexual offender. The sheriff shall promptly
990 provide to the department the information received from the
991 sexual offender. A sexual offender who meets the criteria for
992 registration as defined in this section and is convicted of a
993 qualifying offense on or after June 1, 2009, must submit a set
994 of palm prints during registration. The sheriff shall promptly
995 provide to the department the palm prints in an electronic
996 format. The department is authorized to provide the palm prints
997 to the Federal Bureau of Investigation and other criminal
998 justice agencies.

999 (3) Within 48 hours after the report required under
1000 subsection (2), a sexual offender shall report in person at a
1001 driver's license office of the Department of Highway Safety and
1002 Motor Vehicles, unless a driver's license or identification card
1003 that complies with the requirements of s. 322.141(3) was
1004 previously secured or updated under s. 944.607 or s. 985.4815.
1005 At the driver's license office the sexual offender shall:

1006 (a) If otherwise qualified, secure a Florida driver's
1007 license, renew a Florida driver's license, or secure an

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1008 identification card. The sexual offender shall identify himself
1009 or herself as a sexual offender who is required to comply with
1010 this section and shall provide proof that the sexual offender
1011 reported as required in subsection (2). The sexual offender
1012 shall provide any of the information specified in subsection
1013 (2), if requested. The sexual offender shall submit to the
1014 taking of a photograph for use in issuing a driver's license,
1015 renewed license, or identification card, and for use by the
1016 department in maintaining current records of sexual offenders.

1017 (b) Pay the costs assessed by the Department of Highway
1018 Safety and Motor Vehicles for issuing or renewing a driver's
1019 license or identification card as required by this section. The
1020 driver's license or identification card issued must be in
1021 compliance with s. 322.141(3).

1022 (c) Provide, upon request, any additional information
1023 necessary to confirm the identity of the sexual offender,
1024 including a set of fingerprints.

1025 (4) (a) Each time a sexual offender's driver's license or
1026 identification card is subject to renewal, and, without regard
1027 to the status of the offender's driver's license or
1028 identification card, within 48 hours after any change in the
1029 offender's permanent, ~~or~~ temporary, or transient residence or
1030 change in the offender's name by reason of marriage or other
1031 legal process, the offender shall report in person to a driver's
1032 license office, and shall be subject to the requirements
1033 specified in subsection (3). The Department of Highway Safety
1034 and Motor Vehicles shall forward to the department all
1035 photographs and information provided by sexual offenders.
1036 Notwithstanding the restrictions set forth in s. 322.142, the
1037 Department of Highway Safety and Motor Vehicles is authorized to
1038 release a reproduction of a color-photograph or digital-image

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1039 license to the Department of Law Enforcement for purposes of
1040 public notification of sexual offenders as provided in this
1041 section and ss. 943.043 and 944.606.

1042 (b) A sexual offender who vacates a permanent or temporary
1043 residence and fails to establish or maintain another permanent
1044 or temporary residence shall, within 48 hours after vacating the
1045 permanent residence, report in person to the sheriff's office of
1046 the county in which he or she is located. The sexual offender
1047 shall specify the date upon which he or she intends to or did
1048 vacate such residence. The sexual offender must provide or
1049 update all of the registration information required under
1050 paragraph (2) (b). The sexual offender must provide an address
1051 for the residence or other place location that he or she is or
1052 will be located ~~occupying~~ during the time in which he or she
1053 fails to establish or maintain a permanent or temporary
1054 residence.

1055 (c) A sexual offender who remains at a permanent or
1056 temporary residence after reporting his or her intent to vacate
1057 such residence shall, within 48 hours after the date upon which
1058 the offender indicated he or she would or did vacate such
1059 residence, report in person to the agency to which he or she
1060 reported pursuant to paragraph (b) for the purpose of reporting
1061 his or her address at such residence. When the sheriff receives
1062 the report, the sheriff shall promptly convey the information to
1063 the department. An offender who makes a report as required under
1064 paragraph (b) but fails to make a report as required under this
1065 paragraph commits a felony of the second degree, punishable as
1066 provided in s. 775.082, s. 775.083, or s. 775.084.

1067 (7) A sexual offender who intends to establish temporary,
1068 permanent, or transient residence in another state or
1069 jurisdiction other than the State of Florida shall report in

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1070 person to the sheriff of the county of current residence within
1071 48 hours before the date he or she intends to leave this state
1072 to establish residence in another state or jurisdiction. The
1073 notification must include the address, municipality, county, and
1074 state of intended residence. The sheriff shall promptly provide
1075 to the department the information received from the sexual
1076 offender. The department shall notify the statewide law
1077 enforcement agency, or a comparable agency, in the intended
1078 state or jurisdiction of residence of the sexual offender's
1079 intended residence. The failure of a sexual offender to provide
1080 his or her intended place of residence is punishable as provided
1081 in subsection (9).

1082 (8) A sexual offender who indicates his or her intent to
1083 reside or establish a temporary or transient residence in
1084 another state or jurisdiction other than the State of Florida
1085 and later decides to remain in this state shall, within 48 hours
1086 after the date upon which the sexual offender indicated he or
1087 she would leave this state, report in person to the sheriff to
1088 which the sexual offender reported the intended change of
1089 temporary, permanent, or transient residence, and report his or
1090 her intent to remain in this state. The sheriff shall promptly
1091 report this information to the department. A sexual offender who
1092 reports his or her intent to reside or establish a temporary or
1093 transient residence in another state or jurisdiction but who
1094 remains in this state without reporting to the sheriff in the
1095 manner required by this subsection commits a felony of the
1096 second degree, punishable as provided in s. 775.082, s. 775.083,
1097 or s. 775.084.

1098 (10) The department, the Department of Highway Safety and
1099 Motor Vehicles, the Department of Corrections, the Department of
1100 Juvenile Justice, any law enforcement agency in this state, and

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1101 the personnel of those departments; an elected or appointed
1102 official, public employee, or school administrator; or an
1103 employee, agency, or any individual or entity acting at the
1104 request or upon the direction of any law enforcement agency is
1105 immune from civil liability for damages for good faith
1106 compliance with the requirements of this section or for the
1107 release of information under this section, and shall be presumed
1108 to have acted in good faith in compiling, recording, reporting,
1109 or releasing the information. The presumption of good faith is
1110 not overcome if a technical or clerical error is made by the
1111 department, the Department of Highway Safety and Motor Vehicles,
1112 the Department of Corrections, the Department of Juvenile
1113 Justice, the personnel of those departments, or any individual
1114 or entity acting at the request or upon the direction of any of
1115 those departments in compiling or providing information, or if
1116 information is incomplete or incorrect because a sexual offender
1117 fails to report or falsely reports his or her current place of
1118 permanent, ~~or~~ temporary, or transient residence.

1119 (11) Except as provided in s. 943.04354, a sexual offender
1120 must maintain registration with the department for the duration
1121 of his or her life, unless the sexual offender has received a
1122 full pardon or has had a conviction set aside in a
1123 postconviction proceeding for any offense that meets the
1124 criteria for classifying the person as a sexual offender for
1125 purposes of registration. However, a sexual offender:

1126 (a)1. Who has been lawfully released from confinement,
1127 supervision, or sanction, whichever is later, for at least 25
1128 years and has not been arrested for any felony or misdemeanor
1129 offense since release, provided that the sexual offender's
1130 requirement to register was not based upon an adult conviction:

1131 a. For a violation of s. 787.01 or s. 787.02;

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1132 b. For a violation of s. 794.011, excluding s.
1133 794.011(10);

1134 c. For a violation of s. 800.04(4)(b) where the court
1135 finds the offense involved a victim under 12 years of age or
1136 sexual activity by the use of force or by threatening or placing
1137 the victim in fear that a person would be subjected to death,
1138 serious bodily injury, or kidnapping coercion;

1139 d. For a violation of s. 800.04(5)(b);

1140 e. For a violation of s. 800.04(5)(c)e-2. where the court
1141 finds the offense involved unclothed genitals or genital area;

1142 f. For any attempt or conspiracy to commit any such
1143 offense; ~~or~~

1144 g. For a violation of similar law of another jurisdiction;
1145 or

1146 h. For any conviction for a similar offense committed in
1147 this state which has been redesignated from a former statute
1148 number to one of those listed in this subparagraph,

1149
1150 may petition the criminal division of the circuit court of the
1151 circuit in which the sexual offender resides for the purpose of
1152 removing the requirement for registration as a sexual offender.

1153 2. The court may grant or deny relief if the offender
1154 demonstrates to the court that he or she has not been arrested
1155 for any crime since release; the requested relief complies with
1156 the provisions of the federal Adam Walsh Child Protection and
1157 Safety Act of 2006 and any other federal standards applicable to
1158 the removal of registration requirements for a sexual offender
1159 or required to be met as a condition for the receipt of federal
1160 funds by the state; and the court is otherwise satisfied that
1161 the offender is not a current or potential threat to public
1162 safety. The state attorney in the circuit in which the petition

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1163 is filed must be given notice of the petition at least 3 weeks
1164 before the hearing on the matter. The state attorney may present
1165 evidence in opposition to the requested relief or may otherwise
1166 demonstrate the reasons why the petition should be denied. If
1167 the court denies the petition, the court may set a future date
1168 at which the sexual offender may again petition the court for
1169 relief, subject to the standards for relief provided in this
1170 subsection.

1171 3. The department shall remove an offender from
1172 classification as a sexual offender for purposes of registration
1173 if the offender provides to the department a certified copy of
1174 the court's written findings or order that indicates that the
1175 offender is no longer required to comply with the requirements
1176 for registration as a sexual offender.

1177 (14)

1178 (b) However, a sexual offender who is required to register
1179 as a result of a conviction for:

1180 1. Section 787.01 or s. 787.02 where the victim is a minor
1181 and the offender is not the victim's parent or guardian;

1182 2. Section 794.011, excluding s. 794.011(8)(a) and(10);

1183 3. Section 800.04(4)(b) where the court finds the offense
1184 involved a victim under 12 years of age or sexual activity by
1185 the use of force or by threatening or placing the victim in fear
1186 that a person would be subjected to death, serious bodily
1187 injury, or kidnapping eereien;

1188 4. Section 800.04(5)(b);

1189 5. Section 800.04(5)(c)1. where the court finds
1190 molestation involving unclothed genitals or genital area;

1191 6. Section 800.04(5)(c)e-2. where the court finds
1192 molestation involving unclothed genitals or genital area;

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1193 7. Section 800.04(5)(d) where the court finds the use of
1194 force, or threat or placement of the victim in fear that a
1195 person would be subjected to death, serious bodily injury, or
1196 kidnapping, ~~exposure~~ and unclothed genitals or genital area;

1197 8. Any attempt or conspiracy to commit such offense; ~~or~~

1198 9. A violation of a similar law of another jurisdiction;
1199 or

1200 10. Any conviction for a similar offense committed in this
1201 state which has been redesignated from a former statute number
1202 to one of those listed in this paragraph,

1203

1204 must reregister each year during the month of the sexual
1205 offender's birthday and every third month thereafter.

1206 (c) The sheriff's office may determine the appropriate
1207 times and days for reporting by the sexual offender, which shall
1208 be consistent with the reporting requirements of this
1209 subsection. Reregistration shall include any changes to the
1210 following information:

1211 1. Name, nicknames, and pseudonyms; social security
1212 number, including any alias or false social security numbers
1213 ever used; age; race; sex; date of birth, including any alias or
1214 false date of birth ever used; height; weight; hair and eye
1215 color; physical description, including scars, marks, and
1216 tattoos; address of any permanent residence and address of any
1217 current temporary residence, within the state or out of state,
1218 including a rural route address and a post office box; if no
1219 permanent or temporary address, any transient residence within
1220 the state; address or location, description, and dates of any
1221 current or known future temporary residence, both within the
1222 state and out of state; any electronic mail address and any
1223 instant message name required to be provided pursuant to

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1224 paragraph (4) (d); all phone numbers, including fixed location
1225 and cellular phone numbers and any other designations used for
1226 purposes of routing or self-identification in telephonic
1227 communications; date and place of any current or known future
1228 employment; volunteer work, trade, or business, including
1229 employer address or location if no specific address is
1230 available; all professional licenses that authorize the sexual
1231 offender to engage in an occupation or carry out a trade or
1232 business; all driver's license and identification card numbers
1233 and identifiers; all travel and immigration documents, including
1234 passport and visa, and identifying information from such
1235 documents, including, but not limited to, unique identifiers and
1236 pertinent issuance and expiration dates, location of issuance,
1237 destinations, and immigration status; any owned or operated
1238 vehicle, vessel, aircraft, or other land vehicle make, model,
1239 color, and license tag number; and information, description,
1240 including trade or business names or information thereon,
1241 registration and other identifiers, and information regarding
1242 the place or places where such vehicle, vessel, aircraft, or
1243 other land vehicle is habitually parked, docked, or otherwise
1244 kept if the location is different than the registrant's address.
1245 If the sexual offender has access to a fleet consisting of more
1246 than 5 employment vehicles, registration of individual vehicle
1247 registration and license tag information is not mandated
1248 provided that physical descriptive information identifying the
1249 common characteristics, markings and locations amongst the fleet
1250 vehicles and the sexual offender's access to the fleet of
1251 vehicles is registered; biometric identification information,
1252 including fingerprints and palm prints fingerprints; and
1253 photograph. A post office box shall not be provided in lieu of a
1254 physical residential address. On or after June 1, 2009, and by

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1255 December 1, 2009, unless previously submitted as part of
1256 registration or reregistration as required under this
1257 subsection, s. 944.607(13), or s. 985.4815, sexual offenders
1258 shall submit palm prints during the month of their
1259 reregistration as required under this subsection, s.
1260 944.607(13), or s. 985.4815. The sheriff shall promptly provide
1261 to the department the palm prints in an electronic format. The
1262 department is authorized to provide the palm prints to the
1263 Federal Bureau of Investigation and to other criminal justice
1264 agencies.

1265 2. If the sexual offender is or will be enrolled,
1266 employed, or carrying on a vocation at an institution of higher
1267 education or secondary educational institution in this state,
1268 the sexual offender shall also provide to the department the
1269 name, address, and county of each institution, including each
1270 campus attended, and the sexual offender's enrollment or
1271 employment status.

1272 3. If the sexual offender's place of residence is a motor
1273 vehicle, trailer, mobile home, or manufactured home, as defined
1274 in chapter 320, the sexual offender shall also provide the
1275 vehicle identification number; the license tag number; the
1276 registration number; and a description, including color scheme,
1277 of the motor vehicle, trailer, mobile home, or manufactured
1278 home. If the sexual offender's place of residence is a vessel,
1279 live-aboard vessel, or houseboat, as defined in chapter 327, the
1280 sexual offender shall also provide the hull identification
1281 number; the manufacturer's serial number; the name of the
1282 vessel, live-aboard vessel, or houseboat; the registration
1283 number; and a description, including color scheme, of the
1284 vessel, live-aboard vessel or houseboat.

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1285 4. Any sexual offender who fails to report in person as
1286 required at the sheriff's office, ~~or~~ who fails to respond to any
1287 address verification correspondence from the department within 3
1288 weeks of the date of the correspondence, ~~or~~ who fails to report
1289 electronic mail addresses or instant message names, or who
1290 knowingly provides false information by act or omission, under
1291 penalty of perjury; commits a felony of the third degree,
1292 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1293 Section 5. Section 943.04355, Florida Statutes, is created
1294 to read:

1295 943.04355 Sexual offender registration and community
1296 notification; tribal jurisdictions.--Pursuant to s. 285.16 and
1297 s. 127 of the federal Sex Offender Registration and Notification
1298 Act, 42 U.S.C. s. 16927, the department, in conjunction with
1299 local law enforcement, is authorized to assume sexual offender
1300 registration and community notification duties and functions as
1301 they relate to registrants under the jurisdiction of any Indian
1302 tribe that maintains a reservation or tribal property sited in
1303 the state.

1304 Section 6. Subsection (2) of section 943.0436, Florida
1305 Statutes, is amended to read:

1306 943.0436 Duty of the court to uphold laws governing sexual
1307 predators and sexual offenders.--

1308 (2) If a person meets the criteria in chapter 775 for
1309 designation as a sexual predator or meets the criteria in s.
1310 943.0435, s. 944.606, s. 944.607, s. 985.481, s. 985.4815, or
1311 any other law for classification as a sexual offender, the court
1312 may not enter an order, for the purpose of approving a plea
1313 agreement or for any other reason, which:

1314 (a) Exempts a person who meets the criteria for
1315 designation as a sexual predator or classification as a sexual

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1316 offender from such designation or classification, or exempts
1317 such person from the requirements for registration or community
1318 and public notification imposed upon sexual predators and sexual
1319 offenders;

1320 (b) Restricts the compiling, reporting, or release of
1321 public records information that relates to sexual predators or
1322 sexual offenders; or

1323 (c) Prevents any person or entity from performing its
1324 duties or operating within its statutorily conferred authority
1325 as such duty or authority relates to sexual predators or sexual
1326 offenders.

1327 Section 7. Paragraph (b) of subsection (1) and paragraph
1328 (a) of subsection (3) of section 944.606, Florida Statutes, are
1329 amended, and paragraph (e) is added to subsection (1) of that
1330 section, to read:

1331 944.606 Sexual offenders; notification upon release.--

1332 (1) As used in this section:

1333 (b) "Sexual offender" means a person who:

1334 1. Has been convicted of committing, or attempting,
1335 soliciting, or conspiring to commit, any of the criminal
1336 offenses proscribed in the following statutes in this state or
1337 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
1338 or s. 787.025(2)(c), where the victim is a minor and the
1339 defendant is not the victim's parent or guardian; s. 794.011,
1340 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
1341 800.04; felony violation of s. 810.145, where the victim is a
1342 minor; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1343 excluding s. 847.0135(5)-(4); s. 847.0137; s. 847.0138; s.
1344 847.0145; or s. 985.701(1); or any conviction for a similar
1345 offense committed in this state which has been redesignated from
1346 a former statute number to one of those listed in this

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1347 subparagraph subsection, when the department has received
1348 verified information regarding such conviction; an offender's
1349 computerized criminal history record is not, in and of itself,
1350 verified information.

1351 2. Who as of July 1, 2008, is currently incarcerated or
1352 serving any sanction in this state as a result of a conviction
1353 for a felony offense and who has previously been convicted in
1354 any state or jurisdiction for committing, or attempting,
1355 soliciting, or conspiring to commit, any of the criminal
1356 offenses proscribed in the following statutes or similar offense
1357 in another jurisdiction: s. 787.01, s. 787.02, or s.
1358 787.025(2)(c), where the victim is a minor and the defendant is
1359 not the victim's parent or guardian; s. 794.011, excluding s.
1360 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; felony
1361 violation of s. 810.145, where the victim is a minor; s.
1362 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1363 847.0135(5); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1364 985.701(1); or any conviction for a similar offense committed in
1365 this state which has been redesignated from a former statute
1366 number to one of those listed in this subparagraph. This
1367 subparagraph does not include persons who have been released
1368 from sanctions for the previous sexual offense for 25 or more
1369 years provided that there is no more than one prior sexual
1370 offense conviction and provided that the sexual offense was not
1371 any of the following:

1372 a. Section 787.01 or s. 787.02 where the victim is a minor
1373 and the offender is not the victim's parent or guardian;

1374 b. Section 794.011, excluding s. 794.011(8)(a) and (10);

1375 c. Section 800.04(4)(b) where the court finds the offense
1376 involved a victim under 12 years of age or sexual activity by
1377 the use of force;

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- 1378 d. Section 800.04(5)(b);
1379 e. Section 800.04(5)(c)1. where the court finds
1380 molestation involving unclothed genitals or genital area;
1381 f. Section 800.04(5)(c)2. where the court finds
1382 molestation involving unclothed genitals or genital area;
1383 g. Section 800.04(5)(d), where the court finds the use of
1384 force, or threat or placement of the victim in fear that a
1385 person would be subjected to death, serious bodily injury, or
1386 kidnapping, and unclothed genitals or genital area;
1387 h. Any attempt or conspiracy to commit such offense;
1388 i. A violation of a similar law of another jurisdiction;
1389 or
1390 j. Any conviction for a similar offense committed in this
1391 state which has been redesignated from a former statute number
1392 to one of those listed in this subparagraph.
1393 (e) "Secondary educational institution" means any trade,
1394 professional, or secondary school, whether public, private,
1395 religious, denominational, parochial, or nonparochial, attended
1396 for any purpose, including, but not limited to, secular,
1397 religious or cultural studies.
1398 (3)(a) The department must provide information regarding
1399 any sexual offender who is being released after serving a period
1400 of incarceration for any offense, as follows:
1401 1. The department must provide: the sexual offender's
1402 name, any change in the offender's name by reason of marriage or
1403 other legal process, and any alias, if known; any nicknames or
1404 pseudonyms, if known; the correctional facility from which the
1405 ~~sexual offender is released;~~ ~~the sexual offender's~~ social
1406 security number, including any alias or false social security
1407 numbers ever used; ~~race;~~ ~~sex;~~ ~~date of birth;~~ ~~height;~~
1408 ~~weight;~~ ~~and hair and eye color;~~ physical description, including

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1409 scars, marks, and tattoos; address of any planned permanent
1410 residence or temporary residence, within the state or out of
1411 state, including a rural route address and a post office box; if
1412 no permanent or temporary address, any transient residence
1413 within the state; address or location description and dates of
1414 any known future temporary residence within the state or out of
1415 state; all phone numbers, including fixed location and cellular
1416 phone numbers and any other designations used for purposes of
1417 routing or self-identification in telephonic communications;
1418 date and place of any current or known future employment,
1419 volunteer work, trade, or business, including employer address
1420 or location if no specific address is available; all
1421 professional licenses that authorize the registrant to engage in
1422 an occupation or carry out a trade or business; all driver's
1423 license and identification card numbers and identifiers, all
1424 travel and immigration documents, including passport and visa,
1425 and identifying information from such documents, including, but
1426 not limited to, unique identifiers and pertinent issue and
1427 expiration dates, location of issuance, destinations, and
1428 immigration status; date and county of sentence and each crime
1429 for which the offender was sentenced; a copy of the offender's
1430 fingerprints and a digitized photograph taken within 60 days
1431 before release; the date of release of the sexual offender; any
1432 electronic mail address and any instant message name required to
1433 be provided pursuant to s. 943.0435(4)(d); and the offender's
1434 intended residence address, if known. The department shall
1435 notify the Department of Law Enforcement if the sexual offender
1436 escapes, absconds, or dies. If the sexual offender is in the
1437 custody of a private correctional facility, the facility shall
1438 take the digitized photograph of the sexual offender within 60
1439 days before the sexual offender's release and provide this

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1440 photograph to the Department of Corrections and also place it in
1441 the sexual offender's file. If the sexual offender is in the
1442 custody of a local jail, the custodian of the local jail shall
1443 electronically register the offender within 3 business days
1444 after intake of the offender for any reason and upon release,
1445 and shall notify the Department of Law Enforcement of the sexual
1446 offender's release and provide to the Department of Law
1447 Enforcement the information specified in this paragraph and any
1448 information specified in subparagraph 2. that the Department of
1449 Law Enforcement requests.

1450 2. The department may provide any other information deemed
1451 necessary, including criminal and corrections records,
1452 nonprivileged personnel and treatment records, when available.

1453 Section 8. Paragraph (a) of subsection (1), subsection
1454 (4), paragraph (b) of subsection (6), subsections (7) and (11),
1455 and paragraphs (b) and (c) of subsection (13) of section
1456 944.607, Florida Statutes, are amended, and paragraph (g) is
1457 added to subsection (1) of that section, to read:

1458 944.607 Notification to Department of Law Enforcement of
1459 information on sexual offenders.--

1460 (1) As used in this section, the term:

1461 (a) "Sexual offender" means a person who is in the custody
1462 or control of, or under the supervision of, the department or is
1463 in the custody of a private correctional facility:

1464 1. On or after October 1, 1997, as a result of a
1465 conviction for committing, or attempting, soliciting, or
1466 conspiring to commit, any of the criminal offenses proscribed in
1467 the following statutes in this state or similar offenses in
1468 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1469 where the victim is a minor and the defendant is not the
1470 victim's parent or guardian; s. 794.011, excluding s.

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1471 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; felony
 1472 violation of s. 810.145, where the victim is a minor; s.
 1473 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 1474 847.0135(5)-(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 1475 985.701(1); or any conviction for a similar offense committed in
 1476 this state which has been redesignated from a former statute
 1477 number to one of those listed in this ~~subparagraph~~ paragraph; or
 1478 2. Who establishes or maintains a residence in this state
 1479 and who has not been designated as a sexual predator by a court
 1480 of this state but who has been designated as a sexual predator,
 1481 as a sexually violent predator, or by another sexual offender
 1482 designation in another state or jurisdiction and was, as a
 1483 result of such designation, subjected to registration or
 1484 community or public notification, or both, or would be if the
 1485 person were a resident of that state or jurisdiction, without
 1486 regard as to whether the person otherwise meets the criteria for
 1487 registration as a sexual offender; or-
 1488 3. Who as of July 1, 2008, is currently incarcerated or
 1489 serving any sanction in this state as a result of a conviction
 1490 for a felony offense and who has previously been convicted in
 1491 any state or jurisdiction for committing, or attempting,
 1492 soliciting, or conspiring to commit, any of the criminal
 1493 offenses proscribed in the following statutes or similar offense
 1494 in another jurisdiction: s. 787.01, s. 787.02, or s.
 1495 787.025(2)(c), where the victim is a minor and the defendant is
 1496 not the victim's parent or guardian; s. 794.011, excluding s.
 1497 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; felony
 1498 violation of s. 810.145, where the victim is a minor; s.
 1499 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 1500 847.0135(5); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 1501 985.701(1); or any conviction for a similar offense committed in

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1502 this state which has been redesignated from a former statute
1503 number to one of those listed in this subparagraph. This
1504 subparagraph does not include persons who have been released
1505 from sanctions for the previous sexual offense for 25 or more
1506 years provided that there is no more than one prior sexual
1507 offense conviction and provided that the sexual offense was not
1508 a violation of any of the following:

1509 a. Section 787.01 or s. 787.02 where the victim is a minor
1510 and the offender is not the victim's parent or guardian;

1511 b. Section 794.011, excluding s. 794.011 (8)(a) and (10);

1512 c. Section 800.04(4)(b) where the court finds the offense
1513 involved a victim under 12 years of age or sexual activity by
1514 the use of force;

1515 d. Section 800.04(5)(b);

1516 e. Section 800.04(5)(c)1. where the court finds
1517 molestation involving unclothed genitals or genital area;

1518 f. Section 800.04(5)(c)2. where the court finds
1519 molestation involving unclothed genitals or genital area;

1520 g. Section 800.04(5)(d) where the court finds the use of
1521 force, or threat or placement of the victim in fear that a
1522 person would be subjected to death, serious bodily injury, or
1523 kidnapping, and unclothed genitals or genital area;

1524 h. Any attempt or conspiracy to commit such offense;

1525 i. A violation of a similar law of another jurisdiction;

1526 or

1527 j. Any conviction for a similar offense committed in this
1528 state which has been redesignated from a former statute number
1529 to one of those listed in this subparagraph.

1530 (g) "Secondary educational institution" means any trade,
1531 professional, or secondary school, whether public, private,
1532 religious, denominational, parochial, or nonparochial, attended

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1533 for any purpose, including, but not limited to, secular,
1534 religious, or cultural studies

1535 (4) A sexual offender, as described in this section, who
1536 is under the supervision of the Department of Corrections but is
1537 not incarcerated must register with the Department of
1538 Corrections within 3 business days after sentencing for a
1539 registrable registerable offense and otherwise provide
1540 information as required by this subsection.

1541 (a) The sexual offender shall provide his or her name,
1542 nicknames, and pseudonyms; date of birth, including any alias or
1543 false date of birth ever used; social security number, including
1544 any alias or false social security numbers ever used; race; sex;
1545 height; weight; hair and eye color; physical description,
1546 including tattoos or other identifying marks or scars; any
1547 electronic mail address and any instant message name required to
1548 be provided pursuant to s. 943.0435(4)(d); all phone numbers,
1549 including fixed location and cellular phone numbers and any
1550 other designations used for purposes of routing or self-
1551 identification in telephonic communications; and permanent or
1552 legal residence and address of temporary residence within the
1553 state or out of state while the sexual offender is under
1554 supervision in this state, including any rural route address or
1555 post office box; if no permanent or temporary address, any
1556 transient residence within the state; address or location
1557 description and dates of any current or known future temporary
1558 residence within the state or out of state; date and place of
1559 any current or known future employment, volunteer work, trade,
1560 or business, including employer address or location if no
1561 specific address is available; all professional licenses that
1562 authorize the sexual offender to engage in an occupation or
1563 carry out a trade or business; all driver's license and

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1564 identification card numbers and identifiers; and all travel and
1565 immigration documents, including passport and visa, and
1566 identifying information from such documents, including, but not
1567 limited to, unique identifiers and pertinent issuance and
1568 expiration dates, location of issuance, destinations, and
1569 immigration status. The Department of Corrections shall verify
1570 the address of each sexual offender in the manner described in
1571 ss. 775.21 and 943.0435. The department shall report to the
1572 Department of Law Enforcement any failure by a sexual predator
1573 or sexual offender to comply with registration requirements.

1574 (b) If the sexual offender is or will be enrolled,
1575 employed, or carrying on a vocation at an institution of higher
1576 education or secondary educational institution in this state,
1577 the sexual offender shall provide the name, address, and county
1578 of each institution, including each campus attended, and the
1579 sexual offender's enrollment or employment status. Each change
1580 in enrollment or employment status shall be reported to the
1581 department within 48 hours after the change in status. The
1582 Department of Corrections shall promptly notify each institution
1583 of the sexual offender's presence and any change in the sexual
1584 offender's enrollment or employment status.

1585 (c) If the sexual offender is employed, volunteers, or
1586 carries out any trade or business, the sexual offender shall
1587 register the employment address or location if no specific
1588 address is available. In the case where the sexual offender's
1589 employment lacks a fixed employment address or location, the
1590 sexual offender shall register information regarding his or her
1591 probable location during the course of the employment, including
1592 normal routes or general areas, with whatever definiteness is
1593 possible. Each change in the registration information required
1594 in this paragraph shall be reported in person at the department

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1595 within 48 hours after any change in status. The department shall
1596 promptly notify the Department of Law Enforcement of this change
1597 of the sexual offender's registration information.

1598 (d) If the sexual offender owns or operates any vehicle,
1599 vessel, aircraft, or other land vehicle for personal use or in
1600 the course of any employment, the sexual offender shall register
1601 information regarding such vehicle, vessel, aircraft, or other
1602 land vehicle, including license tag number and information,
1603 description, including trade or business names or information
1604 thereon, registration or other identifiers, and information
1605 regarding the place or places where such vehicle, vessel,
1606 aircraft, or other land vehicle is habitually parked, docked, or
1607 otherwise kept if the location is different than the
1608 registrant's address. If the sexual offender has access to a
1609 fleet consisting of more than 5 employment vehicles,
1610 registration of individual vehicle registration and license tag
1611 information is not mandated provided that physical descriptive
1612 information identifying the common characteristics, markings and
1613 locations amongst the fleet vehicles and the sexual offender's
1614 access to the fleet of vehicles is registered. Each change in
1615 the registration information required in this paragraph shall be
1616 reported in person at the department within 48 hours after any
1617 change in status. The department shall promptly notify the
1618 Department of Law Enforcement of this change of the sexual
1619 offender's registration information.

1620 (6) The information provided to the Department of Law
1621 Enforcement must include:

1622 (b) The sexual offender's most current address and place
1623 of permanent and temporary residence within the state or out of
1624 state or transient residence, and address, location, or
1625 description and dates of any current or known future temporary

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1626 residence within the state or out of state, while the sexual
1627 offender is under supervision in this state, including the name
1628 of the county or municipality in which the offender permanently
1629 or temporarily resides or has a transient residence, and, if
1630 known, the intended place of permanent, ~~or~~ temporary, or
1631 transient residence, and address, location, or description and
1632 dates of any current or known future temporary residence within
1633 the state or out of state, upon satisfaction of all sanctions;

1634

1635 If any information provided by the department changes during the
1636 time the sexual offender is under the department's control,
1637 custody, or supervision, including any change in the offender's
1638 name by reason of marriage or other legal process, the
1639 department shall, in a timely manner, update the information and
1640 provide it to the Department of Law Enforcement in the manner
1641 prescribed in subsection (2).

1642 (7) If the sexual offender is in the custody of a local
1643 jail, the custodian of the local jail shall electronically
1644 register the offender within 3 business days after intake of the
1645 offender for any reason and upon release, and shall forward the
1646 information to the Department of Law Enforcement. The custodian
1647 of the local jail shall also take a digitized photograph of the
1648 sexual offender while the offender remains in custody and shall
1649 provide the digitized photograph to the Department of Law
1650 Enforcement.

1651 (11) The department, the Department of Highway Safety and
1652 Motor Vehicles, the Department of Law Enforcement, ~~the~~
1653 ~~Department of Corrections,~~ the Department of Juvenile Justice,
1654 personnel of those departments, and any individual or entity
1655 acting at the request or upon the direction of those departments
1656 are immune from civil liability for damages for good faith

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1657 compliance with this section, and shall be presumed to have
1658 acted in good faith in compiling, recording, reporting, or
1659 providing information. The presumption of good faith is not
1660 overcome if technical or clerical errors are made by the
1661 department, the Department of Highway Safety and Motor Vehicles,
1662 the Department of Law Enforcement, the Department of Juvenile
1663 Justice, personnel of those departments, or any individual or
1664 entity acting at the request or upon the direction of those
1665 departments in compiling, recording, reporting, or providing
1666 information, or, if the information is incomplete or incorrect
1667 because the information has not been provided by a person or
1668 agency required to provide the information, or because the
1669 information was not reported or was falsely reported.

1670 (13)

1671 (b) However, a sexual offender who is required to register
1672 as a result of a conviction for:

1673 1. Section 787.01 or s. 787.02 where the victim is a minor
1674 and the offender is not the victim's parent or guardian;

1675 2. Section 794.011, excluding s. 794.011(8) (a) and (10);

1676 3. Section 800.04(4) (b) where the victim is under 12 years
1677 of age or where the court finds sexual activity by the use of
1678 force or by threatening or placing the victim in fear that a
1679 person would be subjected to death, serious bodily injury, or
1680 kidnapping coercion;

1681 4. Section 800.04(5) (b);

1682 5. Section 800.04(5) (c)1. where the court finds
1683 molestation involving unclothed genitals or genital area;

1684 6. Section 800.04(5) (c)e-2. where the court finds
1685 molestation involving unclothed genitals or genital area;

1686 7. Section 800.04(5) (d) where the court finds the use of
1687 force, or threat or placement of the victim in fear that a

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1688 person would be subjected to death, serious bodily injury, or
1689 kidnapping, ~~eeereien~~ and unclothed genitals or genital area;
1690 8. Any attempt or conspiracy to commit such offense; ~~or~~
1691 9. A violation of a similar law of another jurisdiction;
1692 or
1693 10. Any conviction for a similar offense committed in this
1694 state which has been redesignated from a former statute number
1695 to one of those listed in this paragraph,

1696
1697 must reregister each year during the month of the sexual
1698 offender's birthday and every third month thereafter.

1699 (c) The sheriff's office may determine the appropriate
1700 times and days for reporting by the sexual offender, which shall
1701 be consistent with the reporting requirements of this
1702 subsection. Reregistration shall include any changes to the
1703 following information:

1704 1. Name, nicknames, and pseudonyms; social security
1705 number, including any alias or false social security numbers
1706 ever used; age; race; sex; date of birth, including any alias or
1707 false date of birth ever used; height; weight; hair and eye
1708 color; physical description, including scars, marks, and
1709 tattoos; address of any permanent residence and address of any
1710 current temporary residence, within the state or out of state,
1711 including a rural route address and a post office box; if no
1712 permanent or temporary address, any transient residence; address
1713 or location description and dates of any current or known future
1714 temporary residence both within the state and out of state; any
1715 electronic mail address and any instant message name required to
1716 be provided pursuant to s. 943.0435(4)(d); all phone numbers,
1717 including fixed location and cellular phone numbers and any
1718 other designations used for purposes of routing or self-

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1719 identification in telephonic communications; date and place of
1720 any current or known future employment; volunteer work, trade,
1721 or business, including employer address or location if no
1722 specific address is available; all professional licenses that
1723 authorize the sexual offender to engage in an occupation or
1724 carry out a trade or business; all driver's license and
1725 identification card numbers and identifiers; all travel and
1726 immigration documents, including passport and visa, and
1727 identifying information from such documents, including, but not
1728 limited to, unique identifiers and pertinent issuance and
1729 expiration dates, location of issuance, destinations, and
1730 immigration status; any owned or operated vehicle, vessel,
1731 aircraft, or other land vehicle make, model, color, and license
1732 tag number and information, description, including trade or
1733 business names or information thereon, registration and other
1734 identifiers, and information regarding the place or places where
1735 such vehicle, vessel, aircraft, or other land vehicle is
1736 habitually parked, docked, or otherwise kept if the location is
1737 different than the registrant's address. If the sexual offender
1738 has access to a fleet consisting of more than 5 employment
1739 vehicles, registration of individual vehicle registration and
1740 license tag information is not mandated provided that physical
1741 descriptive information identifying the common characteristics,
1742 marking and locations amongst the fleet vehicles and the sexual
1743 offender's access to the fleet of vehicles is registered;
1744 biometric identification information, including fingerprints and
1745 palm prints fingerprints; and photograph. A post office box
1746 shall not be provided in lieu of a physical residential address.
1747 2. If the sexual offender is or will be enrolled,
1748 employed, or carrying on a vocation at an institution of higher
1749 education or secondary educational institution in this state,

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1750 the sexual offender shall also provide to the department the
1751 name, address, and county of each institution, including each
1752 campus attended, and the sexual offender's enrollment or
1753 employment status.

1754 3. If the sexual offender's place of residence is a motor
1755 vehicle, trailer, mobile home, or manufactured home, as defined
1756 in chapter 320, the sexual offender shall also provide the
1757 vehicle identification number; the license tag number; the
1758 registration number; and a description, including color scheme,
1759 of the motor vehicle, trailer, mobile home, or manufactured
1760 home. If the sexual offender's place of residence is a vessel,
1761 live-aboard vessel, or houseboat, as defined in chapter 327, the
1762 sexual offender shall also provide the hull identification
1763 number; the manufacturer's serial number; the name of the
1764 vessel, live-aboard vessel, or houseboat; the registration
1765 number; and a description, including color scheme, of the
1766 vessel, live-aboard vessel or houseboat.

1767 4. Any sexual offender who fails to report in person as
1768 required at the sheriff's office, ~~or~~ who fails to respond to any
1769 address verification correspondence from the department within 3
1770 weeks of the date of the correspondence, ~~or~~ who fails to report
1771 electronic mail addresses or instant message names, or who
1772 knowingly provides false information by act or omission, under
1773 penalty of perjury commits a felony of the third degree,
1774 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1775 5. A sexual offender who meets the criteria for
1776 registration as defined in this section and is convicted of a
1777 qualifying offense on or after June 1, 2009, must submit a set
1778 of palm prints during registration. On or after June 1, 2009,
1779 and by December 1, 2009, unless previously submitted as part of
1780 registration or reregistration as required under s.

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1781 943.0435(14), s. 944.607(13), or s. 985.4815, sexual offenders
1782 shall submit palm prints during the month of their
1783 reregistration as required under s. 943.0435(14), s.
1784 944.607(13), or s. 985.4815. The sheriff shall promptly provide
1785 to the department the palm prints in an electronic format. The
1786 department is authorized to provide the palm prints to the
1787 Federal Bureau of Investigation and to other criminal justice
1788 agencies.

1789 Section 9. Paragraph (a) of subsection (3) of section
1790 985.481, Florida Statutes, is amended, and paragraph (c) is
1791 added to subsection (1) of that section, to read:

1792 985.481 Sexual offenders adjudicated delinquent;
1793 notification upon release.--

1794 (1) As used in this section:

1795 (c) "Secondary educational institution" means any trade,
1796 professional, or secondary school, whether public, private,
1797 religious, denominational, parochial, or nonparochial, attended
1798 for any purpose, including, but not limited to, secular,
1799 religious, or cultural studies.

1800 (3) (a) The department must provide information regarding
1801 any sexual offender who is being released after serving a period
1802 of residential commitment under the department for any offense,
1803 as follows:

1804 1. The department must provide the sexual offender's name,
1805 any change in the offender's name by reason of marriage or other
1806 legal process, and any alias, if known; any nicknames or
1807 pseudonyms, if known; the correctional facility from which the
1808 sexual offender is released; the sexual offender's social
1809 security number, including any alias or false social security
1810 numbers ever used; race;; sex;; date of birth, including any
1811 alias or false date of birth ever used; height;; weight;; and

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1812 hair and eye color; physical description, including scars,
1813 marks, and tattoos; address of any planned permanent residence
1814 or temporary residence, within the state or out of state,
1815 including a rural route address and a post office box; if no
1816 permanent or temporary address, any transient residence within
1817 the state; address or location description and dates of any
1818 known future temporary residence within the state or out of
1819 state; all phone numbers, including fixed location and cellular
1820 phone numbers and any other designations used for purposes of
1821 routing or self-identification in telephonic communications;
1822 date and place of any current or known future employment,
1823 volunteer work, trade, or business, including employer address
1824 or location if no specific address is available; all
1825 professional licenses that authorize the sexual offender to
1826 engage in an occupation or carry out a trade or business; all
1827 driver's license and identification card numbers and
1828 identifiers, all travel and immigration documents, including
1829 passport and visa, and identifying information from such
1830 documents, including, but not limited to, unique identifiers and
1831 pertinent issue and expiration dates, location of issuance,
1832 destinations, and immigration status; date and county of
1833 disposition and each crime for which there was a disposition; a
1834 copy of the offender's fingerprints and a digitized photograph
1835 taken within 60 days before release; the date of release of the
1836 sexual offender; and the offender's intended residence address,
1837 if known. The department shall notify the Department of Law
1838 Enforcement if the sexual offender escapes, absconds, or dies.
1839 If the sexual offender is in the custody of a private
1840 correctional facility, the facility shall take the digitized
1841 photograph of the sexual offender within 60 days before the
1842 sexual offender's release and also place it in the sexual

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1843 offender's file. If the sexual offender is in the custody of a
1844 local jail, the custodian of the local jail shall electronically
1845 register the offender within 3 business days after intake of the
1846 offender for any reason and upon release, and shall notify the
1847 Department of Law Enforcement of the sexual offender's release
1848 and provide to the Department of Law Enforcement the information
1849 specified in this subparagraph and any information specified in
1850 subparagraph 2. which the Department of Law Enforcement
1851 requests.

1852 2. The department may provide any other information
1853 considered necessary, including criminal and delinquency
1854 records, when available.

1855 Section 10. Subsection (4), paragraph (a) of subsection
1856 (6), subsection (7), and paragraph (b) of subsection (13) of
1857 section 985.4815, Florida Statutes, are amended, and paragraph
1858 (e) is added to subsection (1) of that section, to read:

1859 985.4815 Notification to Department of Law Enforcement of
1860 information on juvenile sexual offenders.--

1861 (1) As used in this section, the term:

1862 (e) "Secondary educational institution" means any trade,
1863 professional, or secondary school, whether public, private,
1864 religious, denominational, parochial, or nonparochial, attended
1865 for any purpose, including, but not limited to, secular,
1866 religious, or cultural studies.

1867 (4) A sexual offender, as described in this section, who
1868 is under the supervision of the department but who is not
1869 committed must register with the department within 3 business
1870 days after adjudication and disposition for a registrable
1871 offense and otherwise provide information as required by this
1872 subsection.

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1873 (a) The sexual offender shall provide his or her name,
1874 nicknames, and pseudonyms; date of birth, including any alias or
1875 false date of birth ever used; social security number, including
1876 any alias or false social security numbers ever used; race; sex;
1877 height; weight; hair and eye color; physical description,
1878 including scars, tattoos, or other identifying marks; any
1879 electronic mail address and any instant message name required to
1880 be provided pursuant to s. 943.0435(4)(d); all phone numbers,
1881 including fixed location and cellular phone numbers and any
1882 other designations used for purposes of routing or self-
1883 identification in telephonic communications; and permanent or
1884 legal residence and address of temporary residence within the
1885 state or out of state while the sexual offender is in the care
1886 or custody or under the jurisdiction or supervision of the
1887 department in this state, including any rural route address or
1888 post office box; if no permanent or temporary address, any
1889 transient residence; address or location description and dates
1890 of any current or known future temporary residence within the
1891 state or out of state; date and place of any current or known
1892 future employment, volunteer work, trade, or business, including
1893 employer address or location if no specific address is
1894 available; all professional licenses that authorize the
1895 registrant to engage in an occupation or carry out a trade or
1896 business; all driver's license and identification card numbers
1897 and identifiers, all travel and immigration documents, including
1898 passport and visa, and identifying information from such
1899 documents, including, but not limited to, unique identifiers and
1900 pertinent issue and expiration dates, location of issuance,
1901 destinations, and immigration status; and the name and address
1902 of each school attended. The department shall verify the address
1903 of each sexual offender and shall report to the Department of

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1904 Law Enforcement any failure by a sexual offender to comply with
1905 registration requirements.

1906 (b) If the sexual offender is or will be enrolled,
1907 employed, or carrying on a vocation at an institution of higher
1908 education or secondary educational institution in this state,
1909 the sexual offender shall provide the name, address, and county
1910 of each institution, including each campus attended, and the
1911 sexual offender's enrollment or employment status. Each change
1912 in enrollment or employment status shall be reported to the
1913 department within 48 hours after the change in status. The
1914 department shall promptly notify each institution of the sexual
1915 offender's presence and any change in the sexual offender's
1916 enrollment or employment status.

1917 (c) If the sexual offender is employed, volunteers, or
1918 carries out any trade or business, the sexual offender shall
1919 register the employment address or location if no specific
1920 address is available. In the case where the sexual offenders
1921 employment lacks a fixed employment address or location, the
1922 sexual offender shall register information regarding the sexual
1923 offender's probable location during the course of the
1924 employment, including normal routes or general areas, with
1925 whatever definiteness is possible. Each change in the
1926 registration information required in this paragraph shall be
1927 reported in person at the department within 48 hours after any
1928 change in status. The department shall promptly notify the
1929 Department of Law Enforcement of this change of the sexual
1930 offender's registration information.

1931 (d) If the sexual offender owns or operates any vehicle,
1932 vessel, aircraft, or other land vehicle for personal use or in
1933 the course of any employment, the sexual offender shall register
1934 information regarding such vehicle, vessel, aircraft, or other

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1935 land vehicle, including license tag number and information,
1936 description, including trade or business names or information
1937 thereon, registration or other identifiers, and information
1938 regarding the place or places where such vehicle, vessel,
1939 aircraft, or other land vehicle is habitually parked, docked, or
1940 otherwise kept if the location is different than the
1941 registrant's address. If the sexual offender has access to a
1942 fleet consisting of more than 5 employment vehicles,
1943 registration of individual vehicle registration and license tag
1944 information is not mandated provided that physical descriptive
1945 information identifying the common characteristics, markings and
1946 locations amongst the fleet vehicles and the sexual offender's
1947 access to the fleet of vehicles is registered. Each change in
1948 the registration information required in this paragraph shall be
1949 reported in person at the department within 48 hours after any
1950 change in status. The department shall promptly notify the
1951 Department of Law Enforcement of this change of the sexual
1952 offender's registration information.

1953 (6) (a) The information provided to the Department of Law
1954 Enforcement must include the following:

1955 1. The information obtained from the sexual offender under
1956 subsection (4).

1957 2. The sexual offender's most current address and place of
1958 permanent or temporary residence within the state or out of
1959 state or transient residence, and address, location, or
1960 description and dates of any current or known future temporary
1961 residence within the state or out of state, while the sexual
1962 offender is in the care or custody or under the jurisdiction or
1963 supervision of the department in this state, including the name
1964 of the county or municipality in which the offender permanently
1965 or temporarily resides or has a transient residence, and, if

Amendment No.1A (for drafter's use only)

1966 known, the intended place of permanent, ~~or~~ temporary, or
1967 transient residence, and address, location, or description and
1968 dates of any current or known future temporary residence within
1969 the state or out of state, upon satisfaction of all sanctions.

1970 3. The legal status of the sexual offender and the
1971 scheduled termination date of that legal status.

1972 4. The location of, and local telephone number for, any
1973 department office that is responsible for supervising the sexual
1974 offender.

1975 5. An indication of whether the victim of the offense that
1976 resulted in the offender's status as a sexual offender was a
1977 minor.

1978 6. The offense or offenses at adjudication and disposition
1979 that resulted in the determination of the offender's status as a
1980 sex offender.

1981 7. A digitized photograph of the sexual offender, which
1982 must have been taken within 60 days before the offender was
1983 released from the custody of the department or a private
1984 correctional facility by expiration of sentence under s.
1985 944.275, or within 60 days after the onset of the department's
1986 supervision of any sexual offender who is on probation,
1987 postcommitment probation, residential commitment, nonresidential
1988 commitment, licensed child-caring commitment, community control,
1989 conditional release, parole, provisional release, or control
1990 release or who is supervised by the department under the
1991 Interstate Compact Agreement for Probationers and Parolees. If
1992 the sexual offender is in the custody of a private correctional
1993 facility, the facility shall take a digitized photograph of the
1994 sexual offender within the time period provided in this
1995 subparagraph and shall provide the photograph to the department.

Amendment No.1A (for drafter's use only)

1996 (7) If the sexual offender is in the custody of a local
1997 jail, the custodian of the local jail shall electronically
1998 register the offender within 3 business days after intake of the
1999 offender for any reason and upon release, and shall forward the
2000 information to the Department of Law Enforcement. The custodian
2001 of the local jail shall also take a digitized photograph of the
2002 sexual offender while the offender remains in custody and shall
2003 provide the digitized photograph to the Department of Law
2004 Enforcement.

2005 (13)

2006 (b) The sheriff's office may determine the appropriate
2007 times and days for reporting by the sexual offender, which shall
2008 be consistent with the reporting requirements of this
2009 subsection. Reregistration shall include any changes to the
2010 following information:

2011 1. Name, nicknames, and pseudonyms; social security
2012 number, including any alias or false social security numbers
2013 ever used; age; race; sex; date of birth, including any alias or
2014 false date of birth ever used; height; weight; hair and eye
2015 color; physical description, including scars, marks, and
2016 tattoos; address of any permanent residence and address of any
2017 current temporary residence, within the state or out of state,
2018 including a rural route address and a post office box; if no
2019 permanent or temporary address, any transient residence; address
2020 or location description and dates of any current or known future
2021 temporary residence within the state or out of state; any
2022 electronic mail address and any instant message name required to
2023 be provided pursuant to s. 943.0435(4)(d); all phone numbers,
2024 including fixed location and cellular phone numbers and any
2025 other designations used for purposes of routing or self-
2026 identification in telephonic communications; name and address of

Amendment No.1A (for drafter's use only)

2027 each school, institution of higher education, and secondary
2028 educational institution attended; date and place of any current
2029 or known future employment; volunteer work, trade, or business,
2030 including employer address or location if no specific address is
2031 available; all professional licenses that authorize the sexual
2032 offender to engage in an occupation or carry out a trade or
2033 business; all driver's license and identification card numbers
2034 and identifiers; all travel and immigration documents, including
2035 passport and visa, and identifying information from such
2036 documents, including, but not limited to, unique identifiers and
2037 pertinent issue and expiration dates, location of issuance,
2038 destinations, and immigration status; any owned or operated
2039 vehicle, vessel, aircraft, or other land vehicle make, model,
2040 color, and license tag number, and information, description,
2041 including trade or business names or information thereon,
2042 registration and other identifiers, and information regarding
2043 the place or places where such vehicle, vessel, aircraft, or
2044 other land vehicle is habitually parked, docked, or otherwise
2045 kept if the location is different than the registrant's address.
2046 If the sexual offender has access to a fleet consisting of more
2047 than 5 employment vehicles, registration of individual vehicle
2048 registration and license tag information is not mandated
2049 provided that physical descriptive information identifying the
2050 common characteristics, markings and locations amongst the fleet
2051 vehicles and the sexual offender's access to the fleet of
2052 vehicles is registered; biometric identification information,
2053 including fingerprints and palm prints fingerprints; and
2054 photograph. A post office box shall not be provided in lieu of a
2055 physical residential address.

2056 2. If the sexual offender is or will be enrolled,
2057 employed, or carrying on a vocation at an institution of higher

Amendment No.1A (for drafter's use only)

2058 education or secondary educational institution in this state,
2059 the sexual offender shall also provide to the department the
2060 name, address, and county of each institution, including each
2061 campus attended, and the sexual offender's enrollment or
2062 employment status.

2063 3. If the sexual offender's place of residence is a motor
2064 vehicle, trailer, mobile home, or manufactured home, as defined
2065 in chapter 320, the sexual offender shall also provide the
2066 vehicle identification number; the license tag number; the
2067 registration number; and a description, including color scheme,
2068 of the motor vehicle, trailer, mobile home, or manufactured
2069 home. If the sexual offender's place of residence is a vessel,
2070 live-aboard vessel, or houseboat, as defined in chapter 327, the
2071 sexual offender shall also provide the hull identification
2072 number; the manufacturer's serial number; the name of the
2073 vessel, live-aboard vessel, or houseboat; the registration
2074 number; and a description, including color scheme, of the
2075 vessel, live-aboard vessel, or houseboat.

2076 4. Any sexual offender who fails to report in person as
2077 required at the sheriff's office, or who fails to respond to any
2078 address verification correspondence from the department within 3
2079 weeks after the date of the correspondence, commits a felony of
2080 the third degree, punishable as provided in ss. 775.082,
2081 775.083, and 775.084.

2082 5. A sexual offender who meets the criteria for
2083 registration as defined in this section and is convicted of a
2084 qualifying offense on or after June 1, 2009, must submit a set
2085 of palm prints during registration. On or after June 1, 2009,
2086 and by December 1, 2009, unless previously submitted as part of
2087 registration or reregistration as required under s.
2088 943.0435(14), s. 944.607(13), or s. 985.4815, sexual offenders

Amendment No.1A (for drafter's use only)

2089 shall submit palm prints during the month of their
2090 reregistration as required under s. 943.0435(14), s.
2091 944.607(13), or s. 985.4815. The sheriff shall promptly provide
2092 to the department the palm prints in an electronic format. The
2093 department is authorized to provide the palm prints to the
2094 Federal Bureau of Investigation and to other criminal justice
2095 agencies.

2096 Section 11. This act shall take effect July 1, 2008.

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2100

2101

T I T L E A M E N D M E N T

2102

Remove the entire title and insert:

2103

An act relating to sexual offenders and predators;

2104

amending s. 322.141, F.S.; requiring additional persons

2105

subject to registration to obtain driver's licenses or

2106

identification cards with distinctive markings; amending

2107

ss. 775.21 and 943.0435, F.S.; creating and revising

2108

definitions; revising registration criteria; requiring

2109

registrants to register transient residences; requiring

2110

additional information to be provided by registrants;

2111

requiring biometric information to be provided by certain

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registrants; permitting the sharing of such biometric

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information with certain agencies; providing for

2114

additional information to be provided to the public

2115

concerning registrants; requiring registrants to provide

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changes to additional specified information; prohibits a

2117

registrant from knowingly providing false information;

2118

providing penalties; revising prohibition on work that may

2119

be performed by registrants who have committed specified

Amendment No.1A (for drafter's use only)

2120 violations involving minors; amending s. 775.25, F.S.;

2121 revising provisions relating to prosecutions for acts or

2122 omissions by an offender or predator; creating s.

2123 943.04355, F.S.; providing for sexual offender

2124 registration and community notification in tribal

2125 jurisdictions; amending s. 943.0436, F.S.; including

2126 additional laws within provisions relating to duty of the

2127 court to uphold laws governing sexual predators and sexual

2128 offenders; amending ss. 944.606, 944.607, 985.481, and

2129 985.4815, F.S.; revising provisions relating to certain

2130 registrants; creating and revising definitions; revising

2131 registration criteria; requiring registrants to register

2132 transient residences; requiring additional information to

2133 be provided by registrants; requiring biometric

2134 information to be provided by certain registrants;

2135 permitting the sharing of such biometric information with

2136 certain agencies; providing for additional information to

2137 be provided to the public concerning registrants;

2138 requiring registrants to provide changes to additional

2139 specified information; prohibits a registrant from

2140 knowingly providing false information; providing

2141 penalties; revising prohibition on work that may be

2142 performed by registrants who have committed specified

2143 violations involving minors; providing an effective date.

2144

2145

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1441 : Pretrial Release Programs

<input checked="" type="checkbox"/> Favorable					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jennifer Carroll	X				
Luis Garcia	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel	X				
Ari Porth	X				
Michael Scionti	X				
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety
3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1527 : Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age

Favorable With Amendments (1)

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jennifer Carroll	X				
Luis Garcia	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel	X				
Ari Porth	X				
Michael Scionti	X				
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

ADOPTED

1 Council/Committee hearing bill: Homeland Security & Public Safety
 2 Representative Sasso offered the following:

Amendment (with directory and title amendments)

Between lines 38 and 39 insert:

6 (d) Any person charged with a violation of paragraph (a)
 7 has a complete defense if, at the time the alcoholic beverage
 8 was sold, given, served, or permitted to be served:

9 1. The buyer or recipient falsely evidenced that she or he
 10 was 21 years of age or older;

11 2. The appearance of the buyer or recipient was such that a
 12 prudent person would believe the buyer or recipient to be 21
 13 years of age or older; and

14 3. Such person carefully checked a driver's license or an
 15 identification card issued by this state or another state of the
 16 United States, a passport, or a United States armed services
 17 identification card presented by the buyer or recipient and
 18 acted in good faith and in reliance upon the representation and
 19 appearance of the buyer or recipient in the belief that the
 20 buyer or recipient was 21 years of age or older.

Amendment No. 1

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D I R E C T O R Y A M E N D M E N T

Remove line 13 and insert:

562.11, Florida Statutes, is amended to read, and paragraph (d)
of subsection (1) of section 562.11, Florida Statutes is created
to read:

T I T L E A M E N D M E N T

Remove line 8 and insert:

providing a defense; providing an effective date.

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety
3/26/2008 8:00:00AM

Location: Reed Hall (102 HOB)

Summary:

Committee on Homeland Security & Public Safety

Wednesday March 26, 2008 08:00 am

HB 721	Unfavorable	Yeas: 1 Nays: 10
HB 1043	Favorable	Yeas: 11 Nays: 0
HB 1333	Favorable With Amendments (1)	Yeas: 10 Nays: 0
HB 1441	Favorable	Yeas: 11 Nays: 0
HB 1527	Favorable With Amendments (1)	Yeas: 11 Nays: 0

Committee meeting was reported out: Wednesday, March 26, 2008 10:09:15AM

**House of Representatives
Committee Recommendations Worksheet
Proposed Council Bills**

Committee on Homeland Security and Public Safety
 Meeting Date March 26, 2008 Time 8:00 a.m. - 9:00 a.m.
 Subject PCB SSC 08-05—Department of Law Enforcement
 Place 102 H.O.B / Reed Hall

Motion:
 _____ to recommend a proposed council bill with respect to _____ Subject

to recommend proposed council bill PCB SSC 08-05 relating to DEPARTMENT OF LAW ENFORCEMENT
 PCB # _____

Other action: _____

Final Vote On Bill		MEMBERS								
Yea	Nay		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
<input checked="" type="checkbox"/>		CARROLL								
<input checked="" type="checkbox"/>		GARCIA, Democratic Ranking Member								
<input checked="" type="checkbox"/>		HARRELL								
<input checked="" type="checkbox"/>		HOLDER								
<input checked="" type="checkbox"/>		HUDSON								
<input checked="" type="checkbox"/>		JENNE								
<input checked="" type="checkbox"/>		KREEGEL								
<input checked="" type="checkbox"/>		PORTH								
<input checked="" type="checkbox"/>		SCIONTI								
<input checked="" type="checkbox"/>		SNYDER, Vice Chair								
<input checked="" type="checkbox"/>		ADAMS, Chair								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0	Totals								

Appearance Record

<u>Name</u>	<u>Representing</u>	<u>Address</u>

**House of Representatives
Committee Recommendations Worksheet
Proposed Council Bills**

Committee on Homeland Security and Public Safety
 Meeting Date March 26, 2008 Time 8:00 a.m. – 9:00 a.m.
 Subject PCB SSC 08-06—Counterfeiting a Payment Instrument
 Place 102 H.O.B / Reed Hall

Motion:
 _____ to recommend a proposed council bill with respect to _____ Subject

to recommend proposed council bill **PCB SSC 08-06** relating to **Counterfeiting a Payment Instrument**
 PCB # _____

Other action: _____

Final Vote On Bill		MEMBERS	Amend 1		Amend 2		Amend 3		Amend 4	
Yea	Nay		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
<input checked="" type="checkbox"/>		CARROLL								
<input checked="" type="checkbox"/>		GARCIA, Democratic Ranking Member								
<input checked="" type="checkbox"/>		HARRELL								
<input checked="" type="checkbox"/>		HOLDER								
<input checked="" type="checkbox"/>		HUDSON								
<input checked="" type="checkbox"/>		JENNE								
<input checked="" type="checkbox"/>		KREEGEL								
<input checked="" type="checkbox"/>		PORTH								
<input checked="" type="checkbox"/>		SCIONTI								
<input checked="" type="checkbox"/>		SNYDER, Vice Chair								
<input checked="" type="checkbox"/>		ADAMS, Chair								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0	Totals								

Appearance Record

<u>Name</u>	<u>Representing</u>	<u>Address</u>

**House of Representatives
Committee Recommendations Worksheet
Proposed Council Bills**

Committee on Homeland Security and Public Safety
 Meeting Date March 26, 2008 Time 8:00 a.m. – 9:00 a.m.
 Subject PCB SSC 08-07—Criminal Use of Personal Information
 Place 102 H.O.B / Reed Hall

Motion:
 _____ to recommend a proposed council bill with respect to _____ Subject

to recommend proposed council bill **PCB SSC 08-07** relating to **Criminal Use of Personal Information**
 PCB # _____

Other action: _____

Final Vote On Bill		MEMBERS	Amend 1		Amend 2		Amend 3		Amend 4	
Yea	Nay		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		CARROLL								
		GARCIA, Democratic Ranking Member								
		HARRELL								
		HOLDER								
		HUDSON								
		JENNE								
		KREEGEL								
		PORTH								
		SCIONTI								
		SNYDER, Vice Chair								
		ADAMS, Chair								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0	Totals								

Appearance Record

Name	Representing	Address

**House of Representatives
Committee Recommendations Worksheet
Proposed Council Bills**

Committee on Homeland Security and Public Safety

Meeting Date March 26, 2008 Time 8:00 a.m. – 9:00 a.m.

Subject PCB SSC 08-08—The Department of Corrections

Place 102 H.O.B / Reed Hall

Motion: _____ to recommend a proposed council bill with respect to _____ Subject

to recommend proposed council bill PCB SSC 08-08 relating to The Department of Corrections
PCB # _____

Other action: _____

Final Vote On Bill		MEMBERS	REP. SNYDER Amend 1		Amend 2		Amend 3		Amend 4	
Yea	Nay		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
<input checked="" type="checkbox"/>		CARROLL								
<input checked="" type="checkbox"/>		GARCIA, Democratic Ranking Member								
<input checked="" type="checkbox"/>		HARRELL								
<input checked="" type="checkbox"/>		HOLDER								
<input checked="" type="checkbox"/>		HUDSON								
<input checked="" type="checkbox"/>		JENNE								
<input checked="" type="checkbox"/>		KREEGEL								
<input checked="" type="checkbox"/>		PORTH								
<input checked="" type="checkbox"/>		SCIONTI								
<input checked="" type="checkbox"/>		SNYDER, Vice Chair								
<input checked="" type="checkbox"/>		ADAMS, Chair								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0	Totals								

Appearance Record

Name	Representing	Address

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. PCB SSC 08-08

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION **Y** (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER _____

ADOPTED

1 Council/Committee hearing bill: Homeland Security & Public Safety
2 Representative Snyder offered the following:

3

4 **Amendment (with title amendment)**

5 On page 25, between line(s) 678-679 insert:

6 Section 10. Paragraph (b) of subsection (1) of section
7 120.57, Florida Statutes, is amended to read:

8 120.57 Additional procedures for particular cases.--

9 (1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS INVOLVING
10 DISPUTED ISSUES OF MATERIAL FACT.--

11 (b) All parties shall have an opportunity to respond, to
12 present evidence and argument on all issues involved, to conduct
13 cross-examination and submit rebuttal evidence, to submit
14 proposed findings of facts and orders, to file exceptions to the
15 presiding officer's recommended order, and to be represented by
16 counsel or other qualified representative. In proceedings for
17 the continued placement of inmates under s. 945.45, the
18 administrative law judge may appoint a private pro bono attorney
19 in the circuit in which the treatment facility is located to
20 represent the inmate. When appropriate, the general public may
21 be given an opportunity to present oral or written

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 communications. If the agency proposes to consider such
23 material, then all parties shall be given an opportunity to
24 cross-examine or challenge or rebut the material.

25 Section 11. Subsections (1) and (5) of section 945.41,
26 Florida Statutes, are amended to read:

27 945.41 ~~Legislative~~ intent of ss. 945.40-945.49.--It is the
28 intent of the Legislature that mentally ill inmates in the
29 custody of the Department of Corrections receive evaluation and
30 appropriate treatment for their mental illness through a
31 continuum of services. It is further the intent of the
32 Legislature that:

33 (1) Inmates in the custody of the department who have
34 mental illnesses that require hospitalization and intensive
35 psychiatric inpatient treatment or care receive appropriate
36 treatment or care in Department of Corrections mental health
37 treatment facilities designated for that purpose. ~~The department~~
38 ~~shall contract with the Department of Children and Family~~
39 ~~Services for the provision of mental health services in any~~
40 ~~departmental mental health treatment facility.~~ The Department of
41 Corrections shall provide mental health services to inmates
42 committed to it and may contract with any entities, persons, or
43 agencies qualified to provide such services.

44 (5) The department may designate a mental health treatment
45 facility for adult, and youthful, and female offenders or may
46 contract with other appropriate entities, persons, or agencies
47 for such services.

48 Section 12. Section 945.42, Florida Statutes, is amended
49 to read:

50 945.42 Definitions; ss. 945.40-945.49.--As used in ss.
51 945.40-945.49, the following terms shall have the meanings

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 ascribed to them, unless the context shall clearly indicate
53 otherwise:

54 (1) "Court" means the circuit court.

55 (2) "Crisis stabilization care" means a level of care that
56 is less restrictive and intense than care provided in a mental
57 health treatment facility, that includes a broad range of
58 evaluation and treatment services provided within a highly
59 structured setting or locked residential setting, and that is
60 intended for inmates who are experiencing acute emotional
61 distress and who cannot be adequately evaluated and treated in a
62 transitional care unit or infirmary isolation management room.
63 Such treatment is also more intense than treatment provided in a
64 transitional care unit and is devoted principally toward rapid
65 stabilization of acute symptoms and conditions.

66 (3)-(2) "Department" means the Department of Corrections.

67 (4)-(3) "Director" means the Director for Mental Health
68 Services of the Department of Corrections or his or her
69 designee.

70 (5)-(4) "In immediate need of care and treatment" means
71 that an inmate is apparently mentally ill and is not able to be
72 appropriately cared for in the institution where he or she the
73 inmate is confined and that, but for being isolated in a more
74 restrictive and secure housing environment, because of the
75 apparent mental illness:

76 (a)1. The inmate is demonstrating a refusal to care for
77 himself or herself and without immediate treatment intervention,
78 is likely to continue to refuse to care for himself or herself,
79 and such refusal the alleged mental illness poses an immediate,
80 real, and present threat of substantial harm to his or her the
81 inmate's well-being; or to the safety of others.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

82 2. There is an immediate, real, and present threat that
83 the inmate will inflict serious bodily harm on himself or
84 herself or another person, as evidenced by recent behavior
85 involving causing, attempting, or threatening such harm;

86 (b)1. The inmate has refused voluntary placement for
87 treatment at a mental health treatment facility after sufficient
88 and conscientious explanation and disclosure of the purpose of
89 placement; or

90 2. The inmate is unable to determine for himself or
91 herself whether placement is necessary; and

92 (c) All available less restrictive treatment alternatives
93 that would offer an opportunity for improvement of the inmate's
94 condition have been clinically determined to be inappropriate.

95 (6)(5) "In need of care and treatment" means that an
96 inmate has a mental illness for which inpatient services in a
97 mental health treatment facility are necessary and that, but for
98 being isolated in a more restrictive and secure housing
99 environment, because of the which mental illness;

100 (a)1. The inmate is demonstrating a refusal to care for
101 himself or herself, without treatment is likely to continue to
102 refuse to care for himself or herself, and such refusal poses a
103 real and present threat of substantial harm to his or her the
104 inmate's well-being; or to the safety of others.

105 2. There is a substantial likelihood that in the near
106 future the inmate will inflict serious bodily harm on himself or
107 herself or another person, as evidenced by recent behavior
108 causing, attempting, or threatening such harm;

109 (b)1. The inmate has refused voluntary placement for
110 treatment at a mental health treatment facility after sufficient

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

111 and conscientious explanation and disclosure of the purpose of
112 placement; or

113 2. The inmate is unable to determine for himself or
114 herself whether placement is necessary; and

115 (c) All available less restrictive treatment alternatives
116 that would offer an opportunity for improvement of the inmate's
117 condition have been clinically determined to be inappropriate.

118 (7)+(6) "Inmate" means any person committed to the custody
119 of the Department of Corrections.

120 (8)+(7) "Mental health treatment facility" means the
121 Corrections Mental Health Institution and any extended treatment
122 or hospitalization-level unit within the corrections system
123 which other institution that the Assistant Secretary for Health
124 Services of the department specifically designates by rule to
125 provide acute psychiatric care and which may include involuntary
126 treatment and therapeutic intervention at the hospital level, in
127 contrast to less intensive levels of care such as outpatient
128 mental health care, transitional mental health care, or crisis
129 stabilization care.

130 (9)+(8) "Mentally ill" means an impairment of the mental or
131 emotional processes, of the ability to exercise conscious
132 control of one's actions, or of the ability to perceive or
133 understand reality or to understand, which impairment
134 substantially interferes with a person's ability to meet the
135 ordinary demands of living, regardless of etiology, except that,
136 for the purposes of transfer of an inmate to a mental health
137 treatment facility, the term does not include retardation or
138 developmental disability as defined in chapter 393, simple
139 intoxication, or conditions manifested only by antisocial
140 behavior or substance abuse drug addiction. However, an

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

141 individual who is mentally retarded or developmentally disabled
142 may also have a mental illness.

143 ~~(10)~~(9) "Psychiatrist" means a medical practitioner
144 licensed pursuant to chapter 458 or chapter 459 who has
145 primarily diagnosed and treated nervous and mental disorders for
146 a period of not less than 3 years inclusive of psychiatric
147 residency.

148 ~~(11)~~(10) "Psychological professional" "~~Psychologist~~" means
149 a behavioral practitioner who has an approved doctoral degree in
150 psychology as defined in s. 490.003(3)(b) and is employed by the
151 department that is primarily clinical in nature from a
152 university or professional graduate school that is state-
153 authorized or accredited by an accrediting agency approved by
154 the United States Department of Education and who is
155 professionally certified by the appropriate professional
156 psychology association or who is licensed as a psychologist
157 pursuant to chapter 490.

158 ~~(12)~~(11) "Secretary" means the Secretary of Corrections.

159 ~~(13)~~(12) "Transitional mental health care" means a level
160 of care that is more intensive than outpatient care, but less
161 intensive than crisis stabilization care, and is characterized
162 by the provision of traditional mental health treatments such as
163 group and individual therapy, activity therapy, recreational
164 therapy, and psychotropic medications ~~chemotherapy~~, in the
165 context of a structured residential setting. Transitional mental
166 health care is indicated for a person with chronic or residual
167 symptomatology who does not require crisis stabilization care or
168 acute psychiatric care ~~at the hospital level~~, but whose
169 impairment ~~impairments~~ in functioning nevertheless renders
170 ~~render~~ him or her incapable of adjusting satisfactorily within

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171 the general inmate population, ~~even with the assistance of~~
172 ~~outpatient care.~~

173 (14) ~~(13)~~ "Warden" means the warden of a state corrections
174 facility or his or her designee.

175 Section 13. Section 945.43, Florida Statutes, is amended
176 to read:

177 945.43 Admission of inmate to mental health treatment
178 facility.--

179 (1) CRITERIA.--An inmate may be admitted to a mental
180 health treatment facility if he or she is mentally ill and is in
181 need of care and treatment, as defined in s. 945.42(6).

182 (2) PROCEDURE FOR PLACEMENT IN ADMISSION TO A MENTAL
183 HEALTH TREATMENT FACILITY.--

184 (a) An inmate may be admitted to a mental health treatment
185 facility after notice and hearing, upon the recommendation of
186 the warden of the facility where the inmate is confined ~~and of~~
187 ~~the director.~~ The recommendation shall be entered on a petition
188 ~~certificate~~ and must be supported by the expert opinion of a
189 psychiatrist and the second opinion of a psychiatrist or
190 psychological professional psychologist. The petition
191 ~~certificate~~ shall be filed with the court in the county where
192 the inmate is located ~~and shall serve as a petition for a~~
193 ~~hearing regarding placement.~~

194 (b) A copy of the petition certificate ~~shall also be filed~~
195 ~~with the department, and copies shall be served on the inmate~~
196 ~~and the inmate's representatives, accompanied by:~~

197 1. ~~A written notice, in plain and simple language, that~~
198 ~~the inmate or the inmate's representative may apply at any time~~
199 ~~for a hearing on the issue of the inmate's need for treatment if~~
200 ~~he or she has previously waived such a hearing.~~

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201 ~~2. A petition for such hearing, which requires only the~~
202 ~~signature of the inmate or the inmate's representative for~~
203 ~~completion.~~

204 ~~3. A written notice that the petition may be filed with~~
205 ~~the court in the county in which the inmate is hospitalized at~~
206 ~~the time and stating the name and address of the judge of such~~
207 ~~court.~~

208 ~~4. a written notice that the inmate or the inmate's~~
209 ~~representative may apply immediately to the court to have an~~
210 ~~attorney appointed if the inmate cannot afford one.~~

211 (c) The petition for placement may be filed in the county
212 in which the inmate is located ~~being treated at any time within~~
213 ~~6 months of the date of the certificate.~~ The hearing shall be
214 held in the same county, and one of the inmate's physicians at
215 the facility where the inmate is located shall appear as a
216 witness at the hearing.

217 (d) An attorney representing the inmate shall have access
218 to the inmate and any records, including medical or mental
219 health records, which are relevant to the representation of the
220 inmate.

221 (e) If the court finds that the inmate is mentally ill and
222 in need of care and treatment, as defined in s. 945.42(6), the
223 court ~~it~~ shall order that he or she be placed in ~~admitted to~~ a
224 mental health treatment facility or, if the inmate is at a
225 mental health treatment facility, that he or she be retained
226 there. ~~However, the inmate may be immediately transferred to and~~
227 ~~admitted at a mental health treatment facility by executing a~~
228 ~~waiver of the hearing by express and informed consent, without~~
229 ~~awaiting the court order.~~ The court shall authorize the mental
230 health treatment facility to retain the inmate for up to 6

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231 months. If, at the end of that time, continued placement
232 ~~treatment~~ is necessary, the warden shall apply to the Division
233 of Administrative Hearings in accordance with s. 945.45 ~~court~~
234 for an order authorizing continued placement.

235 (3) PROCEDURE FOR HEARING ON PLACEMENT TRANSFER OF AN
236 INMATE IN A FOR MENTAL HEALTH TREATMENT FACILITY.--~~If the inmate~~
237 ~~does not waive a hearing or if the inmate or the inmate's~~
238 ~~representative files a petition for a hearing after having~~
239 ~~waived it,~~

240 (a) The court shall serve notice on the warden of the
241 facility where the inmate is confined, ~~the director,~~ and the
242 allegedly mentally ill inmate. The notice must ~~shall~~ specify the
243 date, time, and place of the hearing; the basis for the
244 allegation of mental illness; and the names of the examining
245 experts. The hearing shall be held within 5 days, and the court
246 may appoint a general or special magistrate to preside. The
247 court may waive the presence of the inmate at the hearing if
248 such waiver is consistent with the best interests of the inmate
249 and the inmate's counsel does not object. The hearing may be as
250 informal as is consistent with orderly procedure. One of the
251 experts whose opinion supported the petition for placement
252 recommendation shall be present at the hearing for information
253 purposes.

254 (b) If, at the hearing, the court finds that the inmate is
255 mentally ill and in need of care and treatment, as defined in s.
256 945.42(6), the court ~~it~~ shall order that he or she be placed in
257 ~~transferred to~~ a mental health treatment facility ~~and provided~~
258 ~~appropriate treatment.~~ The court shall provide a copy of its
259 order authorizing placement transfer and all supporting
260 documentation relating to the inmate's condition to the warden

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261 of the treatment facility. If the court finds that the inmate is
262 not mentally ill, it shall dismiss the petition for placement
263 transfer.

264 (4) REFUSAL OF PLACEMENT ADMISSION; WHEN REFUSAL
265 ALLOWED.--The warden of an institution in which a mental health
266 treatment facility is located may refuse to place ~~admit~~ any
267 inmate in that treatment facility who is not accompanied by
268 adequate court orders and documentation, as required in ss.
269 945.40-945.49.

270 Section 14. Section 945.44, Florida Statutes, is amended
271 to read:

272 945.44 Emergency placement ~~admission~~ of inmate in a ~~to~~
273 mental health treatment facility.--

274 (1) CRITERIA.--An inmate may be placed in a mental health
275 treatment facility on an emergency basis if he or she is
276 mentally ill and in immediate need of care and treatment, as
277 defined in s. 945.42(5).

278 (2) PROCEDURE FOR EMERGENCY PLACEMENT ADMISSION.--An
279 inmate who is mentally ill and in immediate need of care and
280 treatment that ~~which~~ cannot be provided at the institution where
281 he or she is confined may be placed in ~~admitted to~~ a mental
282 health treatment facility on an emergency basis. The inmate may
283 be placed ~~transferred~~ immediately in a mental health treatment
284 ~~to the~~ facility and shall be accompanied by the recommendation
285 of the warden of the institution where the inmate is confined,
286 which recommendation must ~~shall~~ state the need for the emergency
287 placement ~~transfer~~ and ~~shall~~ include a written opinion of a
288 physician verifying the need for the emergency placement
289 transfer. Upon the emergency placement ~~the admission~~ of the
290 inmate in ~~to~~ the facility, the inmate shall be evaluated; if he

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291 or she is determined to be in need of treatment or care, the
292 warden shall initiate proceedings for placement of the inmate,
293 as described in s. 945.43(2).

294 Section 15. Section 945.45, Florida Statutes, is amended
295 to read:

296 945.45 ~~Procedure for~~ continued placement of inmates in a
297 mental health treatment facility.--

298 (1) CRITERIA.--An inmate may be retained in a mental
299 health treatment facility if he or she is mentally ill and
300 continues to be in need of care and treatment as defined in s.
301 945.42(6).

302 (2) ~~(1)~~ PROCEDURE FOR CONTINUED PLACEMENT OF AN INMATE IN A
303 MENTAL HEALTH TREATMENT FACILITY.--

304 (a) ~~If continued placement of an inmate is necessary,~~ The
305 warden shall, prior to the expiration of the period during which
306 the treatment facility is authorized to retain the inmate, file
307 a petition with the Division of Administrative Hearings for
308 request an order authorizing continued placement. The petition
309 must ~~This request shall~~ be accompanied by a statement from the
310 inmate's physician justifying the petition request and providing
311 a brief summary of the inmate's treatment during the time he or
312 she has been placed. In addition, the warden shall submit an
313 individualized plan for the inmate for whom he or she is
314 requesting continued placement. The inmate may remain in a
315 mental health treatment facility pending a hearing after the
316 timely filing of the petition.

317 (b) Notification of this request for retention shall be
318 mailed to the inmate, ~~and the inmate's representative~~ along with
319 a waiver-of-hearing form and the completed petition, requesting
0 the inmate's ~~only a signature and a waiver of hearing form.~~ The

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321 waiver-of-hearing form shall require express and informed
322 consent and shall state that the inmate is entitled to an
323 administrative ~~a~~ hearing under the law; that the inmate is
324 entitled to be represented by an attorney at the hearing and
325 that, if the inmate cannot afford an attorney, one will be
326 appointed; and that, if it is shown at the hearing that the
327 inmate does not meet the criteria for continued placement, he or
328 she will be transferred out of the mental health treatment
329 facility to another facility of the department. If the inmate ~~or~~
330 ~~the inmate's representative~~ does not sign the petition, or if
331 the inmate does not sign a waiver within 15 days, the
332 administrative law judge shall notice a hearing with regard to
333 the inmate involved in accordance with ss. 120.569 and
334 120.57(1).

335 (3) PROCEDURE FOR HEARING ON CONTINUED PLACEMENT OF AN
336 INMATE IN A MENTAL HEALTH TREATMENT FACILITY.--

337 (a) The hearing on a petition for the continued placement
338 of an inmate in a mental health treatment facility is an
339 administrative hearing and shall be conducted in accordance with
340 ss. 120.569 and 120.57(1), except that an order entered by the
341 administrative law judge is final and subject to judicial review
342 in accordance with s. 120.68. An administrative law judge shall
343 be assigned by the Division of Administrative Hearings to
344 conduct hearings for continued placement.

345 (b) The administrative law judge may waive the presence of
346 the inmate at the hearing if such waiver is consistent with the
347 best interests of the inmate and the inmate's counsel does not
348 object.

349 (c) ~~(2)~~ If, at a hearing pursuant to ss. 945.40-945.49, the
350 administrative law judge finds that the inmate no longer meets

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351 the criteria for placement treatment, he or she shall order that
352 the inmate be transferred out of the mental health treatment
353 facility to another facility of the department.

354 ~~(d)(3)~~ If the inmate waives the hearing or if the
355 administrative law judge finds that the inmate is in need of
356 continued placement treatment, the administrative law judge
357 shall enter an order authorizing such continued placement
358 treatment for a period not to exceed 1 year. The same procedure
359 shall be repeated prior to the expiration of each additional 1-
360 year period that the inmate is retained in the mental health
361 treatment facility.

362 ~~(4) Hearings on requests for orders authorizing continued~~
363 ~~placement filed in accordance with this section shall be~~
364 ~~conducted in accordance with the provisions of ss. 120.569 and~~
365 ~~120.57(1), except that any order entered by the administrative~~
366 ~~law judge shall be final and subject to judicial review in~~
367 ~~accordance with s. 120.68.~~

368 Section 16. Section 945.46, Florida Statutes, is amended
369 to read:

370 945.46 Initiation of involuntary placement proceedings
371 with respect to a mentally ill inmate scheduled for release.--

372 (1) If an inmate who is receiving mental health treatment
373 in the department is scheduled for release through expiration of
374 sentence or any other means, but continues to be mentally ill
375 and in need of care and treatment, as defined in s. 945.42(6),
376 the warden is authorized to initiate procedures for involuntary
377 placement pursuant to ~~the provisions of s. 394.467,~~ 60 days
378 prior to such release.

379 (2) In addition, the warden may initiate procedures for
380 involuntary examination pursuant to s. 394.463 for any inmate

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381 who has a mental illness and meets the criteria of s.
382 394.463(1).

383 Section 17. Section 945.47, Florida Statutes, is amended
384 to read:

385 945.47 Discharge of inmate from mental health treatment.--

386 (1) An inmate who has been transferred for the purpose of
387 mental health treatment shall be discharged from treatment by
388 the warden under the following conditions:

389 (a) If the inmate is no longer in need of care and
390 treatment, as defined in s. 945.42(6), he or she may be
391 transferred out of the mental health treatment facility and
392 provided with appropriate mental health services to another
393 institution in the department; or

394 ~~(b) If the inmate continues to be mentally ill, but is not~~
395 ~~in need of care and treatment as an inpatient, he or she may be~~
396 ~~transferred to another institution in the department and~~
397 ~~provided appropriate outpatient and aftercare services;~~

398 ~~(b)(e)~~ If the inmate's sentence expires during his or her
399 treatment, but he or she is no longer in need of care and
400 treatment as an inpatient, the inmate may be released with a
401 recommendation for outpatient treatment, pursuant to the
402 provisions of ss. 945.40-945.49. ~~or~~

403 ~~(d) If the inmate's sentence expires and he or she~~
404 ~~continues to be mentally ill and in need of care and treatment,~~
405 ~~the warden shall initiate proceedings for involuntary placement,~~
406 ~~pursuant to s. 394.467.~~

407 ~~(2) An inmate who is involuntarily placed pursuant to s.~~
408 ~~394.467 at the expiration of his or her sentence may be placed,~~
409 ~~by order of the court, in a facility designated by the~~
410 ~~Department of Children and Family Services as a secure,~~

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411 ~~nonforensic, civil facility. Such a placement shall be~~
412 ~~conditioned upon a finding by the court of clear and convincing~~
413 ~~evidence that the inmate is manifestly dangerous to himself or~~
414 ~~herself or others. The need for such placement shall be reviewed~~
415 ~~by facility staff every 90 days. At any time that a patient is~~
416 ~~considered for transfer to a nonsecure, civil unit, the court~~
417 ~~which entered the order for involuntary placement shall be~~
418 ~~notified.~~

419 ~~(2)(3)~~ At any time that an inmate who has received mental
420 health treatment while in the custody of the department becomes
421 eligible for release under supervision or upon end of sentence
422 ~~on parole~~, a complete record of the inmate's mental health
423 ~~treatment~~ may ~~shall~~ be provided to the Parole Commission and to
424 the Department of Children and Family Services upon request. The
425 record shall include, at a minimum least, a summary of the
426 inmate's diagnosis, length of stay in treatment, clinical
427 history, prognosis, prescribed medication, and treatment plan,
428 and recommendations for aftercare services. ~~In the event that~~
429 ~~the inmate is released on parole, the record shall be provided~~
430 ~~to the parole officer who shall assist the inmate in applying~~
431 ~~for services from a professional or an agency in the community.~~
432 ~~The application for treatment and continuation of treatment by~~
433 ~~the inmate may be made a condition of parole, as provided in s.~~
434 ~~947.19(1); and a failure to participate in prescribed treatment~~
435 ~~may be a basis for initiation of parole violation hearings.~~

436 Section 18. Section 945.48, Florida Statutes, is amended
437 to read:

438 945.48 Rights of inmates inmate provided mental health
439 treatment; procedure for involuntary treatment.--

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440 (1) RIGHT TO QUALITY TREATMENT.--An inmate in a mental
441 health treatment facility has the right to receive treatment
442 ~~that which~~ is suited to his or her needs and ~~that which~~ is
443 provided in a humane psychological environment. Such treatment
444 shall be administered skillfully, safely, and humanely with
445 respect for the inmate's dignity and personal integrity.

446 (2) RIGHT TO EXPRESS AND INFORMED CONSENT.--Any inmate
447 provided psychiatric treatment within the department shall be
448 asked to give his or her express and informed written consent
449 for such treatment. "Express and informed written consent" or
450 "consent" means consent voluntarily given in writing after a
451 conscientious and sufficient explanation and disclosure of the
452 purpose of the proposed treatment; the common side effects of
453 the treatment, if any; the expected duration of the treatment;
454 and the alternative treatment available. The explanation shall
455 enable the inmate to make a knowing and willful decision without
456 any element of fraud, deceit, or duress or any other form of
457 constraint or coercion.

458 (3) PROCEDURE FOR INVOLUNTARY TREATMENT OF
459 INMATES.--Involuntary mental health treatment of an inmate who
460 refuses treatment that is deemed to be necessary for the
461 appropriate care of the inmate and the safety of the inmate or
462 others may be provided at a mental health treatment facility. ~~an~~
463 ~~institution authorized to do so by the Assistant Secretary for~~
464 ~~Health Services under the following circumstances:~~

465 ~~(a) In an emergency situation in which there is immediate~~
466 ~~danger to the health and safety of the inmate or other inmates,~~
467 ~~such treatment may be provided upon the written order of a~~
468 ~~physician for a period not to exceed 48 hours, excluding~~
469 ~~weekends and legal holidays. If, after the 48 hour period, the~~

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470 ~~inmate has not given express and informed consent to the~~
471 ~~treatment initially refused, the warden shall, within 48 hours,~~
472 ~~excluding weekends and legal holidays, petition the circuit~~
473 ~~court serving the county in which the facility is located for an~~
474 ~~order authorizing the continued treatment of the inmate. In the~~
475 ~~interim, treatment may be continued upon the written order of a~~
476 ~~physician who has determined that the emergency situation~~
477 ~~continues to present a danger to the safety of the inmate or~~
478 ~~others. If an inmate must be isolated for mental health~~
479 ~~purposes, that decision must be reviewed within 72 hours by~~
480 ~~medical staff different from that making the original placement.~~

481 ~~(b) In a situation other than an emergency situation, the~~
482 ~~warden of the institution containing the mental health treatment~~
483 ~~facility shall petition the circuit court serving the county in~~
484 ~~which the mental health treatment facility is located for an~~
485 ~~order authorizing the treatment of the inmate. The inmate shall~~
486 ~~be provided with a copy of the petition along with the proposed~~
487 ~~treatment, the basis for the proposed treatment, the names of~~
488 ~~the examining experts, and the date, time, and location of the~~
489 ~~hearing. The inmate may have an attorney represent him or her at~~
490 ~~the hearing and, if the inmate is indigent, the court shall~~
491 ~~appoint the office of the public defender or private counsel~~
492 ~~pursuant to s. 27.40(1) to represent the inmate at the hearing.~~
493 ~~An attorney representing the inmate shall have access to the~~
494 ~~inmate and any records, including medical or mental health~~
495 ~~records, which are relevant to the representation of the inmate.~~
496 ~~The order shall allow such treatment for a period not to exceed~~
497 ~~90 days from the date of the order. Unless the court is notified~~
498 ~~in writing that the inmate has provided express and informed~~
499 ~~consent in writing, that the inmate has been transferred to~~

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500 ~~another institution of the department, or that the inmate is no~~
501 ~~longer in need of treatment, the warden shall, prior to the~~
502 ~~expiration of the initial 90 day order, petition the court for~~
503 ~~an order authorizing the continuation of treatment for another~~
504 ~~90 day period. This procedure shall be repeated until the inmate~~
505 ~~provides consent or is no longer in need of treatment. Treatment~~
506 ~~may be continued pending a hearing after the filing of any~~
507 ~~petition.~~

508 (4) PROCEDURE FOR THE HEARING ON INVOLUNTARY TREATMENT OF
509 AN INMATE.--

510 (a) The hearing on the petition for involuntary treatment
511 shall be held within 5 days after the petition is filed and the
512 court may appoint a general or special magistrate to preside.
513 The inmate may testify or not, as he or she chooses, may cross-
514 examine witnesses testifying on behalf of the facility, and may
515 present his or her own witnesses. However, the court may waive
516 the presence of the inmate at the hearing if such waiver is
517 consistent with the best interests of the inmate and the
518 inmate's counsel does not object. One of the inmate's physicians
519 whose opinion supported the petition shall appear as a witness
520 at the hearing.

521 (b)(c) At the hearing on the issue of whether the court
522 should authorize treatment for which an inmate has refused to
523 give express and informed consent, the court shall determine by
524 clear and convincing evidence whether the inmate is mentally ill
525 as defined in this chapter; whether such treatment is essential
526 to the care of the inmate; and whether the treatment is
527 experimental or presents an unreasonable risk of serious,
528 hazardous, or irreversible side effects. In arriving at the

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529 substitute judgment decision, the court must consider at least
530 the following:

- 531 1. The inmate's expressed preference regarding treatment;
- 532 2. The probability of adverse side effects;
- 533 3. The prognosis for the inmate without treatment; and
- 534 4. The prognosis for the inmate with treatment.

535
~~536 The inmate and the inmate's representative shall be provided
537 with a copy of the petition and the date, time, and location of
538 the hearing. The inmate may have an attorney represent him or
539 her at the hearing, and, if the inmate is indigent, the court
540 shall appoint the office of the public defender to represent him
541 or her at the hearing. The inmate may testify or not, as he or
542 she chooses, may cross examine witnesses testifying on behalf of
543 the facility, and may present his or her own witnesses.~~

544 (c) An order authorizing involuntary treatment shall allow
545 such treatment for a period not to exceed 90 days following the
546 date of the order. Unless the court is notified in writing that
547 the inmate has provided express and informed consent in writing,
548 that the inmate has been transferred to another institution of
549 the department, or that the inmate is no longer in need of
550 treatment, the warden shall, prior to the expiration of the
551 initial 90-day order, petition the court for an order
552 authorizing the continuation of treatment for another 90-day
553 period. This procedure shall be repeated until the inmate
554 provides express and informed consent or is no longer in need of
555 treatment. Treatment may be continued pending a hearing after
556 the timely filing of any petition.

557 (5) PROCEDURE FOR EMERGENCY TREATMENT.--In an emergency
558 situation in which there is immediate danger to the health and

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559 safety of an inmate or other inmates, emergency treatment may be
560 provided at a mental health treatment facility upon the written
561 order of a physician for a period not to exceed 48 hours,
562 excluding weekends and legal holidays. If, after the 48-hour
563 period, the inmate has not given express and informed consent to
564 the treatment initially refused, the warden shall, within 48
565 hours, excluding weekends and legal holidays, petition the
566 circuit court, in accordance with the procedures described in
567 this section, for an order authorizing the continued treatment
568 of the inmate. In the interim, treatment may be continued upon
569 the written order of a physician who has determined that the
570 emergency situation continues to present a danger to the safety
571 of the inmate or others. If an inmate must be isolated for
572 mental health purposes, that decision must be reviewed within 72
573 hours by a different psychological professional or a physician
574 other than the one making the original placement.

575 ~~(6)(d)~~ EMERGENCY TREATMENT.--In addition to the other
576 above provisions of this section for mental health treatment,
577 when the consent permission of the inmate cannot be obtained,
578 the warden of a mental health treatment facility, or his or her
579 designated representative, with the concurrence of the inmate's
580 attending physician, may authorize emergency surgical or
581 nonpsychiatric medical treatment if such treatment is deemed
582 lifesaving or there is a situation threatening serious bodily
583 harm to the inmate.

584 ~~(3)~~ STATUS OF INMATE. ~~An inmate receiving mental health~~
585 ~~treatment shall be subject to the same standards applied to~~
586 ~~other inmates in the department, including, but not limited to,~~
587 ~~consideration for parole, release by reason of gain time~~

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588 ~~allowances as provided for in s. 944.291, and release by~~
589 ~~expiration of sentence.~~

590 Section 19. Section 945.49, Florida Statutes, is amended
591 to read:

592 945.49 Operation and administration.--

593 (1) ADMINISTRATION.--The department is authorized to
594 contract with the appropriate entities, agencies, persons, and
595 local governing bodies to provide mental health services
596 pursuant to ss. 945.40-945.49.

597 (2) RULES.--The department, in cooperation with the Mental
598 Health Program Office of the Department of Children and Family
599 Services, shall adopt rules necessary for administration of ss.
600 945.40-945.49 in accordance with chapter 120.

601 (3) ORIENTATION AND TRAINING.--Correctional officers
602 employed by a mental health treatment facility shall receive
603 specialized training above and beyond that required for basic
604 certification pursuant to chapter 943. ~~Such training shall be in~~
605 ~~accordance with requirements of the Criminal Justice Standards~~
606 ~~and Training Commission.~~

607 (4) STATUS OF INMATE.--An inmate receiving mental health
608 treatment shall be subject to the same standards applied to
609 other inmates in the department, including, but not limited to,
610 consideration for parole, release by reason of gain-time
611 allowances as provided for in s. 944.291, and release by
612 expiration of sentence. ~~ADMINISTRATIVE LAW JUDGES. One or more~~
613 ~~administrative law judges shall be assigned by the Division of~~
614 ~~Administrative Hearings to conduct hearings for continued~~
615 ~~placement.~~

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T I T L E A M E N D M E N T

Remove line 62 and insert:

Services; amending s. 120.57, F.S.; allowing administrative law judges to appoint private pro bono attorneys in the continued placement hearings of inmates; amending s. 945.41, F.S.; eliminating a requirement that the Department of Corrections contract with the Department of Children and Family Services to provide certain mental health services; authorizing the Department of Corrections to contract with other entities or persons to provide mental health services to inmates; amending s. 945.42, F.S.; revising definitions and defining the term "crisis stabilization care"; amending s. 945.43, F.S.; revising the procedures for placing an inmate in a mental health treatment facility; authorizing the court to waive the presence of the inmate at the hearing on the inmate's placement; amending s. 945.44, F.S.; providing for the emergency placement of an inmate in a mental health treatment facility; amending s. 945.45, F.S.; revising the provisions governing the continued placement of an inmate in a mental health treatment facility; providing that the administrative law judge may waive the presence of the inmate at the hearing under certain conditions; amending s. 945.46, F.S.; authorizing the warden to initiate procedures for the involuntary examination of an inmate who has a mental illness and meets certain criteria; amending s. 945.47, F.S.; providing for the transfer of an inmate who is no longer in need of mental health treatment; deleting certain provisions governing involuntary placement; requiring that a summary of the inmate's treatment be provided to the Parole Commission and the Department of Children and Family Services upon request;

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648 amending s. 945.48, F.S.; revising the procedure for the
649 involuntary mental health treatment of an inmate; providing for
650 the warden of the institution containing the mental health
651 treatment facility to petition the circuit court for an order
652 authorizing involuntary treatment; providing requirements for
653 the hearing on involuntary treatment; limiting the period that
654 an order authorizing involuntary treatment is effective;
655 providing a procedure for emergency treatment; amending s.
656 945.49, F.S.; deleting a provision requiring that training
657 provided to correctional officers employed by a mental health
658 treatment facility be in accordance with the requirements of the
659 Criminal Justice Standards and Training Commission; providing an
660 effective date.

