



Criminal Justice Subcommittee

January 16, 2014

12:00 PM

404 HOB

Action Packet

**Will Weatherford
Speaker**

**Matt Gaetz
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

Summary:

Criminal Justice Subcommittee

Thursday January 16, 2014 12:00 pm

HB 73	Favorable With Committee Substitute Amendment 468089	Adopted Without Objection	Yeas: 12	Nays: 1
HB 161	Favorable		Yeas: 12	Nays: 1
HB 171	Favorable		Yeas: 11	Nays: 2
HB 427	Favorable		Yeas: 13	Nays: 0
HB 445	Favorable With Committee Substitute Amendment 686465	Adopted Without Objection	Yeas: 11	Nays: 2
HB 455	Favorable With Committee Substitute Amendment 573123	Adopted Without Objection	Yeas: 13	Nays: 0
PCB CRJS 14-03	Favorable		Yeas: 13	Nays: 0
PCB CRJS 14-04	Favorable With Amendments Amendment PCB CRJS 14-04 a1	Adopted Without Objection	Yeas: 13	Nays: 0
PCB CRJS 14-05	Favorable With Amendments Amendment PCB CRJS 14-05 a1	Adopted Without Objection	Yeas: 13	Nays: 0
PCB CRJS 14-06	Favorable		Yeas: 12	Nays: 0
PCB CRJS 14-07	Favorable With Amendments Amendment PCB CRJS 14-07 a1 Amendment PCB CRJS 14-07 a2 Amendment PCB CRJS 14-07 a8 Amendment PCB CRJS 14-07 a4 Amendment PCB CRJS 14-07 a5 Amendment PCB CRJS 14-07 a6 Amendment PCB CRJS 14-07 a7	Adopted Without Objection Adopted Without Objection Adopted Without Objection Adopted Without Objection Adopted Without Objection Adopted Without Objection Adopted Without Objection	Yeas: 12	Nays: 1

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Gaetz (Chair)	X		
Randolph Bracy	X		
Michael Clelland	X		
Dane Eagle	X		
James Grant	X		
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Dave Kerner	X		
Kionne McGhee	X		
Ray Pilon	X		
Irving Slosberg	X		
Charles Van Zant	X		
Totals:	13	0	0

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

HB 73 : Sexual Offenders

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 1			

HB 73 Amendments

Amendment 468089

Adopted Without Objection

Appearances:

HB 73

Burch Fort, Pamela (Lobbyist) - Opponent

ACLU

104 S Monroe St

Tallahassee FL 32301

Phone: (850) 425-1344

HB 73

Pitts, Brian (General Public) - Proponent

Trustee-Justice-2-Jesus

1119 Newton Avenue South

S. Petersburg Florida 33705

Phone: 727-897-9291

HB 73

Colletta, Gail (General Public) - Information Only

President, Florida Action Committee

7054 Palazzo Reale

Boynton Beach FL 33437

Phone: 561-305-4959



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

AWD 1/16/14

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Edwards offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (13) is added to section 947.1405,
8 Florida Statutes, to read:

9 947.1405 Conditional release program.—

10 (13) Effective for a releasee whose crime was committed on
11 or after October 1, 2014, in violation of chapter 794, s.
12 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition
13 to any other provision of this section, the commission must
14 impose a condition prohibiting the releasee from viewing,
15 accessing, owning, or possessing any obscene, pornographic, or
16 sexually stimulating visual or auditory material, unless
17 otherwise indicated in the treatment plan provided by a



Amendment No. 1

18 qualified practitioner in the sexual offender treatment program.
19 Visual or auditory material includes, but is not limited to,
20 telephone, electronic media, computer programs, and computer
21 services.

22 Section 2. Subsection (5) is added to section 948.30,
23 Florida Statutes, to read:

24 948.30 Additional terms and conditions of probation or
25 community control for certain sex offenses.—Conditions imposed
26 pursuant to this section do not require oral pronouncement at
27 the time of sentencing and shall be considered standard
28 conditions of probation or community control for offenders
29 specified in this section.

30 (5) Effective for a probationer or community controllee
31 whose crime was committed on or after October 1, 2014, and who
32 is placed on probation or community control for a violation of
33 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
34 847.0145, in addition to all other conditions imposed, the court
35 must impose a condition prohibiting the probationer or community
36 controllee from viewing, accessing, owning, or possessing any
37 obscene, pornographic, or sexually stimulating visual or
38 auditory material, unless otherwise indicated in the treatment
39 plan provided by a qualified practitioner in the sexual offender
40 treatment program. Visual or auditory material includes, but is
41 not limited to, telephone, electronic media, computer programs,
42 and computer services.

43 Section 3. This act shall take effect October 1, 2014.



Amendment No. 1

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

Between lines 2 and 3, insert:

947.1405, F.S.; prohibiting certain conditional releasees from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating material, regardless of such material's relevance to the offender's deviant behavior pattern; amending s.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

HB 161 : Indecent Exposure

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

HB 161

Pitts, Brian (General Public) - Waive In Support
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

HB 161

Perkins, Lindsey (Lobbyist) - Waive In Support
Florida Sheriffs Association
2617 Mahan Dr
Tallahassee FL 32308
Phone: 850)671-4401

HB 161

LeValley, Paul (General Public) - Opponent
Tallahassee Naturally
909 Still Court
Tallahassee FL 32310
Phone: 850-222-1886

HB 161

Shiple, Mark (General Public) - Opponent
2486 Giverny Circle
Tallahassee FL 32304
Phone: 850-894-4278

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

HB 171 : Public Assistance Fraud

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee		X			
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 11		Total Nays: 2			

Appearances:

HB 171

McFaddin, Logan (Lobbyist) (State Employee) - Waive In Support

Department of Financial Services

LL-26 Capitol

Tallahassee FL 32399

Phone: 850-413-2890

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

HB 427 : Traveling Across County Lines to Commit Felony Offenses

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

Appearances:

HB 427

Pitts, Brian (General Public) - Opponent

Trustee-Justice-2-Jesus

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Phone: 727-897-9291

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

HB 445 : Time Limitations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee		X			
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 11		Total Nays: 2			

HB 445 Amendments

Amendment 686465

Adopted Without Objection

Appearances:

HB 445

Perkins, Lindsey (Lobbyist) - Waive In Support
Florida Sheriffs Association
2617 Mahan Dr
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Phone: 850)671-4401

HB 445

Pitts, Brian (General Public) - Opponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

HB 445

Colletta, Gail (General Public) - Proponent
President, Florida Action Committee
7054 Palazzo Reale
Boynton Beach FL 33437
Phone: 561-305-4959



Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 without objection
1/16/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Nuñez offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (9) of section 95.11, Florida
8 Statutes, is amended to read:

9 95.11 Limitations other than for the recovery of real
10 property.—Actions other than for recovery of real property shall
11 be commenced as follows:

12 (9) SEXUAL ~~BATTERY~~ OFFENSES ON VICTIMS UNDER AGE 16.—

13 (a) An action related to an act constituting a violation of
14 s. 794.011 involving a victim who was under the age of 16 at the
15 time of the act may be commenced at any time. This subsection
16 applies to any such action other than one which would have been
17 time barred on or before July 1, 2010.



Amendment No. 1

18 (b) An action related to an act constituting a violation of
19 s. 800.04 involving a victim who was under the age of 16 at the
20 time of the act may be commenced at any time. This subsection
21 applies to any such action other than one which would have been
22 time barred on or before October 1, 2014.

23 Section 2. Subsection (18) is added to section 775.15,
24 Florida Statutes, to read:

25 775.15 Time limitations; general time limitations;
26 exceptions.-

27 (18) If the offense is a violation of s. 800.04 and the
28 victim was under 16 years of age at the time the offense was
29 committed, a prosecution of the offense may be commenced at any
30 time. This subsection applies to any offense that is not
31 otherwise barred from prosecution on or after October 1, 2014.

32 Section 3. This act shall take effect October 1, 2014.

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

37 Remove everything before the enacting clause and insert:
38 An act relating to time limitations; amending ss. 95.11 and
39 775.15, F.S.; eliminating statutes of limitations to the
40 institution of civil or criminal actions relating to lewd and
41 lascivious offenses if the victim was under 16 at the time of
42 the offense; providing applicability; providing an effective
43 date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

HB 455 : Restitution for Juvenile Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 455 Amendments

Amendment 573123

Adopted Without Objection

Appearances:

HB 455

Pitts, Brian (General Public) - Waive In Support

Trustee-Justice-2-Jesus

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Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 without objection
1/16/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Eagle offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 19-60 and insert:

7 Section 1. Paragraph (a) of subsection (4) of section
8 985.35, Florida Statutes, is amended to read:

9 985.35 Adjudicatory hearings; withheld adjudications;
10 orders of adjudication.—

11 (4) If the court finds that the child named in the
12 petition has committed a delinquent act or violation of law, it
13 may, in its discretion, enter an order stating the facts upon
14 which its finding is based but withholding adjudication of
15 delinquency.

16 (a) Upon withholding adjudication of delinquency, the
17 court may place the child in a probation program under the



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18 supervision of the department or under the supervision of any
19 other person or agency specifically authorized and appointed by
20 the court. The court may, as a condition of the program, impose
21 as a penalty component restitution in money or in kind to be
22 made by the child and the child's parent or guardian as defined
23 in s. 985.437, community service, a curfew, urine monitoring,
24 revocation or suspension of the driver's license of the child,
25 or other nonresidential punishment appropriate to the offense,
26 and may impose as a rehabilitative component a requirement of
27 participation in substance abuse treatment, or school or other
28 educational program attendance.

29 Section 2. Subsection (5) of section 985.437, Florida
30 Statutes, is renumbered as subsection (7), subsections (1), (2),
31 and (4) are amended, and new subsections (5) and (6) are added
32 to that section, to read:

33 985.437 Restitution.—

34 (1) Notwithstanding whether adjudication is imposed or
35 withheld, the court that has jurisdiction over a ~~an adjudicated~~
36 ~~delinquent~~ child may, by an order stating the facts upon which a
37 determination of a sanction and rehabilitative program was made
38 at the disposition hearing, order the child and the child's
39 parent or guardian to make restitution in the manner provided in
40 this section. This order shall be part of the child's probation
41 program to be implemented by the department or, in the case of a
42 committed child, as part of the community-based sanctions



Amendment No. 1

43 ordered by the court at the disposition hearing or before the
44 child's release from commitment.

45 (2) If the court orders restitution, the court shall ~~may~~
46 order the child and the child's parent or guardian to make
47 restitution in money, through a promissory note ~~assigned by the~~
48 ~~child's parent or guardian, or in kind for any damage or loss~~
49 caused by the child's offense in a reasonable amount or manner
50 to be determined by the court. When restitution is ordered by
51 the court, the amount of restitution may not exceed an amount
52 the child and the parent or guardian could reasonably be
53 expected to pay or make. If the child and the child's parent or
54 guardian are unable to pay the restitution in one lump-sum
55 payment, the court may set up a payment plan that reflects their
56 ability to pay the restitution amount.

57 (4) The parent or guardian may be absolved of liability
58 for restitution under this section, if:

59 (a) After a hearing, the court finds that it is the
60 child's first referral to the delinquency system and ~~A finding~~
61 ~~by the court, after a hearing,~~ that the parent or guardian has
62 made diligent and good faith efforts to prevent the child from
63 engaging in delinquent acts; or

64 (b) The victim entitled to restitution as a result of
65 damage or loss caused by the child's offense is that child's
66 parent or guardian absolves the parent or guardian of liability
67 ~~for restitution under this section.~~



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68 (5) Notwithstanding circumstances where one parent or
69 guardian has sole parental responsibility of the child, the
70 court has the authority to order both parents or guardians
71 liable for the restitution associated with the child's case.

72 (6) For purposes of this section, the Department of
73 Children and Families, a foster parent with whom the child is
74 placed, or the community-based care lead agency supervising the
75 placement of the child pursuant to a contract with the
76 Department of Children and Families are not considered a
77 guardian responsible for restitution for the delinquent acts of
78 a child who is found to be dependent as defined in s. 39.01(5).

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

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Remove lines 3-9 and insert:

amending s. 985.35, F.S.; conforming language to changes made in
the act; amending s. 985.437, F.S.; requiring a child's parent
or guardian, in addition to the child, to make restitution for
damage or loss caused by the child's offense; providing for
payment plans in certain circumstances; authorizing the parent
or guardian to be absolved of liability for restitution in
certain circumstances; providing the court may order both
parents or guardians liable for the child's restitution



Amendment No. 1

93 | regardless of one parent having sole parental responsibility;
94 | specifying that the Department of
95 |

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 14-03 : Sexually Violent Predator Program

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

PCB CRJS 14-03

Perkins, Lindsey (Lobbyist) - Waive In Support

Florida Sheriffs Association

2617 Mahan Dr

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 14-04 : Sexual Offenders

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

PCB CRJS 14-04 Amendments

Amendment PCB CRJS 14-04 a1

Adopted Without Objection

Appearances:

PCB CRJS 14-04

Pitts, Brian (General Public) - Waive In Support
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PCB CRJS 14-04

Perkins, Lindsey (Lobbyist) - Waive In Support
Florida Sheriffs Association
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Tallahassee FL 32308
Phone: 850)671-4401



Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Without Objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
 2 Subcommittee
 3 Representative Eagle offered the following:

Amendment

Remove lines 78-1432 and insert:

7 Section 1. Paragraph (i) of subsection (2) is amended to
 8 read, paragraph (n) of subsection (2) is created to read, and
 9 paragraph (a) of subsection (4), paragraph (b) of subsection
 10 (5), subsections (6) and (8), and paragraph (a) of subsection
 11 (10) of section 775.21, Florida Statutes, are amended to read:

12 775.21 The Florida Sexual Predators Act.—

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

14 (i) "Internet identifier ~~Instant message name~~" means all
 15 electronic mail, chat, instant messenger, social networking,
 16 application software "apps," or similar name used for Internet
 17 communication, but does not include a date of birth, social

PCB CRJS 14-04 a1

Published On: 1/15/2014 6:46:26 PM



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18 security number, or personal identification number (PIN).
19 Voluntary disclosure by the sexual predator of his or her date
20 of birth, social security number, or personal identification
21 number (PIN) as an Internet identifier waives the disclosure
22 exemption in this paragraph for such personal information an
23 identifier that allows a person to communicate in real time with
24 another person using the Internet.

25 (n) "Vehicles owned" means any motor vehicle, as defined in
26 s. 320.01, that is registered, co-registered, leased, titled, or
27 rented by a sexual predator; a rented vehicle with a sexual
28 predator as an authorized driver; or a vehicle in which a sexual
29 predator is insured as a driver.

30 (4) SEXUAL PREDATOR CRITERIA.—

31 (a) For a current offense committed on or after October 1,
32 1993, upon conviction, an offender shall be designated as a
33 "sexual predator" under subsection (5), and subject to
34 registration under subsection (6) and community and public
35 notification under subsection (7) if:

36 1. The felony is:

37 a. A capital, life, or first-degree felony violation, or
38 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
39 is a minor and the defendant is not the victim's parent or
40 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
41 violation of a similar law of another jurisdiction; or

42 b. Any felony violation, or any attempt thereof, of s.
43 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.

PCB CRJS 14-04 a1

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Amendment No. 1

44 787.025(2)(c), where the victim is a minor and the defendant is
45 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
46 (g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s.
47 796.03; s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; ~~s.~~
48 ~~825.1025(2)(b)~~; s. 827.071; s. 847.0135~~(5)~~, excluding s.
49 847.0135(6); s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a
50 violation of a similar law of another jurisdiction, and the
51 offender has previously been convicted of or found to have
52 committed, or has pled nolo contendere or guilty to, regardless
53 of adjudication, any violation of s. 393.135(2); s. 394.4593(2);
54 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
55 minor and the defendant is not the victim's parent or guardian;
56 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
57 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
58 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
59 847.0135(6); s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a
60 violation of a similar law of another jurisdiction;

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

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

67 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
68 as a sexual predator as follows:

69 (b) If a sexual predator is not sentenced to a term of



Amendment No. 1

70 imprisonment, the clerk of the court shall ensure that the
71 sexual predator's fingerprints are taken and forwarded to the
72 department within 48 hours after the court renders its written
73 sexual predator finding. The fingerprints shall be clearly
74 marked, "Sexual Predator Registration." The clerk of the court
75 that convicts and sentences the sexual predator for the offense
76 or offenses described in subsection (4) shall forward to the
77 department and to the Department of Corrections a certified copy
78 of any order entered by the court imposing any special condition
79 or restriction on the sexual predator that restricts or
80 prohibits access to the victim, if the victim is a minor, or to
81 other minors.

82 (6) REGISTRATION.—

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

86 1. Name; social security number; age; race; sex; date of
87 birth; height; weight; tattoos or other identifying marks; hair
88 and eye color; photograph; address of legal residence and
89 address of any current temporary residence, within the state or
90 out of state, including a rural route address and a post office
91 box; if no permanent or temporary address, any transient
92 residence within the state; address, location or description,
93 and dates of any current or known future temporary residence
94 within the state or out of state; all any electronic mail
95 addresses ~~address~~ and all Internet identifiers ~~any instant~~

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96 ~~message name~~ required to be provided pursuant to subparagraph
97 (g)4.; all home telephone numbers number and any cellular
98 telephone numbers number; date and place of any employment; the
99 make, model, color, vehicle identification number (VIN), and
100 license tag number of all vehicles owned; date and place of each
101 conviction; fingerprints; palm prints; and a brief description
102 of the crime or crimes committed by the offender. A post office
103 box shall not be provided in lieu of a physical residential
104 address. The sexual predator must also produce his or her
105 passport, if he or she has a passport, and, if he or she is an
106 alien, must produce or provide information about documents
107 establishing his or her immigration status. The sexual predator
108 must also provide information about any professional licenses
109 that he or she may have.

110 a. If the sexual predator's place of residence is a motor
111 vehicle, trailer, mobile home, or manufactured home, as defined
112 in chapter 320, the sexual predator shall also provide to the
113 department written notice of the vehicle identification number;
114 the license tag number; the registration number; and a
115 description, including color scheme, of the motor vehicle,
116 trailer, mobile home, or manufactured home. If a sexual
117 predator's place of residence is a vessel, live-aboard vessel,
118 or houseboat, as defined in chapter 327, the sexual predator
119 shall also provide to the department written notice of the hull
120 identification number; the manufacturer's serial number; the
121 name of the vessel, live-aboard vessel, or houseboat; the

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122 registration number; and a description, including color scheme,
123 of the vessel, live-aboard vessel, or houseboat.

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

138 2. Any other information determined necessary by the
139 department, including criminal and corrections records;
140 nonprivileged personnel and treatment records; and evidentiary
141 genetic markers when available.

142 (b) If the sexual predator is in the custody or control
143 of, or under the supervision of, the Department of Corrections,
144 or is in the custody of a private correctional facility, the
145 sexual predator must register with the Department of
146 Corrections. A sexual predator who is under the supervision of
147 the Department of Corrections but who is not incarcerated must

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148 register with the Department of Corrections within 3 business
149 days after the court finds the offender to be a sexual predator.
150 The Department of Corrections shall provide to the department
151 registration information and the location of, and local
152 telephone number for, any Department of Corrections office that
153 is responsible for supervising the sexual predator. In addition,
154 the Department of Corrections shall notify the department if the
155 sexual predator escapes or absconds from custody or supervision
156 or if the sexual predator dies.

157 (c) If the sexual predator is in the custody of a local
158 jail, the custodian of the local jail shall register the sexual
159 predator within 3 business days after intake of the sexual
160 predator for any reason and upon release, and shall forward the
161 registration information to the department. The custodian of the
162 local jail shall also take a digitized photograph of the sexual
163 predator while the sexual predator remains in custody and shall
164 provide the digitized photograph to the department. The
165 custodian shall notify the department if the sexual predator
166 escapes from custody or dies.

167 (d) If the sexual predator is under federal supervision,
168 the federal agency responsible for supervising the sexual
169 predator may forward to the department any information regarding
170 the sexual predator which is consistent with the information
171 provided by the Department of Corrections under this section,
172 and may indicate whether use of the information is restricted to
173 law enforcement purposes only or may be used by the department

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174 for purposes of public notification.

175 (e)1. If the sexual predator is not in the custody or
176 control of, or under the supervision of, the Department of
177 Corrections or is not in the custody of a private correctional
178 facility, the sexual predator shall register in person:

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

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

185 2. Any change in the sexual predator's permanent or
186 temporary residence, name, ~~or any~~ electronic mail addresses, or
187 Internet identifiers address and any instant message name
188 required to be provided pursuant to subparagraph (g)4., after
189 the sexual predator registers in person at the sheriff's office
190 as provided in subparagraph 1., shall be accomplished in the
191 manner provided in paragraphs (g), (i), and (j). When a sexual
192 predator registers with the sheriff's office, the sheriff shall
193 take a photograph, ~~and a set of fingerprints, and palm prints~~ of
194 the predator and forward the photographs, palm prints, and
195 fingerprints to the department, along with the information that
196 the predator is required to provide pursuant to this section.

197 (f) Within 48 hours after the registration required under
198 paragraph (a) or paragraph (e), a sexual predator who is not
199 incarcerated and who resides in the community, including a

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200 sexual predator under the supervision of the Department of
201 Corrections, shall register in person at a driver ~~driver's~~
202 license office of the Department of Highway Safety and Motor
203 Vehicles and shall present proof of registration. At the driver
204 ~~driver's~~ license office the sexual predator shall:

205 1. If otherwise qualified, secure a Florida driver
206 ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or
207 secure an identification card. The sexual predator shall
208 identify himself or herself as a sexual predator who is required
209 to comply with this section, provide his or her place of
210 permanent, temporary, or transient residence, including a rural
211 route address and a post office box, and submit to the taking of
212 a photograph for use in issuing a driver ~~driver's~~ license,
213 renewed license, or identification card, and for use by the
214 department in maintaining current records of sexual predators. A
215 post office box shall not be provided in lieu of a physical
216 residential address. If the sexual predator's place of residence
217 is a motor vehicle, trailer, mobile home, or manufactured home,
218 as defined in chapter 320, the sexual predator shall also
219 provide to the Department of Highway Safety and Motor Vehicles
220 the vehicle identification number; the license tag number; the
221 registration number; and a description, including color scheme,
222 of the motor vehicle, trailer, mobile home, or manufactured
223 home. If a sexual predator's place of residence is a vessel,
224 live-aboard vessel, or houseboat, as defined in chapter 327, the
225 sexual predator shall also provide to the Department of Highway

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226 Safety and Motor Vehicles the hull identification number; the
227 manufacturer's serial number; the name of the vessel, live-
228 aboard vessel, or houseboat; the registration number; and a
229 description, including color scheme, of the vessel, live-aboard
230 vessel, or houseboat.

231 2. Pay the costs assessed by the Department of Highway
232 Safety and Motor Vehicles for issuing or renewing a driver
233 ~~driver's~~ license or identification card as required by this
234 section. The driver ~~driver's~~ license or identification card
235 issued to the sexual predator must be in compliance with s.
236 322.141(3).

237 3. Provide, upon request, any additional information
238 necessary to confirm the identity of the sexual predator,
239 including a set of fingerprints.

240 (g)1. Each time a sexual predator's driver ~~driver's~~
241 license or identification card is subject to renewal, and,
242 without regard to the status of the predator's driver ~~driver's~~
243 license or identification card, within 48 hours after any change
244 of the predator's residence or change in the predator's name by
245 reason of marriage or other legal process, the predator shall
246 report in person to a driver ~~driver's~~ license office and shall
247 be subject to the requirements specified in paragraph (f). The
248 Department of Highway Safety and Motor Vehicles shall forward to
249 the department and to the Department of Corrections all
250 photographs and information provided by sexual predators.
251 Notwithstanding the restrictions set forth in s. 322.142, the

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252 Department of Highway Safety and Motor Vehicles is authorized to
253 release a reproduction of a color-photograph or digital-image
254 license to the Department of Law Enforcement for purposes of
255 public notification of sexual predators as provided in this
256 section. A sexual predator who is unable to secure or update a
257 driver license or identification card with the Department of
258 Highway Safety and Motor Vehicles as provided in paragraph (f)
259 and this paragraph must also report any change of the predator's
260 residence or change in the predator's name by reason of marriage
261 or other legal process within 48 hours after the change to the
262 sheriff's office in the county where the predator resides or is
263 located and provide confirmation that he or she reported such
264 information to the Department of Highway Safety and Motor
265 Vehicles.

266 2. A sexual predator who vacates a permanent, temporary,
267 or transient residence and fails to establish or maintain
268 another permanent, temporary, or transient residence shall,
269 within 48 hours after vacating the permanent, temporary, or
270 transient residence, report in person to the sheriff's office of
271 the county in which he or she is located. The sexual predator
272 shall specify the date upon which he or she intends to or did
273 vacate such residence. The sexual predator must provide or
274 update all of the registration information required under
275 paragraph (a). The sexual predator must provide an address for
276 the residence or other place that he or she is or will be
277 located during the time in which he or she fails to establish or

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278 maintain a permanent or temporary residence.

279 3. A sexual predator who remains at a permanent,
280 temporary, or transient residence after reporting his or her
281 intent to vacate such residence shall, within 48 hours after the
282 date upon which the predator indicated he or she would or did
283 vacate such residence, report in person to the sheriff's office
284 to which he or she reported pursuant to subparagraph 2. for the
285 purpose of reporting his or her address at such residence. When
286 the sheriff receives the report, the sheriff shall promptly
287 convey the information to the department. An offender who makes
288 a report as required under subparagraph 2. but fails to make a
289 report as required under this subparagraph commits a felony of
290 the second degree, punishable as provided in s. 775.082, s.
291 775.083, or s. 775.084.

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

300 (h) The department must notify the sheriff and the state
301 attorney of the county and, if applicable, the police chief of
302 the municipality, where the sexual predator maintains a
303 residence.

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304 (i) A sexual predator who intends to establish a
305 permanent, temporary, or transient residence in another state or
306 jurisdiction other than the State of Florida shall report in
307 person to the sheriff of the county of current residence within
308 48 hours before the date he or she intends to leave this state
309 to establish residence in another state or jurisdiction or
310 within 21 days before his or her planned departure date if the
311 intended residence of 5 days or more is outside of the United
312 States. The sexual predator must provide to the sheriff the
313 address, municipality, county, ~~and~~ state, and country of
314 intended residence. The sheriff shall promptly provide to the
315 department the information received from the sexual predator.
316 The department shall notify the statewide law enforcement
317 agency, or a comparable agency, in the intended state, ~~or~~
318 jurisdiction, or country of residence of the sexual predator's
319 intended residence. The failure of a sexual predator to provide
320 his or her intended place of residence is punishable as provided
321 in subsection (10).

322 (j) A sexual predator who indicates his or her intent to
323 establish a permanent, temporary, or transient residence in
324 another state, a ~~or~~ jurisdiction other than the State of
325 Florida, or another country and later decides to remain in this
326 state shall, within 48 hours after the date upon which the
327 sexual predator indicated he or she would leave this state,
328 report in person to the sheriff to which the sexual predator
329 reported the intended change of residence, and report his or her

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330 intent to remain in this state. If the sheriff is notified by
331 the sexual predator that he or she intends to remain in this
332 state, the sheriff shall promptly report this information to the
333 department. A sexual predator who reports his or her intent to
334 establish a permanent, temporary, or transient residence in
335 another state, a ~~ex~~ jurisdiction other than the State of
336 Florida, or another country, but who remains in this state
337 without reporting to the sheriff in the manner required by this
338 paragraph, commits a felony of the second degree, punishable as
339 provided in s. 775.082, s. 775.083, or s. 775.084.

340 (k)1. The department is responsible for the online
341 maintenance of current information regarding each registered
342 sexual predator. The department must maintain hotline access for
343 state, local, and federal law enforcement agencies to obtain
344 instantaneous locator file and offender characteristics
345 information on all released registered sexual predators for
346 purposes of monitoring, tracking, and prosecution. The
347 photograph and fingerprints do not have to be stored in a
348 computerized format.

349 2. The department's sexual predator registration list,
350 containing the information described in subparagraph (a)1., is a
351 public record. The department is authorized to disseminate this
352 public information by any means deemed appropriate, including
353 operating a toll-free telephone number for this purpose. When
354 the department provides information regarding a registered
355 sexual predator to the public, department personnel must advise

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356 the person making the inquiry that positive identification of a
357 person believed to be a sexual predator cannot be established
358 unless a fingerprint comparison is made, and that it is illegal
359 to use public information regarding a registered sexual predator
360 to facilitate the commission of a crime.

361 3. The department shall adopt guidelines as necessary
362 regarding the registration of sexual predators and the
363 dissemination of information regarding sexual predators as
364 required by this section.

365 (1) A sexual predator must maintain registration with the
366 department for the duration of his or her life, unless the
367 sexual predator has received a full pardon or has had a
368 conviction set aside in a postconviction proceeding for any
369 offense that met the criteria for the sexual predator
370 designation.

371 (8) VERIFICATION.—The department and the Department of
372 Corrections shall implement a system for verifying the addresses
373 of sexual predators. The system must be consistent with the
374 provisions of the federal Adam Walsh Child Protection and Safety
375 Act of 2006 and any other federal standards applicable to such
376 verification or required to be met as a condition for the
377 receipt of federal funds by the state. The Department of
378 Corrections shall verify the addresses of sexual predators who
379 are not incarcerated but who reside in the community under the
380 supervision of the Department of Corrections and shall report to
381 the department any failure by a sexual predator to comply with

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382 registration requirements. County and local law enforcement
383 agencies, in conjunction with the department, shall verify the
384 addresses of sexual predators who are not under the care,
385 custody, control, or supervision of the Department of
386 Corrections. Local law enforcement agencies shall report to the
387 department any failure by a sexual predator to comply with
388 registration requirements.

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

398 1. Name; social security number; age; race; sex; date of
399 birth; height; weight; tattoos or other identifying marks; hair
400 and eye color; address of any permanent residence and address of
401 any current temporary residence, within the state or out of
402 state, including a rural route address and a post office box; if
403 no permanent or temporary address, any transient residence
404 within the state; address, location or description, and dates of
405 any current or known future temporary residence within the state
406 or out of state; any electronic mail addresses or Internet
407 identifiers ~~address and any instant message name~~ required to be

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408 provided pursuant to subparagraph (6)(g)4.; home telephone
409 numbers or number and any cellular telephone numbers number;
410 date and place of any employment; the vehicle make, model,
411 color, vehicle identification number (VIN), and license tag
412 number of all vehicles owned; fingerprints; palm prints; and
413 photograph. A post office box shall not be provided in lieu of a
414 physical residential address. The sexual predator must also
415 produce his or her passport, if he or she has a passport, and,
416 if he or she is an alien, must produce or provide information
417 about documents establishing his or her immigration status. The
418 sexual predator must also provide information about any
419 professional licenses that he or she may have.

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

426 3. If the sexual predator's place of residence is a motor
427 vehicle, trailer, mobile home, or manufactured home, as defined
428 in chapter 320, the sexual predator shall also provide the
429 vehicle identification number; the license tag number; the
430 registration number; and a description, including color scheme,
431 of the motor vehicle, trailer, mobile home, or manufactured
432 home. If the sexual predator's place of residence is a vessel,
433 live-aboard vessel, or houseboat, as defined in chapter 327, the

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434 sexual predator shall also provide the hull identification
435 number; the manufacturer's serial number; the name of the
436 vessel, live-aboard vessel, or houseboat; the registration
437 number; and a description, including color scheme, of the
438 vessel, live-aboard vessel, or houseboat.

439 (b) The sheriff's office shall, within 2 working days,
440 electronically submit and update all information provided by the
441 sexual predator to the department in a manner prescribed by the
442 department.

443 (10) PENALTIES.—

444 (a) Except as otherwise specifically provided, a sexual
445 predator who fails to register; who fails, after registration,
446 to maintain, acquire, or renew a driver ~~driver's~~ license or
447 identification card; who fails to provide required location
448 information, electronic mail address information before use,
449 Internet identifier ~~instant message name~~ information before use,
450 all home telephone numbers ~~number~~ and any cellular telephone
451 numbers ~~number~~, or change-of-name information; who fails to make
452 a required report in connection with vacating a permanent
453 residence; who fails to reregister as required; who fails to
454 respond to any address verification correspondence from the
455 department within 3 weeks of the date of the correspondence; who
456 knowingly provides false registration information by act or
457 omission; or who otherwise fails, by act or omission, to comply
458 with the requirements of this section, commits a felony of the
459 third degree, punishable as provided in s. 775.082, s. 775.083,

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460 or s. 775.084.

461 Section 2. Paragraphs (a) and (g) of subsection (1) are
462 amended, paragraph (h) of subsection (1) is added, and
463 subsection (2), paragraphs (a) and (d) of subsection (4),
464 subsections (7), (8) and (11), and paragraphs (b) and (c) of
465 subsection (14) of section 943.0435, Florida Statutes, are
466 amended to read:

467 943.0435 Sexual offenders required to register with the
468 department; penalty.-

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

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

473 a.(I) Has been convicted of committing, or attempting,
474 soliciting, or conspiring to commit, any of the criminal
475 offenses proscribed in the following statutes in this state or
476 similar offenses in another jurisdiction: s. 393.135(2); s.
477 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
478 the victim is a minor and the defendant is not the victim's
479 parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s.
480 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
481 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
482 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
483 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
484 similar offense committed in this state which has been
485 redesignated from a former statute number to one of those listed

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486 in this sub-sub-subparagraph; and

487 (II) Has been released on or after October 1, 1997, from
488 the sanction imposed for any conviction of an offense described
489 in sub-sub-subparagraph (I). For purposes of sub-sub-
490 subparagraph (I), a sanction imposed in this state or in any
491 other jurisdiction includes, but is not limited to, a fine,
492 probation, community control, parole, conditional release,
493 control release, or incarceration in a state prison, federal
494 prison, private correctional facility, or local detention
495 facility;

496 b. Establishes or maintains a residence in this state and
497 who has not been designated as a sexual predator by a court of
498 this state but who has been designated as a sexual predator, as
499 a sexually violent predator, or by another sexual offender
500 designation in another state or jurisdiction and was, as a
501 result of such designation, subjected to registration or
502 community or public notification, or both, or would be if the
503 person were a resident of that state or jurisdiction, without
504 regard to whether the person otherwise meets the criteria for
505 registration as a sexual offender;

506 c. Establishes or maintains a residence in this state who
507 is in the custody or control of, or under the supervision of,
508 any other state or jurisdiction as a result of a conviction for
509 committing, or attempting, soliciting, or conspiring to commit,
510 any of the criminal offenses proscribed in the following
511 statutes or similar offense in another jurisdiction: s.

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512 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
513 787.025(2)(c), where the victim is a minor and the defendant is
514 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
515 (g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s.
516 796.03; s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
517 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
518 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
519 985.701(1); or any similar offense committed in this state which
520 has been redesignated from a former statute number to one of
521 those listed in this sub-subparagraph; or

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

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

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

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

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

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

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538 the offender at the time of the offense.

539

540 For each violation of a qualifying offense listed in this
541 subsection, except for a violation of s. 794.011, the court
542 shall make a written finding of the age of the victim at the
543 time of the offense. For a violation of s. 800.04(4), the court
544 shall also additionally make a written finding indicating
545 whether that the offense involved ~~did or did not~~ involve sexual
546 activity and indicating whether that the offense involved ~~did or~~
547 ~~did not~~ involve force or coercion. For a violation of s.
548 800.04(5), the court shall also additionally make a written
549 finding that the offense did or did not involve unclothed
550 genitals or genital area and that the offense did or did not
551 involve the use of force or coercion.

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

556 (h) "Vehicles owned" means any motor vehicle, as defined in
557 s. 320.01, that is registered, co-registered, leased, titled, or
558 rented by a sexual offender; a rented vehicle with a sexual
559 offender as an authorized driver; or a vehicle in which a sexual
560 offender is insured as a driver.

561 (2) A sexual offender shall:

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

563 1. In the county in which the offender establishes or

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564 maintains a permanent, temporary, or transient residence within
565 48 hours after:

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

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

571 2. In the county where he or she was convicted within 48
572 hours after being convicted for a qualifying offense for
573 registration under this section if the offender is not in the
574 custody or control of, or under the supervision of, the
575 Department of Corrections, or is not in the custody of a private
576 correctional facility.

577

578 Any change in the information required to be provided pursuant
579 to paragraph (b), including, but not limited to, any change in
580 the sexual offender's permanent, temporary, or transient
581 residence, name, any electronic mail addresses, or Internet
582 identifiers ~~address and any instant message name~~ required to be
583 provided pursuant to paragraph (4) (d), after the sexual offender
584 reports in person at the sheriff's office, shall be accomplished
585 in the manner provided in subsections (4), (7), and (8).

586 (b) Provide his or her name; date of birth; social
587 security number; race; sex; height; weight; hair and eye color;
588 tattoos or other identifying marks; fingerprints; palm prints;
589 photograph; occupation and place of employment; address of

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590 permanent or legal residence or address of any current temporary
591 residence, within the state or out of state, including a rural
592 route address and a post office box; if no permanent or
593 temporary address, any transient residence within the state,
594 address, location or description, and dates of any current or
595 known future temporary residence within the state or out of
596 state; the make, model, color, vehicle identification number
597 (VIN), and license tag number of all vehicles owned; all home
598 telephone numbers number and any cellular telephone numbers
599 number; all any electronic mail addresses address and all
600 Internet identifiers any instant message name required to be
601 provided pursuant to paragraph (4) (d); date and place of each
602 conviction; and a brief description of the crime or crimes
603 committed by the offender. A post office box shall not be
604 provided in lieu of a physical residential address. The sexual
605 offender must also produce his or her passport, if he or she has
606 a passport, and, if he or she is an alien, must produce or
607 provide information about documents establishing his or her
608 immigration status. The sexual offender must also provide
609 information about any professional licenses that he or she may
610 have.

611 1. If the sexual offender's place of residence is a motor
612 vehicle, trailer, mobile home, or manufactured home, as defined
613 in chapter 320, the sexual offender shall also provide to the
614 department through the sheriff's office written notice of the
615 vehicle identification number; the license tag number; the

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616 registration number; and a description, including color scheme,
617 of the motor vehicle, trailer, mobile home, or manufactured
618 home. If the sexual offender's place of residence is a vessel,
619 live-aboard vessel, or houseboat, as defined in chapter 327, the
620 sexual offender shall also provide to the department written
621 notice of the hull identification number; the manufacturer's
622 serial number; the name of the vessel, live-aboard vessel, or
623 houseboat; the registration number; and a description, including
624 color scheme, of the vessel, live-aboard vessel, or houseboat.

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

637 (c) Provide any other information determined necessary by
638 the department, including criminal and corrections records;
639 nonprivileged personnel and treatment records; and evidentiary
640 genetic markers, when available.

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

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642 sheriff shall take a photograph, and a set of fingerprints, and
643 palm prints of the offender and forward the photographs, palm
644 prints, and fingerprints to the department, along with the
645 information provided by the sexual offender. The sheriff shall
646 promptly provide to the department the information received from
647 the sexual offender.

648 (4) (a) Each time a sexual offender's driver ~~driver's~~
649 license or identification card is subject to renewal, and,
650 without regard to the status of the offender's driver ~~driver's~~
651 license or identification card, within 48 hours after any change
652 in the offender's permanent, temporary, or transient residence
653 or change in the offender's name by reason of marriage or other
654 legal process, the offender shall report in person to a driver
655 ~~driver's~~ license office, and shall be subject to the
656 requirements specified in subsection (3). The Department of
657 Highway Safety and Motor Vehicles shall forward to the
658 department all photographs and information provided by sexual
659 offenders. Notwithstanding the restrictions set forth in s.
660 322.142, the Department of Highway Safety and Motor Vehicles is
661 authorized to release a reproduction of a color-photograph or
662 digital-image license to the Department of Law Enforcement for
663 purposes of public notification of sexual offenders as provided
664 in this section and ss. 943.043 and 944.606. A sexual offender
665 who is unable to secure or update a driver license or
666 identification card with the Department of Highway Safety and
667 Motor Vehicles as provided in subsection (3) and this subsection

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668 must also report any change in the sexual offender's permanent,
669 temporary, or transient residence or change in the offender's
670 name by reason of marriage or other legal process within 48
671 hours after the change to the sheriff's office in the county
672 where the offender resides or is located and provide
673 confirmation that he or she reported such information to the
674 Department of Highway Safety and Motor Vehicles.

675 (d) A sexual offender must register all any electronic
676 mail addresses and Internet identifiers ~~address or instant~~
677 ~~message name~~ with the department before using such electronic
678 mail addresses and Internet identifiers ~~address or instant~~
679 ~~message name~~. The department shall establish an online system
680 through which sexual offenders may securely access and update
681 all electronic mail address and Internet identifier ~~instant~~
682 ~~message name~~ information.

683 (7) A sexual offender who intends to establish a
684 permanent, temporary, or transient residence in another state or
685 jurisdiction other than the State of Florida shall report in
686 person to the sheriff of the county of current residence within
687 48 hours before the date he or she intends to leave this state
688 to establish residence in another state or jurisdiction or
689 within 21 days before his or her planned departure date if the
690 intended residence of 5 days or more is outside of the United
691 States. The notification must include the address, municipality,
692 county, ~~and state,~~ and country of intended residence. The
693 sheriff shall promptly provide to the department the information

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694 received from the sexual offender. The department shall notify
695 the statewide law enforcement agency, or a comparable agency, in
696 the intended state, ~~ex~~ jurisdiction, or country of residence of
697 the sexual offender's intended residence. The failure of a
698 sexual offender to provide his or her intended place of
699 residence is punishable as provided in subsection (9).

700 (8) A sexual offender who indicates his or her intent to
701 establish a permanent, temporary, or transient residence in
702 another state, a ~~ex~~ jurisdiction other than the State of
703 Florida, or another country and later decides to remain in this
704 state shall, within 48 hours after the date upon which the
705 sexual offender indicated he or she would leave this state,
706 report in person to the sheriff to which the sexual offender
707 reported the intended change of permanent, temporary, or
708 transient residence, and report his or her intent to remain in
709 this state. The sheriff shall promptly report this information
710 to the department. A sexual offender who reports his or her
711 intent to establish a permanent, temporary, or transient
712 residence in another state, a ~~ex~~ jurisdiction other than the
713 State of Florida, or another country but who remains in this
714 state without reporting to the sheriff in the manner required by
715 this subsection commits a felony of the second degree,
716 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

717 (11) Except as provided in s. 943.04354, a sexual offender
718 must maintain registration with the department for the duration
719 of his or her life, unless the sexual offender has received a

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720 full pardon or has had a conviction set aside in a
721 postconviction proceeding for any offense that meets the
722 criteria for classifying the person as a sexual offender for
723 purposes of registration. However, a sexual offender:

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

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

730 b. For a violation of s. 794.011, excluding s.
731 794.011(10);

732 c. For a violation of s. 800.04(4)(b) where the court
733 finds the offense involved a victim under 12 years of age or
734 sexual activity by the use of force or coercion;

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

736 e. For a violation of s. 800.04(5)c.2. where the court
737 finds the offense involved the use of force or coercion and
738 unclothed genitals or genital area;

739 f. For any attempt or conspiracy to commit any such
740 offense; ~~or~~

741 g. For a violation of similar law of another jurisdiction;
742 or

743 h. For a violation of a similar offense committed in this
744 state which has been redesignated from a former statute number
745 to one of those listed in this paragraph,

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746
747 may petition the criminal division of the circuit court of the
748 circuit in which the sexual offender resides, previously
749 resided, or in the county where the conviction or adjudication
750 for the qualifying offense occurred for the purpose of removing
751 the requirement for registration as a sexual offender.

752 2. The court may grant or deny relief if the offender
753 demonstrates to the court that he or she has not been arrested
754 for any crime since release; the requested relief complies with
755 the provisions of the federal Adam Walsh Child Protection and
756 Safety Act of 2006 and any other federal standards applicable to
757 the removal of registration requirements for a sexual offender
758 or required to be met as a condition for the receipt of federal
759 funds by the state; and the court is otherwise satisfied that
760 the offender is not a current or potential threat to public
761 safety. The state attorney in the circuit in which the petition
762 is filed must be given notice of the petition at least 3 weeks
763 before the hearing on the matter. The state attorney may present
764 evidence in opposition to the requested relief or may otherwise
765 demonstrate the reasons why the petition should be denied. If
766 the court denies the petition, the court may set a future date
767 at which the sexual offender may again petition the court for
768 relief, subject to the standards for relief provided in this
769 subsection.

770 3. The department shall remove an offender from
771 classification as a sexual offender for purposes of registration

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772 if the offender provides to the department a certified copy of
773 the court's written findings or order that indicates that the
774 offender is no longer required to comply with the requirements
775 for registration as a sexual offender.

776 4. For purposes of this paragraph:

777 a. The registration period of a sexual offender sentenced
778 to a term of incarceration or committed to a residential program
779 begins upon the offender's release from incarceration or
780 commitment for the most recent conviction that required the
781 offender to register.

782 b. A sexual offender's registration period is tolled during
783 any period in which the offender is incarcerated, civilly
784 committed, detained pursuant to chapter 985, or commitment to a
785 residential program.

786 (14)

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

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

791 2. Section 794.011, excluding s. 794.011(10);

792 3. Section 800.04(4)(b) where the court finds the offense
793 involved a victim under 12 years of age or sexual activity by
794 the use of force or coercion;

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

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

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798 6. Section 800.04(5)c.2. where the court finds molestation
799 involving the use of force or coercion and unclothed genitals or
800 genital area;

801 7. Section 800.04(5)(d) where the court finds the use of
802 force or coercion and unclothed genitals or genital area;

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

804 9. A violation of a similar law of another jurisdiction;
805 or

806 10. A violation of a similar offense committed in this
807 state which has been redesignated from a former statute number
808 to one of those listed in this paragraph,

809
810 must reregister each year during the month of the sexual
811 offender's birthday and every third month thereafter.

812 (c) The sheriff's office may determine the appropriate
813 times and days for reporting by the sexual offender, which shall
814 be consistent with the reporting requirements of this
815 subsection. Reregistration shall include any changes to the
816 following information:

817 1. Name; social security number; age; race; sex; date of
818 birth; height; weight; hair and eye color; address of any
819 permanent residence and address of any current temporary
820 residence, within the state or out of state, including a rural
821 route address and a post office box; if no permanent or
822 temporary address, any transient residence within the state;
823 address, location or description, and dates of any current or

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824 known future temporary residence within the state or out of
825 state; all any electronic mail addresses or Internet identifiers
826 address and any instant message name required to be provided
827 pursuant to paragraph (4)(d); home telephone numbers and number
828 and any cellular telephone numbers number; date and place of any
829 employment; the vehicle make, model, color, vehicle
830 identification number (VIN), and license tag number of all
831 vehicles owned; fingerprints; palm prints; and photograph. A
832 post office box may shall not be provided in lieu of a physical
833 residential address. The sexual offender must produce his or her
834 passport, if he or she has a passport, and, if he or she is an
835 alien, and must also produce or provide information about
836 documents establishing his or her immigration status. The sexual
837 offender must also provide information about any professional
838 licenses that he or she may have.

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

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

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

858 4. Any sexual offender who fails to report in person as
859 required at the sheriff's office, ~~or~~ who fails to respond to any
860 address verification correspondence from the department within 3
861 weeks of the date of the correspondence, ~~or~~ who fails to report
862 all electronic mail addresses and all Internet identifiers
863 before use ~~or instant message names,~~ or who knowingly provides
864 false registration information by act or omission commits a
865 felony of the third degree, punishable as provided in s.
866 775.082, s. 775.083, or s. 775.084.

867 Section 3. Section 943.04354, Florida Statutes, is amended
868 to read:

869 943.04354 Removal of the requirement to register as a
870 sexual offender or sexual predator in special circumstances.—

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

874 (a) Was ~~or will be~~ convicted, regardless of adjudication,
875 or adjudicated delinquent of a violation of s. 794.011, s.

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876 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in
877 another jurisdiction, ~~or the person committed a violation of s.~~
878 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~
879 ~~adjudication of guilt was or will be withheld, and the person~~
880 does not have any other conviction, regardless of adjudication,
881 or adjudication of delinquency, ~~or withhold of adjudication of~~
882 ~~guilt~~ for a violation of s. 794.011, s. 800.04, s. 827.071, or
883 s. 847.0135(5), or a similar offense in another jurisdiction;

884 (b)1. Was convicted, regardless of adjudication, or
885 adjudicated delinquent of an offense listed in paragraph (a) and
886 is required to register as a sexual offender or sexual predator
887 solely on the basis of this conviction or adjudication
888 violation; or and

889 2. Was convicted, regardless of adjudication, or
890 adjudicated delinquent of an offense in another jurisdiction
891 that is similar to an offense listed in paragraph (a) and no
892 longer meets the criteria for registration as a sexual offender
893 or sexual predator under the laws of the jurisdiction where the
894 similar offense occurred; and

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

899 (2) If a person meets the criteria in subsection (1) and
900 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
901 ~~847.0135(5) was committed on or after July 1, 2007, the person~~

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902 | may move the criminal court of the circuit in which the offense
903 | occurred or the sentencing court or, for persons convicted or
904 | adjudicated delinquent of a qualifying offense in another
905 | jurisdiction, the criminal circuit court of the circuit in which
906 | the person resides or previously resided ~~court that will~~
907 | ~~sentence or dispose of this violation~~ to remove the requirement
908 | that the person register as a sexual offender or sexual
909 | predator. The person must allege in the motion that he or she
910 | meets the criteria in subsection (1) and that removal of the
911 | registration requirement will not conflict with federal law.
912 | Persons convicted or adjudicated delinquent of an offense in
913 | another jurisdiction that is similar to an offense listed in
914 | paragraph (1)(a) must provide the court written confirmation
915 | that he or she is not required to register in the state where
916 | the conviction or adjudication occurred. The state attorney and
917 | the department must be given notice of the motion at least 21
918 | days before the date of sentencing, ~~or~~ disposition of the this
919 | violation, or hearing on the motion and may present evidence in
920 | opposition to the requested relief or may otherwise demonstrate
921 | why the motion should be denied. At sentencing, ~~or~~ disposition
922 | of the this violation, or hearing on the motion, the court shall
923 | rule on this motion and, if the court determines the person
924 | meets the criteria in subsection (1) and the removal of the
925 | registration requirement will not conflict with federal law, it
926 | may grant the motion and order the removal of the registration
927 | requirement. The court shall instruct the person to provide the

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928 department a certified copy of the order granting relief. If the
929 court denies the motion, the person is not authorized under this
930 section to file another motion ~~petition~~ for removal of the
931 registration requirement.

932 ~~(3) (a) This subsection applies to a person who:~~

933 ~~1. Is not a person described in subsection (2) because the~~
934 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
935 ~~committed on or after July 1, 2007;~~

936 ~~2. Is subject to registration as a sexual offender or~~
937 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~
938 ~~827.071; and~~

939 ~~3. Meets the criteria in subsection (1).~~

940 ~~(b) A person may petition the court in which the sentence~~
941 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~
942 ~~827.071 occurred for removal of the requirement to register as a~~
943 ~~sexual offender or sexual predator. The person must allege in~~
944 ~~the petition that he or she meets the criteria in subsection (1)~~
945 ~~and removal of the registration requirement will not conflict~~
946 ~~with federal law. The state attorney must be given notice of the~~
947 ~~petition at least 21 days before the hearing on the petition and~~
948 ~~may present evidence in opposition to the requested relief or~~
949 ~~may otherwise demonstrate why the petition should be denied. The~~
950 ~~court shall rule on the petition and, if the court determines~~
951 ~~the person meets the criteria in subsection (1) and removal of~~
952 ~~the registration requirement will not conflict with federal law,~~
953 ~~it may grant the petition and order the removal of the~~

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954 ~~registration requirement. If the court denies the petition, the~~
955 ~~person is not authorized under this section to file any further~~
956 ~~petition for removal of the registration requirement.~~

957 (3)(4) If a person provides to the Department of Law
958 Enforcement a certified copy of the court's order removing the
959 requirement that the person register as a sexual offender or
960 sexual predator for the violation of s. 794.011, s. 800.04, s.
961 827.071, or s. 847.0135(5), or a similar offense in another
962 jurisdiction, the registration requirement will not apply to the
963 person and the department shall remove all information about the
964 person from the public registry of sexual offenders and sexual
965 predators maintained by the department. However, the removal of
966 this information from the public registry does not mean that the
967 public is denied access to information about the person's
968 criminal history or record that is otherwise available as a
969 public record.

970 Section 4. Subsection (2) and paragraph (a) of subsection
971 (3) of section 943.0437, Florida Statutes, are amended to read:

972 943.0437 Commercial social networking websites.-

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

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980 potential users of the commercial social networking website
981 against the list of electronic mail addresses and Internet
982 identifiers ~~instant message names~~ provided by the department.

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

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

989 Section 5. Paragraphs (b) and (d) of subsection (1) and
990 paragraph (a) of subsection (3) of section 944.606, Florida
991 Statutes, are amended to read:

992 944.606 Sexual offenders; notification upon release.-

993 (1) As used in this section:

994 (b) "Sexual offender" means a person who has been
995 convicted of committing, or attempting, soliciting, or
996 conspiring to commit, any of the criminal offenses proscribed in
997 the following statutes in this state or similar offenses in
998 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
999 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1000 the defendant is not the victim's parent or guardian; s.
1001 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
1002 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1003 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1004 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1005 916.1075(2); or s. 985.701(1); or any similar offense committed

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1006 in this state which has been redesignated from a former statute
1007 number to one of those listed in this subsection, when the
1008 department has received verified information regarding such
1009 conviction; an offender's computerized criminal history record
1010 is not, in and of itself, verified information.

1011 (d) "Internet identifier ~~Instant message name~~" has the
1012 same meaning as provided in s. 775.21 ~~means an identifier that~~
1013 ~~allows a person to communicate in real time with another person~~
1014 ~~using the Internet.~~

1015 (3) (a) The department must provide information regarding
1016 any sexual offender who is being released after serving a period
1017 of incarceration for any offense, as follows:

1018 1. The department must provide: the sexual offender's
1019 name, any change in the offender's name by reason of marriage or
1020 other legal process, and any alias, if known; the correctional
1021 facility from which the sexual offender is released; the sexual
1022 offender's social security number, race, sex, date of birth,
1023 height, weight, and hair and eye color; address of any planned
1024 permanent residence or temporary residence, within the state or
1025 out of state, including a rural route address and a post office
1026 box; if no permanent or temporary address, any transient
1027 residence within the state; address, location or description,
1028 and dates of any known future temporary residence within the
1029 state or out of state; date and county of sentence and each
1030 crime for which the offender was sentenced; a copy of the
1031 offender's fingerprints, palm prints, and a digitized photograph

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1032 taken within 60 days before release; the date of release of the
1033 sexual offender; all any electronic mail addresses ~~address~~ and
1034 all Internet identifiers ~~any instant message name~~ required to be
1035 provided pursuant to s. 943.0435(4)(d); all and home telephone
1036 numbers ~~number~~ and any cellular telephone numbers; information
1037 about any professional licenses the offender may have, if known;
1038 and passport information, if he or she has a passport, and, if
1039 he or she is an alien, information about documents establishing
1040 his or her immigration status ~~number~~. The department shall
1041 notify the Department of Law Enforcement if the sexual offender
1042 escapes, absconds, or dies. If the sexual offender is in the
1043 custody of a private correctional facility, the facility shall
1044 take the digitized photograph of the sexual offender within 60
1045 days before the sexual offender's release and provide this
1046 photograph to the Department of Corrections and also place it in
1047 the sexual offender's file. If the sexual offender is in the
1048 custody of a local jail, the custodian of the local jail shall
1049 register the offender within 3 business days after intake of the
1050 offender for any reason and upon release, and shall notify the
1051 Department of Law Enforcement of the sexual offender's release
1052 and provide to the Department of Law Enforcement the information
1053 specified in this paragraph and any information specified in
1054 subparagraph 2. that the Department of Law Enforcement requests.

1055 2. The department may provide any other information deemed
1056 necessary, including criminal and corrections records,
1057 nonprivileged personnel and treatment records, when available.

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1058 Section 6. Paragraphs (a) and (f) of subsection (1) are
1059 amended, paragraph (g) of subsection (1) is added, and
1060 subsection (4), and paragraphs (b) and (c) of subsection (13) of
1061 section 944.607, Florida Statutes, are amended to read:

1062 944.607 Notification to Department of Law Enforcement of
1063 information on sexual offenders.-

1064 (1) As used in this section, the term:

1065 (a) "Sexual offender" means a person who is in the custody
1066 or control of, or under the supervision of, the department or is
1067 in the custody of a private correctional facility:

1068 1. On or after October 1, 1997, as a result of a
1069 conviction for committing, or attempting, soliciting, or
1070 conspiring to commit, any of the criminal offenses proscribed in
1071 the following statutes in this state or similar offenses in
1072 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1073 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1074 the defendant is not the victim's parent or guardian; s.
1075 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
1076 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1077 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1078 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1079 s. 916.1075(2); or s. 985.701(1); or any similar offense
1080 committed in this state which has been redesignated from a
1081 former statute number to one of those listed in this paragraph;
1082 or

1083 2. Who establishes or maintains a residence in this state

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1084 and who has not been designated as a sexual predator by a court
1085 of this state but who has been designated as a sexual predator,
1086 as a sexually violent predator, or by another sexual offender
1087 designation in another state or jurisdiction and was, as a
1088 result of such designation, subjected to registration or
1089 community or public notification, or both, or would be if the
1090 person were a resident of that state or jurisdiction, without
1091 regard as to whether the person otherwise meets the criteria for
1092 registration as a sexual offender.

1093 (f) "Internet identifier ~~Instant message name~~" has the
1094 same meaning as provided in s. 775.21 ~~means an identifier that~~
1095 ~~allows a person to communicate in real time with another person~~
1096 ~~using the Internet.~~

1097 (g) "Vehicles owned" has the same meaning as provided in s.
1098 943.0435.

1099 (4) A sexual offender, as described in this section, who
1100 is under the supervision of the Department of Corrections but is
1101 not incarcerated must register with the Department of
1102 Corrections within 3 business days after sentencing for a
1103 registrable offense and otherwise provide information as
1104 required by this subsection.

1105 (a) The sexual offender shall provide his or her name;
1106 date of birth; social security number; race; sex; height;
1107 weight; hair and eye color; tattoos or other identifying marks;
1108 all any electronic mail addresses ~~address~~ and all Internet
1109 identifiers ~~any instant message name~~ required to be provided

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1110 pursuant to s. 943.0435(4)(d); all home telephone numbers and
1111 cellular telephone numbers; the make, model, color, vehicle
1112 identification number (VIN), and license tag number of all
1113 vehicles owned; permanent or legal residence and address of
1114 temporary residence within the state or out of state while the
1115 sexual offender is under supervision in this state, including
1116 any rural route address or post office box; if no permanent or
1117 temporary address, any transient residence within the state; and
1118 address, location or description, and dates of any current or
1119 known future temporary residence within the state or out of
1120 state. The sexual offender must also produce his or her
1121 passport, if he or she has a passport, and, if he or she is an
1122 alien, must produce or provide information about documents
1123 establishing his or her immigration status. The sexual offender
1124 must also provide information about any professional licenses
1125 that he or she may have. The Department of Corrections shall
1126 verify the address of each sexual offender in the manner
1127 described in ss. 775.21 and 943.0435. The department shall
1128 report to the Department of Law Enforcement any failure by a
1129 sexual predator or sexual offender to comply with registration
1130 requirements.

1131 (b) If the sexual offender is enrolled, employed,
1132 volunteering, or carrying on a vocation at an institution of
1133 higher education in this state, the sexual offender shall
1134 provide the name, address, and county of each institution,
1135 including each campus attended, and the sexual offender's

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1136 enrollment, volunteer, or employment status. Each change in
1137 enrollment, volunteer, or employment status shall be reported to
1138 the department within 48 hours after the change in status. The
1139 Department of Corrections shall promptly notify each institution
1140 of the sexual offender's presence and any change in the sexual
1141 offender's enrollment, volunteer, or employment status.

1142 (13)

1143 (b) However, a sexual offender who is required to register
1144 as a result of a conviction for:

1145 1. Section 787.01 or s. 787.02 where the victim is a minor
1146 and the offender is not the victim's parent or guardian;

1147 2. Section 794.011, excluding s. 794.011(10);

1148 3. Section 800.04(4)(b) where the victim is under 12 years
1149 of age or where the court finds sexual activity by the use of
1150 force or coercion;

1151 4. Section 800.04(5)(b);

1152 5. Section 800.04(5)(c)1. where the court finds
1153 molestation involving unclothed genitals or genital area;

1154 6. Section 800.04(5)c.2. where the court finds molestation
1155 involving the use of force or coercion and unclothed genitals or
1156 genital area;

1157 7. Section 800.04(5)(d) where the court finds the use of
1158 force or coercion and unclothed genitals or genital area;

1159 8. Any attempt or conspiracy to commit such offense; ~~or~~

1160 9. A violation of a similar law of another jurisdiction;

1161 or

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1162 10. A violation of a similar offense committed in this
1163 state which has been redesignated from a former statute number
1164 to one of those listed in this paragraph,

1165

1166 must reregister each year during the month of the sexual
1167 offender's birthday and every third month thereafter.

1168 (c) The sheriff's office may determine the appropriate
1169 times and days for reporting by the sexual offender, which shall
1170 be consistent with the reporting requirements of this
1171 subsection. Reregistration shall include any changes to the
1172 following information:

1173 1. Name; social security number; age; race; sex; date of
1174 birth; height; weight; hair and eye color; address of any
1175 permanent residence and address of any current temporary
1176 residence, within the state or out of state, including a rural
1177 route address and a post office box; if no permanent or
1178 temporary address, any transient residence; address, location or
1179 description, and dates of any current or known future temporary
1180 residence within the state or out of state; all any electronic
1181 mail addresses or Internet identifiers ~~address and any instant~~
1182 ~~message name~~ required to be provided pursuant to s.

1183 943.0435(4)(d); home telephone numbers and cellular telephone
1184 numbers; date and place of any employment; the vehicle make,
1185 model, color, vehicle identification number (VIN), and license
1186 tag number of all vehicles owned; fingerprints; palm prints; and
1187 photograph. A post office box shall not be provided in lieu of a

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1188 physical residential address. The sexual offender must also
1189 produce his or her passport, if he or she has a passport, and,
1190 if he or she is an alien, must produce or provide information
1191 about documents establishing his or her immigration status. The
1192 sexual offender must also provide information about any
1193 professional licenses that he or she may have.

1194 2. If the sexual offender is enrolled, employed,
1195 volunteering, or carrying on a vocation at an institution of
1196 higher education in this state, the sexual offender shall also
1197 provide to the department the name, address, and county of each
1198 institution, including each campus attended, and the sexual
1199 offender's enrollment, volunteer, or employment status.

1200 3. If the sexual offender's place of residence is a motor
1201 vehicle, trailer, mobile home, or manufactured home, as defined
1202 in chapter 320, the sexual offender shall also provide the
1203 vehicle identification number; the license tag number; the
1204 registration number; and a description, including color scheme,
1205 of the motor vehicle, trailer, mobile home, or manufactured
1206 home. If the sexual offender's place of residence is a vessel,
1207 live-aboard vessel, or houseboat, as defined in chapter 327, the
1208 sexual offender shall also provide the hull identification
1209 number; the manufacturer's serial number; the name of the
1210 vessel, live-aboard vessel, or houseboat; the registration
1211 number; and a description, including color scheme, of the
1212 vessel, live-aboard vessel or houseboat.

1213 4. Any sexual offender who fails to report in person as

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1214 required at the sheriff's office, ~~or~~ who fails to respond to any
1215 address verification correspondence from the department within 3
1216 weeks of the date of the correspondence, ~~or~~ who fails to report
1217 all electronic mail addresses or Internet identifiers before use
1218 or instant message names, or who knowingly provides false
1219 registration information by act or omission commits a felony of
1220 the third degree, punishable as provided in s. 775.082, s.
1221 775.083, or s. 775.084.

1222 Section 7. Section 948.31, Florida Statutes, is amended to
1223 read:

1224 948.31 Evaluation and treatment of sexual predators and
1225 offenders on probation or community control.—The court may shall
1226 require an evaluation by a qualified practitioner to determine
1227 the need of a probationer or community controllee for treatment.
1228 ~~If the court determines that a need therefor is established by~~
1229 ~~the evaluation process, the court shall require sexual offender~~
1230 ~~treatment as a term or condition of probation or community~~
1231 ~~control for any probationer or community controllee person who~~
1232 ~~is required to register as a sexual predator under s. 775.21 or~~
1233 ~~sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to~~
1234 ~~undergo an evaluation, at the probationer or community~~
1235 ~~controllee's expense, by a qualified practitioner to determine~~
1236 ~~whether such person needs sexual offender treatment. If the~~
1237 ~~qualified practitioner determines that sexual offender treatment~~
1238 ~~is needed and recommends treatment, the probationer or community~~
1239 ~~controllee must successfully complete and pay for the treatment.~~

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1240 Such treatment ~~must~~ shall be required to be obtained from a
1241 qualified practitioner as defined in s. 948.001. Treatment may
1242 not be administered by a qualified practitioner who has been
1243 convicted or adjudicated delinquent of committing, or
1244 attempting, soliciting, or conspiring to commit, any offense
1245 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~
1246 ~~impose a restriction against contact with minors if sexual~~
1247 ~~offender treatment is recommended. The evaluation and~~
1248 ~~recommendations for treatment of the probationer or community~~
1249 ~~controllee shall be provided to the court for review.~~

1250 Section 8. Paragraph (c) is added to subsection (1), and
1251 paragraph (a) of subsection (3) of section 985.481, Florida
1252 Statutes, is amended to read:

1253 985.481 Sexual offenders adjudicated delinquent;
1254 notification upon release.-

1255 (1) As used in this section:

1256 (c) "Vehicles owned" has the same meaning as provided in s.
1257 943.0435.

1258 (3)(a) The department must provide information regarding
1259 any sexual offender who is being released after serving a period
1260 of residential commitment under the department for any offense,
1261 as follows:

1262 1. The department must provide the sexual offender's name,
1263 any change in the offender's name by reason of marriage or other
1264 legal process, and any alias, if known; the correctional
1265 facility from which the sexual offender is released; the sexual

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1266 offender's social security number, race, sex, date of birth,
1267 height, weight, and hair and eye color; the make, model, color,
1268 vehicle identification number (VIN), and license tag number of
1269 all vehicles owned, if known; address of any planned permanent
1270 residence or temporary residence, within the state or out of
1271 state, including a rural route address and a post office box; if
1272 no permanent or temporary address, any transient residence
1273 within the state; address, location or description, and dates of
1274 any known future temporary residence within the state or out of
1275 state; date and county of disposition and each crime for which
1276 there was a disposition; a copy of the offender's fingerprints
1277 and a digitized photograph taken within 60 days before release;
1278 the date of release of the sexual offender; all and home
1279 telephone numbers number and any cellular telephone numbers;
1280 information about any professional licenses the offender may
1281 have, if known; and passport information, if he or she has a
1282 passport, and, if he or she is an alien, information about
1283 documents establishing his or her immigration status number. The
1284 department shall notify the Department of Law Enforcement if the
1285 sexual offender escapes, absconds, or dies. If the sexual
1286 offender is in the custody of a private correctional facility,
1287 the facility shall take the digitized photograph of the sexual
1288 offender within 60 days before the sexual offender's release and
1289 also place it in the sexual offender's file. If the sexual
1290 offender is in the custody of a local jail, the custodian of the
1291 local jail shall register the offender within 3 business days

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1292 after intake of the offender for any reason and upon release,
1293 and shall notify the Department of Law Enforcement of the sexual
1294 offender's release and provide to the Department of Law
1295 Enforcement the information specified in this subparagraph and
1296 any information specified in subparagraph 2. which the
1297 Department of Law Enforcement requests.

1298 2. The department may provide any other information
1299 considered necessary, including criminal and delinquency
1300 records, when available.

1301 Section 9. Paragraph (e) is added to subsection (1), and
1302 subsection (4) and paragraph (b) of subsection (13) of section
1303 985.4815, Florida Statutes, are amended to read:

1304 985.4815 Notification to Department of Law Enforcement of
1305 information on juvenile sexual offenders.-

1306 (1) As used in this section, the term:

1307 (e) "Vehicles owned" has the same meaning as provided in s.
1308 943.0435.

1309 (4) A sexual offender, as described in this section, who
1310 is under the supervision of the department but who is not
1311 committed must register with the department within 3 business
1312 days after adjudication and disposition for a registrable
1313 offense and otherwise provide information as required by this
1314 subsection.

1315 (a) The sexual offender shall provide his or her name;
1316 date of birth; social security number; race; sex; height;
1317 weight; hair and eye color; tattoos or other identifying marks;

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1318 the make, model, color, vehicle identification number (VIN), and
1319 license tag number of all vehicles owned; permanent or legal
1320 residence and address of temporary residence within the state or
1321 out of state while the sexual offender is in the care or custody
1322 or under the jurisdiction or supervision of the department in
1323 this state, including any rural route address or post office
1324 box; if no permanent or temporary address, any transient
1325 residence; address, location or description, and dates of any
1326 current or known future temporary residence within the state or
1327 out of state; and the name and address of each school attended.
1328 The sexual offender must also produce his or her passport, if he
1329 or she has a passport, and, if he or she is an alien, must
1330 produce or provide information about documents establishing his
1331 or her immigration status. The offender must also provide
1332 information about any professional licenses that he or she may
1333 have. The department shall verify the address of each sexual
1334 offender and shall report to the Department of Law Enforcement
1335 any failure by a sexual offender to comply with registration
1336 requirements.

1337 (b) If the sexual offender is enrolled, employed,
1338 volunteering, or carrying on a vocation at an institution of
1339 higher education in this state, the sexual offender shall
1340 provide the name, address, and county of each institution,
1341 including each campus attended, and the sexual offender's
1342 enrollment, volunteer, or employment status. Each change in
1343 enrollment, volunteer, or employment status shall be reported to

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1344 the department within 48 hours after the change in status. The
1345 department shall promptly notify each institution of the sexual
1346 offender's presence and any change in the sexual offender's
1347 enrollment, volunteer, or employment status.

1348 (13)

1349 (b) The sheriff's office may determine the appropriate
1350 times and days for reporting by the sexual offender, which shall
1351 be consistent with the reporting requirements of this
1352 subsection. Reregistration shall include any changes to the
1353 following information:

1354 1. Name; social security number; age; race; sex; date of
1355 birth; height; weight; hair and eye color; fingerprints; palm
1356 prints; address of any permanent residence and address of any
1357 current temporary residence, within the state or out of state,
1358 including a rural route address and a post office box; if no
1359 permanent or temporary address, any transient residence;
1360 address, location or description, and dates of any current or
1361 known future temporary residence within the state or out of
1362 state; passport information, if he or she has a passport, and,
1363 if he or she is an alien, information about documents
1364 establishing his or her immigration status; name and address of
1365 each school attended; date and place of any employment; the
1366 vehiele make, model, color, vehicle identification number (VIN),
1367 and license tag number of all vehicles owned; fingerprints; and
1368 photograph. A post office box shall not be provided in lieu of a
1369 physical residential address. The offender must also provide

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1370 information about any professional licenses that he or she may
1371 have.

1372 2. If the sexual offender is enrolled, employed,
1373 volunteering, or carrying on a vocation at an institution of
1374 higher education in this state, the sexual offender shall also
1375 provide to the department the name, address, and county of each
1376 institution, including each campus attended, and the sexual
1377 offender's enrollment, volunteer, or employment status.

1378 3. If the sexual offender's place of residence is a motor
1379 vehicle, trailer, mobile home, or manufactured home, as defined
1380 in chapter 320, the sexual offender shall also provide the
1381 vehicle identification number; the license tag number; the
1382 registration number; and a description, including color scheme,
1383 of the motor vehicle, trailer, mobile home, or manufactured
1384 home. If the sexual offender's place of residence is a vessel,
1385 live-aboard vessel, or houseboat, as defined in chapter 327, the
1386 sexual offender shall also provide the hull identification
1387 number; the manufacturer's serial number; the name of the
1388 vessel, live-aboard vessel, or houseboat; the registration
1389 number; and a description, including color scheme, of the
1390 vessel, live-aboard vessel, or houseboat.

1391 4. Any sexual offender who fails to report in person as
1392 required at the sheriff's office, ~~or~~ who fails to respond to any
1393 address verification correspondence from the department within 3
1394 weeks after the date of the correspondence, or who knowingly
1395 provides false registration information by act or omission

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1396 | commits a felony of the third degree, punishable as provided in
1397 | ss. 775.082, 775.083, and 775.084.

1398

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 14-05 : Supervision of Sexually Violent Predators

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

PCB CRJS 14-05 Amendments

Amendment PCB CRJS 14-05 a1

Adopted Without Objection

Appearances:

PCB CRJS 14-05

Dritt, Jennifer (Lobbyist) - Waive In Support
Florida Council Against Sexual Violence
1820 E Park Ave Ste 100
Tallahassee FL 32301
Phone: 850)297-2000

PCB CRJS 14-05

Perkins, Lindsey (Lobbyist) - Waive In Support
Florida Sheriffs Association
2617 Mahan Dr
Tallahassee FL 32308
Phone: 850)671-4401



Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Without Objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
2 Subcommittee

3 Representative Clelland offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 12 and 13, insert:

7 Section 1. Subsection (2) of section 394.926, Florida
8 Statutes, is amended to read:

9 394.926 Notice to victims of release of persons committed
10 as sexually violent predators; notice to Department of
11 Corrections and Parole Commission.—

12 (2) If a sexually violent predator who has a ~~an active or~~
13 pending term of probation, community control, parole,
14 conditional release, or other court-ordered or postprison
15 release supervision is released from custody, the department
16 must immediately notify the Department of Corrections' Office of
17 Community Corrections in Tallahassee. The Parole Commission must



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18 | also be immediately notified of any releases of a sexually
19 | violent predator who has a ~~an active or~~ pending term of parole,
20 | conditional release, or other postprison release supervision
21 | that is administered by the Parole Commission.
22 |
23 |
24 |

25 | -----
26 | **T I T L E A M E N D M E N T**

27 | Remove line 3 and insert:

28 | predators; amending s. 394.926, F.S.; requiring the Department
29 | of Children and Families to notify the Department of Corrections
30 | if a sexually violent predator who has a pending term of court-
31 | ordered or postprison release supervision is released from
32 | custody, amending s. 947.1405, F.S.; tolling the
33 |

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 14-06 : Civil Commitment of Sexually Violent Predators

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant			X		
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

PCB CRJS 14-06

Kline, Suzonne (General Public) - Information Only
Expert Consultant / Former Administrator at Sexual Violence Policy
1282 Timberlane Rd., Suite L
Tallahassee FL 32312
Phone: 850-321-4095

PCB CRJS 14-06

Brook, Ron (Lobbyist) - Proponent
Lauren's Kids
104 West Jefferson
Tallahassee FL 32301
Phone: 850-224-3427

PCB CRJS 14-06

Perkins, Lindsey (Lobbyist) - Waive In Support
Florida Sheriffs Association
2617 Mahan Dr
Tallahassee FL 32308
Phone: 850)671-4401

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 14-07 : Sexual Offenses

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 1			

PCB CRJS 14-07 Amendments

Amendment PCB CRJS 14-07 a1

Adopted Without Objection

Amendment PCB CRJS 14-07 a2

Adopted Without Objection

Amendment PCB CRJS 14-07 a8

Adopted Without Objection

Amendment PCB CRJS 14-07 a4

Adopted Without Objection

Amendment PCB CRJS 14-07 a5

Adopted Without Objection

Amendment PCB CRJS 14-07 a6

Adopted Without Objection

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 14-07 : Sexual Offenses (continued)

Amendment PCB CRJS 14-07 a7

Adopted Without Objection

Appearances:

PCB CRJS 14-07

Pitts, Brian (General Public) - Opponent

Trustee-Justice-2-Jesus

1119 Newton Avenue South

S. Petersburg Florida 33705

Phone: 727-897-9291

PCB CRJS 14-07

Perkins, Lindsey (Lobbyist) - Waive In Support

Florida Sheriffs Association

2617 Mahan Dr

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Phone: 850)671-4401



Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Without Objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
2 Subcommittee

3 Representative Gaetz offered the following:

Amendment

6 Remove lines 95-103 and insert:

7 (d) If a person who has previously been convicted of a
8 violation of s. 787.01(2) or s. 787.02(2), if the violation
9 involved a victim who was a minor and, in the course of
10 committing that violation, the defendant committed a sexual
11 battery under chapter 794 or a lewd act under s. 800.04 or s.
12 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
13 787.02(3)(a)2. or 3.; s. 800.04; s. 825.1025; s. 847.0135(5); or
14 this chapter, excluding subsection (10) of this section, commits
15 sexual battery upon a person 12 years of age or older without
16 that person's consent, under any of the circumstances listed in
17 paragraph (e), such person commits a felony of the first degree,

PCB CRJS 14-07 a1

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Amendment No. 1

18 punishable by a term of years not exceeding life or as provided
19 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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 Without Objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
2 Subcommittee

3 Representative Gaetz offered the following:

Amendment

6 Remove lines 155-163 and insert:

7 (d) If a person who has previously been convicted of a
8 violation of s. 787.01(2) or s. 787.02(2), if the violation
9 involved a victim who was a minor and, in the course of
10 committing that violation, the defendant committed a sexual
11 battery under chapter 794 or a lewd act under s. 800.04 or s.
12 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
13 787.02(3)(a)2. or 3.; s. 800.04; s. 825.1025; s. 847.0135(5); or
14 this chapter, excluding subsection (10) of this section, commits
15 sexual battery upon a person 12 years of age or older, without
16 that person's consent, and in the process does not use physical
17 force and violence likely to cause serious personal injury, such

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Amendment No. 2

18 person commits a felony of the first degree, punishable as
19 provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.
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Amendment No. 4

COMMITTEE/SUBCOMMITTEE 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 without objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
2 Subcommittee

3 Representative Gaetz offered the following:

Amendment

6 Remove lines 330-337 and insert:

7 (e) An offender 18 years of age or older who commits lewd
8 or lascivious molestation against a victim 12 years of age or
9 older but less than 16 years of age commits a felony of the
10 first degree, punishable as provided in s. 775.082, s. 775.083,
11 or s. 775.084, if the offender has previously been convicted of
12 a violation of this section or a violation of s. 787.01(2) or s.
13 787.02(2), if the violation involved a victim who was a minor
14 and, in the course of committing that violation, the defendant
15 committed a sexual battery under chapter 794 or a lewd act under
16 s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2.



Amendment No. 4

17 or 3.; s. 787.02(3)(a)2. or 3.; chapter 794, excluding s.
18 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

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Amendment No. 5

COMMITTEE/SUBCOMMITTEE 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 Without Objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
2 Subcommittee

3 Representative Gaetz offered the following:

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5 **Amendment**

6 Remove lines 811-816 and insert:

7 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
8 violation involved a victim who was a minor and, in the course
9 of committing that violation, the defendant committed a sexual
10 battery under chapter 794 or a lewd act under s. 800.04 or s.
11 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
12 787.02(3)(a)2. or 3.; s. 794.011, excluding s.

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Amendment No. 6

COMMITTEE/SUBCOMMITTEE 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 Without Objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
 2 Subcommittee
 3 Representative Gaetz offered the following:

Amendment (with title amendment)

Remove lines 341-345 and insert:

(1) A person commits the offense of voyeurism when he or she, with lewd, lascivious, or indecent intent:

(a) secretly observes another person when the other person is located in a dwelling, structure, or conveyance and such location provides a reasonable expectation of privacy; or

(b) Secretly observes another person's intimate areas in which the person has a reasonable expectation of privacy, when the other person is located a public or private dwelling, structure, or conveyance. "Intimate area" is defined as any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view.



Amendment No. 6

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

Remove lines 22-24 and insert:

providing that voyeurism includes secretly observing another person's intimate areas in which the person has a reasonable expectation of privacy, when the other person is located a public or private dwelling, structure, or conveyance; amending s. 901.15, F.S.; authorizing an



Amendment No. 7

COMMITTEE/SUBCOMMITTEE 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 Without Objection
1/16/14*

1 Committee/Subcommittee hearing PCB: Criminal Justice
2 Subcommittee

3 Representative Gaetz offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 943-963 and insert:

7 Section 14. Subsection (13) is added to section 947.1405,
8 Florida Statutes, to read:

9 947.1405 Conditional release program.—

10 (13) Effective for a releasee whose crime was committed on
11 or after October 1, 2014, in violation of chapter 794, s.
12 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition
13 to any other provision of this section, the commission must
14 impose a condition prohibiting the releasee from viewing,
15 accessing, owning, or possessing any obscene, pornographic, or
16 sexually stimulating visual or auditory material, unless
17 otherwise indicated in the treatment plan provided by a

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Amendment No. 7

18 qualified practitioner in the sexual offender treatment program.
19 Visual or auditory material includes, but is not limited to,
20 telephone, electronic media, computer programs, and computer
21 services.

22 Section 15. Subsection (5) is added to section 948.30,
23 Florida Statutes, to read:

24 948.30 Additional terms and conditions of probation or
25 community control for certain sex offenses.—Conditions imposed
26 pursuant to this section do not require oral pronouncement at
27 the time of sentencing and shall be considered standard
28 conditions of probation or community control for offenders
29 specified in this section.

30 (5) Effective for a probationer or community controllee
31 whose crime was committed on or after October 1, 2014, and who
32 is placed on probation or community control for a violation of
33 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
34 847.0145, in addition to all other conditions imposed, the court
35 must impose a condition prohibiting the probationer or community
36 controllee from viewing, accessing, owning, or possessing any
37 obscene, pornographic, or sexually stimulating visual or
38 auditory material, unless otherwise indicated in the treatment
39 plan provided by a qualified practitioner in the sexual offender
40 treatment program. Visual or auditory material includes, but is
41 not limited to, telephone, electronic media, computer programs,
42 and computer services.

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Amendment No. 7

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

Between lines 36 and 37, insert:

s. 947.1405, F.S.; prohibiting certain conditional releasees from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating material, regardless of such material's relevance to the offender's deviant behavior pattern; amending

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/16/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

Presentation/Workshop/Other Business Appearances:

Timely Justice Act

Palmer Darkes, Ann (State Employee) - Information Only

State Courts

425 N. Orange Avenue

Orlando FL 32801

Phone: 407-836-0421

Timely Justice Act

Perry, Jr., Belvin (State Employee) - Information Only

Chief Judge, 9th Circuit

425 N Orange Ave

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Phone: 407-836-2008