Florida Department of Law Enforcement
Florida Offender Registration and Tracking Services

2009/2010 Guidelines to Florida Sex Offender Laws

Charting a Course for Public Safety in Florida
Florida Department of Law Enforcement
Florida Offender Registration & Tracking Services
P.O. Box 1489
Tallahassee, FL 32302-1489

Public Web Site: http://www.fdle.state.fl.us- click on the Sex Offender Database button on the right

Main Unit Line: 1-888-FL Predator (1-888-357-7332)

Absconder-Specific Line: 1-877-335-3767

Main Fax: 850-410-8599

Main unit e-mail: sexpred@fdle.state.fl.us

JLA-specific unit e-mail: JLA@fdle.state.fl.us
Through the Public Safety Information Act of 1997, Florida became the first state to list sexual predators and offenders on the Internet and to make the same information available through a 24-hour hotline. This Act allows the Florida Department of Law Enforcement to give the public access to information essential to their ability to protect themselves and their families against sexual offenders. Since that time, Florida has continued to lead the nation in legislating strong registration and related sexual offender laws, and effectively implementing these laws through the dedicated efforts of criminal justice partners across the state.

At the time the Public Safety Information Act passed, Florida had 471 sexual predators and approximately 8,000 sexual offenders listed in the database. Today, thirteen years later, that number has grown to over 8,400 registered predators and over 46,000 registered offenders. Despite the increased volume of registrants, Florida has responded quickly and favorably to the changing demands of state and federal laws as well as the logistical requirements that come with this significantly larger group of registrants. In 2007 Florida’s nationally recognized laws were strengthened further with the passage of several bills targeted at compliance with federal Adam Walsh Child and Protection Act (AWCPSA) requirements. Additionally, the passage of the Jessica Lunsford Act (JLA) of 2005 played a major role in strengthening Florida’s laws.

Below is a list of some of the statutory changes that were passed in 2007 that have since been implemented in order to begin initial compliance with the AWCPSA:

- Quarterly in-person electronic registration for predators and certain offenders
- Registration and tracking of juvenile sexual offenders
- Capturing and reporting internet identifiers and e-mail addresses
- Data storage of detailed employment information
- Modifications concerning the relief of registration requirements of sexual predators and offenders

The requirements above either strengthened or were in addition to the requirements set forth in the passage of the JLA in 2005. The JLA requires bi-annual in-person registration at the Sheriff’s Office, and put stricter penalties in place for violations of registration laws, as well as created penalties for those who would choose to assist predators and offenders in violating registration requirements. In addition, the JLA required the Florida Department of Corrections to identify high risk sex offenders (HRSOs) under their supervision so that an HRSO’s history is made immediately available to Florida’s judges should an HRSO be arrested for any violation. Together the components of this act work to further reinforce Florida’s nationally recognized leadership on these issues.

From the beginning, Florida has benefited from great support and cooperation from all of the State’s criminal justice partners at the local, state, and national levels in implementing a system of sexual predator/offender registration and verification which continues to ensure that important information and updates are available to citizens and criminal justice partners as soon as possible. Indeed, it is the continuing spirit of cooperation among all criminal justice partners and the citizens of Florida that ensures that Florida’s registry is as up-to-date and accurate as possible, despite the great challenges to the success of this demanding process. Our state enjoys national recognition as the leader and a model in the strength of our law and in the successful partnership that makes those laws work.

Most importantly, because of these integrated efforts, Florida’s public is advised of predators/offenders in a timely fashion. Ultimately, this information makes Florida’s citizens – especially our children – much safer.

The guidelines in this publication can be of great benefit to you and your agency and you are strongly encouraged to use them to assist your agency in strong support of these important public safety laws.
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**FEDERAL LAW**

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Sexual Predators
SEXUAL PREDATORS

Section 775.21(3), Florida Statutes:

Legislative Findings, Purpose, and Intent
(a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) The high level of threat that a sexual predator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the state with sufficient justification to implement a strategy that includes:
   1. Incarcerating sexual predators and maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space.
   2. Providing for specialized supervision of sexual predators who are in the community by specially trained probation officers with low caseloads, as described in ss. 947.1405(7) and 948.30. The sexual predator is subject to specified terms and conditions implemented at sentencing or at the time of release from incarceration, with a requirement that those who are financially able must pay all or part of the costs of supervision.
   3. Requiring the registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public.
   4. Providing for community and public notification concerning the presence of sexual predators.
   5. Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

(c) The state has a compelling interest in protecting the public from sexual predators and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual predators to register and for requiring community and public notification of the presence of sexual predators.

(d) It is the purpose of the Legislature that, upon the court's written finding that an offender is a sexual predator, in order to protect the public, it is necessary that the sexual predator be registered with the Department and that members of the community and the public be notified of the sexual predator's presence.
Please Note: The designation of a person as a sexual predator is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes.

(e) It is the intent of the Legislature to address the problem of sexual predators by:

1. Requiring sexual predators supervised in the community to have special conditions of supervision and to be supervised by probation officers with low caseloads;
2. Requiring sexual predators to register with the Florida Department of Law Enforcement, as provided in this section; and
3. Requiring community and public notification of the presence of a sexual predator, as provided in this section.

SEXUAL PREDATORS

Please Note: Under Florida law, not all sexual offenders are sexual predators. A court must make a specific written finding that an offender is a sexual predator before the offender can be officially designated as a sexual predator and be subject to Florida’s sexual predator registration and notification requirements. (See the Sexual Offenders section for more information.)

Caution! Use caution when evaluating an offender’s criminal convictions and in determining the appropriate designation, registration, and notification requirements.

What constitutes a sexual predator?

There are three ways a person can be qualified and designated as a sexual predator in the state of Florida and, therefore, be required to comply with Florida’s sexual predator registration laws:

1) One is Enough - Commit one specified offense on or after October 1, 1993, in Florida or in another jurisdiction, be convicted of such offense, and have a court enter a finding that such person is a sexual predator;

   OR

2) Second Strike – Commit one specified offense on or after October 1, 1993, in Florida or in another jurisdiction, after having previously been convicted of or found to have committed, or pled nolo contendere or guilty to, regardless of adjudication, one or more of specified sexual offenses, and have a court enter a finding that such person is a sexual predator.

   OR

3) Civil Commitment Determination- An individual who has been determined to be a sexually violent predator on or after July 1, 2005, pursuant to a civil commitment proceeding under
chapter 394 shall be designated as a sexual predator under this section and is subject to registration and community and public notification.

{Section 775.21(4)}

CAUTION! In any instance, a written finding designating the qualifying individual as a sexual predator must be issued from the court to establish the designation of sexual predator.

Definition of the term Conviction:
For purposes of determining qualifying offenses for sexual predator designation, conviction means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

{Section 775.21(2)(e)}

ONE IS ENOUGH
SEXUAL PREDATOR
QUALIFYING OFFENSES

Two main criteria must be met to qualify an individual as a sexual predator using the One is Enough rule. These criteria are as follows:

First, the individual must have been convicted for an offense listed below that was committed ON or AFTER October 1, 1993.

{Section 775.21(4)(a), (c), and (5)}

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<th>Any of the following Capital, Life, First-Degree Felony Violations OR any Attempt thereof</th>
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Chapter 794.011

Sexual Battery

s. 800.04
Lewd/lascivious offenses committed upon or in the presence of persons less than 16 years of age

s. 847.0145
Selling or buying of minors for portrayal in a visual depiction engaging in sexually explicit conduct

Or A violation of a similar law of another jurisdiction

*CAUTION! Before using a Kidnapping or False Imprisonment conviction to determine if an individual is a sexual predator, consult current case law in Florida for interpretation and application of these convictions.

AND

Secondly, the individual must be designated as a sexual predator per a written court finding.

{Section 775.21(4)(a)-(c), (5)}

Please Note: An individual meeting both of these criteria, qualifies as a sexual predator using the One is Enough rule provided that:

➢ The offender has not received a pardon for any felony or similar law of another jurisdiction that is a qualifying offense;

{Section 775.21(4)(a)2.}

AND

➢ A conviction of a felony or similar law of another jurisdiction that is a qualifying offense has not been set-aside in any post conviction proceeding.

{Section 775.21(4)(a)3}

SECOND STRIKE

SEXUAL PREDATOR QUALIFYING OFFENSES

Three main criteria must be met to qualify an individual as a sexual predator using the Second Strike rule. These criteria are as follows:
First, the individual must have been **convicted** for an offense listed below that was **committed ON or AFTER** October 1, 1993.

**Any Felony violation OR Any Attempt thereof**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
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<td>Sexual Battery, excluding subsections 794.011(10)</td>
</tr>
<tr>
<td>794.05</td>
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<tr>
<td>825.1025(2)(b)</td>
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</table>

*CAUTION!: Before using a Kidnapping, False Imprisonment, or Luring or Enticing of a Child conviction to determine if an offender is a **sexual predator**, consult current case law in Florida for interpretation and application of these convictions.

**AND**

Secondly, the individual must have been **previously** convicted of or found to have committed or have pled nolo contendere or guilty to, regardless of adjudication, any violation of the below listed offenses.

(Section 775.21(4)(a)1.b.)

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Sexual Predators
Status Qualifiers and Requirements

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*CAUTION!: Before using a Kidnapping, False Imprisonment, or Luring or Enticing of a Child conviction to determine if an offender is a sexual predator, consult current case law in Florida for interpretation and application of these convictions.

AND

Finally, the individual must be designated as a sexual predator per a written court finding.

{Section 775.21(4)(a)-(c), (5)}

Please Note: An individual meeting all three of these criteria, qualifies as a sexual predator using the Second Strike rule provided that:
- The offender has not received a pardon for any felony or similar law of another jurisdiction that is a qualifying offense;

{Section 775.21(4)(a)2}

AND

- A conviction of a felony or similar law of another jurisdiction that is a qualifying offense has not been set aside in any post conviction proceeding;

{Section 775.21(4)(a)3}
AND

- In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony.

{Section 775.21(4)(b)}

SEXUAL PREDATOR REQUIREMENTS

Definition(s)

Permanent residence
A place where the person abides, lodges, or resides for 5 or more consecutive days.

{Section 775.21(2)(f)}

Temporary residence
A place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 5 or more days in the aggregate during any calendar year and which is not the person's permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

{Section 775.21(2)(l)}

Transient Residence
A place or county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

{Section 775.21(2)(m)}

Requirements: Sexual predators...

- Who have registered as required under s. 775.21 are exempt from convicted felon registration as defined by s. 775.13.

{Section 775.13(4)(e)}

- Are subject to community and public notification.

{Sections 775.21(6)(k)2., 775.21(7), 943.043}
Must report in person to the Sheriff’s Office in the county in which they reside or is otherwise located to ReRegister on the month of their birth and every 3rd month thereafter.

{Section 775.21(8)(a)}

Who are not in custody or control of, or under the supervision of the Florida Department of Corrections, or are not in the custody of a private correctional facility, must register in person at the Sheriff’s Office in the county where he/she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; AND at the Sheriff’s Office in the county where he/she was designated a sexual predator by the court within 48 hours after such finding is made. Failure to do so is a felony of the 3rd degree.

{Section 775.21(6)(e)1.}

Who are under the supervision of the Department of Corrections but who are not incarcerated must register with the Department of Corrections within 3 business days after the court finds the offenders to be a sexual predator.

{Section 775.21(6)(b)}

Shall report to DHSMV during the month of his/her quarterly ReRegistration, as required by F.S. 775.21(8), in order to obtain an updated or renewed driver’s license or identification card displaying the designation: “775.21, F.S.”, as required, unless one has been previously secured or updated.

{Section 322.141(3-4)}

Who are registering with the Sheriff’s Office for the first time must report in person to the driver’s license office of the Department of Highway Safety and Motor Vehicles (DHSMV) within 48 hours after the initial registration at the Sheriff’s Office to obtain a valid Florida driver’s license or identification card displaying the designation: “775.21, F.S.”, unless a driver’s license or identification card with such designation was previously secured or updated while under the supervision of the Department of Corrections, the Department of Children and Family Services, or the Department of Juvenile Justice and there have been no changes to my address, name or designation.

{Section 322.141(3-4)}

Who are enrolled, employed, or carrying on a vocation at an institution of higher education in this state, must provide FDLE with the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the Sheriff’s Office, or the Department of Corrections if the sexual predator is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. (For more information, see the Campus Sex Crimes Prevention Act section.)

{Section 775.21(6)(a)1.b.}
Who are not incarcerated and who reside in the community (including those under the supervision of the Department of Corrections) must - within 48 hours of initial registration - present proof of initial registration as a predator in person at the DHSMV and secure or renew a driver’s license or identification card.

{Section 775.21(6)(f)}

Must report in person any change in permanent, temporary, or transient residence (or predator’s residence) to DHSMV within 48 hours.

{Section 775.21(6)(g)1}

Must renew in person their driver’s license or identification card when subject to renewal.

{Section 775.21(6)(g)1}

Who are not in custody or control of, or under the supervision of FDC, or are not in the custody of a private correctional facility, must report any change in his or her permanent or temporary residence or name to DHSMV, after registering in person at the Sheriff’s Office, in the manner currently provided in 775.21(6).

{Section 775.21(6)(e)}

Must report intent to establish residence in another state in person to the Sheriff within 48 hours before the date he or she intend to leave Florida.

{Section 775.21(6)(i)}

Who indicate his or her intent to reside in another state or jurisdiction and later decide to remain in this state must, within 48 hours after the date upon which they indicated they would leave this state, notify in person the Sheriff’s Office to which they reported the intended change of residence, of their intent to remain in this state. Failure to do so is a second-degree felony.

{Section 775.21(6)(j)}

Who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the Sheriff’s Office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator must provide or update all of the registration information required under paragraph (a). The sexual predator must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

{Section 775.21(6)(g)2}

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

\{Section 775.21(6)(g)3\}

Must maintain registration with FDLE for the duration of his or her life, unless the sexual predator has received a full pardon or have had a conviction set aside in a post conviction proceeding for any felony sex offense that met the criteria for the sexual predator designation.

\{Section 775.21(6)(l)\}

Who obtain an order from the court that imposed the order designating him or her as a sexual predator which removes such designation, shall forward a certified copy of the written findings or order to the Department in order to have the sexual predator designation removed from the sexual predator registry.

\{Section 775.21(6)(l)\}

Who live in another state but work or attend school in Florida must register both his or her in-state employment or school address as well as their out-of-state residential address.

\{Section 775.21(2)(l), 943.0435(1)(c)\}

Who, except as otherwise specifically provided, fail to register or who fail, after registration, to maintain, acquire, or renew the specified driver’s license or identification card or provide required location information, or who otherwise fail, by act or omission, to comply with the requirements of the Sexual Predator Act, commit a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or 775.084.

\{Section 775.21(10)(a)\}

Who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

\{Section 775.21(10)(b)\}
775.215 Residency restriction for persons convicted of certain sex offenses.

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

(a) “Child care facility” has the same meaning as provided in s. 402.302.

(b) “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

(c) “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

(d) “School” has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), a public school as described in s. 402.302(1), the Florida School for the Deaf and the Blind, the Florida Virtual School as established under s. 1002.37, and a K-8 Virtual School as established under s. 1002.415, but does not include facilities dedicated exclusively to the education of adults.

(2)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur on or after October 1, 2004, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)(a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and
a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

History.— s. 2, ch. 2004-55; s. 21, ch. 2008-172; ss. 3,18, ch. 2010-92. Note.— Former s. 794.065.

RELIEF OF STATUS AS SEXUAL PREDATOR

The federal Adam Walsh Child Protection and Safety Act of 2006 does not provide for relief from the designation and registration requirements of individuals meeting criteria for the Sexual Predator designation. As such, in accordance with this Act, the ability for a Sexual Predator to petition the court for relief of the designation of Sexual Predator was removed from Florida law via 2007 legislative changes.
Sexual Offenders
SEXYUAL OFFENDERS

Section 943.0435(12), Florida Statutes:

Legislative Findings, Purpose, and Intent
The Legislature finds that sexual offenders, especially those who have committed their offenses against minors, often pose a high risk of engaging in sexual offenses, even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public’s interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety.

Please Note: The designation of a person as a sexual offender is not a sentence or a punishment, but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

Sexual Offender Registration Related Statutes
The chart on the following 2 pages lists primary Florida statutes for designation, registration, and notification requirements relating to sexual offenders. Please refer to the designated statutory reference for complete content.

<table>
<thead>
<tr>
<th>Statute Numbers</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>775.21(5)(d); 943.0435(1)(a)1.b and d</td>
<td>Individuals designated as sexual predators or offenders in another state or jurisdiction, or on or after July 1, 2007, has been adjudicated delinquent for one of the crimes enumerated in F.S. 943.0434(1)(a)1.d.</td>
</tr>
<tr>
<td>775.24</td>
<td>Restrictions on court entering certain types of orders and method to address improper orders, etc.</td>
</tr>
<tr>
<td>775.25</td>
<td>Counties where sex offenders who violate certain registration statutes can be prosecuted</td>
</tr>
<tr>
<td>943.043</td>
<td>FDLE Internet site, toll-free number, public access to public records, and immunity clause</td>
</tr>
<tr>
<td>943.0435</td>
<td>Primary section for sexual offender definition, designation and registration requirements for qualifying offenders who are not under the care, custody, control, or supervision of the Florida Department of Corrections; immunity clause</td>
</tr>
<tr>
<td>944.606</td>
<td>Sexual offender definition and requirements of the Florida Department of Corrections to provide information on sexual offenders who are being released from incarceration for any offense; immunity clause</td>
</tr>
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<td>948.03</td>
<td>Terms and conditions of probation or community control</td>
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<tr>
<td>948.30</td>
<td>Additional terms and conditions of probation or community control for certain sex offenses; includes mandatory conditions for specific sex offenders/predators, including restrictions on residency and specific activities</td>
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<tr>
<td>985.481</td>
<td>Sexual offender definition in terms of juvenile sex offenders required to register under the federal 2007 Adam Walsh Child Protection and Safety Act and requirements of the Florida Department of Juvenile Justice to provide to FDLE information on juvenile sexual offenders who are being released from confinement for any offense; immunity clause</td>
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<tr>
<td>985.4815</td>
<td>Primary section for juvenile sexual offenders required to register under the federal Adam Walsh Child Protection and Safety Act of 2006 in terms of definitions, designation, registration, and notification requirements for qualifying offenders who are in the care or under the jurisdiction, or supervision of the Florida Department of Juvenile Justice; or in the custody of a private correctional facility; immunity clause; clerks of court obligations</td>
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**SEXUAL OFFENDERS**

**CAUTION!** Under Florida law, not all sexual offenders are sexual predators. A court must make a specific written finding that an offender is a sexual predator before the offender can be officially designated as a sexual predator and be subject to Florida’s sexual predator registration and notification requirements. (See the Sexual Predators section for more information.)

**Please Note:** Use caution when evaluating an offender’s criminal convictions and in determining the appropriate designation, registration, and notification requirements.

**What Constitutes a Sexual Offender?**

There are several ways a person can be qualified and designated as a “sexual offender” in the state of Florida and, therefore, be required to comply with Florida’s sexual offender registration laws. The criteria are as follows:

1. Be convicted of committing, or attempting, soliciting, or conspiring to commit, any of the crimes specified in Chart 1 below (or any similar offense committed in this state which has been redesignated from a former statute number to the one specified);

   **AND**
a. Be in the custody or control of, or under the supervision of, the Florida Department of Corrections, or be in the custody of a private correctional facility, on or after October 1, 1997, as a result of the above conviction(s);

OR

b. On or after October 1, 1997, be released or have been released from the sanction(s) imposed for the above conviction(s). (“Sanction” is defined below);
### CHART 1: QUALIFYING ADULT CONVICTIONS FOR SEXUAL OFFENDER DESIGNATION

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<td>Transmission of material harmful to minors to a minor by electronic device/equipment</td>
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CHART 2: OFFENDER QUALIFYING OFFENSES FOR ADJUDICATIONS OF DELINQUENCY

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<td>800.04(4)(b) Lewd/lascivious battery where the victim is under 12 or the court finds sexual activity by the use of force or coercion</td>
<td></td>
</tr>
<tr>
<td>800.04(5)(c)1 Lewd/lascivious molestation, victim under 12, where the court finds molestation involving unclothed genitals</td>
<td></td>
</tr>
<tr>
<td>800.04(5)(d) Lewd/lascivious molestation, victim under 16 but more than 12, where the court finds the use of force or coercion and unclothed genitals</td>
<td></td>
</tr>
<tr>
<td>Or A violation of a similar law of another jurisdiction</td>
<td></td>
</tr>
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SEXUAL OFFENDER REQUIREMENTS

Definitions

Conviction
For purposes of determining qualifying offenses for sexual offender designation, the term conviction means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction.

{Sections 943.0435(1)(b), 944.606(1)(a), 944.607(1)(b), 948.481(1)(a), 948.4815(1)(b)}

Sanction
For purposes of determining qualifying offenses for sexual offender designation, the term sanction in Florida or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

{Sections 943.0435(1)(a)2., 944.607(1)(a)}
Permanent residence
A place where the person abides, lodges, or resides for 5 or more consecutive days.

Temporary residence
A place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 5 or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

Transient residence
A place or county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

Requirements: Sexual Offenders...

- Who have registered as required under s. 943.0435 or s. 944.607 are exempt from convicted felon registration as defined by s. 775.13.

- Are subject to community and public notification.

- Must report in person to the Sheriff’s Office in the county in which they reside or is otherwise located to ReRegister during the month of the offender’s birthday and during the sixth month following the sexual offender’s birth month.

- Who are not in custody or control of, or under the supervision of the Florida Department of Corrections or Department of Juvenile Justice, or are not in the custody of a private correctional facility, must register in person at the Sheriff’s Office in the county here he/she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; or being released from the custody, control, or supervision of the Department of Corrections or Department of Juvenile Justice, or from the custody of a private correctional facility; AND in the county where he/she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the
offender is not in the custody or control of, or under the supervision of, the Department of Corrections or Department of Juvenile Justice, or is not in the custody of a private correctional facility.

{Sections 943.0435(2); 944.607 (4), (7), (8); 985. 4815(4)}

➢ Who are under the supervision of the Department of Corrections or Department of Juvenile Justice, but who are not incarcerated must register with the Department of Corrections or Department of Juvenile Justice, as appropriate within 3 business days after sentencing for a registerable offense. **Failure to do so is a 3rd degree felony.**

{Sections 943.0435(3), 944.607(9), 985.4815(9)}

➢ Shall report to DHSMV during the month of his/her ReRegistration, as required by F.S. 943.0435(14), in order to obtain an updated or renewed driver’s license or identification card displaying the designation: “943.0435, F.S.”, as required, unless one has been previously secured or updated.

{Section 322.141(3-4)}

➢ Who are registering with the Sheriff’s Office for the first time must report **in person** to the driver’s license office of the Department of Highway Safety and Motor Vehicles (DHSMV) within 48 hours after this initial registration to obtain a valid Florida driver’s license or identification card displaying the designation: “943.0435, F.S.”, unless a driver’s license or identification card with such designation was previously secured or updated while under the supervision of DC, DCFS or DJJ and there have been no changes to their address, name or designation.

{Section 322.141(3-4)}

➢ Must register at Sheriff’s Office, the Department of Corrections (DC), the custodian of a local jail or a federal supervision office, within 48 hours after establishing permanent, temporary, or transient residence residence in this state.

{Sections 943.0435(2; 944.607(4),(7),(8)}

➢ Who are enrolled, employed, or carrying on a vocation at an institution of higher education in this state, must provide FDLE with the name, address, and county of each institution, including each campus attended, and the sexual offender’s enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the Sheriff’s Office, or the Department of Corrections if the sexual offender is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. (For more information, see the **Campus Sex Crimes Prevention Act** section)

{Sections 943.0435(2)(b)2., 944.607(4)(b), 985.4815(4)(b) }
Who are not incarcerated and who reside in the community (including those under the supervision of DC) must, within 48 hours of registration, present proof of initial registration as an offender in person at the DHSMV and secure or renew a driver’s license or identification card.

{Sections 943.0435(3), 944.607(9)}

Must report in person any change in permanent, temporary, or transient residence to DHSMV within 48 hours.

{Sections 943.0435(4), 944.607(9)}

Renew in person their driver’s license or identification card when subject to renewal.

{Sections 943.0435(4), 944.607(9)}

Who are not in custody or control of, or under the supervision of DC, or are not in the custody of a private correctional facility, must report any change in the permanent, temporary, or transient residence or name, after registering in person at the Sheriff’s Office, in the manner currently provided in 943.0435(4), (7), and (8).

{Section 943.0435(2)(a)}

Must report intent to establish residence in another state to the Sheriff’s Office in person within 48 hours before the date they intend to leave Florida.

{Section 943.0435(7)}

Who indicate their intent to reside in another state or jurisdiction and later decide to remain in this state must, within 48 hours after the date upon which they indicated they would leave this state, notify the sheriff to which they reported the intended change of residence, of their intent to remain in this state. Failure to do so is a second-degree felony.

{Section 943.0435(8)}

Who also meet all qualifying criteria for sexual predator, including a court finding, must register as a sexual predator as required under s. 775.21.

{Sections 943.0435(5), 944.607(9)}

Who do not comply with the requirements of offender registration laws commit a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

{Sections 943.0435(9)(a), 944.607(9)}

Who fail to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

{Section 944.607(10)(a)}

Must maintain registration with FDLE for the duration of their life, unless they have received a full pardon or have had a conviction set aside in a post conviction proceeding for any
felony sex offense that meets the criteria for classifying them as a sexual offender for purposes of registration. (See Relief of Status as Sexual Offender on the following page for more information).

{Section 943.0435(11)}

- Who establishes or maintains a residence in this state and has not been designated as a sexual predator by a court in this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction shall register in the manner provided in s. 943.0435, s. 944.607, or 985.481 and shall be subject to community and public notification requirements and penalties provided in s. 943.0435, s. 944.607, or 985.481 until such offender provides FDLE with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to FDLE that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

{Sections 775.21(5)(d); 943.0435(1)(a)3., (11)(c)}

- Who live in another state but work or attend school in Florida must register both their in-state employment or school address as well as their out-of-state residential address.

{Sections 775.21(2)(g), 943.0435(1)(c)}

- Who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the Sheriff’s Office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

{Section 943.0435(4)}
Who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (b) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (b) but fails to make a report as required under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

{Section 943.0435(4)}

RELIEF OF STATUS AS SEXUAL OFFENDER

A SEXUAL OFFENDER....

Who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, and who does NOT have a requirement to register based upon an adult conviction for one of the offenses presented in Chart 3 below, may petition the criminal division of the circuit court of the circuit in which they reside for the purpose of removing the requirement for registration as a sexual offender. The court may grant or deny such relief.

{Section 943.0435(11)(a)1.}

Offenses that do NOT Allow Petition

787.01 or 787.02

794.011, excluding 794.011(10)

800.04(4)(b), where the court finds the offense involved a victim under 12 or sexual activity by the use of force or coercion

800.04(5)(b)

800.04(5) c.2., where the court finds the offense involved unclothed genitals or genital area

OR for a violation of similar law of another jurisdiction

In the above circumstances, the court may grant or deny such relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006, and any other federal standards applicable to the removal of registration...
requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

{Section 943.0435(11)(a)}
Registration & Restrictions
(Predators and Offenders)
General Information:

All qualifying sexual predators and offenders must register.

Failure of a sexual predator or offender to register as required by law is a third degree felony.

{Sections 775.21(10), 943.0435(9), 944.607(9),(10)}

Criminal Felon Registration

Sexual Offenders and Predators who have registered as required are exempt from felony criminal registration as outlined in s. 775.13(4)(e), 775.13(4)(f).

{Section 775.13}

Please Note: Sexual offenders who are also sexual predators shall register as sexual predators as required under s. 775.21.

{Sections 943.0435(5), 944.607(9)}

After the court makes a determination that a predator meets the statutory criteria, the court submits its finding to FDLE and the Department of Corrections (if the offender is imprisoned). If FDLE, DC, or any law enforcement agency obtains information suggesting that an offender meets the criteria for a sexual predator, but has not been designated as one in writing by the court, the state attorney of the circuit in which the offender resides is to be notified, and the state attorney will seek a court hearing to obtain the written finding.

Please Note: Florida Statute 775.21 allows a state attorney to secure a court’s sexual predator written finding when it appears one should have been made, but was not, or for offenders entering Florida from other jurisdictions.

{Sections 775.21(4)(c), (5)(a)2.(5)(c)}
FDLE SEXUAL PREDATOR/OFFENDER REGISTRATION FORM

Complete all sections that apply, attach fingerprint card and photo, and submit to:
Florida Department of Law Enforcement, Attn: RCU
P.O. Box 189, Tallahassee, FL, 32302-1489
1-888-357-7332

Contributing Agency Information

<table>
<thead>
<tr>
<th>Agency Name</th>
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<tbody>
<tr>
<td>(Street Address)</td>
<td>(City)</td>
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<tr>
<td>(State)</td>
<td>(Zip)</td>
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<tr>
<td>(County)</td>
<td>(Phone Number)</td>
</tr>
<tr>
<td>(Fax Number)</td>
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</tbody>
</table>

Reason For Registration

- [ ] Initial Registration
- [ ] Scheduled ReRegistration
- [ ] Information Update
- [ ] Early/Late ReRegistration

Registrant Information

Name: ___________________  SSN: ______________  DOB: ___________  Race: _______  Sex: _______
(First Middle Last, Suffix)

*Disclosure of your Social Security Number (SSN) is mandatory pursuant to Florida law, sections 775.37, 943.0435, 944.067, 985.481, F.S., and federal law, 42 USC 14101, et seq. Use of your SSN is for the purposes of identification. FDLE may share the information with the other agencies for the same purpose.

FL DL or ID Card #: ________  Height: ________  Weight: ________  Hair: ________  Eyes: ________  Place of Birth: ________

Currently on Probation/Parole: [ ] No  [ ] Yes

Probation Type: [ ] State  [ ] Federal  [ ] County

State: __________  Officer Name: ________  Phone: ________  State: __________  Officer Name: ________  Phone: ________  County: ________  Officer Name: ________  Phone: ________

Out of State Travel Information (Complete if permanent, temporary, or transient address is out of state)

- [ ] Permanently leaving Florida to establish a residence in another state  Date of Departure: ________
- [ ] Temporarily leaving Florida to visit another state  Date of Arrival: ________
- [ ] Moving from another state to permanently establish a residence in Florida  Date of Departure: ________
- [ ] Visiting from another state and establishing a temporary address in Florida  Date of Arrival: ________
- [ ] Other (please describe): ________

Current Permanent Address

Address Line 1: ______________________
Address Line 2: ______________________

( City)  (State)  (Zip)  
County: ________  Start Date: ________

I do NOT have a permanent address at this time.

FDLE/JS/RCU (Rev. 08/10)  Page 1 of 5
### Registration & Restrictions for Predators and Offenders

**Registrant Name:** ___________________________  
**Date:** ___________  
**Registrant’s Initials:** ___________

#### Temporary Addresses

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<td>1.</td>
<td>(Street Address)</td>
<td>(City)</td>
<td>(State)</td>
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<td></td>
<td>County:</td>
<td>Dates you will be at this address:</td>
<td>From:</td>
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<td>(Street Address)</td>
<td>(City)</td>
<td>(State)</td>
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<td>County:</td>
<td>Dates you will be at this address:</td>
<td>From:</td>
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<td>(Street Address)</td>
<td>(City)</td>
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<td>County:</td>
<td>Dates you will be at this address:</td>
<td>From:</td>
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#### Transient Addresses

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<td>1.</td>
<td>(Street Address)</td>
<td>(City)</td>
<td>(State)</td>
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<td>County:</td>
<td>Dates you will be at this address:</td>
<td>From:</td>
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<td>(Street Address)</td>
<td>(City)</td>
<td>(State)</td>
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<td></td>
<td>County:</td>
<td>Dates you will be at this address:</td>
<td>From:</td>
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<td>(Street Address)</td>
<td>(City)</td>
<td>(State)</td>
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<tr>
<td></td>
<td>County:</td>
<td>Dates you will be at this address:</td>
<td>From:</td>
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#### Employment

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<tr>
<td>1.</td>
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<td>Occupation:</td>
<td>Start Date:</td>
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<tr>
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<td>Address:</td>
<td>(Street Address)</td>
<td>(City)</td>
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<td></td>
<td>County:</td>
<td>Contact Person:</td>
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<td>Start Date:</td>
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<td>County:</td>
<td>Contact Person:</td>
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<td></td>
<td>County:</td>
<td>Contact Person:</td>
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### Registration & Restrictions for Predators and Offenders

**Mailing Address**
- [ ] Same as Permanent
- [ ] Same as Temporary

**Phone Numbers**
- [ ] I do NOT have or use any home or mobile phone numbers

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<thead>
<tr>
<th>Phone Number</th>
<th>Phone Type</th>
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</table>

**Vehicles**
- [ ] I do NOT own or use a vehicle, RV, trailer or mobile home.

<table>
<thead>
<tr>
<th>Year</th>
<th>(Make)</th>
<th>(Model)</th>
<th>(Color/Color Scheme)</th>
<th>(Vehicle Type)</th>
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**Vessels**
- [ ] I do NOT own a vessel or houseboat.

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<thead>
<tr>
<th>Year</th>
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FDLE/CJS/RCU (Rev. 08/10)
Registration & Restrictions for Predators and Offenders

<table>
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<tr>
<th>Campus Activity</th>
<th>I am NOT a student, employee, or volunteer at a university or institution of higher learning.</th>
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<tbody>
<tr>
<td>1. Student</td>
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<tr>
<td>Address</td>
<td>(Street Address)</td>
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<td>County:</td>
<td>Employer:</td>
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<tr>
<td>2. Student</td>
<td>Employee</td>
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<td>Address</td>
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<td>County:</td>
<td>Employer:</td>
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<tr>
<td>3. Student</td>
<td>Employee</td>
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<td>Address</td>
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<tr>
<td>County:</td>
<td>Employer:</td>
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<table>
<thead>
<tr>
<th>Cyber Communication Accounts</th>
<th>I do NOT use any email addresses or Instant Message screen names.</th>
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</thead>
<tbody>
<tr>
<td>Email Addresses</td>
<td>Instant Message Screen Names</td>
</tr>
<tr>
<td>Name</td>
<td>Name</td>
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<tr>
<td>1.</td>
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<td>5.</td>
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<thead>
<tr>
<th>Adjudication Information</th>
<th>Date Adjudicated</th>
<th>Crime</th>
<th>Location of Adjudication/Conviction</th>
<th>Victim Information</th>
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<td>2.</td>
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</table>

Were you or are you subject to registration or community notification in another state? Yes □ No □ If Yes, in what state?
NOTICE OF SEXUAL PREDATOR AND SEXUAL OFFENDER OBLIGATIONS

As a Sexual Predator (F.S. 775.21) or Sexual Offender (F.S. 943.0435; 944.607; or 985.481) I understand that I am required by law to abide by the following:

“Permanent residence” means a place where the person abides, lodges, or resides for 5 or more consecutive days.

“Temporary residence” means a place where the person abides, lodges, or resides, including but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 5 or more days in the aggregate during any calendar year and which is not the person's permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

“Transient residence” means a place or county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

FAILURE TO COMPLY WITH ANY OF THE FOLLOWING REQUIREMENTS IS A FELONY OF THE THIRD DEGREE (UNLESS OTHERWISE NOTED).

1. I MUST report in person to the local Sheriff's Office within 48 hours of establishing or maintaining a residence in this state, within 48 hours of release from custody and/or supervision of Department of Corrections (DOC), Department of Children and Family Services (DCFS), or Department of Juvenile Justice (DJJ), or in the county of conviction within 48 hours of conviction if not under custody and/or supervision of DOC to register my temporary, transient, or permanent address and other information specified in statute. [F.S. 943.0435(2)(a); 775.21(6)(e)1).

2. At initial registration, I MUST provide the following information to the department: name, date of birth, social security number, race, sex, height, weight, hair and eye color, photograph, home telephone number and any cellular telephone number, any electronic mail address and any instant message name required to be provided pursuant to paragraph s. 943.0435(4)(d) F.S., address of legal residence, address of any current temporary residence, if no permanent or temporary residence, any transient residence within the state, dates of any current or known future temporary residence within the state or out of state, occupation and place of employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed. [F.S. 943.0435(2)(b); 775.21(6)(a)1].

3. Within 48 hours after the initial report required as stated in requirement #2 above, I MUST report in person to the driver's license office of the Department of Highway Safety and Motor Vehicles (DHSVMV) and provide proof of initial registration as a sexual offender or predator to secure or renew a valid Florida driver's license or identification card displaying one of the following designations: "775.21, F.S.,” or "943.0435, F.S.", unless a driver's license or identification card with such designation was previously secured or updated. The sexual offender shall submit to the taking of a photograph for use by the department in maintaining current records of sexual offenders. [F.S. 943.0435(3); 775.21(6)(f)].

4. Each time my driver's license or identification card is subject to renewal, or within 48 hours after any change in my permanent, temporary, or transient residence or change in name made by marriage or other legal process, I MUST report in person to a driver's license office to update my driver's license or identification card and ensure that the driver's license or identification card displays the designations as identified in requirement #3. [F.S. 943.0435(4)(a); 775.21(6)(g)1].

5. If I am enrolled, employed or carrying on a vocation at an institution of higher education in Florida, I MUST provide the name, address and county of each institution including each campus, enrollment or employment status, including each change in enrollment or employment status, i.e. commencement or termination, in person at the Sheriff's Office; OR, for a sexual offender on supervision with the Florida (DOC) or (DJJ), this information must be reported to the sexual offender's probation officer, within 48 hours after any change in status. [F.S. 943.0435(2)(b)2; 775.21(6)(a)1].

6. I MUST report any electronic mail address or instant message name, prior to using such, during registration/registration or by providing all updates through the online system maintained by the Florida Department of Law Enforcement. [F.S. 943.0435(4)(d); 775.21(6)(g)4].

7. If I vacate a permanent, temporary, or transient residence, and do not have another permanent, temporary, or transient residence, I MUST report in person to the Sheriff's Office in the county where I am located within 48 hours. [F.S. 943.0435(4)(b); 775.21(6)(g)13].
8. If I report that I have vacated a permanent, temporary, or transient residence and then remain at that residence, I MUST report in person to the Sheriff's Office where I reported vacating my residence. Failure to report this information is a felony of the second degree. (F.S. 943.0435(4)(c); 775.21(6)(a)(3)).

9. I understand that my address will be verified by county, state or local law enforcement agencies. (F.S. 943.0435(6); 775.21(8)).

10. If I intend on establishing a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida, I MUST report in person to the Sheriff's Office of the county of my current residence within 48 hours before the date that I intend to leave this state to establish residence in another state or jurisdiction. (F.S. 943.0435(7); 775.21(6)(b)).

11. If I intend to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida and later decide to remain in this state, I MUST report in person to the Sheriff's Office to which I reported my intention of leaving the state within 48 hours after the intended departure date. Failure to report this information is a felony in the second degree. (F.S. 943.0435(8); 775.21(6)(d)).

12. I MUST report in person either twice a year (during the month of my birth and during the 6th month following my birth month) or four times a year (once during the month of my birth and every 3rd month thereafter), depending upon my offense designation, to the Sheriff's Office in the county in which I reside or am otherwise located to reregister. (F.S. 943.0435(14)(a); 775.21(8)(a)).

NOTE: All sexual predators and sexual offenders convicted for offenses specified in F.S. 943.0435(14), and juvenile sexual offenders required to register per F.S. 943.0435(1)(a)1.d are required to reregister four times a year. All other sexual offenders are required to reregister twice a year.

---

I AM REQUIRED TO REREGISTER EIGHT TIMES A YEAR
I MUST REREGISTER AS NOTED BELOW,
(Sexual Offenders 943.0435, unless otherwise notified by FDOE)

<table>
<thead>
<tr>
<th>Month of Birth</th>
<th>I must reregister in:</th>
<th>Month of Birth</th>
<th>I must reregister in:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>Jan &amp; July</td>
<td>July</td>
<td>Jan &amp; July</td>
</tr>
<tr>
<td>Feb</td>
<td>Feb &amp; Aug</td>
<td>Aug</td>
<td>Feb &amp; Aug</td>
</tr>
<tr>
<td>Mar</td>
<td>Mar &amp; Sept</td>
<td>Sept</td>
<td>Mar &amp; Sept</td>
</tr>
<tr>
<td>April</td>
<td>Apr &amp; Oct</td>
<td>Oct</td>
<td>Apr &amp; Oct</td>
</tr>
<tr>
<td>May</td>
<td>May &amp; Nov</td>
<td>Nov</td>
<td>May &amp; Nov</td>
</tr>
<tr>
<td>June</td>
<td>June &amp; Dec</td>
<td>Dec</td>
<td>June &amp; Dec</td>
</tr>
</tbody>
</table>

I AM REQUIRED TO REREGISTER FOUR TIMES A YEAR
I MUST REREGISTER AS NOTED BELOW,
(Sexual Predators 775.21 and Sexual Offenders 951.481),
(unless otherwise notified by FDOE)

<table>
<thead>
<tr>
<th>Month of Birth</th>
<th>I must reregister in the months of:</th>
<th>Month of Birth</th>
<th>I must reregister in the months of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>Jan, April, July &amp; Oct</td>
<td>July</td>
<td>Jan, April, July &amp; Oct</td>
</tr>
<tr>
<td>Mar</td>
<td>Mar, June, Sept &amp; Dec</td>
<td>Sept</td>
<td>Mar, June, Sept &amp; Dec</td>
</tr>
<tr>
<td>May</td>
<td>May, Aug, Nov &amp; Feb</td>
<td>Nov</td>
<td>May, Aug, Nov &amp; Feb</td>
</tr>
<tr>
<td>June</td>
<td>June, Sept, Dec &amp; Mar</td>
<td>Dec</td>
<td>June, Sept, Dec &amp; Mar</td>
</tr>
</tbody>
</table>

13. If I live in another state, but work or attend school in Florida, I MUST register my work or school address as a temporary address within 48 hours by reporting in person to the local Sheriff's Office. (F.S. 943.0435(2); 775.21(6)(a)1b).

14. I MUST respond to any address verification correspondence from FDOE within three weeks of the date of the correspondence. (F.S. 943.0435(14)(c)-4; 775.21(10)(a)).

15. If I am employed, carry on a vocation, am a student, or become a resident of another state, I am on notice that I may have a requirement to register under the laws of that state.

16. I MUST maintain registration for the duration of my life. (F.S. 943.0435(11); 775.21(6)(d)).

PLEAS READ CAREFULLY BEFORE SIGNING
As a Sexual Predator (Florida Statute 775.21) or Sexual Offender (Florida Statute 943.0435, 944.607, or 985.481), I am required by law to abide by the requirements listed on this form. BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE READ OR HAVE BEEN READ THE REQUIREMENTS ON THIS FORM, AND THAT I UNDERSTAND THESE REQUIREMENTS. Under penalty of perjury I declare the above is true and correct.

Registrant: ____________________________ Witnessed by: ____________________________
Printed Name: ____________________________ Date: ____________________________
Signature Required
Printed Name: ____________________________ Date: ____________________________
Signature Required

FDLE/CJS/RCU (Rev. 09/10) * OFFICIAL DOCUMENT DO NOT DESTROY *
The following list of obligations appears on the back of the FDLE Sexual Predator/Sexual Offender Registration Form to be completed and signed by law enforcement, and signed by each registering predator or offender:

NOTICE OF SEXUAL PREDATOR AND SEXUAL OFFENDER OBLIGATIONS:

As a Sexual Predator (F.S. 775.21) or Sexual Offender (F.S. 943.0435; 944.607; or 985.481) I understand that I am required by law to abide by the following:

"Permanent residence" means a place where the person abides, lodges, or resides for 5 or more consecutive days.

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

"Transient residence" means a place or county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

FAILURE TO COMPLY WITH ANY OF THE FOLLOWING REQUIREMENTS IS A FELONY OF THE THIRD DEGREE (UNLESS OTHERWISE NOTED).

1. I MUST report in person to the local Sheriff's Office within 48 hours of establishing or maintaining a residence in this state, within 48 hours of release from custody and/or supervision of Department of Corrections (DOC), Department of Children and Family Services (DCFS), or Department of Juvenile Justice (DJJ), or in the county of conviction within 48 hours of conviction if not under custody and/or supervision of DOC to register my temporary, transient, or permanent address and other information specified in statute. {F.S. 943.0435(2)(a); 775.21(6)(e)1}.

2. At initial registration, I MUST provide the following information to the department: name, date of birth, social security number, race, sex, height, weight, hair and eye color, photograph, home telephone number and any cellular telephone number, any electronic mail address and any instant message name required to be provided pursuant to paragraph s. 943.0435(4)(d) F.S., address of legal residence, address of any current temporary residence, if no permanent or temporary residence, any transient residence within the state, dates of any current or known future temporary residence within the state or out of state, occupation and place of employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed. {F.S. 943.0435(2)(b); 775.21(6)(a)1}.

3. Within 48 hours after the initial report required as stated in requirement #2 above, I MUST report in person to the driver's license office of the Department of Highway Safety
and Motor Vehicles (DHSMV) and provide proof of initial registration as a sexual offender or predator to secure or renew a valid Florida driver's license or identification card displaying one of the following designations: "775.21, F.S." or "943.0435, F.S.", unless a driver's license or identification card with such designation was previously secured or updated. The sexual offender shall submit to the taking of a photograph for use by the department in maintaining current records of sexual offenders. {F.S. 943.0435(3); 775.21(6)(f)}.

4. Each time my driver's license or identification card is subject to renewal, or within 48 hours after any change in my permanent, temporary, or transient residence or change in name made by marriage or other legal process, I MUST report in person to a driver's license office to update my driver's license or identification card and ensure that the driver's license or identification card displays the designations as identified in requirement #3. {F.S. 943.0435(4)(a); 775.21(6)(g)1}.

5. If I am enrolled, employed or carrying on a vocation at an institution of higher education in Florida, I MUST provide the name, address and county of each institution including each campus, enrollment or employment status, including each change in enrollment or employment status, i.e. commencement or termination, in person at the Sheriff's Office; OR, for a sexual offender on supervision with the Florida (DOC) or (DJJ), this information must be reported to the sexual offender's probation officer, within 48 hours after any change in status. {F.S. 943.0435(2)(b)2; 775.21(6)(a)b}.

6. I MUST report any electronic mail address or instant message name, prior to using such, during registration/reregistration or by providing all updates through the online system maintained by the Florida Department of Law Enforcement. {F.S. 943.0435(4)(d); 775.21(6)(g)4}.

7. If I vacate a permanent, temporary, or transient residence, and do not have another permanent, temporary, or transient residence, I MUST report in person to the Sheriff's Office in the county where I am located within 48 hours. {F.S. 943.0435(4)(b); 775.21(6)(g)2}.

8. If I report that I have vacated a permanent, temporary, or transient residence and then remain at that residence, I MUST report in person to the Sheriff's Office where I reported vacating my residence. Failure to report this information is a felony of the second degree. {F.S. 943.0435(4)(c); 775.21(6)(g)3}.

9. I understand that my address will be verified by county, state or local law enforcement agencies. {F.S. 943.0435(6); 775.21(8)}.

10. If I intend on establishing a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida, I MUST report in person to the Sheriff's Office of the county of my current residence within 48 hours before the date that I intend to
leave this state to establish residence in another state or jurisdiction. {F.S. 943.0435(7); 775.21(6)(l)}. 

11. If I intend to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida and later decide to remain in this state, I MUST report in person to the Sheriff's Office to which I reported my intention of leaving the state within 48 hours after the intended departure date. Failure to report this information is a felony in the second degree. {F.S. 943.0435(8); 775.21(6)(j)}. 

12. I MUST report in person either twice a year (during the month of my birth and during the 6th month following my birth month) or four times a year (once during the month of my birth and every 3rd month thereafter), depending upon my offense/designation, to the Sheriff's Office in the county in which I reside or am otherwise located to reregister. {F.S. 943.0435(14)(a); 775.21(8)(a)}. 

NOTE: All sexual predators and sexual offenders convicted for offenses specified in F.S. 943.0435(14), and juvenile sexual offenders required to register per F.S. 943.0435(1)(a)1.d are required to reregister four times a year. All other sexual offenders are required to reregister twice a year. 

13. If I live in another state, but work or attend school in Florida, I MUST register my work or school address as a temporary address within 48 hours by reporting in person to the local Sheriff's Office.{F.S. 943.0435(2); 775.21(6)(a)1b}. 

14. I MUST respond to any address verification correspondence from FDLE within three weeks of the date of the correspondence. {F.S. 943.0435(14)(c)4; 775.21(10)(a)}. 

15. If I am employed, carry on a vocation, am a student, or become a resident of another state, I am on notice that I may have a requirement to register under the laws of that state. 

16. I MUST maintain registration for the duration of my life. {F.S. 943.0435(11); 775.21(6)(l)}.
INCARCERATED / IN CUSTODY

INCARCERATED IN PRISON with the Department of Corrections (DC) or the Department of Juvenile Justice (DJJ)

Sexual Predators who are incarcerated must provide registration information and materials to DC. The DC will forward the information and materials to FDLE.  {Sections 775.21(6)(b)}

These materials include:

- Fingerprint card
- Digital photo
- Completed registration form supplied by DC
- Copy of the court finding designating the offender as a predator
- Genetic Markers* (Blood samples for DNA database)
- AND “any other information determined necessary” by FDLE.

{Section 775.21(6)(a)}

*Genetic Markers: The Department of Corrections must be prepared to take both the predator’s required photograph and fingerprints. The sentencing court should order DNA blood samples at time of conviction, but these may need to be obtained later if not previously secured. (See the Blood Specimen Requirement later in this section.)

Registration information shall be immediately forwarded to FDLE.

Sexual Offenders who are incarcerated must provide registration information to the DC or the DJJ. DC and the DJJ will transmit the information to FDLE.

{Section 944.606(3)(a), 985.481(3)(a)2.(b)}
IN CUSTODY OF LOCAL JAIL

If the sexual predator or sexual offender is in the custody of a local jail, the custodian of the local jail shall register the sexual predator or offender within 3 days after the intake of the sexual predator or offender for any reason AND upon release and shall forward the registration information to the Department. The custodian of the local jail shall also take a digitized photograph of the sexual predator while the sexual predator remains in custody and shall provide the digitized photograph to the department. The custodian shall notify the FDLE if the sexual predator or offender escapes from custody or dies.

{Sections 775.21(6)(c); 944.607(7); 985.481(3)(a)1}

SERVING NON-INCARCERATED SANCTIONS

UNDER SUPERVISION OF THE FLORIDA DEPARTMENT OF CORRECTIONS OR THE DEPARTMENT OF JUVENILE JUSTICE

(Florida probation, community control, control release, parole, etc.)

1. Sexual Predators AND Sexual Offenders who are not incarcerated but are under the supervision of the DC or the DJJ shall register with the DC or the DJJ through their supervising officer who shall forward the information to FDLE.

{Sections 775.21(6)(a)-(b); 944.607(4)-(6) 985.481(3)(a)2.(b)}

Registration Materials for supervised Sexual PREDATORS:

<table>
<thead>
<tr>
<th>Fingerprint card</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digital photo</td>
</tr>
<tr>
<td>Completed and signed registration form supplied by DC</td>
</tr>
<tr>
<td>Copy of the court finding designating the individual as a predator</td>
</tr>
<tr>
<td>Genetic Markers* (Blood samples for DNA database)</td>
</tr>
<tr>
<td>AND &quot;any other information determined necessary&quot; by FDLE.</td>
</tr>
</tbody>
</table>

{Section 775.21(6)(a)-(b)}
SERVING NON-INCARCERATED SANCTIONS
CONTINUED

Registration Materials for SUPERVISED SEXUAL OFFENDERS:

| Digital photo                                                                 |
| Completed and signed registration form supplied electronically by DC or DJJ |
| Genetic Markers* (Blood samples for DNA database)                            |
| AND “any other information determined necessary” by FDLE.                    |

{Section 944.607(4)-(6); 985.481(4)-(6)}

*Genetic Markers: The Department of Corrections must be prepared to take both the predator's required photograph and fingerprints. The sentencing court should order DNA blood samples at time of conviction, but these may have to be obtained later if not previously secured. (See the Blood Specimen Requirement later in this section.)

AND

2. Sexual predators AND sexual offenders who are not incarcerated but are under the supervision of DC or DJJ shall report to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) within 48 hours of registration as a sexual offender/predator to:

SERVING NON-INCARCERATED SANCTIONS
CONTINUED

- Report their status as a sexual offender/predator;
- Show proof of registration as an offender/predator to DHSMV officials; and
- Obtain a driver’s license or identification card with the designation “775.21” for predators, and “943.0435” for offenders, as required, unless a driver’s license or identification card with such designation was previously secured or updated while under the supervision of the Department of Corrections, the Department of Children and Family Services, or the Department of Juvenile Justice and there have been no changes to my address, name or designation.

{Section 322.141(3-4)}

DHSMV will flag the sexual offender's/predator's driver's license or identification card in its computer system and will forward the above information provided by the sexual offender/predator to FDLE.
3. Sexual predators AND sexual offenders who are not incarcerated but are under the supervision of the DC or the DJJ AND who are enrolled at, employed by or carrying on a vocation at an institution of higher education must report, in person, the following information to the DC and the DJJ through their supervising officer:

Name, address, and county of each institution
Each campus attended
Enrollment and employment status AND
Each change in enrollment or employment status, including a change in location of either, within 48 hours of change

The DC and the DJJ will promptly notify each institution of the sexual predator’s/offender’s presence and any change in such person’s enrollment or employment status. The DC and the DJJ will also provide the information from the sexual predator/offender to FDLE. (See the Campus Sex Crime Prevention Act section for more information and requirements).

SERVING NON- INCARCERATED SANCTIONS

UNDER FEDERAL SUPERVISION
If the sexual offender/predator is under federal supervision, the federal agency responsible for supervising the sexual offender/predator may forward to FDLE any information regarding the sexual offender/predator which is consistent with the registration information provided by the Department of Corrections for offenders/predators, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by FDLE and law enforcement for purposes of public notification.

NOT INCARCERATED OR IN CUSTODY AND NOT SERVING OTHER SANCTION(S)

1. Primary Registration

Sexual Predator

A sexual predator shall report in person to and register at the Sheriff’s Office in the county in which the predator establishes or maintains a permanent, temporary or transient residence within 48 hours after establishing or maintaining a residence in this state; AND at the Sheriff’s Office in the county where he or she was designated a sexual predator by the court within 48 hours after such finding is made.
Sexual Offender

A sexual offender must register in person at the Sheriff’s Office in the county here he/she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; or being released from the custody, control, or supervision of the Department of Corrections or Department of Juvenile Justice, or from the custody of a private correctional facility; AND in the county where he/she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or control of, or under the supervision of, the Department of Corrections or Department of Juvenile Justice, or is not in the custody of a private correctional facility.

\{Sections 943.0435(2); 944.607(4), (7), (8); 985. 4815.\}

This registration for the predator or offender will include the following:

<table>
<thead>
<tr>
<th>Fingerprint card</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digital photo</td>
</tr>
<tr>
<td>Completed and signed FDLE Sexual Predator/Sexual Offender Registration form</td>
</tr>
</tbody>
</table>

\{Sections 775.21(6)(a); 943.0435(2)\}

Registration information shall immediately be forwarded to FDLE.

2. Additional Registration Requirements

Sexual predators AND sexual offenders who are not incarcerated, not in custody, and not serving other sanctions AND who are enrolled at, employed by or carrying on a vocation at an institution of higher education must report, in person, the following information to the Sheriff’s Office of the county in which the predator or offender establishes or maintains a residence:

Name, address, and county of each institution
Each campus attended
Enrollment and employment status AND
Each change in enrollment or employment status, including a change in location of either, within 48 hours of change

Sexual predators AND sexual offenders who have any change in enrollment or employment status must be reported, in person, by the predator/offender, to the Sheriff’s Office of the county of the predator’s/offender’s residence, within 48 hours of the change. The Sheriff will promptly notify each institution of the sexual predator’s presence and any change in such person’s enrollment or employment status. The Sheriff will also provide the information from
the sexual predator/offender to FDLE. (See the Campus Sex Crime Prevention Act section for more information and requirements.)

{Sections 775.21(6)(a)1.b.; 943.0435(2)(b)2.; 985.4815(4)(b)}

REQUIRED PRIMARY REGISTRATION INFORMATION

<table>
<thead>
<tr>
<th>Name (including any legal name change)</th>
<th>Eye Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security #</td>
<td>Photograph</td>
</tr>
<tr>
<td>Age</td>
<td>Address(es)*</td>
</tr>
<tr>
<td>Race</td>
<td>Date &amp; Place of Employment</td>
</tr>
<tr>
<td>Sex</td>
<td>Fingerprints</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>Date &amp; Place of each conviction</td>
</tr>
<tr>
<td>Height</td>
<td>Description of Crime(s)</td>
</tr>
<tr>
<td>Weight</td>
<td>Tattoos or Identifying Marks</td>
</tr>
<tr>
<td>Hair Color</td>
<td>Occupation</td>
</tr>
<tr>
<td>Institution of Higher Education Information</td>
<td>Any e-mail address</td>
</tr>
<tr>
<td>Any on-line instant message name</td>
<td>Juvenile offenders to provide name and address of each school attended.</td>
</tr>
<tr>
<td>Any cell phone number</td>
<td>Home phone number</td>
</tr>
</tbody>
</table>

*Any current or temporary address both within and out of state. A post office box shall not be provided in lieu of a physical residential address.

{Sections 775.21(6)(a)1., 943.0435(2)}
REQUIRED PRIMARY REGISTRATION INFORMATION

Continued

If the Predator or Offender’s place of residence is a motor vehicle, trailer, mobile home or manufactured home (s.320) he or she shall also provide written notice of the:

Vehicle ID number
License tag number
Registration number
Description (including color scheme)

of the motor vehicle, trailer, mobile home or manufactured home.

{Sections 775.21(6)(a)1., 943.0435(2)}

If the sexual predator or offender’s place of residence is a vessel, live-aboard vessel, or houseboat (s.327) he or she shall also provide written notice of the:

Hull ID number
Manufacturer’s Serial number
Name of vessel
Description (including color scheme)

of the vessel, live-aboard vessel or houseboat.

{Sections 775.21(6)(a)1., 943(0435(2)}

Sexual Predators AND Sexual Offenders must report in person each year either twice a year (during the month of my birth and during the sixth month following my birth month) or four times per year (once during the month of my birth and every 3rd month thereafter), depending upon my offense/designation, to the Sheriff’s Office in the county in which I reside or am otherwise located to reregister.

NOTE: All sexual predators and sexual offenders convicted for offenses specified in F.S. 943.0435(14), and juvenile sexual offenders required to register per F.S. 943.0435(1)(a)1.d are required to reregister four times a year. All other sexual offenders are required to reregister twice a year.
INACCURATE REGISTRATION INFORMATION

It is important that registration records be as accurate as possible. Many agencies routinely monitor the predators and offenders in their communities. During the course of agency activity, it may be determined that an address or other information reflected in FDLE’s records is inaccurate. This might be caused by a mistake in the registration information, failure by the offender/predator to promptly update registration records, or by an offender/predator’s intentional attempt to circumvent registration requirements.

Important Information! Any indications of inaccuracy or needed changes in FDLE’s registration files should be reported by the agency to FDLE by utilizing the on-line access to the Sex Offender Database through the CJNet, or by calling the unit at 1-888-357-7332. However, information concerning offender or predator addresses or address verification data should always be entered directly into the sex offender/predator database by law enforcement (see below for additional information).

Should you determine that an offender/predator is no longer at the address reflected in FDLE’s records, try to determine a new address, but always promptly report this information to FDLE via the secured database, even if a new address for the offender/predator is not known. Law enforcement agencies should enter address information directly into the secure Sexual Offender/Predator Database in the form of an Activity Report (for example to report that a subject is no longer at his last known address), and then a Field Intel, if appropriate (for example, if a new address for the subject has been determined).

If you believe the offender or predator intended to violate his or her registration requirements, you should report this information to the state attorney having jurisdiction for consideration of prosecution.
CHANGE OF ADDRESS PROCESS

CHANGE OF ADDRESS WITHIN FLORIDA
1. Notification to DHSMV
   After initial registration, all non-incarcerated sexual predators and offenders must notify the DHSMV within 48 hours of any change of residence.

2. Should the predator or offender be under sanction, he or she must also report their change of address, as required by law, to their supervising officer who will in turn notify FDLE.

3. DHSMV will notify FDLE of the change of address information and changes will be posted to the Internet site.

4. The Sheriff’s Office and all police departments within the county will be notified via FCIC administrative message of all new predator and offender addresses within their county.

5. Agencies should regularly access the FDLE Sexual Offender/Predator web site via CJNet or the Internet at http://www.fdle.state.fl.us to obtain current listings of all Sexual Offenders and Predators. Agencies may also contact FDLE’s Offender Registration & Tracking Services Unit for offender information at 1-888-357-7332.

CHANGE OF ADDRESS OUTSIDE OF FLORIDA
1. A sexual predator or offender who intends to establish a permanent, temporary or transient residence in another state or jurisdiction shall notify the Sheriff of the county of current residence in person within 48 hours before the date he or she intends to leave this state to establish a permanent, temporary or transient residence in another state or jurisdiction.

   The notification must include:
   - Address
   - Municipality
   - County
   - State of intended residence

2. The sheriff shall promptly provide to FDLE the information received from the sexual predator/offender.
3. FDLE will then notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual predator or offender's intended residence.

The failure of a Sexual Offender/Predator to provide his or her intended place of residence is a *felony of the third degree*, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

{Sections 775.21(6)(i), (10), 943.0435(7),(9)}

CANCELLATION OF CHANGE OF ADDRESS OUTSIDE OF FLORIDA

1. A sexual predator or offender who indicates his or her intent to establish permanent, temporary or transient residence in another state or jurisdiction and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender/predator indicated he or she would leave this state, notify the Sheriff’s Office to which the sexual offender/predator reported the intended change of permanent, temporary or transient residence, of his or her intent to remain in this state.

2. If the Sheriff’s Office is notified by the sexual offender/predator that he or she intends to remain in this state, the Sheriff shall promptly report this information to FDLE.

A sexual predator or offender who reports his or her intent to reside in another state or jurisdiction, but who remains in this state without reporting to the Sheriff’s Office in this manner, commits a *felony of the second-degree*, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

{Sections 775.21(6)(j), 943.0435(8)}

REAL ID Good to Know Facts

- The REAL ID Act became effective nationwide on May 11, 2008. Florida has received a compliance extension that pushes the date to January 1, 2010.

- Your current Florida license or ID card will continue to be valid as identification for federal purposes until December 1, 2014 for individuals born after December 1, 1964 and December 1, 2017 for everyone else.

- After the 2014 and 2017 dates, Federal agencies will no longer accept a driver’s license or ID card unless it is Real ID compliant. This means you will not be allowed to board commercial flights or enter federal facilities unless you have a REAL ID compliant document.
Florida already meets many of the REAL ID requirements. We are on track to meet the remaining mandates and begin issuing REAL ID compliant documents by January 1, 2010.

You will need to bring one of the following to establish your identity, proof of legal residence and date of birth: For a detailed list of required items, please visit, www.gathergoget.com

For U.S. Citizens:
- Valid, unexpired U.S. passport
- Original or Certified copy of a birth certificate
- Consular Report of Birth Abroad
- Certificate of Naturalization issued by DHS
- Certificate of Citizenship
- Court or marriage/divorce documents that provide proof of a change in name that differs from your primary identity document

For Non-Citizens:
- Valid, unexpired Permanent Resident Card – I-551 for Lawful Permanent Residents
- Valid Passport for non-immigrants except for asylum applicants and refugees
- Other government issued document showing your full name
- Department of Homeland Security document showing proof of lawful presence
- If your name has changed by marriage/divorce, you must have your name changed on your Citizen and Immigration Services (CIS) documents.

Both Citizens and Non-Citizens will need to bring:
- Your Social Security Card or proof of your social security number.
  - A list of documents that provide proof of the social security number can be found on our website at: www.flhsmv.gov/ddl/address.html
- Two documents that show your principal residence
  - A list of these kinds of documents can be found on DHSMV’s website at: www.flhsmv.gov/ddl/address.html
OUT OF STATE
SEXUAL OFFENDERS / PREDATORS

Any person who resides in Florida and who has been designated a sexual predator, a violent sexual predator or another sexual offender designation in another state or jurisdiction and was subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, is required to register as a sexual offender in the state of Florida.

{Sections 775.21(5)(d); 943.0435(1)(a)3.; 944.607(1)(a)2.; 985.4815(1)(d)}

Please Note: If an offender enters Florida with out-of-state convictions that are similar to Florida’s sexual predator criteria offenses, the state attorney in the jurisdiction in which the offender establishes or maintains a permanent, temporary or transient residence shall initiate a court hearing to review the out-of-state offenses and to determine whether the offender will be classified as a sexual predator under Florida law.)

{Section 775.21(5)(a)2.}

JUVENILE OFFENDERS

Juvenile Offenders (Adjudicated as Adults) with Florida Offenses

Juveniles with Florida convictions for certain specified offenses specified who are treated-as-adults can qualify as sexual predators/offenders based on the criteria for each classification, as provided in Florida Statute 943.0435(1).

Please Note: In terms of sexual Predator Registration any sexual offense for which an offender was adjudicated delinquent in Florida shall not be considered as a qualifying criteria offense for sexual predator or offender status except that, in the case of a sexual predator, a qualifying prior (predicate) offense which resulted in an adjudication of delinquency may be counted provided the current offense resulted in an adult or treat-as-adult adjudication.

NEW IN 2007: As of July 1, 2007, a sexual offender who was adjudicated delinquent for one of the crimes enumerated in F.S. 943.0434(1)(a)1.d. who meets the criteria specified may be required to register as a sexual offender. For a list of qualifying offenses see Chart 2: Qualifying Offenses for Adjudications of Delinquency in the Sexual Offender section. For more information, contact FDLE’s Offender Registration & Tracking Services Unit at 1-888-357-7332.

Juvenile Offenders with Out-of-State Offenses

A juvenile who has been designated a sexual predator, a violent sexual predator or another sexual offender designation in another state or jurisdiction and was subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, may be required to register as a sexual offender in the state of Florida and may be required to be posted on the public website.
Please Note: Out-of-state juvenile offenders are treated on a case-by-case basis based upon review by a designated registry analyst and/or FDLE legal counsel, as appropriate. To determine if an out-of-state juvenile offender is required to register in Florida and/or whether or not the juvenile will appear on the public website, please forward all documentation and known information to the FDLE Florida Offender Registration & Tracking Services unit for review.

By Mail:
Florida Department of Law Enforcement
Florida Offender Registration & Tracking Services
P.O. Box 1489
Tallahassee, Florida 32302-1489

By Fax: 850-410-8599
PROCEDURES FOR
SUBMITTING A FINGERPRINT CARD ON
SEXUAL PREDATOR/SEX OFFENDER REGISTRANTS

Proper identification must be presented and the procedures listed below must be followed to ensure accurate and complete recording of the sexual predator/offender registration information.

1. The FBI criminal fingerprint card (Form FD-249, Revised 12-01-94) must be used for fingerprinting and recording of all the descriptive information.
2. The words Sexual Predator Registration 9050 or Sexual Offender Registration 9060 must be reflected in the Charge block.
3. The word Released must be reflected in the Final Disposition block.
4. The occupation and residence of the sexual predator/sex offender must be indicated in the respective blocks.
5. A photograph is to be taken of the sexual predator/sex offender and an X in the block provided should indicate the availability of a photo.
6. List name, aliases (if any), social security number, date of birth or age (if DOB is unknown), race, sex, height, weight, hair and eye color, address of legal physical residence, address of any current temporary residence and date and place of any employment.
7. The date and place of each conviction, a brief description of the crime or crimes committed by the offender, and whether the victim was a minor or an adult must be indicated in the Additional Information block located on the reverse side of the fingerprint card.
8. The signature of the registrant and the signature of the person taking the prints must be noted in the signature blocks.
9. The sexual predator/sexual offender registration form (either hard copy or electronic) must be used for recording of all registration information.
10. The completed fingerprint card, and a physical photograph and a hard copy registration form (if appropriate) should be forwarded to the following address for processing into the FCIC Criminal History System and Sexual Offender/Predator Registry at the address provided below. Please Note: If an electronic Registration is completed, only the completed fingerprint card should be sent to the address below. A physical copy of the electronic registration form (which includes the ability to upload new photos) should NOT be sent.

Florida Department of Law Enforcement
Florida Offender Registration & Tracking Services
P.O. Box 1489
Tallahassee, Florida 32302-1489

Please Note: A sexual offender/predator must report any change of address directly to DHSMV. The FDLE will notify the appropriate authorities of the county where the sexual predator/sexual offender establishes or maintains a permanent, temporary or transient residence within 48 hours of registration of the sexual predator/offender. These changes will be provided through the FCIC terminal via administrative message, Internet and CJNet access.
PREPARING A CRIMINAL CASE
FOR VIOLATION OF SEXUAL OFFENDER
REGISTRATION LAW(S)

FELONY 3RD DEGREE
Penalty for violations of registration and related requirements

Section 775.21(10)(a) - Sexual Predator  (Failure, by act or omission, to comply with requirements of s. 775.21, including but not limited to failure to register, or after registration, failure to maintain, acquire, or renew a driver’s license or ID card; or failure to provide required location information or change-of-name information.)

Section 943.0435(9) – Sexual Offender not serving any sanctions  (Failure to comply with the requirements of s. 943.0435.)

Section 944.607(9)-(10) - Sexual Offender in the custody/control of, or under the supervision of DC or in custody of a private correctional facility  (Failure to comply with the requirements of s. 944.607.)

Section 985.4815(9)-(10) - Sexual Offender in the custody/control of, or under the supervision of the Florida Department of Juvenile Justice or in custody of a private correctional facility  (Failure to comply with the requirements of s. 985.4815)

LOCATION OF PROSECUTION
A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, s. 985.481, or s. 985.4815, may be prosecuted for the act or omission in:

- The county in which the act or omission was committed; and/or
- The county of the last registered address of the sexual predator or sexual offender; and/or
- The county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender; and/or
- For a sexual predator, the county in which he or she was designated a sexual predator.

{Section 775.25}
SUGGESTIONS FOR LAW ENFORCEMENT
The following information may assist in supporting a case for prosecution of a sexual offender or sexual predator for an act or omission referenced above:

- Information and advice from the State Attorney’s Office in your jurisdiction first;
- Court case law from your jurisdiction and appellate courts; and
- Information gleaned from the following Documents:
  1. Court order for predator/offender;
  2. Conviction of predator/offender;
  3. Order of probation re: requirements and special conditions;
  4. Signed obligation form from Department of Corrections/Probation & Parole or the Department of Juvenile Justice;
  5. FDLE Certified documents regarding address and other information (failure to register violations);
  6. Department of Highway Safety and Motor Vehicles Documentation and name of reporting employee;
  7. Records of offender/predator’s residence re: move or abandonment, utility bill info., neighbor info., mail forwarding info;
  8. Employee work Documentation, including application, W-4 form, and witness info;
  9. Enrollment, work, and attendance records maintained by institutions of higher education;
  10. Registration Documentation, including those related to the Campus Sex Crimes Prevention Act, from FDLE, Sheriffs of jurisdictions where the offender obtained/maintained an address, and Department of Corrections; and
  11. Other Documentation available from FDLE’s Offender Registration & Tracking Services Unit database, including Field Intelligence and Activity Reports.
BLOOD SPECIMEN REQUIREMENT

BLOOD OR OTHER BIOLOGICAL SPECIMEN TESTING FOR DNA ANALYSIS
{Section 943.325, Florida Statutes}
{See also 949.03(10)-(11)}

943.325 DNA database.

(1) LEGISLATIVE INTENT.

(a) The Legislature finds that DNA databases are important tools in criminal investigations, in the exclusion of individuals who are the subject of criminal investigations or prosecutions and in detecting recidivist acts. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. Therefore, it is in the best interests of the citizens of this state to establish a statewide DNA database containing DNA samples submitted by persons convicted of or arrested for felony offenses and convicted of certain misdemeanor offenses. Additionally, the statewide DNA database shall include DNA records and samples necessary for the identification of missing persons and unidentified human remains, including DNA samples voluntarily contributed by relatives of missing persons.

(b) The Legislature also finds that upon establishment of the Florida DNA database a match between casework evidence DNA samples from a criminal investigation and DNA samples from a state or federal DNA database of certain offenders may be used to find probable cause for the issuance of a warrant to obtain the DNA sample from an offender.

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

(a) “Arrested” means apprehended or physically taken into custody, resulting in the submission of arrest fingerprints to the department, pursuant to s. 943.051.

(b) “CODIS” means the Federal Bureau of Investigation’s Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local forensic DNA laboratories.

(c) “Convicted” means a finding of guilt by a court of competent jurisdiction, or entry of a plea of nolo contendere or guilty, or, in the case of a juvenile, the finding of delinquency, regardless of adjudication.

(d) “DNA” means deoxyribonucleic acid. DNA is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.
(e) “DNA record” means all information associated with the collection and analysis of a person’s DNA sample, including the distinguishing characteristics collectively referred to as a DNA profile.

(f) “DNA sample” means a buccal or other approved biological specimen capable of undergoing DNA analysis.

(g) “Qualifying offender” means any person, including juveniles and adults, who is:

1. Committed to a county jail;

2. Convicted of any felony offense or attempted felony offense in this state or of a similar offense in another jurisdiction;

3. Arrested for any felony offense or attempted felony offense in this state.

(3) COLLECTION OF SAMPLES.

(a) Each qualifying offender shall submit a DNA sample at the time he or she is booked into a jail, correctional facility, or juvenile facility.

(b) DNA samples collected under paragraph (a) from persons arrested for any felony offense or attempted felony offense in this state are subject to sufficient funding appropriations passed by the Legislature and approved by the Governor according to the following schedule:

1. Beginning January 1, 2011, all felonies defined by chapters 782, 784, 794, and 800.

2. Beginning January 1, 2013, all felonies defined by chapters 787 and 790.

5. Beginning January 1, 2019, all remaining felony offenses. The department may reject DNA samples submitted pursuant to this subsection if submitted before the funding of any phase or if received before the department issues an official notification to the submitting agency that the department is sufficiently prepared to receive the samples.

(c) On or before February 1, 2010, and by February 1 of each even-numbered year thereafter through 2018, the department shall submit a report to the Legislature listing the funding, infrastructure, facility, and personnel requirements necessary to operate the DNA database and DNA evidentiary analysis for the expansion phase scheduled for the following year.

(4) STATEWIDE DNA DATABASE.—The department, through the statewide criminal laboratory analysis system shall establish, implement, and maintain a statewide automated personal identification system capable of, but not limited to, classifying, matching, and storing analyses of DNA and other biological molecules and related data. The department shall be the administrator of the statewide DNA database. All accredited local government crime laboratories within the state shall have access through CODIS to the statewide DNA database in accordance with the rules and agreements established by the department.

(5) DUTIES.—The department shall:

(a) Receive, process, and store DNA and the data derived therefrom furnished pursuant to this section.

(b) Collect, process, maintain, and disseminate information and records as provided by this section.

(c) Strive to maintain and disseminate only accurate and complete records.

(d) Participate in the national DNA database program administered by the Federal Bureau of Investigation.

(e) Provide for liaison with the Federal Bureau of Investigation and other criminal justice agencies relating to the state’s participation in the CODIS program and the national DNA index system.

(f) Adopt rules specifying the proper procedure, including requisite identification information, for state and local law enforcement and correctional agencies to collect and submit DNA samples pursuant to this section.

(6) SAMPLES.—The statewide DNA database may contain DNA data obtained from the following types of biological samples:

(a) Crime scene samples.
(b) Samples obtained from qualifying offenders required by this section to provide a biological sample for DNA analysis and inclusion in the statewide DNA database.

(c) Samples lawfully obtained during the course of a criminal investigation.

(d) Samples from deceased victims or suspects that were lawfully obtained during the course of a criminal investigation.

(e) Samples from unidentified human remains.

(f) Samples from persons reported missing.

(g) Samples voluntarily contributed by relatives of missing persons.

(h) Other samples approved by the department.

(7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.

(a) Any qualifying offender, who is:

1. Arrested in this state;

2. Incarcerated in this state; or

3. On probation, community control, parole, conditional release, control release, or any other type of court-ordered supervision in this state, shall be required to submit a DNA sample to a department-designated facility.

(b) Arrested qualifying offenders must submit a DNA sample at the time they are booked into a jail, correctional facility, or juvenile facility.

(c) Incarcerated persons and those in the custody of the Department of Juvenile Justice must submit required DNA samples not less than 45 days before their presumptive date of release from such incarceration or commitment.

(d) Upon the conviction of any qualifying offender which results in the commitment of the offender to a county jail, correctional facility, or juvenile facility, the entity responsible for the jail or facility shall ensure that a DNA sample is promptly secured and transmitted to the department. Personnel at the jail, correctional facility, or juvenile facility shall collect the DNA samples as part of the regular processing of qualifying offenders committed to the jail or facility.

(e) If a qualifying offender is not incarcerated following conviction, that offender may not be released from the custody of the court at the time of sentencing or released pursuant to a bond or surety until the DNA sample required by this section has been taken by the sheriff or his or her designee. The sheriff shall secure, process, and transmit the DNA sample to the department in a timely manner.
(8) REASONABLE FORCE.—Duly authorized law enforcement and corrections personnel may employ reasonable force in cases where a qualifying offender refuses to provide a DNA sample required under this section, and no such employee shall be civilly or criminally liable for the use of such reasonable force.

(9) OUT-OF-STATE OFFENDERS.—Any qualifying offender who is:

(a) Transferred to this state under the Interstate Compact on Juveniles, part XIII of chapter 985, for a felony offense or attempted felony offense; or

(b) Accepted under Article IV of the Interstate Corrections Compact, part III of chapter 941, for a felony offense or attempted felony offense, shall provide a DNA sample pursuant to this section to the entity responsible for supervision of the offender, who shall ensure that the DNA sample is collected in a manner approved by the department and promptly secured and transmitted to the department.

(10) COLLECTION; LIABILITY.

(a) The collection of DNA samples may be performed by any person using a collection kit approved by the department as directed in the kit or pursuant to other procedures approved by or acceptable to the department.

(b) Any person who collects or assists in the collection of a DNA sample is not civilly or criminally liable if a collection kit provided or approved by the department is used and the collection is done as directed in the kit, in a manner approved by the department, or is performed in an otherwise reasonable manner.

(11) SAMPLES.—The department will provide the DNA sample collection kits, labels, or other appropriate containers and instructions for the collection of the DNA samples. After collection, the DNA samples shall be forwarded to the department for analysis to determine genetic markers and characteristics for the purpose of individual identification of the person submitting the sample.

(a) At minimum, the following information must be included with each submission:

1. The qualifying offender’s last name, first name, date of birth, race, gender, and State Identification (SID) number if known.

2. The statute number of each offense charged.

3. The collecting agency’s name and address.

4. The name and telephone number of the person performing the collection of the DNA sample or witnessing the collection of the sample.
(b) If a DNA sample submitted to the department under this section cannot be used by the department in the manner and for the purposes required by this section, the department may require that another DNA sample be obtained.

(12) COURT ORDERS; COSTS.—The sentencing court shall include in the judgment order for a qualifying offender a provision requiring collection of a DNA sample from the defendant in a manner consistent with this section.

(a) Unless a convicted person has been declared indigent by the court, the convicted person shall pay the actual costs of collecting the approved biological specimens required under this section.

(b) If the order of a sentencing court fails to order a qualifying offender to submit a DNA sample as mandated by this section, the prosecutor may seek an amended order from the sentencing court requiring submission of a DNA sample in compliance with this section. In the alternative, the department, the Department of Corrections, a law enforcement agency, or a prosecutor may apply to the appropriate circuit court with jurisdiction for an order authorizing the seizure of the qualifying offender for the purpose of securing the required DNA sample.

1. The court shall issue the order upon a showing of probable cause.

2. Following issuance of the order, the DNA sample shall be collected in a reasonable manner and the qualifying offender shall be released unless there is cause to justify retaining the offender in custody.

(c) Failure by a law enforcement agency or other entity involved in collection of DNA samples under this section to strictly comply with this section or to abide by a statewide protocol for collecting DNA samples is not grounds for challenging the validity of the collection or the use of a DNA sample in court and evidence based upon or derived from the collected DNA sample may not be excluded by a court.

(d) The detention, arrest, or conviction of a person based upon a database match or database information may not be invalidated if it is later determined that the sample was obtained or placed in the database by mistake.

(e) All DNA samples submitted to the department for any reason shall be retained in the statewide DNA database and may be used for all lawful purposes as provided in this section.

(13) ANALYSIS OF DNA SAMPLES.

(a) The department shall specify procedures for the collection, submission, identification, analysis, storage, and disposition of the DNA samples and DNA records collected under this section. These procedures shall also ensure compliance with national quality assurance standards so that the DNA records may be accepted into the national DNA database.

(b) The analyses of DNA samples collected under this section shall be used only for law enforcement identification purposes or to assist in the recovery or identification of human
remains or missing persons and may not be used for identification of any medical or genetic condition.

(c) When completed, the results of DNA analysis shall be entered into the statewide DNA database maintained and administered by the department for such purpose, as provided in this section.

(14) RESULTS.—The results of a DNA analysis and the comparison of analytic results shall be released only to criminal justice agencies as defined in s. 943.045(10), at the request of the agency. Otherwise, such information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(15) OFFENSES AND PENALTIES.

(a) Any person subject to the requirements of this section who willfully refuses to provide a DNA sample commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who:

1. Knowingly or intentionally discloses a DNA record, including the results of a DNA analysis, to a person or agency other than one authorized to have access to such records under this section;

2. Knowingly or intentionally uses or receives DNA records, including the results of DNA analysis, for purposes other than those authorized under this section; or

3. Knowingly or intentionally tampers or attempts to tamper with any DNA sample, the result of any analysis of a DNA sample, or a DNA sample collection container, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(16) PROCEDURES FOR REMOVAL.—Unless the department determines that a person is otherwise required by law to submit a DNA sample for inclusion in the statewide DNA database, the department shall, upon receipt and completion of such verification of the information noted below as may be required, promptly remove from the statewide DNA database the DNA analysis and any DNA biological samples that may have been retained of a person included therein:

(a) On the basis of a conviction for a qualifying offense specified in subparagraph (2)(g)2., if the department receives, from the person seeking removal of DNA information from the statewide DNA database, for each qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned on direct appeal or set aside in a postconviction proceeding; or

(b) On the basis of an arrest, if the department receives from the person seeking removal of DNA information from the statewide DNA database, for each charge against the person on the basis of which the analysis was or could have been included in the statewide DNA database, a
certified copy of the No Information or Nolle Prosequi filed by the state attorney, or final court order or other official documentation establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.

For purposes of this section, a court order is not final if time remains for an appeal or application for discretionary review with respect to the order, or if a case has been remanded for retrial or other proceedings and has not been resolved after remand, or time remains for appeal or discretionary review of the remanded case or any other such proceedings that have not concluded and rendered the case resolved with finality.

(17) RULES.—The department shall, by rule, establish the procedure by which a person seeking removal of his or her DNA analysis and biological sample from the statewide DNA database shall submit the certified information required in subsection (16) to the department.

The FDLE blood collection kits and blood submission forms or the oral swab collection kits must be utilized in the collection of offender DNA specimens. Since a majority of all agencies submitting convicted offender samples are using the oral swab kit, and automated procedures are in place for extracting and analyzing this collection method, the DNA Database has discontinued ordering blood collection kits. However, the Database will continue to accept and process DNA specimens submitted using the FDLE blood collection kit. The oral swab collection kits will be provided free of charge by FDLE along with detailed instructions on the proper use and submission of buccal swab specimens.

The FDLE DNA Database also accepts blood or other biological specimens collected for s. 847.0145 and s. 827.071 offenses per the Florida Department of Corrections, s. 948.03, Florida Statutes.

For DNA kits and further information please contact the FDLE DNA Database at 1-850-617-1300
PROHIBITED ACTIVITIES AND TERMS OF PROBATION/COMMUNITY CONTROL

Prohibited Activities by Certain Predators

1. It is a felony violation if certain sexual predators work or volunteer where children congregate.

   {Section 775.21(10)(b), Florida Statutes}

A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding 794.011(10); s. 794.05; s. 796.03; 796.035; s. 800.04; s. 827.071; s. 847.0133; 847.0135(5) or s. 847.0145, 987.701(1) or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

   {Section 775.21(10)(b)}

775.215 Residency restriction for persons convicted of certain sex offenses.

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

(a) “Child care facility” has the same meaning as provided in s. 402.302.

(b) “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

(c) “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

(d) “School” has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, the Florida Virtual School as established under s. 1002.37, and a K-8 Virtual School as established under s. 1002.415, but does not include facilities dedicated exclusively to the education of adults.

(2)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the
requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur on or after October 1, 2004, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)(a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

History.— s. 2, ch. 2004-55; s. 21, ch. 2008-172; ss. 3,18, ch. 2010-92. Note.— Former s. 794.065.

PROBATION & COMMUNITY CONTROL RESTRICTIONS

Note to Law Enforcement

948.32 Requirements of law enforcement agency upon arrest of persons for certain sex offenses.

(1) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of s. 787.025(2)(c),
chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

(2) If the law enforcement agency finds that the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release, the law enforcement agency shall immediately notify the person's probation officer or release supervisor of the investigation or the arrest.

History.—s. 13, ch. 97-299; s. 3, ch. 2000-246; s. 28, ch. 2004-373; s. 7, ch. 2006-299. Note.—Former s. 948.06(2).

TERMS AND CONDITIONS OF PROBATION OR COMMUNITY CONTROL FOR CERTAIN SEXUAL OFFENDERS/PREDATORS
{Sections 948.03 and 948.30, Florida Statutes}

948.03 Terms and conditions of probation.—

(1) The court shall determine the terms and conditions of probation. Conditions specified in this section do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. These conditions may include among them the following, that the probationer or offender in community control shall:

(a) Report to the probation and parole supervisors as directed.

(b) Permit such supervisors to visit him or her at his or her home or elsewhere.

(c) Work faithfully at suitable employment insofar as may be possible.

(d) Remain within a specified place.

(e) Live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of probation, community control, or any other form of court-ordered supervision.

(f) Make reparation or restitution to the aggrieved party for the damage or loss caused by his or her offense in an amount to be determined by the court. The court shall make such reparation or restitution a condition of probation, unless it determines that clear and compelling reasons exist to the contrary. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, it shall state on the record in detail the reasons therefor.

(g) Effective July 1, 1994, and applicable for offenses committed on or after that date, make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the felony probationer.
while in that detention facility. The court, in determining whether to order such repayment and the amount of the repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the felony probationer, the present and potential future financial needs and earning ability of the probationer, and dependents, and other appropriate factors.

(h) Support his or her legal dependents to the best of his or her ability.

(i) Make payment of the debt due and owing to the state under s. 960.17, subject to modification based on change of circumstances.

(j) Pay any application fee assessed under s. 27.52(1)(b) and attorney’s fees and costs assessed under s. 938.29, subject to modification based on change of circumstances.

(k) Not associate with persons engaged in criminal activities.

(l) 1. Submit to random testing as directed by the correctional probation officer or the professional staff of the treatment center where he or she is receiving treatment to determine the presence or use of alcohol or controlled substances.

2. If the offense was a controlled substance violation and the period of probation immediately follows a period of incarceration in the state correction system, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3).

(m) Be prohibited from possessing, carrying, or owning any:

1. Firearm.

2. Weapon without first procuring the consent of the correctional probation officer.

(n) Be prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician. The probationer or community controllee shall not knowingly visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.

(o) Submit to the drawing of blood or other biological specimens as prescribed in ss. 943.325 and 948.014, and reimburse the appropriate agency for the costs of drawing and transmitting the blood or other biological specimens to the Department of Law Enforcement.

(p) Submit to the taking of a digitized photograph by the department as a part of the offender’s records. This photograph may be displayed on the department’s public website while the offender is under court-ordered supervision. However, the department may not display the photograph on the website if the offender is only on pretrial intervention supervision or if the offender’s identity is exempt from disclosure due to an exemption from the requirements of s. 119.07.
(2) The enumeration of specific kinds of terms and conditions shall not prevent the court from adding thereto such other or others as it considers proper. However, the sentencing court may only impose a condition of supervision allowing an offender convicted of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, to reside in another state, if the order stipulates that it is contingent upon the approval of the receiving state interstate compact authority. The court may rescind or modify at any time the terms and conditions theretofore imposed by it upon the probationer. However, if the court withholds adjudication of guilt or imposes a period of incarceration as a condition of probation, the period shall not exceed 364 days, and incarceration shall be restricted to either a county facility, a probation and restitution center under the jurisdiction of the Department of Corrections, a probation program drug punishment phase I secure residential treatment institution, or a community residential facility owned or operated by any entity providing such services.

History.—s. 23, ch. 20519, 1941; s. 5, ch. 77-452; s. 1, ch. 81-198; s. 3, ch. 83-75; s. 16, ch. 83-131; s. 192, ch. 83-216; s. 3, ch. 83-256; s. 8, ch. 84-363; s. 15, ch. 85-288; s. 5, ch. 87-211; s. 11, ch. 88-96; ss. 70, 71, ch. 88-122; s. 37, ch. 89-526; s. 10, ch. 90-287; ss. 8, 17, ch. 90-337; s. 11, ch. 91-225; s. 4, ch. 91-280; s. 23, ch. 92-310; s. 10, ch. 93-37; s. 15, ch. 93-227; s. 1, ch. 94-294; s. 1, ch. 95-189; ss. 53, 59, ch. 95-283; s. 1, ch. 96-170; s. 4, ch. 96-232; s. 54, ch. 96-312; s. 6, ch. 96-409; s. 22, ch. 97-78; s. 1877, ch. 97-102; s. 11, ch. 97-107; s. 27, ch. 97-234; s. 44, ch. 97-271; s. 3, ch. 97-308; s. 14, ch. 98-81; s. 15, ch. 98-251; s. 122, ch. 99-3; s. 13, ch. 99-201; s. 3, ch. 2000-246; s. 6, ch. 2001-50; s. 1045, ch. 2002-387; s. 1, ch. 2003-18; s. 1, ch. 2003-63; s. 136, ch. 2003-402; ss. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, ch. 2004-373; s. 116, ch. 2006-1; s. 28, ch. 2008-172; s. 18, ch. 2010-64.

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—

Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(1) Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

(a) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender’s employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender’s place of residence to the nearest boundary line of the school, child care facility, park,
playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route. A probationer or community controllee who is subject to this paragraph may not be forced to relocate and does not violate his or her probation or community control if he or she is living in a residence that meets the requirements of this paragraph and a school, child care facility, park, playground, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.

(c) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the probationer’s or community controllee’s own expense. If a qualified practitioner is not available within a 50-mile radius of the probationer’s or community controllee’s residence, the offender shall participate in other appropriate therapy.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.

(e) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the court must review and consider the following:

1. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

   a. The sex offender’s current legal status;
   b. The sex offender’s history of adult charges with apparent sexual motivation;
   c. The sex offender’s history of adult charges without apparent sexual motivation;
   d. The sex offender’s history of juvenile charges, whenever available;
   e. The sex offender’s offender treatment history, including consultations with the sex offender’s treating, or most recent treating, therapist;
   f. The sex offender’s current mental status;
   g. The sex offender’s mental health and substance abuse treatment history as provided by the Department of Corrections;

   h. The sex offender’s personal, social, educational, and work history;
i. The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;

j. A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

k. The child’s preference and relative comfort level with the proposed contact, when age appropriate;

l. The parent’s or legal guardian’s preference regarding the proposed contact; and

m. The qualified practitioner’s opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child. The written report of the assessment must be given to the court;

2. A recommendation made as a part of the risk assessment report as to whether supervised contact with the child should be approved;

3. A written consent signed by the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex offender’s present legal status, past criminal history, and the results of the risk assessment. The court may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact;

4. A safety plan prepared by the qualified practitioner, who provides treatment to the offender, in collaboration with the sex offender, the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, and the child, when age appropriate, which details the acceptable conditions of contact between the sex offender and the child. The safety plan must be reviewed and approved by the court; and

5. Evidence that the child’s parent or legal guardian understands the need for and agrees to the safety plan and has agreed to provide, or to designate another adult to provide, constant supervision any time the child is in contact with the offender. The court may not appoint a person to conduct a risk assessment and may not accept a risk assessment from a person who has not demonstrated to the court that he or she has met the requirements of a qualified practitioner as defined in this section.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to, schools, child care facilities, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls.

(g) Unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender’s deviant behavior pattern.
(h) Effective for probationers and community controllee s whose crime is committed on or after
July 1, 2005, a prohibition on accessing the Internet or other computer services until a qualified
practitioner in the offender’s sex offender treatment program, after a risk assessment is
completed, approves and implements a safety plan for the offender’s accessing or using the
Internet or other computer services.

(i) A requirement that the probationer or community controllee must submit a specimen of blood
or other approved biological specimen to the Department of Law Enforcement to be registered
with the DNA data bank.

(j) A requirement that the probationer or community controllee make restitution to the victim, as
ordered by the court under s. 775.089, for all necessary medical and related professional
services relating to physical, psychiatric, and psychological care.

(k) Submission to a warrantless search by the community control or probation officer of the
probationer’s or community controllee’s person, residence, or vehicle.

(2) Effective for a probationer or community controllee whose crime was committed on or after
October 1, 1997, and who is placed on community control or sex offender probation for a
violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition to any
other provision of this section, the court must impose the following conditions of probation or
community control:

(a) As part of a treatment program, participation at least annually in polygraph examinations to
obtain information necessary for risk management and treatment and to reduce the sex
offender’s denial mechanisms. A polygraph examination must be conducted by a polygrapher
who is a member of a national or state polygraph association and who is certified as a
postconviction sex offender polygrapher, where available, and shall be paid for by the
probationer or community controllee. The results of the polygraph examination shall be
provided to the probationer’s or community controllee’s probation officer and qualified
practitioner and shall not be used as evidence in court to prove that a violation of community
supervision has occurred.

(b) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without
the prior approval of the supervising officer.

(c) A prohibition against obtaining or using a post office box without the prior approval of the
supervising officer.

(d) If there was sexual contact, a submission to, at the probationer’s or community controllee’s
expense, an HIV test with the results to be released to the victim or the victim’s parent or
guardian.

(e) Electronic monitoring when deemed necessary by the community control or probation officer
and his or her supervisor, and ordered by the court at the recommendation of the Department
of Corrections.
(3) Effective for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who:

(a) Is placed on probation or community control for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;

(b) Is designated a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older, the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

(4) In addition to all other conditions imposed, for a probationer or community controllee who is subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a.1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; if the offender has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender’s supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender’s children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children’s parties; or wearing a clown costume; without prior approval from the court.

History.—s. 59, ch. 95-283; s. 6, ch. 96-409; s. 3, ch. 97-308; s. 14, ch. 98-81; s. 13, ch. 99-201; s. 3, ch. 2000-246; s. 1, ch. 2003-18; s. 1, ch. 2003-63; s. 18, ch. 2004-373; s. 151, ch. 2005-2; s. 20, ch. 2005-28; s. 4, ch. 2005-67; s. 31, ch. 2008-172; ss. 12, 18, ch. 2010-92. Note.—Former s. 948.03(5).
Ineligibility for Administrative Probation for certain Sexual Offenders/Predators

948.013 Administrative probation.--

(1) The Department of Corrections may establish procedures for transferring an offender to administrative probation. The Department may collect an initial processing fee of up to $50 for each probationer transferred to administrative probation. The offender is exempt from further payment for the cost of supervision as required in s. 948.09.

(2) Effective for an offense committed on or after July 1, 1998, a person is ineligible for placement on administrative probation if the person is sentenced to or is serving a term of probation or community control, regardless of the conviction or adjudication, for committing, or attempting, conspiring, or soliciting to commit, any of the felony offenses described in s. 787.01 or s. 787.02, where the victim is a minor and the defendant is not the victim's parent; s. 787.025; Chapter 794; s. 796.03; s. 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135; or s. 847.0145.

History.--s. 13, ch. 98-81; s. 3, ch. 2000-246; s. 12, ch. 2004-373.

Note.--Subsection (2) former s. 948.01(15)
Campus Sex Crime Prevention Act

(Federal and Florida Law)
The CSPCA provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The CSCPA’s intent is to extend the protections of sex offender registries and Megan’s Law to college campuses and post-secondary institutions. The CSCPA was signed into law on October 28, 2000, and became effective on October 28, 2002.

The CSCPA requires sex offenders who must already register under state law and who are enrolled at, employed at, or carrying on a vocation at an institution of higher education to provide to state authorities, in a manner prescribed by state law, information about such enrollment or employment and any change in such status. In turn, this information will be made available by the state authorities to the local law enforcement agency that has jurisdiction where the institution of higher education is located, and thereafter, by local law enforcement agencies, to the respective institutions of higher education.

**Definition:**

**Employed, carrying on a vocation**

Under the Campus Sex Crimes Prevention Act, **employed, carrying on a vocation** includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.


The CSCPA also amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) to require institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders:

“A statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.”


When preparing the above notice to the campus community, institutions must remember that “the local law enforcement agency having jurisdiction over the institution” does not include the Florida Department of Corrections (DC), the agency that will have the CSCPA information required by Florida law to be provided by sex offenders and sex predators who are under the control or supervision of DC. In addition, at the time of this publication, referring the campus community to the Search Page of FDLE’s sexual offenders and predators website will not
enable the campus community to obtain the CSCPA information, as this information is not available to the public on that website. Therefore, institutions should be careful to indicate a list of sources where all applicable CSCPA information can be located by the campus community. (See the Florida Law sub-section of this section for further discussion on the sources of CSCPA information.)

The Clery Act and the above notice requirement apply to most public and private institutions of higher education, because the Act is tied to participation in federal student financial aid programs.

The CSCPA also amended the Family Educational Rights and Privacy Act of 1974 (FERPA), to clarify that nothing in the FERPA may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. The FERPA also requires the U.S. Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.


The U.S. Department of Justice issued final guidelines for the CSCPA on October 25, 2002, at 67 Fed. Reg. 65598. (See the Federal Law section to review these guidelines.)
In 2002, Florida enacted provisions into state law that comply with the requirements of the federal Campus Sex Crimes Prevention Act. The new provisions were effective as of July 1, 2002. Various sections of Florida Statutes pertaining to Sexual Offenders and Predators who are not incarcerated, who are under the control or supervision of the Florida Department of Corrections, or who are incarcerated in the custody of a local jail, were amended to require the offenders and predators to provide registration information and to require notifications to law enforcement and institutions of higher education. Additionally, as of July 1, 2007, the provisions of this Act were extended into new Florida law concerning juvenile sexual offender registration and requirements of the Department of Juvenile Justice.

Under these Florida laws, sexual predators and sexual offenders who are already required to register in Florida as sexual offenders or predators and who are enrolled, employed, or carrying on a vocation at an institution of higher education in Florida must provide the following information:

<table>
<thead>
<tr>
<th>Name, address, and county of each institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each campus attended</td>
</tr>
<tr>
<td>Enrollment and employment status AND</td>
</tr>
<tr>
<td>Each change in enrollment or employment status, including a change in location of either, within 48 hours of change</td>
</tr>
</tbody>
</table>

**Definitions**

**Institution of higher education**

An institution of higher education means a career center, community college, college, state university, or independent post-secondary institution.

Sections 775.21(2)(j); 943.0435(1)(d); 944.607(1)(c) and 985.4815(1)(c)

**Change in enrollment**

A change in enrollment is the commencement or termination of enrollment or employment or a change in the location of enrollment or employment.

Sections 775.21(2)(a); 943.0435(1)(e); 944.607(1)(d) and 985.4815(1)(a)

Florida law requires sexual offenders and sexual predators who are not incarcerated but who are under the supervision of the Department of Corrections (DC) or the Department of Juvenile Justice (DJJ) to provide CSCPA information to the DC or the DJJ, as appropriate, including any changes to enrollment or employment status which must be provided within 48 hours of the change. DC is required to promptly notify the applicable institution of the presence of the
offender/predator, along with any changes in the offender's/predator's enrollment and/or employment status. The DC and the DJJ are also required to provide the information received to FDLE.

\{Sections 775.21(6) (a)1.b.,(b); 944.607(4)(b),(5)-(6); 985.4815(4)(b).\}

Florida law requires sexual offenders and sexual predators who are not incarcerated and not otherwise under the supervision of the Department of Corrections to provide the CSCPA information to the Sheriff's Office. All changes to enrollment or employment status must be provided to the Sheriff within 48 hours of the change. The Sheriff is required to promptly notify the applicable institution of the presence of the offender/predator, along with any changes in the offender's/predator's enrollment/employment status. The Sheriff is also required to promptly provide the information received to FDLE.

\{Sections 775.21(6) (a)1.b.,(l); 943.0435(2)(b)2.\}

Upon receipt and entry of CSCPA information into the FDLE Sex Offender database, FDLE will send an automated teletype message to all law enforcement agencies in the areas where the applicable institutions are located, including the law enforcement agencies having jurisdiction over the institutions.
Agency Responsibilities
LOCAL LAW ENFORCEMENT

COMMUNITY NOTIFICATION REGARDING SEXUAL PREDATORS
{Section 775.21(7), Florida Statutes}

Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator establishes or maintains a permanent or temporary residence shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police.

Within 48 hours after receiving notification of the presence of a sexual predator, the Sheriff of the county or the Chief of Police of the municipality where the sexual predator permanently or temporarily resides shall notify each licensed day care center, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator’s presence.

Information provided to the community and the public regarding a sexual predator must include the following:

- The name of the sexual predator;
- A description of the sexual predator, including a photograph;
- The sexual predator's current address, including the name of the county or municipality if known;
- The circumstances of the sexual predator's offense or offenses; and
- Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

CAUTION! The requirements listed on the previous page do not authorize the release of the name of any victim of the sexual predator.

The Sheriff or Police Chief may coordinate notification efforts with FDLE. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and FDLE.

{Section 775.21(7)}

FEDERAL CAMPUS SEX CRIMES PREVENTION ACT and related Florida laws: Upon receiving the required information from a sexual predator regarding such person’s enrollment or employment status at an institution of higher learning, or any change thereto, the Sheriff or the Department of Corrections, shall promptly notify each institution of the sexual predator’s presence and of any change in the predator’s enrollment or employment status. (See the Campus Sex Crimes Prevention Act section for more information.)

{Section 775.21(6)(a)1.b.}
COMMUNITY NOTIFICATION REGARDING SEXUAL OFFENDERS
{Sections 943.043, 944.606(4), and 985.481(4)}

Notification of a sexual offender to the public is authorized but not required, as deemed appropriate by local law enforcement personnel and FDLE.

{Sections 943.043, 944.606(4)}

FEDERAL CAMPUS SEX CRIMES PREVENTION ACT AND RELATED FLORIDA LAWS:
Upon receiving the required information from a sexual offender regarding such person's enrollment or employment status at an institution of higher learning, or any change thereto, the sheriff or the Department of Corrections, whichever receives the information, shall promptly notify each institution of the sexual offender's presence and of any change in the offender's enrollment or employment status. (See the Campus Sex Crimes Prevention Act section for more information.)

{Sections 943.0435(2)(b)2.; 944.607(4)(b); 985.4815(4)(b)}

OTHER LOCAL LAW ENFORCEMENT RESPONSIBILITIES
Notification of a sexual offender/predator to the public is authorized, as deemed appropriate by local law enforcement personnel and FDLE.

{Sections 775.21(6)(k)2., (7)(b), 943.043, 944.606(4), 985.4815(4)(b)}

Upon receiving information regarding a sexual offender from the Florida Department of Corrections or the Department of Juvenile Justice, the Department of Law Enforcement, the sheriff or the Chief of Police shall provide the information described in subparagraph (a)1. to any individual who requests such information and may release the information to the public in any manner deemed appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

{Section 944.606(3)(d), 985.481(3)(c)}

If a sexual offender or predator registers with the Sheriff's Office, the Sheriff shall take a photograph and a set of fingerprints of the offender/predator and forward the photographs and fingerprints to the department, along with the other registration information that the offender/predator is required to provide.

{Sections 775.21(6)(a) and (e); 943.0435(2)}

If a sexual offender or predator notifies the Sheriff of intent to establish residence in another state or the intent to remain in this state after previously reporting intent to leave, the sheriff shall promptly provide to FDLE the information received from the sexual offender/predator. FDLE shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual offender/predator's intended residence.

{Sections 775.21(6)(i), 943.0435(7)}
If a sexual predator or offender notifies the Sheriff regarding his or her intent to vacate permanent, temporary or transient residence or remain at a permanent, temporary or transient residence after reporting his or her intent to vacate such residence the sheriff shall promptly convey the information to the Department.

{Section 775.21(6)(g) and 943.0435(4)}

IMMUNITY

FDLE, DHSMV, DC, DJJ, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of these sections or for the release of information under these sections, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the FDLE, the DHSMV, the FDC, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual predator or offender fails to report or falsely reports his or her current place of permanent or temporary residence.

{Sections 775.21(9), 943.043 (4), 943.0435(10), 944.606(5), 944.607(11); 985.481(5); 985.4815(11)}

NOTE TO LAW ENFORCEMENT

948.32 Requirements of law enforcement agency upon arrest of persons for certain sex offenses.—

(1) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of s. 787.025(2)(c), chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

(2) If the law enforcement agency finds that the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release, the law enforcement agency shall immediately notify the person’s probation officer or release supervisor of the investigation or the arrest.

History.— s. 13, ch. 97-299; s. 3, ch. 2000-246; s. 28, ch. 2004-373; s. 7, ch. 2006-299. Note.— Former s. 948.06(2).
FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) RESPONSIBILITIES

FDLE shall notify the public of all designated sexual predators through the Internet.

{Sections 775.21(7)(c); 943.043}

FDLE is responsible for the on-line maintenance of current information regarding each registered sexual predator.

{Section 775.21(6)(k)1.}

FDLE must maintain hotline access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution.

{Section 775.21(6)(k)1.}

FDLE shall provide an automatic e-mail notification system that allows entities and citizens to sign up to receive e-mail notifications regarding offenders or predators in their area.

{Statute 943.44353}

FDLE, Department of Corrections. and the Department of Juvenile Justice shall implement a system for verifying the addresses of sexual predators/offenders. The system must be consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. (See the Address Verification section for more details.)

{Sections 775.21(8), 943.0435(6)}

County and local law enforcement agencies, in conjunction with FDLE, shall verify the addresses of sexual predators/offenders who are not under the care, custody, control, or supervision of the Department of Corrections.

{Sections 775.21(8), 943.0435(6)}

FDLE’s sexual predator registration list is a public record. When FDLE provides information regarding a registered sexual predator to the public, department personnel must advise the person making the inquiry that:

- Positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and
- It is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.

{Section 775.21(6)(k)2.}
FDLE shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court’s written findings or order, and meets other statutory requirements of s. 943.0435(11), that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

\{Section 943.0435(11)(a)3\}

FDLE is authorized to disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose.

\{Sections 775.21(6)(k)2., 943.043, 944.606(2),(3)(d),(4)\}

FDLE shall notify the statewide law enforcement agency, or a comparable agency, in any intended state or jurisdiction of residence of a sexual offender/predator.

\{Sections 775.21(6)(h), 943.0435(7)\}

Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and FDLE.

\{Sections 775.21(6)(k)2., (7)(b), 943.043\}

FDLE shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required in community notifications under s. 775.21(7)(a).

\{Section 775.21(7)(c)\}

FDLE may notify the public through the Internet of any information regarding sexual predators and sexual offenders which is not confidential and exempt from public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

\{Section 943.043(1)\}

FDLE shall provide, through a toll-free telephone number, public access to registration information regarding sexual predators and sexual offenders and may provide other information reported to the department which is not exempt from public disclosure.

\{Section 943.043(2)\}

FDLE shall provide to any person, upon request and at a reasonable cost determined by the department, a copy of the photograph of any sexual offender or sexual predator which the department maintains in its files and a printed summary of the information that is available to the public.

\{Section 943.043(3)\}

FDLE shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of a sexual offender’s intended residence, when it receives information from an offender or from a Sheriff’s Office regarding the offender’s intention to establish residence in another state or jurisdiction.

\{Section 943.0435(7)-(8)\}
Upon receipt of registration information required by the Campus Sex Crimes Prevention Act and corresponding Florida Statutes, including required notices of changes to such information, FDLE promptly provides such information through an automated teletype message to the local law enforcement agencies in the jurisdictions of the institutions listed in the registration information.

**FLORIDA DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF JUVENILE JUSTICE**

*(DC AND DJJ)*

The DC and DJJ shall provide to FDLE registration information for all supervised offenders and predators and the location of, and local telephone number for, any Department of Corrections' office that is responsible for supervising a sexual offender or predator.

{Sections 775.21(6)(b); 944.607(5),(6); 985.4815(5),(6)}

The DC and DJJ shall notify the FDLE if a sexual predator/offender escapes or absconds from custody or supervision or if the sexual predator/offender dies.

{Sections 775.21(6)(b), 944.606(3)(a)1.; 985.481(3)(a)1.}

If any information provided by DC or DJJ changes during the time the sexual offender is under the DC's control, custody, or supervision, including any change in the offender's name by reason of marriage or other legal process, the department shall, in a timely manner, update the information and provide it to the Department of Law Enforcement.

{Sections 944.606(3)(a)1.; 944.607(6)(g); 985.481(3)(a)1}

The DC and DJJ shall verify the addresses of sexual predators/offenders who are not incarcerated but who reside in the community under the supervision of the DC or DJJ.

{Sections 775.21(8), 943.0435 (6), 944.607(4)(a) ; 985.4815(4)(a)}

In addition to notification and transmittal requirements imposed by any other provision of law, **DC and DJJ** shall compile information on any sexual offender/predator (as defined by ss. 944.607 and 985.481, F.S.) and provide the information to the Department of Law Enforcement. The information shall be made available electronically to the Department of Law Enforcement as soon as this information is in DC's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center. The information provided to the Department of Law Enforcement must include:

- The registration information obtained from the sexual offender/predator;

- The sexual offender/predator’s most current address and place of permanent, temporary or transient residence within the state or out of state, and address, location or
description, and dates of any current or known future temporary residence within the state or out of state, including the name of the county or municipality in which he or she permanently or temporarily resides and,

- If known, the intended place of permanent, temporary, or transient residence upon satisfaction of all sanctions;

- The legal status of the sexual offender/predator and the scheduled termination date of that legal status;

- The location of, and local telephone number for, any DC or DJJ office that is responsible for supervising the sexual offender/predator;

- An indication of whether the victim of the offense that resulted in the offender/predator's status as a sexual offender/predator was a minor;

- The offense or offenses at conviction which resulted in the determination of the offender/predator's status as a sexual offender/predator; and

- A digitized photograph of the sexual offender/predator which must have been taken within 60 days before he or she is released from the custody of DC or DJJ or a private correctional facility by expiration of sentence under s. 944.275 or must have been taken by January 1, 1998, or within 60 days after the onset of the department's supervision of any sexual offender who is on probation, community control, conditional release, parole, provisional release, or control release or who is supervised by DC or DJJ under the Interstate Compact Agreement for Probationers and Parolees.

Sections 775.21(6)(b), 944.607(5),(6);, 985.4815(5),(6)

If the sexual offender is in the custody of a private correctional facility, the facility shall take a digitized photograph of the sexual offender within the time period provided in the above paragraph and shall provide the photograph to the Department.

Section 944.607(6)(g), 985.4815(6)(a)7

If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender and forward the information to the Department of Law Enforcement. The custodian of the local jail shall also take a digitized photograph of the sexual offender while the offender remains in custody and shall provide the digitized photograph to the Department of Law Enforcement. The custodian shall notify FDLE if the sexual predator/offender escapes from custody or dies.

Sections 775.21(6)(c), 944.606(3)(a)1., 944.607(7)

Upon receiving the required information from a sexual predator or sexual offender regarding such person's enrollment or employment status at an institution of higher learning, or any
change thereto, DC and DJJ shall promptly notify each institution or school of the sexual predator’s or sexual offender’s presence and of any change in said person’s enrollment or employment status.

{Sections 775.21(6)(a)1.b.; 944.607(4)(b); 985.4815(4)(b)}

For Incarcerated Sexual Offenders/Predators

The Florida Department of Corrections (DC) or the Department of Juvenile Justice (DJJ), or a custodian of a local jail must provide information regarding any sexual offender/predator who is being released after serving a period of incarceration for any offense, as follows:

- name, including any change of name due to marriage or other legal process, and any alias, if known;
- the correctional facility from which the sexual offender/predator is released;
- the sexual offender/predator’s social security number,
- race and sex,
- date of birth,
- height and weight,
- hair and eye color;
- date and county of sentence and
- each crime for which the offender/predator was sentenced;
- a copy of the offender/predator’s fingerprints and
- a digitized photograph taken within 60 days before release;
- the date of release of the sexual offender/predator; and
- the offender or predator’s intended residence address, if known.

{Section 944.606(3); 985.481(3)}

Upon receiving information regarding a sexual offender/predator from DC or DJJ, the Department of Law Enforcement, the sheriff or the chief of police shall provide the information described to any individual who requests such information and may release the information to the public in any manner deemed appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. DC or any law enforcement agency is authorized to notify the community and the public of a sexual offender’s presence in the community. However, with respect to a sexual offender who has been found to be a “sexual predator” under chapter 775, the Florida Department of Law Enforcement or any
other law enforcement agency **must** inform the community and the public of the sexual predator's presence in the community, as provided in chapter 775.

\{Sections 944.606(3)(d),(4); 985.481(3)(c),(4)\}

If the sexual offender/predator is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender's release and provide this photograph to the DC or DJJ and also place it in the sexual offender's file.

\{Section 944.606(3)(a)1.;985.481(3)(a)1\}

The DC, the DJJ, or local jail custodian may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available. DC or DJJ must provide the information described to:

- The Sheriff of the county from where the sexual offender/predator was sentenced;
- The Sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender/predator plans to reside;
- The Florida Department of Law Enforcement; and
- Any person who requests such information,

either within 6 months prior to the anticipated release of a sexual offender/predator, or as soon as possible if an offender/predator is released earlier than anticipated.

\{Section 944.606(3)(b); 985.481(3)(b)\}

All such information provided to the Department of Law Enforcement must be available electronically as soon as the information is in the agency's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

\{Section 944.606(3)(b); 985.481(3)(b)\}
DEPARTMENT OF HIGHWAY, SAFETY, AND MOTOR VEHICLES (DHSMV)

The Department of Highway Safety and Motor Vehicles (DHSMV) shall forward to FDLE and to the Department of Corrections all photographs and information provided by sexual predators/offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators and offenders.

Sections 775.21(6)(g), 943.0435(4)

COURTS, CLERKS OF COURT, & STATE ATTORNEYS

Prosecutions for acts or omissions.

A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator or sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 775.25

The clerk of the court of that court which convicted and sentenced the sexual offender/predator for the qualifying offense or offenses shall forward to DC and FDLE a certified copy of any order entered by the court imposing any special condition or restriction on the sexual offender/predator which restricts or prohibits access to the victim, if the victim is a minor, or to other minors. The Department of Law Enforcement may include on its Internet site such special conditions or restrictions.

Section 944.607(2)

If a sexual offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual offender's fingerprints are taken and forwarded to the department within 48 hours after the court sentences the offender. The fingerprint card shall be clearly marked Sexual Offender Registration Card.

Section 944.607(3); 985.4815(3)

For an offender who meets the sexual predator criteria and is before the court for sentencing for a current (qualifying) offense committed on or after October 1, 1993, where the sentencing court makes a written finding at the time of sentencing that the offender is a sexual predator,
the clerk of the court shall transmit a copy of the order containing the written finding to FDLE within 48 hours after the entry of the order.

\{Section 775.21(5)(a)2.\}

When the court makes a written finding that an offender is a sexual predator, the court shall inform the sexual predator of the registration and community and public notification requirements. Within 48 hours of the court designating an offender as a sexual predator, the clerk of the circuit court shall transmit a copy of the court's written sexual predator finding to FDLE. If the offender is sentenced to a term of imprisonment or supervision, a copy of the court's written sexual predator finding must be submitted to the Department of Corrections.

\{Section 775.21(5)(a)3.\}

If a sexual predator is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual predator's fingerprints are taken and forwarded to FDLE within 48 hours after the court renders its written sexual predator finding. The fingerprint card shall be clearly marked, Sexual Predator Registration Card.

\{Section 775.21(5)(b)\}

If the Department of Corrections, FDLE, or any other law enforcement agency obtains information which indicates that an offender who establishes or maintains a permanent, temporary, or transient residence in this state meets the sexual predator criteria because the offender committed a similar violation in another jurisdiction on or after October 1, 1993, the Department of Corrections, FDLE, or the law enforcement agency shall notify the state attorney of the county where the offender establishes or maintains a permanent, temporary, or transient residence of the Offender's presence in the community. The state attorney shall file a petition with the criminal division of the circuit court for the purpose of holding a hearing to determine if the offender's criminal record from another jurisdiction meets the sexual predator criteria. If the court finds that the offender meets the sexual predator criteria because the offender has violated a similar law or similar laws in another jurisdiction, the court shall make a written finding that the offender is a Sexual Predator.

\{Section 775.21(5)(a)3\}

If the Department of Corrections, FDLE, or any other law enforcement agency obtains information which indicates that an offender meets the sexual predator criteria but the court did not make a written finding that the offender is a sexual predator, the Department of Corrections, FDLE, or the law enforcement agency shall notify the state attorney who prosecuted the offense for in-state offenders, or the state attorney of the county where the offender establishes or maintains a residence upon first entering the state. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator. The Department of Corrections, FDLE, or any other law enforcement agency shall not register a sexual predator without a written finding from the court that the offender is a sexual predator.

\{Section 775.21(5)(c)\}
DUTY OF COURTS TO UPHOLD LAWS GOVERNING SEXUAL PREDATORS AND SEXUAL OFFENDERS

The Legislature finds that, for the purpose of approving a plea agreement or for other reasons, certain courts enter orders that effectively limit or nullify requirements imposed upon sexual predators and sexual offenders pursuant to the laws of this state and prevent persons or entities from carrying out the duties imposed, or exercising the authority conferred, by such laws….Unless a court that enters such an order determines that a person or entity is not operating in accordance with the laws governing sexual predators or sexual offenders, or that such laws or any part of such laws are unconstitutional or unconstitutionally applied, the court unlawfully encroaches on the Legislature's exclusive power to make laws and places at risk significant public interests of the state.

{Section 775.24(1)}

If a person meets the criteria in Chapter 775 for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

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

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

{Section 775.24(2)}

If the court enters an order that affects an agency's performance of a duty imposed under the laws governing sexual predators or sexual offenders, or that limits the agency's exercise of authority conferred under such laws, the Legislature strongly encourages the affected agency to file a motion in the court that entered such order. The affected agency may, within 1 year* after the receipt of any such order, move to modify or set aside the order or, if such order is in the nature of an injunction, move to dissolve the injunction. Grounds for granting any such motion include, but need not be limited to:

(a) The affected agency was not properly noticed.

(b) The court is not authorized to enjoin the operation of a statute that has been duly adjudged constitutional and operative unless the statute is illegally applied or unless the statute or the challenged part of it is unconstitutional on adjudicated grounds.

(c) Jurisdiction may not be conferred by consent of the parties.
(d) To the extent that the order is based upon actions the agency might take, the court's order is premature and, if and when such actions are taken, these actions may be challenged in appropriate proceedings to determine their enforceability.

(e) The injunction affects the public interest and would cause injury to the public.

(f) The order creates an unenforceable, perpetual injunction.

(g) The order seeks to restrict the agency in the performance of its duties outside the court's territorial jurisdiction. {Section 775.24(3)}

Please Note: Prior to the 2002 statutory change the time period was 60 days.

LOCAL JAIL

(See also Incarceration, and DC and DJ responsibilities)

If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender’s release and provide to the Department of Law Enforcement the information specified in this paragraph and any information specified in subparagraph 2. that the Department of Law Enforcement requests..

{Sections 775.21(6)(c), 944.606(3)(a)1., 944.607(7), 985.481(3)(a)1., 985.4815(7)}

FEDERAL SUPERVISION OFFICES

If the sexual offender/predator is released from federal prison or sentenced to federal probation, the federal agency responsible for the supervision or incarceration of the sexual offender/predator shall provide notice of the sexual offenders/predators release or change of residence to the chief law enforcement officer of the state and to the local jurisdiction in which the sexual offender/predator will reside or residing. The federal agency may also forward to FDLE any information regarding the sexual offender/predator which is consistent with the information provided by the Department of Corrections or Department of Juvenile Justice and may indicate whether use of the information is restricted to law enforcement purposes only or may by used by FDLE for purposes of public notification.

{Sections 775.21(6)(d), 944.607(8), 985.4815(8)}

{18 USC 4042(C)}
Address Verification

Please note as of January 8, 2010 address verification letters are no longer distributed from the Florida Department of Law Enforcement and as such the forms within this section do not reflect the most up to date information.
ADDRESS VERIFICATION

FDLE and the Department of Corrections shall implement a system for verifying the addresses of sexual predators and offenders. The system must be consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state.

{Sections 775.21(8), 943.0435(6)}

Jacob Wetterling Act on Verification

For a person required to register under subparagraph (A) of subsection (a)(1) (Florida sexual offenders), State procedures shall provide for verification of address at least annually.

For a person required to register under subparagraph (B) of subsection (a)(1) (Florida sexual predators) must verify the registration every 90 days after the date of the initial release or commencement of parole.

{Jacob Wetterling Act (3)(A),(B)}

The Department of Corrections and Department of Juvenile Justice shall verify the addresses of sexual predators and offenders who are not incarcerated but who reside in the community under the supervision of the Department of Corrections or Department of Juvenile Justice.

{Sections 775.21(8), 943.0435(6), 944.607(4), 985.4815(4)}

County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators and offenders who are not under the care, custody, control, or supervision of the Department of Corrections or Department of Juvenile Justice.

{Sections 775.21(8), 943.0435(6), 985.4815(6)}

FDLE conducts regular address verification mail-outs to all registered sexual offenders and predators who are no longer under sanction. Results from these mail-outs are available to local law enforcement agencies and FDLE regional offices through the CJNet and the Sexual Offender Predator Unit to facilitate efforts in identifying and ascertaining the location of any offender or predator who has failed to comply with registration requirements and seeking any necessary warrants or legal action.
**Example FDLE Address Verification Letter**

March 30, 2007

Sir or Madam:

The Florida Department of Law Enforcement (FDLE) has you listed as a registered sexual predator or sexual offender. Federal law mandates that the FDLE must conduct quarterly address verifications for all sexual predators and sexual offenders whose qualifying conviction meets the definition of a “sexually violent offense” [Title 42 U.S.C. Section 14071(a)(3)(B)], and annual verification for all other sexual offenders. Florida law, section 775.21 or 943.0435, F.S., requires your compliance as part of your registration requirements.

As a Sexual Predator (Florida Statute 775.21) or Sexual Offender (Florida Statute 943.0435, 944.607 or 985.481) where “Permanent residence” means a place where the person abides, lodges, or resides for 5 or more consecutive days, and “Temporary residence” means a place where the person abides, lodges, or resides for a period of 5 or more days in the aggregate during any calendar year and which is not the person’s permanent address; or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state, I understand that I am required by law to abide by the following.

**FAILURE TO COMPLY WITH ANY OF THE FOLLOWING REQUIREMENTS IS A FELONY OF THE THIRD DEGREE (UNLESS OTHERWISE NOTED).**

- I must report **in person** to the local Sheriff’s Office within 48 hours of establishing or maintaining a residence in the state of Florida or within 48 hours of release from custody and/or supervision of Department of Corrections (DOC), Department of Children and Family Services (DCFS) or Department of Juvenile Justice (DJJ) to register my temporary or permanent address.

- I must report **in person** either twice a year (during the month of my birth and during the sixth month following my birth month) or **four times a year** (once during the month of my birth and every 3rd month thereafter), depending upon my offense/designation, to the Sheriff’s Office in the county in which I reside or am otherwise located to reregister.

**NOTE:** Unless otherwise notified by the Florida Department of Law Enforcement (FDLE), Sexual Offenders that were not adjudicated delinquent are required to reregister twice a year. All Sexual Predators are required to reregister four times a year and all Sexual Offenders adjudicated delinquent are required to reregister four times a year.

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<tr>
<th>Month of Birth</th>
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**Within 48 hours, after any change of address in permanent or temporary residence, change of name due to marriage or other legal process, or when my driver’s license is subject to renewal, I must report that information in person to the driver’s license office of the DHSMV to obtain and maintain a valid Florida driver’s license or identification card.**

- If I live in another state, but work or attend school in Florida, I MUST register my work or school address as a temporary address within 48 hours by reporting **in person** to the local Sheriff’s Office. I must also obtain and maintain a valid Florida driver’s license or identification card.

- If I intend to establish residence in another state or jurisdiction other than the State of Florida, I must report in person to the local Sheriff’s Office to notify of my intention to do so within 48 hours prior to leaving.

- If I later decide to remain in this state (see #6 above), I must report in person back to the local Sheriff’s Office to notify of my intention to remain in Florida. This report must occur within 48 hours after the date I indicated that I would leave. Failure to comply with this requirement is a felony of the second degree.

- If I move from a permanent residence and do not have another permanent or temporary residence I must report this change in person to the Sheriff’s Office within 48 hours. I must update all registration information and provide an address or location that I will occupy until I establish a residence.

- If I later decide to remain at the permanent residence (see #8 above), I must report in person back to the Sheriff’s Office to notify of my intention. This report must occur within 48 hours after the date that I indicated that I would leave the permanent residence. **Failure to comply with this requirement is a felony of the second degree.**
I MUST respond to any address verification correspondence from FDLE within three weeks of the date of the correspondence.

If I am employed, carry on a vocation, am a student, or become a resident of another state I must also register in that state.

If I am enrolled, employed, or carrying on a vocation at an institution of higher education in this state, I shall also provide the name, address, and county of each institution, including each campus attended, and my enrollment or employment status. I shall report each change in enrollment or employment status in person at the Sheriff’s Office within 48 hours after any change in status.

Beginning October 1, 2007, I MUST report any electronic mail address or instant message name, prior to using such, during registration/reregistration and provide all updates through the online system provided by the Florida Department of Law Enforcement.

To make this process as simple as possible, FDLE has included a pre-addressed envelope in which to return the attached form. Please complete the form, and mail to FDLE. The form must be returned to FDLE no later than July 23, 2007. It is important that all pertinent information is filled out completely and both sides of the form are signed. Please be aware that if you are a registered Sexual Predator or Sexual Offender whose qualifying conviction meets the definition of a “sexually violent offense” (Title 42 U.S.C. Section 14071(a)(3)(B)), this process must be completed on a quarterly basis. If you are a Sexual Offender, this process will occur annually. Please be advised that this is not considered a registration form.

If you have any questions concerning this letter, please contact Florida Offender Registration & Tracking Services (FORTS) toll free at 1-888-357-7332 between the hours of 8:00 a.m. and 6:30 p.m. Monday – Friday.

Sincerely,

Florida Offender Registration & Tracking Services

TW
Example FDLE Predator/Offender Address Verification Response Form
*THIS IS NOT A REGISTRATION FORM*

County: ___________________________  County: HILLSBOROUGH

**Registrant Information**

- **Social Security #:** 264-86-2162  **FL Driver License or ID #:** B643523651490
- **Date of Birth:** 4/20/1965  **Sex:** Male  **Race:** White

**Address Information** (include all dates, if applicable, if different from mailing address or if temporary address applies):

- **Primary Address:**
  - Street: ___________________________
  - City: ___________________________
  - State: ___________________________
  - Zip: ___________________________
  - Begin Date: ____________  End Date: ____________
  - Telephone #: __________________

- **Temporary Address:**
  - Street: ___________________________
  - City: ___________________________
  - State: ___________________________
  - Zip: ___________________________
  - Begin Date: ____________  End Date: ____________
  - Telephone #: __________________

**Employment Information**

- **Occupation:** ___________________________
- **Employee Address:**
  - Street: ___________________________
  - City: ___________________________
  - State: ___________________________
  - Zip: ___________________________
  - Begin Date: ____________  End Date: ____________
  - Telephone #: __________________

**Vehicle Information**

- **VIN #:** ___________________________
- **Make:** ___________________________
- **Model:** ___________________________
- **Year:** ___________________________
- **Color:** ___________________________
- **Description:** ___________________________

**Vessel Information**

- **Hull ID #:** ___________________________
- **Manufacturer's Serial #:** ___________________________
- **Manufacturer:** ___________________________
- **Model:** ___________________________
- **Description:** ___________________________

**Campus Employment/Enrollment Information**

- **Name of School:** ___________________________
- **Telephone #:** ___________________________

- **School Address:**
  - Street: ___________________________
  - City: ___________________________
  - State: ___________________________
  - Zip: ___________________________

- **Start Enrollment/Employment Date:** ____________  **End Enrollment/Employment Date:** ____________

**Under penalty of perjury I declare the above is true and correct.** 15/02/2007

**Signature:** ___________________________  **Date:** ___________________________
Please read this page and sign below stating that you understand the registration requirements. This is NOT considered a registration form.

NOTICE OF SEXUAL PREDATOR AND SEXUAL OFFENDER OBLIGATIONS

As a Sexual Predator (Florida Statute 775.21) or Sexual Offender (Florida Statute 944.013, 944.007 or 943.042) where "permanent residence" means a place where the person resides, lodge, or resides for 30 or more consecutive days, and "temporary residence" means a place where the person resides, lodge, or resides for a period of 3 or more days in the aggregate during any calendar year and which is not the person's permanent address; or, for a person whose permanent residence is not in this state, a place where the person is employed, resides a vacation, or is enrolled as a student for any period of time in this state, understand that I am required by law to state by the following: FAILURE TO COMPLY WITH ANY OF THE FOLLOWING REQUIREMENTS IS A FELONY IN THE THIRD DEGREE (UNLESS OTHERWISE NOTED).

1. I must report in person to the local Sheriff's Office within 48 hours of establishing a residence in the state of Florida or within 48 hours of release from custody prior to expiration of Department of Corrections (DOC), Department of Children and Family Services (DCFS) or Department of Juvenile Justice (DJJ) term, to register my temporary or permanent address.

2. Within 48 hours of the initial report required as stated in requirement 1 above, I must report in person to the driver's license office of the Department of Highway Safety and Motor Vehicles (DHSMV) to obtain avalid Florida driver's license or identification card displaying one of the following designations: "97666", "21", or "50", unless a driver's license or identification card with such designation was previously secured or updated while under the supervision of DOC, DJJ, or DHSMV and there have been changes to my address, name, or designation (Florida Statute 775.21).

3. I must report in person, either twice a year (during the month of my birth, and during the sixth month following my birth) or once a year (during the month of my birth and every 3 month thereafter), beginning upon any additional designation, to the Sheriff's Office in the county in which I reside or am otherwise located to register.

NOTE: Unless otherwise noted by the Florida Department of Law Enforcement (FDLE),Sexual Offenders that were not adjudicated delinquent are required to report twice a year. All Sexual Predators are required to report twice a year and all Sexual Offenders adjudicated delinquent are required to report four times a year.

I AM REQUIRED TO REGISTER WHENEVER I CHANGE MY RESIDENCE.

I MUST REGISTER AS NOTED BELOW.

Month of Birth: [ ] April [ ] May [ ] June [ ] July [ ] August [ ] September [ ] October [ ] November [ ] December


Month of IRN: [ ] January [ ] February [ ] March [ ] April [ ] May [ ] June [ ] July [ ] August [ ] September [ ] October [ ] November [ ] December


SIGNATURE:

Date:

Please Note: BOTH SIDES OF THIS FORM MUST BE COMPLETED AND SIGNED.

1st Quarter 2007-2008
Per legislation that went into effect in 2005, any sexual predator or sexual offender who fails to respond to any address verification correspondence from FDLE within three weeks of the date of correspondence commits a felony of the third degree.

{Sections 775.21(10)a, 943.0435(14)(c)(4)}.

Local law enforcement agencies are encouraged to incorporate address verification protocols for both sexual offenders and sexual predators within their jurisdictions.

**Important Information!** It is essential that these protocols include dissemination of gathered information, particularly any address verification results, to the state registry via the secure database.

This data is to be submitted directly to the Sex Offender Database through specialized CJNet access and permissions or through the Florida Offender Registration & Tracking Services at 1-888-357-7332.

Local law enforcement agencies should contact the Florida Offender Registration & Tracking Services at 1-888-357-7332 to request training and permissions to the on-line, CJNet access to the State Sex Offender Database.

Local protocols may include, but should not be limited to:

- Community policing efforts
- Monitoring and tracking by Sex Crimes Units
- Cooperation with the local probation, parole and community control offices, particularly in gathering information regarding offenders and predators who remain under sanction for their offenses

The following ideas are offered as examples of various agency address verification efforts throughout Florida, which have incorporated policies to further enhance Florida’s sexual offender and predator laws.

**Community Policing Efforts**

*Field Contact Reports*

- May be forwarded to the sex crimes unit for compilation in a log recording offender’s/predator’s addresses which have been verified or not verified during the course of a year
- Are given to local community control officers and supervisors to compare with their case rosters (field contact with community controllee’s during their restricted hours are thereby documented and available for the court’s review)

**Local Address Verification Sweeps**

Working in conjunction with local Department of Corrections Probation and Parole Offices:
Each offender’s specific probation restrictions can be noted prior to an address verification sweep.

These restrictions should be made available for review by officers participating in the sweep and can aid in rapidly identifying an offender or predator who may be violating their sanction provisions at the time of contact.

Some agencies have reported great success and efficiency through the assignment of a Florida Department of Corrections Liaison Officer. These officers have proved invaluable in coordinating these address verification efforts.

One method of address verification includes regular address verification of all sexual offenders and predators through both contacting Department of Corrections and Department of Juvenile Justice offices regarding probationers as well as actual on-site contact with offenders and predators no longer serving a sanction. Any changed or conflicting information should then be promptly reported to the FDLE Florida Offender Registration & Tracking Services t.
FORTS
Programs & Services
All Florida law enforcement agencies with CJNet capabilities may gain access to the secure Sexual Offender Predator System (SOPS). This system represents the primary database of sex offender/predator information. Key features of the SOPS include:

- Daily updates from a variety of sources including the Department of Corrections, the Department of Highway Safety and Motor Vehicles, and the Department of Juvenile Justice.

- Maintains historical records for a variety of information. Users can view historical data for specific subjects without the need for special requests/queries.

- Detailed system reports that allow users to query the system to obtain detailed information regarding data contained within the registry.

- Field Intelligence Reports that allow users to update information contained within the registry without having to complete a full registration form.

- Activity Reports that allow users to log address verifications that have been conducted.

- Electronic registration/reregistration process.

Secure Data File available for download on the FDLE Florida Sexual Offenders and Predators CJNet site. This file contains detailed information for all offenders and predators listed in the Florida registry. File is updated daily.

- File is located at the following web address: [http://offender.flcjn.net/SexPred_CJNetFlyer/secureDataFile.do](http://offender.flcjn.net/SexPred_CJNetFlyer/secureDataFile.do)

Basic CJNet Offender Search allows all officials with CJNet access to conduct a flyer search for both public and non-public subjects found within the registry. Searches may be conducted using a subject’s name, Driver’s License Number, and e-mail/instant message screen names. Other search criteria include county, city, and zip code.

Advanced CJNet Offender Search allows all officials with CJNet access to conduct an ad-hoc query of the registry using detailed search criteria such as physical descriptions and vehicle/vessel information. Results are provided in a variety of formats including HTML, PDF, CSV, and XML.
CJNet Neighborhood Search allows all officials with CJNet access to view all sexual offenders and predators within 1/4 to 5 mile radius of any Florida address. Results may be viewed in list or map format.

Regularly scheduled online training classes regarding sexual predator and offenders laws and relevant Florida procedures and systems.

- Training classes may be accessed at the following web address: https://suncom.webex.com/meet/ctraining

Hard copy Sexual Predator/Sexual Offender Registration and Notice of Responsibilities forms are available for download on the FORTS web site.

- Forms may be accessed at the following web address: http://www.flcjn.net/forts/forms.htm

FDLE will dedicate registry analysts to assist local law enforcement in locating absconded sexual offenders/predators.

FDLE will make available to all criminal justice agencies in the county where the sexual predator is going to reside a camera-ready copy of a flyer that may be used for community notification.

FDLE will actively participate in locating and arresting sexual predators and sex offenders who are not residing at the address they have provided. When FDLE is notified that an offender is not at the location, FDLE will add to the remarks field in the sexual predator/sex offender status record that the reported address does not appear to be correct and, will continue to work cooperatively with local law enforcement to supply necessary information and documentation to investigate and obtain warrants when appropriate to fully effect this strategy.

FDLE will provide analysis and intelligence to assist local agencies in solving crimes that are sexual offenses, particularly where there is a possibility that a sexual predator/or sexual offender is involved.

FDLE makes Florida sexual predator and sexual offender information available to other states by providing access to the hot file status records on these persons and by submitting information on these persons to the National Sex Offender Registry. FDLE provides the ability for local law enforcement agencies to access sexual predator information in other states. These are accomplished through the National Law Enforcement Telecommunications System (NLETS).
FDLE will serve as a member of interdepartmental teams and task forces as requested by local authorities.

RESIDENTIAL ADDRESS GEOCODING

Law enforcement officials who are registered users of the SOPS have the ability to modify the map location of any residential address. To change the coordinates of a specific address access the secure system and locate the appropriate subject record. Open the address needing to be modified and click the “Update Geocode” button. Move the location marker to the appropriate location on the map and click the “Update” button to save the new location. Alternatively, users may insert new lat and long coordinates in the appropriate fields.

Users cannot modify the Geocodes of employment, university, school, or care center addresses at this time. If any of these addresses are incorrectly mapped please contact FDLE at 877-335-3767.

FDLE SERVICES FOR THE PUBLIC

FDLE will make information on sexual predators and sexual offenders readily available to the public by:

- Posting the predators/offenders registration information and their photographs on the Internet.
- Maintaining a toll-free telephone line for the public to use to inquire whether an individual is a sexual predator/offender and to collect reported information regarding predators/offenders. 1-888-357-7332
- Making informational flyers and brochures on sexual predators and sexual offenders available to the public. www.flsexoffender.net
- Providing an e-mail notification service for public use which allows citizens to be notified of sexual offenders/predators. (www.floridaoffenderalert.com)

  - Automated e-mail notifications from the FDLE registry were made available as of April 2008. Citizens can sign up for the notification by going to the registry website at www.flsexoffender.net (or via the link on the main FDLE website at www.fdle.state.fl.us) and clicking on the Offender Alert System option available.
FDLE has partnered with the Florida Sheriffs Association and Florida Police Chiefs Association to provide citizens the ability to sign up for offender e-mail alert notifications directly through local law enforcement agency websites.

To connect your community to this valuable public safety service, please contact the:

Florida Department of Law Enforcement's Registration Tracking and Systems Development Unit

1-877-335-3767

www.flsexoffender.net

Florida Department of Law Enforcement
Florida Offender Registration and Tracking Services
Registrant Tracking and Systems Development Unit
Post Office Box 1489
Tallahassee, Florida 32308
1-877-335-3767
OFFENDER ALERT
The Florida Offender Alert System is designed to notify citizens when sexual offenders and predators have moved into a specific area.

THERE ARE TWO OPTIONS AVAILABLE FOR CONNECTING YOUR COUNTY’S CITIZENS TO THE FLORIDA OFFENDER ALERT SYSTEM.

OPTION 1
Your agency will be provided a link to the Florida Offender Alert System to be placed on your web site. This option is free of charge to your agency.

OPTION 2
The Florida Offender Alert System web pages will be customized to mimic the look of your agency’s web site. The cost to customize your web pages is $300 per year and is provided and supported by Appriss, Inc.

How does it work?

ENTER AN ADDRESS
An address can be a home, school, workplace or any other location selected.

There are no limits to the number of addresses to monitor.

When a registered offender or predator moves into a selected radius of the address(es) monitored, an e-mail alert containing information about the offender and their address will be sent.

SELECT A SPECIFIC OFFENDER OR PREDATOR
Any number of offenders or predators can be monitored.

When any selected offender or predator updates his or her address, an e-mail alert containing information about the offender and their address will be sent.
Community Notification
COMMUNITY NOTIFICATION

REGARDING SEXUAL PREDATORS

Community Notification of
Registered Sexual Predators is MANDATORY

by the Sheriff or Chief of Police of the jurisdiction where the Sexual Predator establishes or
maintains a permanent or temporary residence, in a manner deemed appropriate by the Sheriff
or Chief.

{Section 775.21(7)(a)}

REGARDING SEXUAL OFFENDERS

Community Notification of Registered Sexual Offenders is authorized but NOT Mandatory

{Sections 943.043(1)-(3); 943.0435(12); 944.606(4); 985.481(4)}

COMMUNITY NOTIFICATION REGARDING
SEXUAL PREDATORS
{Section 775.21(7), Florida Statutes}

General Notification to the Community and the Public
Upon notification of the presence of a sexual predator, the Sheriff of the county or the Chief
of Police of the municipality where the sexual predator establishes or maintains a permanent or
temporary residence shall notify the community and the public of the presence of the sexual
predator in a manner deemed appropriate by the sheriff or the chief of police.

Notification to Schools and Child Care Centers
Within 48 hours after receiving notification of the presence of a sexual predator, the Sheriff of
the county or the Chief of Police of the municipality where the Sexual Predator temporarily or
permanently resides shall notify each:

- Licensed child care center,
- Elementary school,
- Middle school, and
- High school
within a 1-mile radius of the temporary or permanent residence of the sexual predator, of
the presence of the sexual predator.

{Section 775.21(7)(a)}

Information provided by law enforcement to the community and the public regarding a sexual
predator must include the following:

- The name of the sexual predator;
- A description of the sexual predator, including a photograph;
- The sexual predator's current address, including the name of the county or municipality
  if known;
- The circumstances of the sexual predator's offense or offenses; and
- Whether the victim of the sexual predator's offense or offenses was, at the time of the
  offense, a minor or an adult.

CAUTION! These requirements do not authorize the release of the name of any victim of the
sexual predator.

The Sheriff or Police Chief may coordinate notification efforts with FDLE. Statewide notification
to the public is authorized, as deemed appropriate by local law enforcement personnel and
FDLE.

{Section 775.21(7)}

- Notifications to and by Institutions of Higher Education (Campus Sex Crimes Prevention
  Act)

Upon receiving the required information from a sexual predator regarding such person’s
enrollment or employment status at an institution of higher learning, or any change thereto,
the Sheriff and the Department of Corrections shall promptly notify each institution
of higher education of the sexual predator’s presence and of any change in the predator’s
enrollment or employment status.

{Section 775.21(6)(a)1.b.}

Institutions of higher education in Florida that must comply with federal law under the
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery
Act), must issue a statement advising the campus community where to obtain law
enforcement agency information provided by a state concerning registered sex
offenders/predators, such as the law enforcement office of the institution, a local law
enforcement agency with jurisdiction for the campus, or a computer network address. (See
the Campus Sex Crimes Prevention Act section for more information.)

COMMUNITY NOTIFICATION
REGARDING SEXUAL OFFENDERS
{Sections 943.043, 944.606(4), 985.481(4)}

Notification of a sexual offender to the public is authorized but NOT required, as deemed appropriate by local law enforcement personnel and FDLE.

{Sections 943.043, 944.606(4)}

Notifications to and by Institutions of Higher Education (Campus Sex Crimes Prevention Act)

Upon receiving the required information from a sexual offender regarding such person's enrollment or employment status at an institution of higher learning, or any change thereto, the Sheriff and the Department of Corrections shall promptly notify each institution of higher education of the Sexual Offender's presence and of any change in the offender's enrollment or employment status.

{Sections 943.0435(2)(b)2.; 944.607(4)(b); 985.481(4)(b)}

Institutions of higher education in Florida that must comply with federal law under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), must issue a statement advising the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders/predators, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address. (See the Campus Sex Crimes Prevention Act section for more information.)


OTHER LAW ENFORCEMENT NOTIFICATION
INFORMATION AND REQUIREMENTS

Notification of a sexual offender/predator to the public is authorized, as deemed appropriate by local law enforcement personnel and FDLE.

{Sections 775.21(6)(k)2., (7)(b), 943.043, 944.606(4), 985.481(4)}

Upon receiving information regarding a sexual offender from the Florida Department of Corrections or Department of Juvenile Justice, the Department of Law Enforcement, the Sheriff or the Chief of Police shall provide the information described in subparagraph (a)1. to any individual who requests such information and may release the information to the public in any manner deemed appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

{Section 944.606(3)(d), 985.481(3)(c)}

If a sexual offender or predator registers with the Sheriff's Office, the Sheriff shall take a photograph and a set of fingerprints of the offender/predator and forward the photographs and
fingerprint to FDLE along with the other registration information that the offender/predator is required to provide.

\{(Sections 775.21(6)(a) and (e); 943.0435(2)}

If a sexual offender or predator notifies the Sheriff of intent to establish residence in another state or the intent to remain in this state after previously reporting intent to leave, the sheriff shall promptly provide to FDLE the information received from the sexual offender/predator. FDLE shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual offender/predator's intended residence.

\{(Sections 775.21(6)(i), 943.0435(7)}

**IMMUNITY**

FDLE, DHSMV, DC, DJJ, and any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of these sections or for the release of information under these sections, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the FDLE, the DHSMV, the DC, the DJJ, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual predator or offender fails to report or falsely reports his or her current place of permanent or temporary residence.

\{(Sections 775.21(9), 943.043 (4), 944.0435(10), 944.606(5), 944.607(11), 985.481(5), 985.4815(11)}

**CRIMINAL VIOLATION**

**MISUSE OR MATERIAL ALTERATION OF PUBLIC RECORDS INFORMATION OR DISTRIBUTING FALSE INFORMATION**

\{(Section 775.21(10)(c), Florida Statutes)

Any person who:

- Misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435, s. 944.607, or 985.4815 to secure a payment from such a predator or offender;

- Knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information;

Materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or
provided through other means of communication, commits a misdemeanor of the first degree.

{Section 775.21(10)(c)}

**OBTAINING LIST OF SCHOOLS AND CARE CENTERS**

Law enforcement officials with CJNet access may obtain a list of schools and care centers within a 1/4 to 5 miles radius of an subject’s address by using the FDLE Florida Sexual Offenders and Predators CJNet Neighborhood Search feature. To generate a list of facilities conduct a Neighborhood Search with the “Include Schools & Care Centers” box checked. Alternatively, users can opt to return schools and care centers only. Please note that school and care center addresses can only be returned in list form. A printer-friendly option is available to facilitate the creation of mailing labels.

**INTERNET**

Local websites in conjunction with the FDLE Sexual Predator/Offender website have proven to be an effective tool for public notification not only for the state of Florida but on a national level as well. While this is an efficient practice, Internet notification methods should be included as part of a more comprehensive notification policy.

**ADDITIONAL IMPLICATIONS FOR SCHOOLS**

Law enforcement should be aware of both those offenders and predators who are parents of school-aged children or who are school students themselves, thereby allowing increased access to the schools and their students.

Community notification efforts by law enforcement or schools that include photographs of the offenders should take care to provide a legible image. Early efforts at community notification have demonstrated that failure to provide thorough information, such as address, crime committed or photograph may have an overly alarming effect in the community and fail to provide the tools public information laws seek to furnish.
Communication within agencies can be key in attaining a complete and effective policy regarding sexual offenders and predators.

Examples of agency units that should share sexual offender and predator information include:

**Crime Prevention**
To allow accurate information to community groups, day care centers, neighborhood watch groups, etc.

**Community Policing Officers**
To aid in ongoing address verification and possible implementation of more comprehensive contact programs with those offenders in the jurisdiction such as the Henrico County "Welcome Home" program.

**Sex Crimes Unit**
For tracking and investigative purposes.

**School Resource Officers and DARE Officers**
For school boards and administration who will be looking to these officers for information and answers regarding offenders and predators especially in regard to HB 3737 and the impact of this legislation.

**Public Information Office**
To provide accurate and timely information to the public and media.

Community crime prevention meetings are opportunities to distribute information about local offenders and predators and explain public information laws and safe practices.

Conducting regular community meetings at which notifications are given to those present of all sexual predators and offenders in the area. Officers may discuss the purpose of notification laws and how they can work effectively to provide a safer community. Emphasis should be placed on empowering the public for protection and creating an effective community watch focus. Furnishing community participants with effective safety practices discourages vigilantism and alarmist reactions. Information packages distributed might include, flyers including a photograph of each sexual offender and predator in the area, an information brochure provided by FDLE on Sexual Predator and Offender laws with the criteria qualifications for offenders and predators, and other safety pamphlets.

Sheriff’s Offices can work closely with other police departments within the county to coordinate community meetings within municipalities.
Neighborhood Notification
Strategies include:

- Reverse 911: Automated telephone calls to the community notifying them of a sexual predator/offenders presence and where further information may be obtained.

For each registered sexual predator (and offender if allowable) within the jurisdiction, officers may canvas neighborhoods distributing doorknob bags or printed flyers labeled with their agency insignia and contact information. Distributed information might include: A photo flyer of the predator/offender, information regarding his or her residence and qualifying offense(s), an explanation and purpose of the public notification laws, safety tips, and instructions on where to find further information including the FDLE website and toll free number.
Involuntary Civil Commitment of Sexually Violent Predators
INVOLUNTARY CIVIL COMMITMENT OF
SEXUALLY VIOLENT PREDATORS
(Chapter 394, Part V, Florida Statutes)

For more information, please contact the
Florida Department of Children and Family Services, at (850) 921-4218 – Tallahassee, Florida.

Please Note: Legislative changes in 2004 require that those individuals civilly committed under this act register as a sexual predator under s. 775.21, regardless of their specific criminal history. (See the Florida Law section for more specific information.)

394.910 Legislative findings and intent.--The Legislature finds that a small but extremely dangerous number of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for involuntary treatment under the Baker Act, part I of this chapter, which is intended to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment under the Baker Act, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities, and those features render them likely to engage in criminal, sexually violent behavior. The Legislature further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures under the Baker Act for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The Legislature further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under the Baker Act. It is therefore the intent of the Legislature to create a civil commitment procedure for the long-term care and treatment of sexually violent predators.

History.--ss. 2, 3, ch. 98-64; s. 3, ch. 99-222.

Note.--Former s. 916.31.

394.912 Definitions.--As used in this part, the term:

(1) “Agency with jurisdiction” means the agency that releases, upon lawful order or authority, a person who is serving a sentence in the custody of the Department of Corrections, a person who was adjudicated delinquent and is committed to the custody of the Department of Juvenile Justice, or a person who was involuntarily committed to the custody of the Department of Children and Family Services upon an adjudication of not guilty by reason of insanity.

(2) “Convicted of a sexually violent offense” means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;
(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Adjudicated delinquent of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere.

(3) “Department” means the Department of Children and Family Services.

(4) “Likely to engage in acts of sexual violence” means the person’s propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(5) “Mental abnormality” means a mental condition affecting a person’s emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

(6) “Person” means an individual 18 years of age or older who is a potential or actual subject of proceedings under this part.

(7) “Secretary” means the secretary of the Department of Children and Family Services.

(8) “Sexually motivated” means that one of the purposes for which the defendant committed the crime was for sexual gratification.

(9) “Sexually violent offense” means:

(a) Murder of a human being while engaged in sexual battery in violation of s. 782.04(1)(a)2.;

(b) Kidnapping of a child under the age of 13 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(c) Committing the offense of false imprisonment upon a child under the age of 13 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(d) Sexual battery in violation of s. 794.011;

(e) Lewd, lascivious, or indecent assault or act upon or in presence of the child in violation of s. 800.04 or s. 847.0135(5);

(f) An attempt, criminal solicitation, or conspiracy, in violation of s. 777.04, of a sexually violent offense;
(g) Any conviction for a felony offense in effect at any time before October 1, 1998, which is comparable to a sexually violent offense under paragraphs (a)-(f) or any federal conviction or conviction in another state for a felony offense that in this state would be a sexually violent offense; or

(h) Any criminal act that, either at the time of sentencing for the offense or subsequently during civil commitment proceedings under this part, has been determined beyond a reasonable doubt to have been sexually motivated.

(10) “Sexually violent predator” means any person who:

(a) Has been convicted of a sexually violent offense; and

(b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

(11) “Total confinement” means that the person is currently being held in any physically secure facility being operated or contractually operated for the Department of Corrections, the Department of Juvenile Justice, or the Department of Children and Family Services. A person shall also be deemed to be in total confinement for applicability of provisions under this part if the person is serving an incarcerative sentence under the custody of the Department of Corrections or the Department of Juvenile Justice and is being held in any other secure facility for any reason.

History.— s. 4, ch. 98-64; s. 5, ch. 99-222; s. 3, ch. 2000-246; s. 11, ch. 2008-172. Note.— Former s. 916.32.
At all times, persons who are detained or committed under this part shall be kept in a secure facility segregated from patients of the department who are not detained or committed under this part.

(3) The public defender of the circuit in which a person was determined to be a sexually violent predator shall be appointed to represent the person on appeal. That public defender may request the public defender who handles criminal appeals for the circuit to represent the person on appeal in the manner provided in s. 27.51(4). If the public defender is unable to represent the person on appeal due to a conflict, the court shall appoint other counsel, who shall be compensated at a rate not less than that provided for appointed counsel in criminal cases. Filing fees for indigent appeals under this act are waived. Costs and fees related to such appeals, including the amounts paid for records, transcripts, and compensation of appointed counsel, shall be authorized by the trial court and paid from state funds that are appropriated for such purposes.

History.--s. 9, ch. 98-64; s. 12, ch. 99-222; s. 2, ch. 2002-59; s. 43, ch. 2004-5. Note.--Former s. 916.37.

394.913 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary teams; information to be provided to multidisciplinary teams.

(1) The agency with jurisdiction over a person who has been convicted of a sexually violent offense shall give written notice to the multidisciplinary team, and a copy to the state attorney of the circuit where that person was last convicted of a sexually violent offense. If the person has never been convicted of a sexually violent offense in this state but has been convicted of a sexually violent offense in another state or in federal court, the agency with jurisdiction shall give written notice to the multidisciplinary team and a copy to the state attorney of the circuit where the person was last convicted of any offense in this state. If the person is being confined in this state pursuant to interstate compact and has a prior or current conviction for a sexually violent offense, the agency with jurisdiction shall give written notice to the multidisciplinary team and a copy to the state attorney of the circuit where the person plans to reside upon release or, if no residence in this state is planned, the state attorney in the circuit where the facility from which the person to be released is located. Except as provided in s. 394.9135, the written notice must be given:

(a) At least 545 days prior to the anticipated release from total confinement of a person serving a sentence in the custody of the Department of Corrections, except that in the case of persons who are totally confined for a period of less than 545 days, written notice must be given as soon as practicable;

(b) At least 180 days prior to the anticipated release from residential commitment of a person committed to the custody of the Department of Juvenile Justice, except that in the case of persons who are committed to low or moderate risk, written notice must be given as soon as practicable; or
(c) At least 180 days prior to the anticipated hearing regarding possible release of a person committed to the custody of the department who has been found not guilty by reason of insanity or mental incapacity of a sexually violent offense.

(2) The agency having jurisdiction shall provide the multidisciplinary team with the following information:

(a) The person’s name; identifying characteristics; anticipated future residence; the type of supervision the person will receive in the community, if any; and the person’s offense history;

(b) The person’s criminal history, including police reports, victim statements, presentence investigation reports, postsentence investigation reports, if available, and any other documents containing facts of the person’s criminal incidents or indicating whether the criminal incidents included sexual acts or were sexually motivated;

(c) Mental health, mental status, and medical records, including all clinical records and notes concerning the person;

(d) Documentation of institutional adjustment and any treatment received and, in the case of an adjudicated delinquent committed to the Department of Juvenile Justice, copies of the most recent performance plan and performance summary; and

(e) If the person was returned to custody after a period of supervision, documentation of adjustment during supervision and any treatment received.

(3)(a) The secretary or his or her designee shall establish a multidisciplinary team or teams.

(b) Each team shall include, but is not limited to, two licensed psychiatrists or psychologists or one licensed psychiatrist and one licensed psychologist. The multidisciplinary team shall assess and evaluate each person referred to the team. The assessment and evaluation shall include a review of the person’s institutional history and treatment record, if any, the person’s criminal background, and any other factor that is relevant to the determination of whether such person is a sexually violent predator.

(c) Before recommending that a person meets the definition of a sexually violent predator, the person must be offered a personal interview. If the person agrees to participate in a personal interview, at least one member of the team who is a licensed psychiatrist or psychologist must conduct a personal interview of the person. If the person refuses to fully participate in a personal interview, the multidisciplinary team may proceed with its recommendation without a personal interview of the person.

(d) The Attorney General’s Office shall serve as legal counsel to the multidisciplinary team.

(e) Within 180 days after receiving notice, there shall be a written assessment as to whether the person meets the definition of a sexually violent predator and a written recommendation, which shall be provided to the state attorney. The written recommendation shall be provided by the
Department of Children and Family Services and shall include the written report of the multidisciplinary team.

(4) The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the state attorney from proceeding against a person otherwise subject to the provisions of this part.

History.—s. 5, ch. 98-64; s. 6, ch. 99-222; s. 81, ch. 2000-139; s. 1, ch. 2002-59; s. 1, ch. 2007-241. Note.—Former s. 916.33.
Florida Law: Qualifying Offenses
QUALIFYING OFFENSES AND RELATED STATUTE

787.01  Kidnapping; kidnapping of child under age 13, aggravating circumstances.--

(1)(a) The term “kidnapping” means forcibly, secretly, or by threat confining, abducting, or imprisoning another person against her or his will and without lawful authority, with intent to:

1. Hold for ransom or reward or as a shield or hostage.
2. Commit or facilitate commission of any felony.
3. Inflict bodily harm upon or to terrorize the victim or another person.
4. Interfere with the performance of any governmental or political function.

(b) Confinement of a child under the age of 13 is against her or his will within the meaning of this subsection if such confinement is without the consent of her or his parent or legal guardian.

(2) A person who kidnaps a person is guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;
2. Sexual battery, as defined in chapter 794, against the child;
3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);
4. A violation of s. 796.03 or s. 796.04, relating to prostitution, upon the child; or
5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151, commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the life felony described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-5.

History.— s. 1, ch. 5907, 1909; RGS 5058; CGL 7160; s. 1, ch 16063, 1933; s. 784, ch. 71-136; s. 8, ch. 72-724; s. 22, ch 74-383; s. 12, ch. 75-298; s. 1, ch. 77-174; s. 1, ch. 84-238; s. 2, ch. 90-120; s. 2, ch. 93-227; s. 9, ch. 96-322; s. 1813, ch. 97-102; s. 4, ch. 99-201; s. 3, ch. 2000-246; s. 18, ch. 2008-172. Note.— Former s. 805.02.
787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.—

(1)(a) The term “false imprisonment” means forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against her or his will.

(b) Confinement of a child under the age of 13 is against her or his will within the meaning of this section if such confinement is without the consent of her or his parent or legal guardian.

(2) A person who commits the offense of false imprisonment is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs 1.-5., commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;
2. Sexual battery, as defined in chapter 794, against the child;
3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);
4. A violation of s. 796.03 or s. 796.04, relating to prostitution, upon the child; or
5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the first degree offense described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-5.

History.—s. 43, sub-ch. 3, ch. 1637, 1868; RS 2399; GS 3225; RGS 5057; CGL 7159; s. 783, ch. 71-136; s. 23, ch. 74-383; s. 13, ch. 75-298; s. 1, ch. 84-238; s. 2, ch. 90-120; s. 1, ch. 93-156; ss. 2, 18, ch. 93-227; s. 9, ch. 96-322; s. 1814, ch. 97-102; s. 5, ch. 99-201; s. 3, ch. 2000-246; s. 19, ch. 2008-172. Note.—Former s. 805.01.

787.025(2)(c) Luring or enticing a child.—( the victim is a minor and the defendant is not the victim’s parent or guardian)

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

(a) “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof.
(b) “Dwelling” means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging together therein at night, together with the curtilage thereof.

(c) “Conveyance” means any motor vehicle, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

(d) “Convicted” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(2)(a) A person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person 18 years of age or older who, having been previously convicted of a violation of paragraph (a), intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person 18 years of age or older who, having been previously convicted of a violation of chapter 794, s. 800.04, or s. 847.0135(5), or a violation of a similar law of another jurisdiction, intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) It is an affirmative defense to a prosecution under this section that:

(a) The person reasonably believed that his or her action was necessary to prevent the child from being seriously injured.

(b) The person lured or enticed, or attempted to lure or entice, the child under the age of 12 into a structure, dwelling, or conveyance for a lawful purpose.

(c) The person’s actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the child.

History.—s. 1, ch. 95-228; s. 8, ch. 99-201; s. 3, ch. 2000-246; s. 1, ch. 2006-299; s. 20, ch. 2008-172.

CHAPTER 794 SEXUAL BATTERY

794.005 Legislative findings and intent as to basic charge of sexual battery.--The Legislature finds that the least serious sexual battery offense, which is provided in s. 794.011(5), was intended, and remains intended, to serve as the basic charge of sexual battery
and to be necessarily included in the offenses charged under subsections (3) and (4), within the meaning of s. 924.34; and that it was never intended that the sexual battery offense described in s. 794.011(5) require any force or violence beyond the force and violence that is inherent in the accomplishment of "penetration" or "union."

History.--s. 2, ch. 92-135.

794.011 Sexual battery.—
*Note: Section (10) of this statute, s. 794.011(10) is excluded as a qualifying offense in terms of sexual offender (or predator) registration.

(1) As used in this chapter:

(a) Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b) Mentally defective means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) Mentally incapacitated means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

(d) Offender means a person accused of a sexual offense in violation of a provision of this chapter.

(e) Physically helpless means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f) Retaliation includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g) Serious personal injury means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h) Sexual battery means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) Victim means a person who has been the object of a sexual offense.

(j) Physically incapacitated means bodily impaired or handicapped and substantially limited in ability to resist or flee.
(2)(a) A person 18 years of age or older who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a capital felony, punishable as provided in ss. 775.082 and 921.141.

(b) A person less than 18 years of age who commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(4) A person who commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the following circumstances, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115:

(a) When the victim is physically helpless to resist.

(b) When the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.

(c) When the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.

(d) When the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim.

(e) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.

(f) When the victim is physically incapacitated.

(g) When the offender is a law enforcement officer, correctional officer, or correctional probation officer as defined by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified under the provisions of s. 943.1395 or is an elected official exempt from such certification by virtue of s. 943.253, or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of government.

(5) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.
(6) The offense described in subsection (5) is included in any sexual battery offense charged under subsection (3) or subsection (4).

(7) A person who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time under s. 944.275. This subsection may be cited as the "Junny Rios-Martinez, Jr. Act of 1992."

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(a) Solicits that person to engage in any act which would constitute sexual battery under paragraph (1)(h) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Engages in any act with that person while the person is 12 years of age or older but less than 18 years of age which constitutes sexual battery under paragraph (1)(h) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery under paragraph (1)(h), or in an attempt to commit sexual battery injures the sexual organs of such person commits a capital or life felony, punishable pursuant to subsection (2).

(9) For prosecution under paragraph (4)(g), acquiescence to a person reasonably believed by the victim to be in a position of authority or control does not constitute consent, and it is not a defense that the perpetrator was not actually in a position of control or authority if the circumstances were such as to lead the victim to reasonably believe that the person was in such a position.

(10) Any person who falsely accuses any person listed in paragraph (4)(g) or other person in a position of control or authority as an agent or employee of government of violating paragraph (4)(g) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 2, ch. 74-121; s. 17, ch. 75-298; s. 1, ch. 84-86; s. 1, ch. 89-216; s. 3, ch. 92-135; s. 1, ch. 92-310; s. 3, ch. 93-156; s. 2, ch. 95-348; s. 99, ch. 99-3; s. 8, ch. 99-188; s. 1, ch. 2002-211.

794.0115 Dangerous sexual felony offender; mandatory sentencing.--

(1) This section may be cited as the "Dangerous Sexual Felony Offender Act."

(2) Any person who is convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); or s. 847.0145; or of any similar offense under a former designation, which offense the person committed when he or she was 18 years of age or older, and the person:
(a) Caused serious personal injury to the victim as a result of the commission of the offense;

(b) Used or threatened to use a deadly weapon during the commission of the offense;

(c) Victimized more than one person during the course of the criminal episode applicable to the offense;

(d) Committed the offense while under the jurisdiction of a court for a felony offense under the laws of this state, for an offense that is a felony in another jurisdiction, or for an offense that would be a felony if that offense were committed in this state; or

(e) Has previously been convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); s. 847.0145; of any offense under a former statutory designation which is similar in elements to an offense described in this paragraph; or of any offense that is a felony in another jurisdiction, or would be a felony if that offense were committed in this state, and which is similar in elements to an offense described in this paragraph, is a dangerous sexual felony offender, who must be sentenced to a mandatory minimum term of 25 years imprisonment up to, and including, life imprisonment.

(3) **Serious personal injury** means great bodily harm or pain, permanent disability, or permanent disfigurement.

(4) The offense described in subsection (2) which is being charged must have been committed after the date of commission of the last prior conviction for an offense that is a prior conviction described in paragraph (2)(e).

(5) It is irrelevant that a factor listed in subsection (2) is an element of an offense described in that subsection. It is also irrelevant that such an offense was reclassified to a higher felony degree under s. 794.023 or any other law.

(6) Notwithstanding s. 775.082(3), chapter 958, any other law, or any interpretation or construction thereof, a person subject to sentencing under this section must be sentenced to the mandatory term of imprisonment provided under this section. If the mandatory minimum term of imprisonment imposed under this section exceeds the maximum sentence authorized under s. 775.082, s. 775.084, or chapter 921, the mandatory minimum term of imprisonment under this section must be imposed. If the mandatory minimum term of imprisonment under this section is less than the sentence that could be imposed under s. 775.082, s. 775.084, or chapter 921, the sentence imposed must include the mandatory minimum term of imprisonment under this section.

(7) A defendant sentenced to a mandatory minimum term of imprisonment under this section is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, before serving the minimum sentence.

**History.**--s. 7, ch. 99-188; s. 1, ch. 2002-211; s. 1, ch. 2003-115; s. 3, ch. 2006-299.
794.02  Common-law presumption relating to age abolished.--The common-law rule "that a boy under 14 years of age is conclusively presumed to be incapable of committing the crime of rape" shall not be in force in this state.

History.--s. 1, ch. 4964, 1901; GS 3222; RGS 5052; CGL 7154; s. 2, ch. 74-121.

794.021  Ignorance or belief as to victim's age no defense.--When, in this chapter, the criminality of conduct depends upon the victim's being below a certain specified age, ignorance of the age is no defense. Neither shall misrepresentation of age by such person nor a bona fide belief that such person is over the specified age be a defense.

History.--s. 2, ch. 74-121.

794.023  Sexual battery by multiple perpetrators; reclassification of offenses.--

(1) The Legislature finds that an act of sexual battery, when committed by more than one person, presents a great danger to the public and is extremely offensive to civilized society. It is therefore the intent of the Legislature to reclassify offenses for acts of sexual battery committed by more than one person.

(2) A violation of s. 794.011 shall be reclassified as provided in this subsection if it is charged and proven by the prosecution that, during the same criminal transaction or episode, more than one person committed an act of sexual battery on the same victim.

(a) A felony of the second degree is reclassified to a felony of the first degree.

(b) A felony of the first degree is reclassified to a life felony.

This subsection does not apply to life felonies or capital felonies. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

History.--s. 4, ch. 84-86; s. 17, ch. 93-156; s. 24, ch. 95-184; s. 20, ch. 97-194; s. 2, ch. 99-172.

794.0235  Administration of medroxyprogesterone acetate (MPA) to persons convicted of sexual battery.--

(1) Notwithstanding any other law, the court:

(a) May sentence a defendant to be treated with medroxyprogesterone acetate (MPA), according to a schedule of administration monitored by the Department of Corrections, if the defendant is convicted of sexual battery as described in s. 794.011.
(b) Shall sentence a defendant to be treated with medroxyprogesterone acetate (MPA), according to a schedule of administration monitored by the Department of Corrections, if the defendant is convicted of sexual battery as described in s. 794.011 and the defendant has a prior conviction of sexual battery under s. 794.011.

If the court sentences a defendant to be treated with medroxyprogesterone acetate (MPA), the penalty may not be imposed in lieu of, or reduce, any other penalty prescribed under s. 794.011. However, in lieu of treatment with medroxyprogesterone acetate (MPA), the court may order the defendant to undergo physical castration upon written motion by the defendant providing the defendant’s intelligent, knowing, and voluntary consent to physical castration as an alternative penalty.

(2)(a) An order of the court sentencing a defendant to medroxyprogesterone acetate (MPA) treatment under subsection (1), shall be contingent upon a determination by a court appointed medical expert, that the defendant is an appropriate candidate for treatment. Such determination is to be made not later than 60 days from the imposition of sentence. Notwithstanding the statutory maximum periods of incarceration as provided in s. 775.082, an order of the court sentencing a defendant to medroxyprogesterone acetate (MPA) treatment shall specify the duration of treatment for a specific term of years, or in the discretion of the court, up to the life of the defendant.

(b) In all cases involving defendants sentenced to a period of incarceration, the administration of treatment with medroxyprogesterone acetate (MPA) shall commence not later than one week prior to the defendant’s release from prison or other institution.

(3) The Department of Corrections shall provide the services necessary to administer medroxyprogesterone acetate (MPA) treatment. Nothing contained in this section shall be construed to require the continued administration of medroxyprogesterone acetate (MPA) treatment when it is not medically appropriate.

(4) As used in this section, the term prior conviction means a conviction for which sentence was imposed separately prior to the imposition of the sentence for the current offense and which was sentenced separately from any other conviction that is to be counted as a prior conviction under this section.

(5) If a defendant whom the court has sentenced to be treated with medroxyprogesterone acetate (MPA) fails or refuses to:

(a) Appear as required by the Department of Corrections for purposes of administering the medroxyprogesterone acetate (MPA); or

(b) Allow the administration of medroxyprogesterone acetate (MPA), the defendant is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 1, ch. 97-184.
794.05 Unlawful sexual activity with certain minors.--

(1) A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, "sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose.

(2) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743.

(3) The victim's prior sexual conduct is not a relevant issue in a prosecution under this section.

(4) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61.

History.—RS 2598; s. 1, ch. 4965, 1901; GS 3521; s. 1, ch. 6974, 1915; s. 1, ch. 7732, 1918; RGS 5409; s. 1, ch. 8596, 1921; CGL 7552; s. 1, ch. 61-109; s. 759, ch. 71-136; s. 1, ch. 96-409.

796.03 Procuring person under age of 18 for prostitution.--A person who procures for prostitution, or causes to be prostituted, any person who is under the age of 18 years commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—RS 2617; GS 3537; RGS 5435; CGL 7578; s. 765, ch. 71-136; s. 1, ch. 93-227.

796.035 Selling or buying of minors into sex trafficking or prostitution; penalties.—

Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge that, as a consequence of the sale or transfer, the minor will engage in prostitution, perform naked for compensation, or otherwise participate in the trade of sex trafficking, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 3, ch. 2004-391; s. 2, ch. 2008-172.

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(1) DEFINITIONS.—As used in this section:

(a) “Sexual activity” means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.
(b) “Consent” means intelligent, knowing, and voluntary consent, and does not include submission by coercion.

(c) “Coercion” means the use of exploitation, bribes, threats of force, or intimidation to gain cooperation or compliance.

(d) “Victim” means a person upon whom an offense described in this section was committed or attempted or a person who has reported a violation of this section to a law enforcement officer.

(2) PROHIBITED DEFENSES.—Neither the victim’s lack of chastity nor the victim’s consent is a defense to the crimes proscribed by this section.

(3) IGNORANCE OR BELIEF OF VICTIM’S AGE.—The perpetrator’s ignorance of the victim’s age, the victim’s misrepresentation of his or her age, or the perpetrator’s bona fide belief of the victim’s age cannot be raised as a defense in a prosecution under this section.

(4) LEWD OR LASCIVIOUS BATTERY.—A person who:

(a) Engages in sexual activity with a person 12 years of age or older but less than 16 years of age; or

(b) Encourages, forces, or entices any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity commits lewd or lascivious battery, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) LEWD OR LASCIVIOUS MOLESTATION.—

(a) A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony, punishable as provided in s. 775.082(3)(a)4.

(c) 1. An offender less than 18 years of age who commits lewd or lascivious molestation against a victim less than 12 years of age; or

2. An offender 18 years of age or older who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(d) An offender less than 18 years of age who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) LEWD OR LASCIVIOUS CONDUCT.—

(a) A person who:

1. Intentionally touches a person under 16 years of age in a lewd or lascivious manner; or
2. Solicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct.

(b) An offender 18 years of age or older who commits lewd or lascivious conduct commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) An offender less than 18 years of age who commits lewd or lascivious conduct commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) LEWD OR LASCIVIOUS EXHIBITION.—

(a) A person who:

1. Intentionally masturbates;
2. Intentionally exposes the genitals in a lewd or lascivious manner; or
3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition.

(b) An offender 18 years of age or older who commits a lewd or lascivious exhibition commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) An offender less than 18 years of age who commits a lewd or lascivious exhibition commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) EXCEPTION.—A mother’s breastfeeding of her baby does not under any circumstance constitute a violation of this section.

History.—s. 1, ch. 21974, 1943; s. 1, ch. 26580, 1951; s. 780, ch. 71-136; s. 66, ch. 74-383; s. 1, ch. 75-24; s. 40, ch. 75-298; s. 291, ch. 79-400; s. 5, ch. 84-86; s. 1, ch. 90-120; s. 5, ch. 93-4; s. 6, ch. 99-201; s. 1, ch. 2000-246; s. 5, ch. 2005-28; s. 3, ch. 2008-172; s. 3, ch. 2008-182.
825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.--

(1) As used in this section, sexual activity means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

(2)(a) Lewd or lascivious battery upon an elderly person or disabled person occurs when a person encourages, forces, or entices an elderly person or disabled person to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious battery upon an elderly person or disabled person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) Lewd or lascivious molestation of an elderly person or disabled person occurs when a person intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of an elderly person or disabled person when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious molestation of an elderly person or disabled person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) Lewd or lascivious exhibition in the presence of an elderly person or disabled person occurs when a person, in the presence of an elderly person or disabled person:

1. Intentionally masturbates;

2. Intentionally exposes his or her genitals in a lewd or lascivious manner; or

3. Intentionally commits any other lewd or lascivious act that does not involve actual physical or sexual contact with the elderly person or disabled person, including but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled person either lacks the capacity to consent or fails to give consent to having such act committed in his or her presence.

(b) A person who commits a lewd or lascivious exhibition in the presence of an elderly person or disabled person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 4, ch. 96-322; s. 1, ch. 2002-159.
827.071  Sexual performance by a child; penalties.--

(1) As used in this section, the following definitions shall apply:

(a) “Deviate sexual intercourse” means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(b) “Performance” means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

(c) “Promote” means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do the same.

(d) “Sadomasochistic abuse” means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

(e) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, “sexual battery” does not include an act done for a bona fide medical purpose.

(f) “Sexual bestiality” means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other.

(g) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

(h) “Sexual performance” means any performance or part thereof which includes sexual conduct by a child of less than 18 years of age.

(i) “Simulated” means the explicit depiction of conduct set forth in paragraph (g) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child less than 18 years of age to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. Whoever violates this
subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child less than 18 years of age. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any sexual conduct by a child. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) It is unlawful for any person to knowingly possess a photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, he or she knows to include any sexual conduct by a child. The possession of each such photograph, motion picture, exhibition, show, representation, or presentation is a separate offense. Whoever violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Prosecution of any person for an offense under this section shall not prohibit prosecution of that person in this state for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

History.—s. 4, ch. 83-75; s. 1, ch. 85-273; s. 1, ch. 86-38; s. 1, ch. 91-33; s. 1, ch. 92-83; s. 1283, ch. 97-102; s. 1, ch. 2001-54; s. 4, ch. 2007-143.

847.0133 Protection of minors; prohibition of certain acts in connection with obscenity; penalty.—

(1) A person may not knowingly sell, rent, loan, give away, distribute, transmit, or show any obscene material to a minor. For purposes of this section “obscene material” means any obscene book, magazine, periodical, pamphlet, newspaper, comic book, story paper, written or printed story or article, writing paper, card, picture, drawing, photograph, motion picture film, figure, image, videotape, videocassette, phonograph record, or wire or tape or other recording, or any written, printed, or recorded matter of any such character which may or may not require mechanical or other means to be transmuted into auditory, visual, or sensory representations of such character, or any article or instrument for obscene use, or purporting to be for obscene use or purpose. The term “obscene” has the same meaning as set forth in s. 847.001.
(2) As used in this section “knowingly” has the same meaning set forth in s. 847.012(1). A “minor” is any person under the age of 18 years.

(3) A violation of the provisions of this section constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 63, ch. 90-306; s. 7, ch. 93-4; s. 5, ch. 2008-120. Note.
—Section 7, ch. 2008-120, provides that “[t]he amendments to ss. 847.012, 847.011, 847.013, and 847.0133, Florida Statutes, by this act do not apply to providers of communications services as defined in s. 202.11, Florida Statutes, or to providers of information services, including, but not limited to, Internet access service providers and hosting service providers, when they only provide the transmission, storage, or caching of electronic communications or messages of others or provide other related communications or information services used by others in violation of such amended provisions. This exemption shall not apply to providers of communications services as defined in s. 202.11, Florida Statutes, or providers of information services that knowingly for commercial advantage or private financial gain facilitate the specific violation of such amended provisions by others.”

847.0135 Computer pornography; penalties.—*

*Note: Section (6) of this statute, s. 847.0135(4) is excluded as a qualifying offense in terms of sexual offender/predator registration.

(1) SHORT TITLE.—This section shall be known and may be cited as the “Computer Pornography and Child Exploitation Prevention Act.”

(2) COMPUTER PORNOGRAPHY.—A person who:

(a) Knowingly compiles, enters into, or transmits by use of computer;

(b) Makes, prints, publishes, or reproduces by other computerized means;

(c) Knowingly causes or allows to be entered into or transmitted by use of computer; or

(d) Buys, sells, receives, exchanges, or disseminates, any notice, statement, or advertisement of any minor’s name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section.

(3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES PROHIBITED.—Any person who knowingly uses a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:
(a) Seducing, soliciting, luring, or enticing, or attempting to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; or

(b) Soliciting, luring, or enticing, or attempting to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in any sexual conduct, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084. Any person who, in violating this subsection, misrepresents his or her age, commits a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084. Each separate use of a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission wherein an offense described in this section is committed may be charged as a separate offense.

(4) TRAVELING TO MEET A MINOR.—Any person who travels any distance either within this state, to this state, or from this state by any means, who attempts to do so, or who causes another to do so or to attempt to do so for the purpose of engaging in any illegal act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

(a) Seducing, soliciting, luring, or enticing or attempting to seduce, solicit, lure, or entice a child or another person believed by the person to be a child, to engage in any illegal act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in other unlawful sexual conduct with a child; or

(b) Soliciting, luring, or enticing or attempting to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chapter 794, chapter 800, or chapter 827, or to otherwise engage in any sexual conduct, commits a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

(5) CERTAIN COMPUTER TRANSMISIONS PROHIBITED.—

(a) A person who:

1. Intentionally masturbates;

2. Intentionally exposes the genitals in a lewd or lascivious manner; or
3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity live over a computer online service, Internet service, or local bulletin board service and who knows or should know or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age, commits lewd or lascivious exhibition in violation of this subsection. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this subsection shall not constitute a defense to a prosecution under this subsection.

(b) An offender 18 years of age or older who commits a lewd or lascivious exhibition using a computer commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) An offender less than 18 years of age who commits a lewd or lascivious exhibition using a computer commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A mother’s breastfeeding of her baby does not under any circumstance constitute a violation of this subsection.

(6) OWNERS OR OPERATORS OF COMPUTER SERVICES LIABLE.—It is unlawful for any owner or operator of a computer online service, Internet service, or local bulletin board service knowingly to permit a subscriber to use the service to commit a violation of this section. Any person who violates this section commits a misdemeanor of the first degree, punishable by a fine not exceeding $2,000.

(7) STATE CRIMINAL JURISDICTION.—A person is subject to prosecution in this state pursuant to chapter 910 for any conduct proscribed by this section which the person engages in, while either within or outside this state, if by such conduct the person commits a violation of this section involving a child, a child’s guardian, or another person believed by the person to be a child or a child’s guardian.

(8) EFFECT OF PROSECUTION.— Prosecution of any person for an offense under this section shall not prohibit prosecution of that person in this state or another jurisdiction for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

History.—s. 11, ch. 86-238; s. 213, ch. 91-224; s. 71, ch. 96-388; s. 3, ch. 2001-54; s. 5, ch. 2007-143; s. 4, ch. 2008-172; s. 7, ch. 2009-194.

847.0137 Transmission of pornography by electronic device or equipment prohibited; penalties.—
(1) For purposes of this section:

(a) **Minor** means any person less than 18 years of age.

(b) **Transmit** means the act of sending and causing to be delivered any image, information, or data from one or more persons or places to one or more other persons or places over or through any medium, including the Internet, by use of any electronic equipment or device.

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to another person in this state or in another jurisdiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to any person in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section shall not be construed to prohibit prosecution of a person in this state or another jurisdiction for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section, for the transmission of child pornography, as defined in s. 847.001, to any person in this state.

(5) A person is subject to prosecution in this state pursuant to chapter 910 for any act or conduct proscribed by this section, including a person in a jurisdiction other than this state, if the act or conduct violates subsection (3).

The provisions of this section do not apply to subscription-based transmissions such as list servers.

**History.**--s. 4, ch. 2001-54.

847.0138 Transmission of material harmful to minors to a minor by electronic device or equipment prohibited; penalties.--

(1) For purposes of this section:

(a) “Known by the defendant to be a minor” means that the defendant had actual knowledge or believed that the recipient of the communication was a minor.

(b) “Transmit” means to send to a specific individual known by the defendant to be a minor via electronic mail.

(2) Notwithstanding ss. 847.012 and 847.0133, any person who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The provisions of this section do not apply to subscription-based transmissions such as list servers.
History.—s. 5, ch. 2001-54; s. 8, ch. 2009-194.

847.0145 Selling or buying of minors; penalties.—

(1) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, either:

(a) With knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(b) With intent to promote either:

1. The engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

2. The rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; shall be guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor, either:

(a) With knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct;

(b) With intent to promote either:

1. The engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

2. The rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;
shall be guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 2, ch. 88-283.

985.701 Sexual misconduct prohibited; reporting required; penalties.-- *

*Note: Only section (1) of this statute, 985.701, is a qualifying offense for the purposes of sexual offender/predator registration.

(1)(a)1. As used in this subsection, the term:

a. "Sexual misconduct" means fondling the genital area, groin, inner thighs, buttocks, or breasts of a person; the oral, anal, or vaginal penetration by or union with the sexual organ of another; or the anal or vaginal penetration of another by any other object. The term does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of duty by an employee of the department or an employee of a provider under contract with the department.

b. "Employee" includes paid staff members, volunteers, and interns who work in a department program or a program operated by a provider under a contract.

2. An employee who engages in sexual misconduct with a juvenile offender detained or supervised by, or committed to the custody of, the department commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. An employee may be found guilty of violating this subsection without having committed the crime of sexual battery.

3. The consent of the juvenile offender to any act of sexual misconduct is not a defense to prosecution under this subsection.

4. This subsection does not apply to an employee of the department, or an employee of a provider under contract with the department, who:

a. Is legally married to a juvenile offender who is detained or supervised by, or committed to the custody of, the department.

b. Has no reason to believe that the person with whom the employee engaged in sexual misconduct is a juvenile offender detained or supervised by, or committed to the custody of, the department.

(b) Notwithstanding prosecution, any violation of this subsection, as determined by the Public Employees Relations Commission, constitutes sufficient cause under s. 110.227 for dismissal from employment with the department, and such person may not again be employed in any capacity in connection with the juvenile justice system.

2. An employee of the department, or an employee of a provider under contract with the department, who witnesses sexual misconduct committed against a juvenile offender, or who has reasonable cause to suspect that sexual misconduct has been committed against a juvenile
offender, shall immediately report the incident to the department's incident hotline, and prepare, date, and sign an independent report that specifically describes the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The employee shall deliver the report to the supervisor or program director, who is responsible for providing copies to the department's inspector general and the circuit juvenile justice manager. The inspector general shall immediately conduct an appropriate administrative investigation, and, if there is probable cause to believe that a violation of subsection (1) has occurred, the inspector general shall notify the state attorney in the circuit in which the incident occurred.

(3)(a) Any person who is required to prepare a report under this section and who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083.

(b) Any person who knowingly or willfully submits inaccurate, incomplete, or untruthful information with respect to a report required under this section commits a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083.

(c) Any person who knowingly or willfully coerces or threatens any other person with the intent to alter testimony or a written report regarding an incident of sexual misconduct commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

History.--s. 2, ch. 97-215; s. 47, ch. 2000-135; s. 98, ch. 2006-120. Note.--Former s. 985.4045.
Other Pertinent Florida Law
NEW IN 2010

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction against a victim who was under 18 years of age at the time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the offender was not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, if the person has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection and a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding.

(2) This section does not apply to a person who has been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3) A person described in subsection (1) commits loitering and prowling by a person convicted of a sexual offense against a minor if, in committing loitering and prowling, he or she was within 300 feet of a place where children were congregating.

(4) It is unlawful for a person described in subsection (1) to:

(a) Knowingly approach, contact, or communicate with a child under 18 years of age in any public park building or on real property comprising any public park or playground with the intent to engage in conduct of a sexual nature or to make a communication of any type with any content of a sexual nature. This paragraph applies only to a person described in subsection (1) whose offense was committed on or after May 26, 2010.

(b)1. Knowingly be present in any child care facility or school containing any students in prekindergarten through grade 12 or on real property comprising any child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation unless the person had previously provided written notification of his or her intent to be present to the school board, superintendent, principal, or child care facility owner;

2. Fail to notify the child care facility owner or the school principal’s office when he or she arrives and departs the child care facility or school; or

3. Fail to remain under direct supervision of a school official or designated chaperone when present in the vicinity of children. As used in this paragraph, the term “school official” means a principal, a school resource officer, a teacher or any other employee of the school, the superintendent of schools, a member of the school board, a child care facility owner, or a child care provider.
(c) A person is not in violation of paragraph (b) if:

1. The child care facility or school is a voting location and the person is present for the purpose of voting during the hours designated for voting; Or

2. The person is only dropping off or picking up his or her own children or grandchildren at the child care facility or school.

(5) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 1, 18, ch. 2010-92.

775.21 The Florida Sexual Predators Act.

(1) SHORT TITLE.—This section may be cited as “The Florida Sexual Predators Act.”

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

(a) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(b) “Chief of police” means the chief law enforcement officer of a municipality.

(c) “Child care facility” has the same meaning as provided in s. 402.302.

(d) “Community” means any county where the sexual predator lives or otherwise establishes or maintains a temporary or permanent residence.

(e) “Conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(f) “Department” means the Department of Law Enforcement.

(g) “Electronic mail address” has the same meaning as provided in s. 668.602.

(h) “Entering the county” includes being discharged from a correctional facility or jail or secure treatment facility within the county or being under supervision within the county for the commission of a violation enumerated in subsection (4).
(i) “Instant message name” means an identifier that allows a person to communicate in real
time with another person using the Internet.

(j) “Institution of higher education” means a career center, community college, college, state
university, or independent postsecondary institution.

(k) “Permanent residence” means a place where the person abides, lodges, or resides for 5 or
more consecutive days.

(l) “Temporary residence” means a place where the person abides, lodges, or resides,
including, but not limited to, vacation, business, or personal travel destinations in or out of this
state, for a period of 5 or more days in the aggregate during any calendar year and which is not
the person’s permanent address or, for a person whose permanent residence is not in this
state, a place where the person is employed, practices a vocation, or is enrolled as a student
for any period of time in this state.

(m) “Transient residence” means a place or county where a person lives, remains, or is located
for a period of 5 or more days in the aggregate during a calendar year and which is not the
person’s permanent or temporary address. The term includes, but is not limited to, a place
where the person sleeps or seeks shelter and a location that has no specific street address.

(3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—
(a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders
who prey on children are sexual predators who present an extreme threat to the public safety.
Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and
most sexual offenders commit many offenses, have many more victims than are ever reported,
and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender
victimization to society at large, while incalculable, clearly exorbitant.

(b) The high level of threat that a sexual predator presents to the public safety, and the long-
term effects suffered by victims of sex offenses, provide the state with sufficient justification to
implement a strategy that includes:

1. Incarcerating sexual predators and maintaining adequate facilities to ensure that decisions to
release sexual predators into the community are not made on the basis of inadequate space.

2. Providing for specialized supervision of sexual predators who are in the community by
specially trained probation officers with low caseloads, as described in ss. 947.1405(7) and
948.30. The sexual predator is subject to specified terms and conditions implemented at
sentencing or at the time of release from incarceration, with a requirement that those who are
financially able must pay all or part of the costs of supervision.

3. Requiring the registration of sexual predators, with a requirement that complete and accurate
information be maintained and accessible for use by law enforcement authorities, communities,
and the public.
4. Providing for community and public notification concerning the presence of sexual predators.

5. Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

(c) The state has a compelling interest in protecting the public from sexual predators and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual predators to register and for requiring community and public notification of the presence of sexual predators.

(d) It is the purpose of the Legislature that, upon the court’s written finding that an offender is a sexual predator, in order to protect the public, it is necessary that the sexual predator be registered with the department and that members of the community and the public be notified of the sexual predator’s presence. The designation of a person as a sexual predator is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes.

(e) It is the intent of the Legislature to address the problem of sexual predators by:

1. Requiring sexual predators supervised in the community to have special conditions of supervision and to be supervised by probation officers with low caseloads;

2. Requiring sexual predators to register with the Florida Department of Law Enforcement, as provided in this section; and

3. Requiring community and public notification of the presence of a sexual predator, as provided in this section.

(4) SEXUAL PREDATOR CRITERIA.—

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

1. The felony is:

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

   b. Any felony violation, or any attempt thereof, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

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

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony regardless of the date of offense of the prior felony.

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

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

2. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information that indicated that the offender met the criteria for designation as a sexual predator based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department’s list of sexual predators and, for an offender described under subparagraph 1., shall notify the state attorney who prosecuted the offense that met the criteria for administrative designation as a sexual predator, and, for an offender described under this paragraph, shall notify the state attorney of the county where the offender establishes or maintains a permanent, temporary, or transient residence. The state attorney shall bring the matter to the court’s attention in order to establish that the offender meets the criteria for designation as a sexual predator. If the court makes a written finding that the offender is a sexual predator, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

(d) An offender who has been determined to be a sexually violent predator pursuant to a civil commitment proceeding under chapter 394 shall be designated as a “sexual predator” under subsection (5) and subject to registration under subsection (6) and community and public notification under subsection (7).

(5) SEXUAL PREDATOR DESIGNATION.—An offender is designated as a sexual predator as follows:
(a) 1. An offender who meets the sexual predator criteria described in paragraph (4)(d) is a sexual predator, and the court shall make a written finding at the time such offender is determined to be a sexually violent predator under chapter 394 that such person meets the criteria for designation as a sexual predator for purposes of this section. The clerk shall transmit a copy of the order containing the written finding to the department within 48 hours after the entry of the order;

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

3. If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender who establishes or maintains a permanent, temporary, or transient residence in this state meets the sexual predator criteria described in paragraph (4)(a) or paragraph (4)(d) because the offender was civilly committed or committed a similar violation in another jurisdiction on or after October 1, 1993, the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney of the county where the offender establishes or maintains a permanent, temporary, or transient residence of the offender’s presence in the community. The state attorney shall file a petition with the criminal division of the circuit court for the purpose of holding a hearing to determine if the offender’s criminal record or record of civil commitment from another jurisdiction meets the sexual predator criteria. If the court finds that the offender meets the sexual predator criteria because the offender has violated a similar law or similar laws in another jurisdiction, the court shall make a written finding that the offender is a sexual predator.

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

(b) If a sexual predator is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual predator’s fingerprints are taken and forwarded to the department within 48 hours after the court renders its written sexual predator finding. The fingerprint card shall be clearly marked, “Sexual Predator Registration Card.” The clerk of the court that convicts and sentences the sexual predator for the offense or offenses described in subsection (4) shall forward to the department and to the Department of Corrections a certified copy of any order entered by the court imposing any special condition or restriction on the sexual predator which restricts or prohibits access to the victim, if the victim is a minor, or to other minors.

(c) If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender meets the sexual predator criteria but the
court did not make a written finding that the offender is a sexual predator as required in paragraph (a), the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney who prosecuted the offense for offenders described in subparagraph (a)1., or the state attorney of the county where the offender establishes or maintains a residence upon first entering the state for offenders described in subparagraph (a)3. The state attorney shall bring the matter to the court’s attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

(d) A person who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender, shall register in the manner provided in s. 943.0435 or s. 944.607 and shall be subject to community and public notification as provided in s. 943.0435 or s. 944.607. A person who meets the criteria of this section is subject to the requirements and penalty provisions of s. 943.0435 or s. 944.607 until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(6) REGISTRATION.—

(a) A sexual predator must register with the department through the Sheriff’s Office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; photograph; address of legal residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any instant message name required to be provided pursuant to subparagraph (g)4.; home telephone number and any cellular telephone number; date and place of any employment; date and place of each conviction; fingerprints; and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address.
a. If the sexual predator’s place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator’s place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer’s serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

b. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator’s enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the Sheriff’s Office, or the Department of Corrections if the sexual predator is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. The sheriff or the Department of Corrections shall promptly notify each institution of the sexual predator’s presence and any change in the sexual predator’s enrollment or employment status.

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

(b) If the sexual predator is in the custody or control of, or under the supervision of, the Department of Corrections, or is in the custody of a private correctional facility, the sexual predator must register with the Department of Corrections. A sexual predator who is under the supervision of the Department of Corrections but who is not incarcerated must register with the Department of Corrections within 3 business days after the court finds the offender to be a sexual predator. The Department of Corrections shall provide to the department registration information and the location of, and local telephone number for, any Department of Corrections office that is responsible for supervising the sexual predator. In addition, the Department of Corrections shall notify the department if the sexual predator escapes or absconds from custody or supervision or if the sexual predator dies.

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

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

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

a. At the Sheriff’s Office in the county where he or she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; and

b. At the Sheriff’s Office in the county where he or she was designated a sexual predator by the court within 48 hours after such finding is made.

2. Any change in the sexual predator’s permanent or temporary residence, name, or any electronic mail address and any instant message name required to be provided pursuant to subparagraph (g)4., after the sexual predator registers in person at the Sheriff’s Office as provided in subparagraph 1., shall be accomplished in the manner provided in paragraphs (g), (i), and (j). When a sexual predator registers with the Sheriff’s Office, the sheriff shall take a photograph and a set of fingerprints of the predator and forward the photographs and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section.

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

1. If otherwise qualified, secure a Florida driver’s license, renew a Florida driver’s license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver’s license, renewed license, or identification card, and for use by the department in maintaining current records of sexual predators. A post office box shall not be provided in lieu of a physical residential address. If the sexual predator’s place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator’s place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer’s serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.
2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver’s license or identification card as required by this section. The driver’s license or identification card issued to the sexual predator must be in compliance with s. 322.141(3).

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

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

2. A sexual predator who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the Sheriff’s Office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator must provide or update all of the registration information required under paragraph (a). The sexual predator must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

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

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

(h) The department must notify the sheriff and the state attorney of the county and, if applicable, the police chief of the municipality, where the sexual predator maintains a residence.
(i) A sexual predator who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The sexual predator must provide to the sheriff the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual predator. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual predator’s intended residence. The failure of a sexual predator to provide his or her intended place of residence is punishable as provided in subsection (10).

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

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

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

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

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation.
(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform members of the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator establishes or maintains a permanent or temporary residence shall notify members of the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed child care facility, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator. Information provided to members of the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;
2. A description of the sexual predator, including a photograph;
3. The sexual predator's current permanent, temporary, and transient addresses, and descriptions of registered locations that have no specific street address, including the name of the county or municipality if known;
4. The circumstances of the sexual predator's offense or offenses; and
5. Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

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

(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.

(c) The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required by paragraph (a).

(d) The department shall adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual predators.

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

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

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any instant message name required to be provided pursuant to subparagraph (6)(g)4.; home telephone number and any cellular telephone number; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

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

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

(b) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department.

(9) IMMUNITY.—The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at
the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual predator fails to report or falsely reports his or her current place of permanent or temporary residence.

(10) PENALTIES.—

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

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, child care facility, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator, or the county in which the
conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator’s failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator’s noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator; or

4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

History.—s. 1, ch. 93-277; s. 1, ch. 95-264; s. 54, ch. 95-283; s. 61, ch. 96-388; s. 5, ch. 97-299; s. 3, ch. 98-81; s. 1, ch. 98-267; s. 1, ch. 2000-207; s. 3, ch. 2000-246; s. 113, ch. 2000-349; s. 1, ch. 2002-58; s. 1, ch. 2004-371; s. 33, ch. 2004-373; s. 3, ch. 2005-28; s. 5, ch. 2005-67; s. 1, ch. 2006-200; s. 1, ch. 2006-235; s. 2, ch. 2006-299; s. 150, ch. 2007-5; s. 9, ch. 2007-143; s. 3, ch. 2007-207; s. 1, ch. 2007-209; s. 16, ch. 2008-172; s. 2, ch. 2009-194; s. 2, ch. 2010-92.
775.215 Residency restriction for persons convicted of certain sex offenses.

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

(a) “Child care facility” has the same meaning as provided in s. 402.302.

(b) “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

(c) “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

(d) “School” has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, the Florida Virtual School as established under s. 1002.37, and a K-8 Virtual School as established under s. 1002.415, but does not include facilities dedicated exclusively to the education of adults.

(2)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur on or after October 1, 2004, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)(a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.
(b) A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

History.—s. 2, ch. 2004-55; s. 21, ch. 2008-172; ss. 3, 18, ch. 2010-92.
Note.—Former s. 794.065.

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

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

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

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

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. e; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;
c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. e; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

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

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

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

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or 2. For all qualifying offenses listed in sub-subparagraph

(b) “Convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning ascribed in s. 775.21.
(d) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

(e) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(f) “Electronic mail address” has the same meaning as provided in s. 668.602.

(g) “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) A sexual offender shall:

(a) Report in person at the Sheriff’s Office:

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

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

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

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

Any change in the information required to be provided pursuant to paragraph (b), including, but not limited to, any change in the sexual offender’s permanent, temporary, or transient residence, name, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), after the sexual offender reports in person at the Sheriff’s Office, shall be accomplished in the manner provided in subsections (4), (7), and (8).

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

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

(a) If otherwise qualified, secure a Florida driver’s license, renew a Florida driver’s license, or secure an identification card. The sexual offender shall identify himself or herself as a sexual
offender who is required to comply with this section and shall provide proof that the sexual offender reported as required in subsection (2). The sexual offender shall provide any of the information specified in subsection (2), if requested. The sexual offender shall submit to the taking of a photograph for use in issuing a driver’s license, renewed license, or identification card, and for use by the department in maintaining current records of sexual offenders.

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

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

(4)(a) Each time a sexual offender’s driver’s license or identification card is subject to renewal, and, without regard to the status of the offender’s driver’s license or identification card, within 48 hours after any change in the offender’s permanent, temporary, or transient residence or change in the offender’s name by reason of marriage or other legal process, the offender shall report in person to a driver’s license office, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606.

(b) A sexual offender who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the Sheriff’s Office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

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

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

(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections in a manner that is consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The notification must include the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual offender’s intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

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

(9)(a) A sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.
(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under subsection (2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender’s failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

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

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

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

a. For a violation of s. e or s. 787.02;

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

c. For a violation of s. 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;
d. For a violation of s. 800.04(5)(b);

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

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

g. For a violation of similar law of another jurisdiction, may petition the criminal division of the circuit court of the circuit in which the sexual offender resides for the purpose of removing the requirement for registration as a sexual offender.

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

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

(b) As defined in sub-subparagraph (1)(a)1.b. must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(12) The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public
safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender’s birthday and during the sixth month following the sexual offender’s birth month to the Sheriff’s Office in the county in which he or she resides or is otherwise located to reregister.

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

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

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

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

4. Section 800.04(5)(b);

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

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

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

9. A violation of a similar law of another jurisdiction, must reregister each year during the month of the sexual offender’s birthday and every third month thereafter.

(c) The Sheriff’s Office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

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

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

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

4. Any sexual offender who fails to report in person as required at the Sheriff’s Office, or who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence or who fails to report electronic mail addresses or instant message names, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(d) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department.


943.04352 Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.

When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer’s name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement. Also, a national search must be conducted through the Dru Sjodin National Sex Offender Public Website maintained by the United States Department of Justice.

History.—s. 10, ch. 2005-28; s. 5, ch. 2010-92.

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

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

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

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

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

(2) If a person meets the criteria in subsection (1) and the violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) was committed on or after July 1, 2007, the person may move the court that will sentence or dispose of this violation to remove the requirement that the person register as a sexual offender or sexual predator. The person must allege in the motion that he or she meets the criteria in subsection (1) and that removal of the registration requirement will not conflict with federal law. The state attorney must be given notice of the motion at least 21
days before the date of sentencing or disposition of this violation and may present evidence in opposition to the requested relief or may otherwise demonstrate why the motion should be denied. At sentencing or disposition of this violation, the court shall rule on this motion and, if the court determines the person meets the criteria in subsection (1) and the removal of the registration requirement will not conflict with federal law, it may grant the motion and order the removal of the registration requirement. If the court denies the motion, the person is not authorized under this section to petition for removal of the registration requirement.

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

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

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

3. Meets the criteria in subsection (1).

(b) A person may petition the court in which the sentence or disposition for the violation of s. 794.011, s. 800.04, or s. 827.071 occurred for removal of the requirement to register as a sexual offender or sexual predator. The person must allege in the petition that he or she meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law. The state attorney must be given notice of the petition at least 21 days before the hearing on the petition and may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. The court shall rule on the petition and, if the court determines the person meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law, it may grant the petition and order the removal of the registration requirement. If the court denies the petition, the person is not authorized under this section to file any further petition for removal of the registration requirement.

(4) If a person provides to the Department of Law Enforcement a certified copy of the court’s order removing the requirement that the person register as a sexual offender or sexual predator for the violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5), the registration requirement will not apply to the person and the department shall remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the department. However, the removal of this information from the public registry does not mean that the public is denied access to information about the person’s criminal history or record that is otherwise available as a public record.

History.— s. 3, ch. 2007-209; s. 26, ch. 2008-172; s. 6, ch. 2010-92.
944.606 Sexual offenders; notification upon release.

(1) As used in this section:

(a) “Convicted” means there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine; probation; community control; parole; conditional release; control release; or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(b) “Sexual offender” means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender’s computerized criminal history record is not, in and of itself, verified information.

(c) “Electronic mail address” has the same meaning as provided in s. 668.602.

(d) “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) The Legislature finds that sexual offenders, especially those who have committed their offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount governmental interest. Sexual offenders have a reduced expectation of privacy because of the public’s interest in public safety and in the effective operation of government. Releasing sexual offender information to law enforcement agencies and to persons who request such information, and releasing such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety.

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

1. The department must provide: the sexual offender’s name, any change in the offender’s name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender’s social security number, race, sex, date of birth, height, weight, and hair and eye color; address of any planned permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient
residence within the state; address, location or description, and dates of any known future temporary residence within the state or out of state; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender’s fingerprints and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; any electronic mail address and any instant message name required to be provided pursuant to s. 943.0435(4)(d); and home telephone number and any cellular telephone number. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender’s release and provide this photograph to the Department of Corrections and also place it in the sexual offender’s file. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender’s release and provide to the Department of Law Enforcement the information specified in this paragraph and any information specified in subparagraph 2. that the Department of Law Enforcement requests.

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

(b) The department must provide the information described in subparagraph (a)1. to:

1. The sheriff of the county from where the sexual offender was sentenced;

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside;

3. The Florida Department of Law Enforcement;

4. When requested, the victim of the offense, the victim’s parent or legal guardian if the victim is a minor, the lawful representative of the victim or of the victim’s parent or guardian if the victim is a minor, or the next of kin if the victim is a homicide victim; and

5. Any person who requests such information, either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated. All such information provided to the Department of Law Enforcement must be available electronically as soon as the information is in the agency’s database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

(c) Upon request, the department must provide the information described in subparagraph (a)2. to:

1. The sheriff of the county from where the sexual offender was sentenced; and
2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside, either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated.

(d) Upon receiving information regarding a sexual offender from the department, the Department of Law Enforcement, the sheriff or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information and may release the information to the public in any manner deemed appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) This section authorizes the department or any law enforcement agency to notify the community and the public of a sexual offender’s presence in the community. However, with respect to a sexual offender who has been found to be a “sexual predator” under chapter 775, the Florida Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator’s presence in the community, as provided in chapter 775.

(5) An elected or appointed official, public employee, school administrator or employee, or agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency, is immune from civil liability for damages resulting from the release of information under this section.

History.—s. 3, ch. 92-76; s. 20, ch. 95-283; s. 10, ch. 96-312; s. 65, ch. 96-388; s. 11, ch. 97-299; s. 10, ch. 98-87; s. 119, ch. 99-3; s. 10, ch. 99-201; s. 4, ch. 2000-207; s. 3, ch. 2000-246; s. 5, ch. 2001-209; s. 5, ch. 2002-58; s. 3, ch. 2004-371; s. 4, ch. 2006-200; s. 5, ch. 2006-299; s. 161, ch. 2007-5; s. 11, ch. 2007-143; s. 6, ch. 2007-209; s. 4, ch. 2009-194; s. 7, ch. 2010-92.

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

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

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

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(1); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.011; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or
2. Who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard as to whether the person otherwise meets the criteria for registration as a sexual offender.

(b) “Conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine; probation; community control; parole; conditional release; control release; or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

(d) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(e) “Electronic mail address” has the same meaning as provided in s. 668.602.

(f) “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) The clerk of the court of that court which convicted and sentenced the sexual offender for the offense or offenses described in subsection (1) shall forward to the department and the Department of Law Enforcement a certified copy of any order entered by the court imposing any special condition or restriction on the sexual offender which restricts or prohibits access to the victim, if the victim is a minor, or to other minors. The Department of Law Enforcement may include on its Internet site such special conditions or restrictions.

(3) If a sexual offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual offender’s fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the offender. The fingerprint card shall be clearly marked “Sexual Offender Registration Card.”

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

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

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

(5) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sexual offender and provide the information to the Department of Law Enforcement. The information shall be made available electronically to the Department of Law Enforcement as soon as this information is in the department’s database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

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

(a) The information obtained from the sexual offender under subsection (4);

(b) The sexual offender’s most current address, place of permanent, temporary, or transient residence within the state or out of state, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, while the sexual offender is under supervision in this state, including the name of the county or municipality in which the offender permanently or temporarily resides, or has a transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions;

(c) The legal status of the sexual offender and the scheduled termination date of that legal status;

(d) The location of, and local telephone number for, any Department of Corrections’ office that is responsible for supervising the sexual offender;

(e) An indication of whether the victim of the offense that resulted in the offender’s status as a sexual offender was a minor;
(f) The offense or offenses at conviction which resulted in the determination of the offender’s status as a sex offender; and

(g) A digitized photograph of the sexual offender which must have been taken within 60 days before the offender is released from the custody of the department or a private correctional facility by expiration of sentence under s. 944.275 or must have been taken by January 1, 1998, or within 60 days after the onset of the department’s supervision of any sexual offender who is on probation, community control, conditional release, parole, provisional release, or control release or who is supervised by the department under the Interstate Compact Agreement for Probationers and Parolees. If the sexual offender is in the custody of a private correctional facility, the facility shall take a digitized photograph of the sexual offender within the time period provided in this paragraph and shall provide the photograph to the department.

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

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

(8) If the sexual offender is under federal supervision, the federal agency responsible for supervising the sexual offender may forward to the Department of Law Enforcement any information regarding the sexual offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the Department of Law Enforcement for purposes of public notification.

(9) A sexual offender, as described in this section, who is under the supervision of the Department of Corrections but who is not incarcerated shall, in addition to the registration requirements provided in subsection (4), register and obtain a distinctive driver’s license or identification card in the manner provided in s. 943.0435(3), (4), and (5), unless the sexual offender is a sexual predator, in which case he or she shall register and obtain a distinctive driver’s license or identification card as required under s. 775.21. A sexual offender who fails to comply with the requirements of s. 943.0435 is subject to the penalties provided in s. 943.0435.

(10)(a) The failure of a sexual offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender’s failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(11) The department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Corrections, the Department of Juvenile Justice, personnel of those departments, and any individual or entity acting at the request or upon the direction of those departments are immune from civil liability for damages for good faith compliance with this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Juvenile Justice, personnel of those departments, or any individual or entity acting at the request or upon the direction of those departments in compiling, recording, reporting, or providing information, or, if the information is incomplete or incorrect because the information has not been provided by a person or agency required to provide the information, or because the information was not reported or was falsely reported.

(12) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or
(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender’s birthday and during the sixth month following the sexual offender’s birth month to the Sheriff’s Office in the county in which he or she resides or is otherwise located to reregister.

(b) However, a sexual offender who is required to register as a result of a conviction for:
   1. Section 787.01 or s. 787.02 where the victim is a minor and the offender is not the victim’s parent or guardian;
   2. Section 794.011, excluding s. 794.011(10);
   3. Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;
   4. Section 800.04(5)(b);
   5. Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals or genital area;
   6. Section 800.04(5)c.2. where the court finds molestation involving unclothed genitals or genital area;
   7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;
   8. Any attempt or conspiracy to commit such offense; or
   9. A violation of a similar law of another jurisdiction,
   must reregister each year during the month of the sexual offender’s birthday and every third month thereafter.

(c) The Sheriff’s Office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:
1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any instant message name required to be provided pursuant to section 943.0435(4)(d); date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

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

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

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

(d) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Department of Law Enforcement in a manner prescribed by that department.

History.—s. 9, ch. 97-299; s. 11, ch. 98-81; s. 5, ch. 2000-207; s. 3, ch. 2000-246; s. 6, ch. 2002-58; s. 4, ch. 2004-371; s. 11, ch. 2005-28; s. 5, ch. 2006-200; s. 6, ch. 2006-299; s. 162, ch. 2007-5; s. 12, ch. 2007-143; s. 5, ch. 2007-207; s. 7, ch. 2007-209; s. 5, ch. 2009-194; s. 8, ch. 2010-92.

947.005 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

(1) “Authority” means the Control Release Authority.
(2) “Child care facility” has the same meaning as provided in s. 402.302.

(3) “Commission” means the Parole Commission.

(4) “Department” means the Department of Corrections.

(5) “Effective parole release date” means the actual parole release date as determined by the presumptive parole release date, satisfactory institutional conduct, and an acceptable parole plan.

(6) “Park” has the same meaning as provided in s. 775.215.

(7) “Playground” has the same meaning as provided in s. 775.215.

(8) “Presumptive parole release date” means the tentative parole release date as determined by objective parole guidelines.

(9) “Provisional release date” means the date projected for the prisoner’s release from custody as determined pursuant to 1s. 944.277.

(10) “Qualified practitioner” means a social worker, a mental health counselor, or a marriage and family therapist licensed under chapter 491 who, as determined by rule of the respective board, has the coursework, training, qualifications, and experience to evaluate and treat sexual offenders; a psychiatrist licensed under chapter 458 or chapter 459; or a psychologist licensed under chapter 490.

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

(12) “Safety plan” means a written document prepared by the qualified practitioner, in collaboration with the sex offender, the child’s parent or legal guardian, and, when appropriate, the child, which establishes clear roles and responsibilities for each individual involved in any contact between the child and the sex offender.

(13) “School” has the same meaning as provided in s. 775.215.

(14) “Secretary” means the Secretary of Corrections.

(15) “Tentative release date” means the date projected for the prisoner’s release from custody by virtue of gain-time granted or forfeited pursuant to s. 944.275(3)(a).

History.— s. 3, ch. 78-417; s. 101, ch. 79-3; s. 2, ch. 81-322; s. 34, ch. 83-131; ss. 24, 37, ch. 86-183; ss. 14, 66, 67, ch. 88-122; s. 1, ch. 89-526; ss. 11, 17, ch. 89-531; s. 20, ch. 90-337; ss. 1, ch. 93-2; s. 1, ch. 2005-67; s. 7, ch. 2007-200; s. 8, ch. 2007-209; s. 9, ch. 2010-92.

Note.— Repealed by s. 32, ch. 93-406.
947.1405 Conditional release program.

(1) This section and s. 947.141 may be cited as the “Conditional Release Program Act.”

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23, shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate’s overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on conditional release supervision is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and sentences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation may result in a forfeiture of all gain-time, and the commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions imposed by the commission. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction
of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the commission, through review and consideration of information provided by the department, shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party’s fear of the inmate or concerns about the release of the inmate.

(4) The commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the department shall review the inmate’s program participation, disciplinary record, psychological and medical records, criminal records, and any other information pertinent to the impending release. The department shall gather and compile information necessary for the commission to make the determinations set forth in subsection (3).

(6) The commission shall review the recommendations of the department, and such other information as it deems relevant, and may conduct a review of the inmate’s record for the purpose of establishing the terms and conditions of the conditional release. The commission may impose any special conditions it considers warranted from its review of the release plan and recommendation. If the commission determines that the inmate is eligible for release under this section, the commission shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee’s original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:
1. A mandatory curfew from 10 p.m. to 6 a.m. The commission may designate another 8-hour period if the offender’s employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the commission determines that imposing a curfew would endanger the victim, the commission may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop. Beginning October 1, 2004, the commission or the department may not approve a residence that is located within 1,000 feet of a school, child care facility, park, playground, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop. Beginning October 1, 2004, a district school board may not establish or relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision. A releasee who is subject to this subparagraph may not be forced to relocate and does not violate his or her conditional release supervision if he or she is living in a residence that meets the requirements of this subparagraph and a school, child care facility, park, playground, designated public school bus stop, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.

3. Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the releasee’s own expense. If a qualified practitioner is not available within a 50-mile radius of the releasee’s residence, the offender shall participate in other appropriate therapy.

4. A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.

5. If the victim was under the age of 18, a prohibition against contact with children under the age of 18 without review and approval by the commission. The commission may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The commission may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the commission must review and consider the following:
a. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

(I) The sex offender’s current legal status;

(II) The sex offender’s history of adult charges with apparent sexual motivation;

(III) The sex offender’s history of adult charges without apparent sexual motivation;

(IV) The sex offender’s history of juvenile charges, whenever available;

(V) The sex offender’s offender treatment history, including a consultation from the sex offender’s treating, or most recent treating, therapist;

(VI) The sex offender’s current mental status;

(VII) The sex offender’s mental health and substance abuse history as provided by the Department of Corrections;

(VIII) The sex offender’s personal, social, educational, and work history;

(IX) The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;

(X) A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

(XI) The child’s preference and relative comfort level with the proposed contact, when age-appropriate;

(XII) The parent’s or legal guardian’s preference regarding the proposed contact; and

(XIII) The qualified practitioner’s opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child. The written report of the assessment must be given to the commission.

b. A recommendation made as a part of the risk-assessment report as to whether supervised contact with the child should be approved;

c. A written consent signed by the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex offender’s present legal status, past criminal
history, and the results of the risk assessment. The commission may not approve contact with
the child if the parent or legal guardian refuses to give written consent for supervised contact;

d. A safety plan prepared by the qualified practitioner, who provides treatment to the offender,
in collaboration with the sex offender, the child’s parent or legal guardian, and the child, when
age appropriate, which details the acceptable conditions of contact between the sex offender
and the child. The safety plan must be reviewed and approved by the Department of
Corrections before being submitted to the commission; and

e. Evidence that the child’s parent or legal guardian, if the parent or legal guardian is not the
sex offender, understands the need for and agrees to the safety plan and has agreed to
provide, or to designate another adult to provide, constant supervision any time the child is in
contact with the offender.

The commission may not appoint a person to conduct a risk assessment and may not accept a
risk assessment from a person who has not demonstrated to the commission that he or she has
met the requirements of a qualified practitioner as defined in this section.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any
school, child care facility, park, playground, or other place where children regularly congregate,
as prescribed by the commission.

7. Unless otherwise indicated in the treatment plan provided by a qualified practitioner in the
sexual offender treatment program, a prohibition on viewing, owning, or possessing any
obscene, pornographic, or sexually stimulating visual or auditory material, including telephone,
electronic media, computer programs, or computer services that are relevant to the offender’s
deviant behavior pattern.

8. Effective for a releasee whose crime is committed on or after July 1, 2005, a prohibition on
accessing the Internet or other computer services until a qualified practitioner in the offender’s
sex offender treatment program, after a risk assessment is completed, approves and
implements a safety plan for the offender’s accessing or using the Internet or other computer
services.

9. A requirement that the releasee must submit two specimens of blood to the Department of
Law Enforcement to be registered with the DNA database.

10. A requirement that the releasee make restitution to the victim, as determined by the
sentencing court or the commission, for all necessary medical and related professional services
relating to physical, psychiatric, and psychological care.

11. Submission to a warrantless search by the community control or probation officer of the
probationer’s or community controllee’s person, residence, or vehicle.

(b) For a releasee whose crime was committed on or after October 1, 1997, in violation of
chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:

1. As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. The polygraph examination must be conducted by a polygrapher who is a member of a national or state polygraph association and who is certified as a postconviction sex offender polygrapher, where available, and at the expense of the releasee. The results of the examination shall be provided to the releasee's probation officer and qualified practitioner and may not be used as evidence in a hearing to prove that a violation of supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the releasee’s expense, an HIV test with the results to be released to the victim or the victim’s parent or guardian.

5. Electronic monitoring of any form when ordered by the commission. Any person who has been placed under supervision and is electronically monitored by the department must pay the department for the cost of the electronic monitoring service at a rate that may not exceed the full cost of the monitoring service. Funds collected under this subparagraph shall be deposited into the General Revenue Fund. The department may exempt a person from the payment of all or any part of the electronic monitoring service cost if the department finds that any of the factors listed in s. 948.09(3) exist.

(8) It is the finding of the Legislature that the population of offenders released from state prison into the community who meet the conditional release criteria poses the greatest threat to the public safety of the groups of offenders under community supervision. Therefore, the Department of Corrections is to provide intensive supervision by experienced correctional probation officers to conditional release offenders. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 conditional release offenders per officer to provide for enhanced public safety and to effectively monitor conditions of electronic monitoring or curfews, if so ordered by the commission.

(9) The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the provisions of the Conditional Release Program Act.

(10) Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s. 775.21, in addition to any other provision of this section, the commission must order electronic monitoring for the duration of the releasee's supervision.
(11) Effective for a releasee whose crime was committed on or after October 1, 2008, and who has been found to have committed the crime for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, the commission shall, in addition to any other conditions imposed, impose a condition prohibiting the releasee from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

(12) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(l), or a similar offense in another jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from the releasee’s supervising officer. The commission may also designate additional prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee’s child or grandchild at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children’s parties; or wearing a clown costume without prior approval from the commission.

History.—s. 19, ch. 88-122; ss. 12, 17, ch. 89-531; ss. 11, 20, ch. 90-337; s. 2, ch. 91-225; s. 8, ch. 91-280; s. 14, ch. 92-310; s. 1, ch. 93-2; s. 4, ch. 93-277; s. 4, ch. 93-417; s. 2, ch. 94-121; s. 3, ch. 94-294; s. 5, ch. 95-264; s. 57, ch. 95-283; s. 64, ch. 96-388; s. 10, ch. 97-78; s. 1872, ch. 97-102; s. 1, ch. 97-308; s. 3, ch. 2000-246; s. 5, ch. 2001-124; s. 1, ch. 2004-55; s. 16, ch. 2004-371; s. 12, ch. 2005-28; s. 2, ch. 2005-67; s. 27, ch. 2008-172; s. 23, ch. 2008-238; s. 9, ch. 2009-63; ss. 10, 18, ch. 2010-92.
948.001 Definitions.

As used in this chapter, the term:

(1) “Administrative probation” means a form of noncontact supervision in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be transferred by the Department of Corrections to nonreporting status until expiration of the term of supervision.

(2) “Child care facility” has the same meaning as provided in s. 402.302.

(3) “Community control” means a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Community control is an individualized program in which the freedom of an offender is restricted within the community, home, or noninstitutional residential placement and specific sanctions are imposed and enforced.

(4) “Community residential drug punishment center” means a residential drug punishment center designated by the Department of Corrections. The Department of Corrections shall adopt rules as necessary to define and operate such a center.

(5) “Drug offender probation” means a form of intensive supervision that emphasizes treatment of drug offenders in accordance with individualized treatment plans administered by officers with restricted caseloads. Caseloads should be restricted to a maximum of 50 cases per officer in order to ensure an adequate level of staffing.

(6) “Park” has the same meaning as provided in s. 775.215.

(7) “Playground” has the same meaning as provided in s. 775.215.

(8) “Probation” means a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03.

(9) “Qualified practitioner” means a social worker, mental health counselor, or a marriage and family therapist licensed under chapter 491 who, as determined by rule of the respective board, has the coursework, training, qualifications, and experience to evaluate and treat sexual offenders; a psychiatrist licensed under chapter 458 or chapter 459; or a psychologist licensed under chapter 490.

(10) “Risk assessment” means an assessment completed by a qualified practitioner to evaluate the level of risk associated when a sex offender has contact with a child.

(11) “Safety plan” means a written document prepared by the qualified practitioner, in collaboration with the sex offender, the child’s parent or legal guardian, and, when appropriate, the child which establishes clear roles and responsibilities for each individual involved in any contact between the child and the sex offender.
(12) “School” has the same meaning as provided in s. 775.215.

(13) “Sex offender probation” or “sex offender community control” means a form of intensive supervision, with or without electronic monitoring, which emphasizes treatment and supervision of a sex offender in accordance with an individualized treatment plan administered by an officer who has a restricted caseload and specialized training. An officer who supervises an offender placed on sex offender probation or sex offender community control must meet as necessary with a treatment provider and polygraph examiner to develop and implement the supervision and treatment plan, if a treatment provider and polygraph examiner specially trained in the treatment and monitoring of sex offenders are reasonably available.

History.—s. 11, ch. 83-131; s. 13, ch. 91-225; s. 32, ch. 92-310; s. 3, ch. 93-59; s. 13, ch. 93-227; s. 80, ch. 95-211; s. 2, ch. 97-308; s. 1, ch. 2004-373; s. 1, ch. 2005-67; s. 8, ch. 2007-200; s. 9, ch. 2007-209; s. 17, ch. 2010-64; s. 11, ch. 2010-92; s. 9, ch. 2010-113.

948.30 Additional terms and conditions of probation or community control for certain sex offenses.

Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(1) Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

(a) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender’s employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender’s place of residence to the nearest boundary line of the school, child care facility, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route. A probationer or community controllee who is subject to this paragraph may not be forced to relocate and does not violate his or her probation or community control if he or she is living in a residence that meets the requirements of this paragraph and a school, child care facility, park, playground, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.
(c) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the probationer’s or community controller’s own expense. If a qualified practitioner is not available within a 50-mile radius of the probationer’s or community controller’s residence, the offender shall participate in other appropriate therapy.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.

(e) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the court must review and consider the following:

1. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

   a. The sex offender’s current legal status;

   b. The sex offender’s history of adult charges with apparent sexual motivation;

   c. The sex offender’s history of adult charges without apparent sexual motivation;

   d. The sex offender’s history of juvenile charges, whenever available;

   e. The sex offender’s offender treatment history, including consultations with the sex offender’s treating, or most recent treating, therapist;

   f. The sex offender’s current mental status;

   g. The sex offender’s mental health and substance abuse treatment history as provided by the Department of Corrections;

   h. The sex offender’s personal, social, educational, and work history;

   i. The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;
j. A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

k. The child’s preference and relative comfort level with the proposed contact, when age appropriate;

l. The parent’s or legal guardian’s preference regarding the proposed contact; and

m. The qualified practitioner’s opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child.

The written report of the assessment must be given to the court;

2. A recommendation made as a part of the risk assessment report as to whether supervised contact with the child should be approved;

3. A written consent signed by the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex offender's present legal status, past criminal history, and the results of the risk assessment. The court may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact;

4. A safety plan prepared by the qualified practitioner, who provides treatment to the offender, in collaboration with the sex offender, the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, and the child, when age appropriate, which details the acceptable conditions of contact between the sex offender and the child. The safety plan must be reviewed and approved by the court; and

5. Evidence that the child’s parent or legal guardian understands the need for and agrees to the safety plan and has agreed to provide, or to designate another adult to provide, constant supervision any time the child is in contact with the offender.

The court may not appoint a person to conduct a risk assessment and may not accept a risk assessment from a person who has not demonstrated to the court that he or she has met the requirements of a qualified practitioner as defined in this section.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to, schools, child care facilities, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls.

(g) Unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender’s deviant behavior pattern.

(h) Effective for probationers and community controllees whose crime is committed on or after July 1, 2005, a prohibition on accessing the Internet or other computer services until a qualified practitioner
practitioner in the offender’s sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender’s accessing or using the Internet or other computer services.

(i) A requirement that the probationer or community controllee must submit a specimen of blood or other approved biological specimen to the Department of Law Enforcement to be registered with the DNA data bank.

(jj) A requirement that the probationer or community controllee make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

(k) Submission to a warrantless search by the community control or probation officer of the probationer’s or community controllee’s person, residence, or vehicle.

(2) Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on community control or sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition to any other provision of this section, the court must impose the following conditions of probation or community control:

(a) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender’s denial mechanisms. A polygraph examination must be conducted by a polygrapher who is a member of a national or state polygraph association and who is certified as a postconviction sex offender polygrapher, where available, and shall be paid for by the probationer or community controllee. The results of the polygraph examination shall be provided to the probationer’s or community controllee’s probation officer and qualified practitioner and shall not be used as evidence in court to prove that a violation of community supervision has occurred.

(b) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

(c) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

(d) If there was sexual contact, a submission to, at the probationer’s or community controllee’s expense, an HIV test with the results to be released to the victim or the victim’s parent or guardian.

(e) Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

(3) Effective for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who:
(a) Is placed on probation or community control for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;

(b) Is designated a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older, the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

(4) In addition to all other conditions imposed, for a probationer or community controllee who is subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; if the offender has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender’s supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender’s children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children’s parties; or wearing a clown costume; without prior approval from the court.

History.—s. 59, ch. 95-283; s. 6, ch. 96-409; s. 3, ch. 97-308; s. 14, ch. 98-81; s. 13, ch. 99-201; s. 3, ch. 2000-246; s. 1, ch. 2003-18; s. 1, ch. 2003-63; s. 18, ch. 2004-373; s. 151, ch. 2005-2; s. 20, ch. 2005-28; s. 4, ch. 2005-67; s. 31, ch. 2008-172; ss. 12, 18, ch. 2010-92.
Note.—Former s. 948.03(5).
948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.

The court shall require an evaluation by a qualified practitioner to determine the need of a probationer or community controllee for treatment. If the court determines that a need therefor is established by the evaluation process, the court shall require sexual offender treatment as a term or condition of probation or community control for any person who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607. Such treatment shall be required to be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(a)1.a.(I). The court shall impose a restriction against contact with minors if sexual offender treatment is recommended. The evaluation and recommendations for treatment of the probationer or community controllee shall be provided to the court for review.

History.—s. 1, ch. 81-198; s. 3, ch. 83-75; s. 16, ch. 83-131; s. 192, ch. 83-216; s. 37, ch. 89-526; s. 4, ch. 91-280; s. 13, ch. 99-201; s. 3, ch. 2000-246; s. 17, ch. 2004-373; s. 32, ch. 2008-172; s. 13, ch. 2010-92.

Note.—Former s. 948.03(4).

985.481 Sexual offenders adjudicated delinquent; notification upon release.

(1) As used in this section:

(a) “Convicted” has the same meaning as provided in s. 943.0435.

(b) “Sexual offender” means a person who has been adjudicated delinquent as provided in s. 943.0435(1)(a)1.d.

(2) The Legislature finds that certain juvenile sexual offenders pose a high risk of engaging in sexual offenses even after being released from commitment and that protection of the public from sexual offenders is a paramount governmental interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing sexual offender information to law enforcement agencies, to persons who request such information, and to the public by a law enforcement agency or public agency will further the governmental interests of public safety.

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

1. The department must provide the sexual offender's name, any change in the offender's name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender's social security number, race, sex, date of birth, height, weight, and hair and eye color; address of any planned
permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any known future temporary residence within the state or out of state; date and county of disposition and each crime for which there was a disposition; a copy of the offender’s fingerprints and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; and home telephone number and any cellular telephone number. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender’s release and also place it in the sexual offender’s file. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender’s release and provide to the Department of Law Enforcement the information specified in this subparagraph and any information specified in subparagraph 2. which the Department of Law Enforcement requests.

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

(b) No later than November 1, 2007, the department must make the information described in subparagraph (a)1. available electronically to the Department of Law Enforcement in its database and in a format that is compatible with the requirements of the Florida Crime Information Center.

(c) Upon receiving information regarding a sexual offender from the department, the Department of Law Enforcement, the sheriff, or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information and may release the information to the public in any manner considered appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) This section authorizes the department or any law enforcement agency to notify the community and the public of a sexual offender’s presence in the community. However, with respect to a sexual offender who has been found to be a sexual predator under chapter 775, the Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator’s presence in the community as provided in chapter 775.

(5) An elected or appointed official, public employee, school administrator or employee, or agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency, is immune from civil liability for damages resulting from the release of information under this section.

History.— s. 12, ch. 2007-209; s. 6, ch. 2009-194; s. 14, ch. 2010-92.
985.4815 Notification to Department of Law Enforcement of information on juvenile sexual offenders.

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

(a) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(b) “Conviction” has the same meaning as provided in s. 943.0435.

(c) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

(d) “Sexual offender” means a person who is in the care or custody or under the jurisdiction or supervision of the department or is in the custody of a private correctional facility and who:

1. Has been adjudicated delinquent as provided in s. 943.0435(1)(a)1.d.; or

2. Establishes or maintains a residence in this state and has not been designated as a sexual predator by a court of this state but has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender.

(2) The clerk of the court that adjudicated and entered a disposition regarding the sexual offender for the offense or offenses for which he or she was convicted shall forward to the department and the Department of Law Enforcement a certified copy of any order entered by the court imposing any special condition or restriction on the sexual offender which restricts or prohibits access to the victim, if the victim is a minor, or to other minors. The Department of Law Enforcement may include on its Internet website such special conditions or restrictions.

(3) If a sexual offender is not sentenced to a term of residential commitment, the clerk of the court shall ensure that the sexual offender’s fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the offender. The fingerprint card shall be clearly marked “Sexual Offender Registration Card.”

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

(a) The sexual offender shall provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; permanent or legal residence and address of temporary residence within the state or out of state while the sexual offender is in the care or custody or under the jurisdiction or supervision of the
department in this state, including any rural route address or post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; and the name and address of each school attended. The department shall verify the address of each sexual offender and shall report to the Department of Law Enforcement any failure by a sexual offender to comply with registration requirements.

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

(5) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sexual offender and provide the information to the Department of Law Enforcement. No later than November 1, 2007, the department must make the information available electronically to the Department of Law Enforcement in its database in a format that is compatible with the requirements of the Florida Crime Information Center.

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

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

2. The sexual offender’s most current address and place of permanent, temporary, or transient residence within the state or out of state, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, while the sexual offender is in the care or custody or under the jurisdiction or supervision of the department in this state, including the name of the county or municipality in which the offender permanently or temporarily resides, or has a transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state; and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions.

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

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

5. An indication of whether the victim of the offense that resulted in the offender’s status as a sexual offender was a minor.
6. The offense or offenses at adjudication and disposition that resulted in the determination of the offender’s status as a sex offender.

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

(b) If any information provided by the department changes during the time the sexual offender is under the department’s care, control, custody, or supervision, including any change in the offender’s name by reason of marriage or other legal process, the department shall, in a timely manner, update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (5).

7. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall forward the information to the Department of Law Enforcement. The custodian of the local jail shall also take a digitized photograph of the sexual offender while the offender remains in custody and shall provide the digitized photograph to the Department of Law Enforcement.

8. If the sexual offender is under federal supervision, the federal agency responsible for supervising the sexual offender may forward to the Department of Law Enforcement any information regarding the sexual offender which is consistent with the information provided by the department under this section and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the Department of Law Enforcement for purposes of public notification.

9. A sexual offender, as described in this section, who is under the care, jurisdiction, or supervision of the department but who is not incarcerated shall, in addition to the registration requirements provided in subsection (4), register in the manner provided in s. 943.0435(3), (4), and (5), unless the sexual offender is a sexual predator, in which case he or she shall register as required under s. 775.21. A sexual offender who fails to comply with the requirements of s. 943.0435 is subject to the penalties provided in s. 943.0435(9).

10. (a) The failure of a sexual offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed,
the county of the last registered address of the sexual offender, or the county in which the adjudication and disposition occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender’s failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(11) The department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Corrections, personnel of those departments, and any individual or entity acting at the request or upon the direction of those departments are immune from civil liability for damages for good faith compliance with this section and shall be presumed to have acted in good faith in compiling, recording, reporting, or providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Corrections, personnel of those departments, or any individual or entity acting at the request or upon the direction of those departments in compiling, recording, reporting, or providing information, or, if the information is incomplete or incorrect because the information has not been provided by a person or agency required to provide it, was not reported, or was falsely reported.

(12) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section and, if known, the whereabouts of the sexual offender;

(b) Harbors, attempts to harbor, or assists another person in harboring or attempting to harbor the sexual offender;

(c) Conceals, attempts to conceal, or assists another person in concealing or attempting to conceal the sexual offender; or
(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during every third month thereafter to the Sheriff’s Office in the county in which he or she resides or is otherwise located to reregister.

(b) The Sheriff’s Office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence; dates of any current or known future temporary residence within the state or out of state; name and address of each school attended; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

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

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

4. Any sexual offender who fails to report in person as required at the Sheriff’s Office, or who fails to respond to any address verification correspondence from the department within 3 weeks after the date of the correspondence, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

(c) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Department of Law Enforcement in a manner prescribed by that department.

History.—s. 13, ch. 2007-209; s. 15, ch. 2010-92.
NEW IN 2009

775.21(6)(a)(1) – Added: home telephone number and any cellular telephone number
943.0435(2)(b) – Added: home telephone number and any cellular telephone number
944.606(3)(a)(1) – Added: home telephone number and any cellular telephone number
985.481(3)(a)(1) – Added: home telephone number and any cellular telephone number

944.607(1)(a)(1) – 847.0135(6)

847.0135 – Struck: “residing in this state”
847.0138 – Struck: “in this state”

NEW IN 2008

There were no legislative updates affecting sexual offender registration laws in 2008.

NEW IN 2007

SB 1604
While several bills related to Florida registration law were passed in 2007, Senate Bill 1604 had the most significant impact of sexual offender/predator registration laws, and it serves as the first year of laws passed for Florida compliance with the 2006 Federal Adam Walsh Child Protection and Safety Act.

A high-level summary of SB 1604 is provided below:

Effective July 1, 2007, certain registrants are required to report to the Sheriff’s Office to ReRegister four times a year (i.e. quarterly, rather than bi-annually). Registrants not meeting the criteria for quarterly registration are required to continue to ReRegister bi-annually in the month of their birth and every 6th month thereafter.

The charts below provide ReRegistration months for those required to register and bi-annually (chart on left) and quarterly (chart on right):
Beginning July 1, 2007, the following registrants are required to ReRegister on a quarterly basis, once during the month of their birth month, and every 3rd month thereafter.

- ALL sexual predators
- ALL juvenile sexual offenders adjudicated delinquent on or after July 1, 2007 for an offenses specified in F.S. 934.0435(1)(a)1.d., as is provided in Chart 1 on the following page.
- CERTAIN sexual offenders: Those with the offenses specified in Chart 2 on the following page.

PLEASE NOTE! Offenders who do not meet offense criteria specified Chart 1 or 2 below are required to continue to ReRegister bi-annually in the month of their birth and every 6th month thereafter.

**Chart 1: Qualifying Juvenile Offenses (adjudications of delinquency)**

<table>
<thead>
<tr>
<th>The commission of or attempt, to solicit, or conspire to commit any of the following offenses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>s. 794.011, Sexual battery excluding 794.011 (10).</td>
</tr>
<tr>
<td>s. 800.04(4)(b), Lewd/lascivious offenses committed upon or in the presence of persons less than 16 years of age, where the victim is under 12 or the court finds sexual activity by the use of force or coercion.</td>
</tr>
<tr>
<td>s. 800.04(5)(c), Lewd/lascivious molestation by an offender under 18, with a victim under 12, where the court finds molestation involving unclothed genitals.</td>
</tr>
<tr>
<td>s. 800.04(5)(d), Lewd/lascivious offenses committed upon or in the presence of persons less than 16 years of age, where the court finds the use of force or coercion and unclothed genitals.</td>
</tr>
<tr>
<td>OR a violation of a similar offense in another jurisdiction</td>
</tr>
</tbody>
</table>

**Chart 2: Sex Offender Offenses Requiring Quarterly ReRegistration**

<table>
<thead>
<tr>
<th>The commission of or attempt, to solicit, or conspire to commit any of the following offenses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>s. 787.01 or s.787.02 where the victim is a minor and the offender is not the victim’s parent or guardian.</td>
</tr>
<tr>
<td>s. 794.011, Sexual Battery; excluding 794.011(10).</td>
</tr>
<tr>
<td>s. 800.04(4)(b), Lewd/lascivious offenses committed upon or in the presence of persons less than 16 years of age, where the victim is under 12 or the court finds sexual activity by the use of force or coercion.</td>
</tr>
<tr>
<td>s. 800.04(5)(b), Lewd/lascivious molestation by an offender 18 or older, with a victim</td>
</tr>
<tr>
<td>Section</td>
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<td>---------</td>
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<tr>
<td>s. 800.04(5)(c)1.</td>
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<tr>
<td>s. 800.04(5)c.2.</td>
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<tr>
<td>s. 800.04(5)(d)</td>
</tr>
<tr>
<td>OR a violation of a similar offense in another jurisdiction.</td>
</tr>
</tbody>
</table>

Senate Bill 1604 also provides the following:

- Adds the term “guardian” to s. 787.01 or s. 787.02, where the victim is a minor and the defendant is not the victim’s parent or guardian.

- Defines the term “conviction” to include an adjudication of delinquency of a juvenile.

- Requires sexual offenders/sexual predators who are under the supervision of the Department of Corrections but who are not incarcerated to register with the Department of Corrections within 3 business days after the court finds the offender to be a sexual predator. (s. 775.21, s.943.0435, s. 944.606)

- If a sexual predator or offender (including juvenile offenders) is in the custody of the local jail, requires the jail to register the sexual predator or offender within 3 business days after intake of the registrant for any reason and upon release, and shall forward the registration information to FDLE. (s. 775.21, s.943.0435, s. 944.606)

- If a sexual predator is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility, the sexual predator shall register in person:
  - At the Sheriff’s Office in the county where he or she establishes or maintains a residence within 48hrs after establishing or maintaining a residence in this state;  
  - And
  - At the Sheriff’s Office in the county where he or she was designated as sexual predator by the court within 48 hours after such finding is made.

- **Duration of Registration**
  - Still requires lifetime registration for both offenders and predators (unless the offender or predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense requiring registration).
  - Removes the ability for a sexual predator to petition the court for the relief of such designation, in accordance with the federal 2006 Adam Walsh Child Protection and Safety Act. Sexual offenders can petition the court for removal 25 years (rather than 20 years) after release from all sanctions (provided there has
not been an arrest since release from such sanctions), AND provided that the requirement to register was not based upon an adult conviction for one of the offenses specified in the statute.

- Provides the ability for a sexual offender or predator to file a motion to remove the requirement to register or petition the court for a removal of his/her designation in special circumstances, including that: 1) the offender or predator was or will be convicted or adjudicated delinquent of a violation of either 794.011 or 800.04, where adjudication of guilt was withheld, and there is no other conviction, adjudication of delinquency, or withhold of adjudication for a violation of 794.011 or 800.04; 2) the offender is required to register as a sexual offender solely on the basis of this violation; and 3) the offender is not more than 4 years older than the victim of the violation AND the victim is 14 years or older but not more than 17 years. If the court grants the removal which does not conflict with federal law the person must provide a certified copy to FDLE for removal. If the court denies the petition, the registrant is not authorized under this section to file any further petition for removal of the requirement to register.

- Requires the Department of Corrections/Department of Juvenile Justice to report to FDLE any failure by a sexual predator or sexual offender to comply with the registration requirements.

- Requires local law enforcement agencies to report to FDLE any failure by a sexual predator or sexual offender to comply with the registration requirements.

- A sexual offender shall report to the Sheriff’s Office in the county of conviction within 48hrs after being convicted for a qualifying offense for registration if the offender is not in the custody or control of, or under the supervision of, the Department of Corrections or Department of Juvenile Justice.

- F.S. 943.44353, Automatic notification of registration information regarding sexual predators and sexual offenders. No later than January 1, 2008, FDLE shall develop and maintain a system to allow citizens to sign up for automatic notification (e-mail notification) of registration information regarding sexual predators and sexual offenders.

- F.S. 943.0515, Retention of criminal history records of minors. Requires the Criminal Justice Information Program to retain the criminal history record of a minor adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in F.S. 943.0435(1)(a)1.d. Such records may not be destroyed and must be merged with the person’s adult CCH.

- F.S. 985.481, Sexual offenders adjudicated delinquent; Notification. Requires the Department of Juvenile Justice to provide information regarding any juvenile sexual offender who is being released after serving a period of residential commitment under DJJ for any qualifying offense.
• The DJJ must provide information regarding any sexual offender who is being released after serving a period of residential commitment under DJJ for any qualifying offense.

• F.S. 985.4815, provides for notification to the Department of Law Enforcement of information on juvenile sexual offenders.

• Requires the clerk of the court that adjudicated and entered a disposition regarding the sexual offender for the offense or offenses for which he or she was convicted to forward to both DJJ and FDLE a certified copy of any order entered by the court imposing special conditions to the victim, if a minor and other minors. (s. 985.4815)

• Requires juvenile sexual offenders who are under the supervision of the Department of Juvenile Justice but who are not committed to register with the Department of Juvenile Justice within 3 business days after adjudication and disposition for a registerable offense.

**Senate Bill 988**

• **Effective August 1, 2007,** the driver's license and identification cards of persons designated as sexual predators/sexual offenders under F.S. 775.21, 943.0435, or 944.607, shall be marked as follows: 775.21, F.S. (Sexual Predator), or 943.0435, F.S. (sexual offenders, including Juvenile Offenders) (322.141, F.S).

• **Effective August 1, 2007,** all sexual offenders and predators must report to DHSMV during the month of his/her ReRegistration to obtain a driver's license that is marked with the 775.21, F.S. (Sexual Predator), or 943.0435, F.S. markings as described in the bullet above, unless such a license has already been secured.

• **Effective February 1, 2008,** any sexual predator or sexual offender who does not have the Sexual Predator/Sexual Offender marking displayed or has been altered on their Driver's License/Identification Card is guilty of a felony in the 3rd Degree. (322.212, F.S).

**Senate Bill 1004: Cybercrimes Against Children Act of 2007**

• Defines “Electronic mail address” as provided in s. 668.602 (6) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

• Defines “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet. (s. 775.21, s.943.0435, s. 944.606, s. 944.607)

• Requires sexual predators and sexual offenders to report any electronic mail address and any instant message name during registration/reregistration. (s. 775.21, s.943.0435, s. 944.606, s. 944.607)

• Requires sexual predators and sexual offenders to register any electronic mail addresses or instant message names with the department prior to using such electronic mail address or instant message name on or after October 1, 2007. (s. 775.21, s.943.0435, s. 944.606, s. 944.607). Requires FDLE to establish an online system
through which sexual predators and sexual offenders may securely access and update all electronic mail address and instant message information. (FDLE will also create an online system allowing citizens to search an email address or instant message name against FDLE’s list of email addresses or instant message names of sexual offenders and predators maintained by FDLE).

- **Penalties**—It is a 3rd degree felony for a sexual predator/sexual offender to fail to provide electronic mail addresses or instant message names during registration or prior to using.

- **Penalties**—3rd degree felony for failure to provide an electronic mail addresses information, instant message name information.

- **F.S. 943.0437, Commercial Social Networking websites.** Allows for FDLE to provide information relating to electronic mail addresses and instant messages names maintained as part of the sexual offender registry to commercial social networking websites or third parties designated by commercial social networking websites. The commercial social networking website may use this information for the purposes of comparing registered users and screening potential users of the commercial social networking website against the list of electronic mail addresses and instant message names provided by the Department.

**The 2005 Jessica Lunsford Act (HB 1877)**

On May 2, 2005, Governor Bush signed legislation that significantly alters Florida’s Sexual Offender and Predator Registration Laws. Please note that any requirements listed are in addition to the current requirements outlined in F.S. 775.21 and F.S. 943.0435.

**PLEASE NOTE:** Subsequent changes to Florida law have since amended requirements of the Jessica Lunsford Act (JLA). For this reason the highlights represented below represent the 2005 requirements of the JLA.

**HB1877**

- Requires a sexual predator or offender to report in person twice a year during the month of his or her birth and in the 6th month thereafter, to the Sheriff’s Office in the county in which he or she resides or is otherwise located (see chart below). The Sheriff’s Office is permitted to designate days and time during which ReRegistration is available. Failure to report as required is a 3rd degree felony.

ReRegistration information shall include any changes to the following:
1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and a photograph. A post office box shall not be provided in lieu of a physical residential address.

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

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

(b) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the FDLE in a manner prescribed by the FDLE.

- In terms of sexual predator qualification using Second Strike criteria, it removes the 10-year stipulation for predicate offenses so that there is no time limit. (Prior to this Act, if the offender’s prior enumerated felony was committed more than 10 years before the primary offense, it was not considered a prior felony under this subsection if the offender...
had not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever was later.)

- Extends the period for a petition to remove a sexual predator designation from 20 to 30 years for those designated after September 1, 2005.

- Provides third degree felony for predators and offenders who fail to respond to address verification within three weeks from the date of correspondence).

- Provides a third degree felony for the following:

Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section, including a person who:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information.

{Statutes 775.082, 775.083, or 775.084, F.S.}

- Provides a criminal offense for a person who alters, tampers, damages or destroys any court ordered electronic monitoring equipment.

- Provides a life felony and 25 year mandatory term of imprisonment for committing a lewd or lascivious molestation on a child under 12 when the offender is 18 or older. If not life imprisonment, provides for a split sentence for person convicted of a life felony for a lewd and lascivious molestation on or after 09/01/2005, to include electronic monitoring for the duration of the defendant’s natural life.

- If the probationer or offender is a registered sexual predator/offender, a court finding is required with regard to the dangerousness this person presents to the public prior to his or her release on bail.
• Adds mandatory electronic monitoring for a conditional releasee whose crime was committed on or after 9/01/2005 for certain offenses where the victim was 15 years or younger and the offender is 18 years or older.

• Tasks the Florida Department of Law Enforcement to create a task force for the purpose of examining the collection and dissemination of offender information within the criminal justice system and community.

• Requires the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control.

• Directs OPPAGA to conduct a study every three years to review the implementation and effectiveness of Florida sexual offender registration and community notification laws.

• Expands the requirements for registration as a recidivist sexual predator in Florida.

• Adds a designation as a sexual predator to the list of aggravating circumstances in court sentencing proceedings for the commission of a capital felony.

• Requires public and private misdemeanor probation entities to search each probationer against the Florida sexual offender registry and implement procedures for accessing criminal history records of probationers.

• Requires background screening for all contractual personnel who are permitted access on school grounds when students are present or have direct contact with students.

• Tasks the Criminal Justice Estimating Conference to research arrest, prosecution, and sentencing information and report findings to the Legislature by 03/01/2006.

• Calls for the development of an information sharing system via electronic technology by the Courts, Probation and FDLE for use at first appearance.

NEW IN 2004

SB 2054
- Requires that a person civilly committed as a sexually violent predator (Jimmy Ryce Civil Commitment Act) be designated as a sexual predator for registration and notification purposes.

- Provides registration requirements for sexual predators and sexual offenders who vacate a permanent residence and do not establish or maintain another residence. Creates a 2nd degree felony for a sexual predator or sexual offender who fails to report that he or she remains at a residence after he or she has reported vacating that residence.

- Amends the definition of “conviction” under the registration statutes.
Clarifies where venue may occur for the purpose of prosecuting violations of the registration laws

Specifies what constitutes actual notice of the duty to register.

Requires the registration of sexual predators or sexual offenders who are charged with failure to register who assert a lack of notice of the duty to register.

Precludes lack of notice of duty to register defense on a subsequent charge of failure to register.

Designates that registration following arrest, service, or arraignment is not a defense and does not relieve the sexual predator or sexual offender from criminal liability for failure to register.

SB 1774 (2004)- Not a registration statute change
Requires state agencies or “governmental subdivisions” to search the sexual offender/predator registry prior to making any decision to appoint, employ or accept as a volunteer any person to work at any park, playground, day care center, or other place where children regularly congregate.

SB 120 (2004)- Not a registration statute change
- Prohibits certain sexual offenders subject to conditional release supervision, where victim was under 18, from living within a 1,000 ft of a public school bus stop (school, daycare center park, playground or other place children congregate are already prohibited in pre-existing law);
- Prohibits district school boards from establishing school bus stops within 1,000 feet of the residence of persons prohibited from living within 1,000 feet of a school bus stop;
- Creates s. 794.065, F.S. prohibiting persons convicted of certain offenses (s.s. 794.011, 800.04, 827.091, 847.0145) on or after October 1, 2004, and whose victim was under 16, from residing within 1,000 ft of any school, daycare center, park or playground. Punishable (relative to classification of their conviction) from a first degree misdemeanor to a third degree felony.

Chapter 394: Involuntary Civil Commitment of Sexually Violent Predators. See Involuntary Civil Commitment section of this book for statutory references.

CRIMINAL VIOLATION (FLORIDA):

MISUSE OR MATERIAL ALTERATION OF PUBLIC RECORDS INFORMATION OR DISTRIBUTING FALSE INFORMATION
Any person who:

- misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender;
- knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information;
- materially alters public records information with the intent to misrepresent the information, including Documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication,

commits a **misdemeanor of the first degree**.

**775.13 Registration of convicted felons, exemptions; penalties.**

(1) As used in this section, the term “convicted” means, with respect to a person’s felony offense, a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(2) Any person who has been convicted of a felony in any court of this state shall, within 48 hours after entering any county in this state, register with the sheriff of said county, be fingerprinted and photographed, and list the crime for which convicted, place of conviction, sentence imposed, if any, name, aliases, if any, address, and occupation. If the felony conviction is for an offense that was found, pursuant to s. 874.04, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, the registrant shall identify himself or herself as such an offender. The Department of Law Enforcement, in consultation with appropriate local law enforcement agencies, may develop standardized practices for the inclusion of gang affiliation at the time of offender registration.

(3) Any person who has been convicted of a crime in any federal court or in any court of a state other than Florida, or of any foreign state or country, which crime if committed in Florida would be a felony, shall forthwith within 48 hours after entering any county in this state register with the sheriff of said county in the same manner as provided for in subsection (2).

(4) This section does not apply to an offender:

(a) Who has had his or her civil rights restored;

(b) Who has received a full pardon for the offense for which convicted;
(c) Who has been lawfully released from incarceration or other sentence or supervision for a felony conviction for more than 5 years prior to such time for registration, unless the offender is a fugitive from justice on a felony charge or has been convicted of any offense since release from such incarceration or other sentence or supervision;

(d) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of the offender in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation;

(e) Who is a sexual predator and has registered as required under s. 775.21;

(f) Who is a sexual offender and has registered as required in s. 943.0435 or s. 944.607; or

(g) Who is a career offender who has registered as required in s. 775.261 or s. 944.609.

(5) The failure of any such convicted felon to comply with this section:

(a) With regard to any felon not listed in paragraph (b), constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) With regard to any felon who has been found, pursuant to s. 874.04, to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Nothing in this section shall be construed to affect any law of this state relating to registration of criminals where the penalties for registration, notification, or reporting obligations are in addition to, or in excess of, those imposed by this section.

History.—ss. 1, 2, 3, 4, 5, 6, 7, ch. 57-19; s. 1, ch. 57-371; s. 1, ch. 63-191; s. 1, ch. 65-453; s. 3, ch. 67-2207; ss. 20, 33, 35, ch. 69-106; s. 699, ch. 71-136; s. 11, ch. 77-120; s. 1, ch. 77-174; s. 18, ch. 79-3; s. 21, ch. 79-8; s. 161, ch. 83-216; s. 63, ch. 96-388; s. 4, ch. 97-299; s. 2, ch. 98-81; s. 1, ch. 2000-328; s. 1, ch. 2002-266; s. 5, ch. 2004-371; s. 1, ch. 2008-238.

775.21 The Florida Sexual Predators Act.

(1) SHORT TITLE.—This section may be cited as “The Florida Sexual Predators Act.”

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

(a) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(b) “Chief of police” means the chief law enforcement officer of a municipality.

(c) “Child care facility” has the same meaning as provided in s. 402.302.
(d) “Community” means any county where the sexual predator lives or otherwise establishes or maintains a temporary or permanent residence.

(e) “Conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(f) “Department” means the Department of Law Enforcement.

(g) “Electronic mail address” has the same meaning as provided in s. 668.602.

(h) “Entering the county” includes being discharged from a correctional facility or jail or secure treatment facility within the county or being under supervision within the county for the commission of a violation enumerated in subsection (4).

(i) “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet.

(j) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

(k) “Permanent residence” means a place where the person abides, lodges, or resides for 5 or more consecutive days.

(l) “Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 5 or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

(m) “Transient residence” means a place or county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

(3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—
(a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported,
and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) The high level of threat that a sexual predator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the state with sufficient justification to implement a strategy that includes:

1. Incarcerating sexual predators and maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space.

2. Providing for specialized supervision of sexual predators who are in the community by specially trained probation officers with low caseloads, as described in ss. 947.1405(7) and 948.30. The sexual predator is subject to specified terms and conditions implemented at sentencing or at the time of release from incarceration, with a requirement that those who are financially able must pay all or part of the costs of supervision.

3. Requiring the registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public.

4. Providing for community and public notification concerning the presence of sexual predators.

5. Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

(c) The state has a compelling interest in protecting the public from sexual predators and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual predators to register and for requiring community and public notification of the presence of sexual predators.

(d) It is the purpose of the Legislature that, upon the court’s written finding that an offender is a sexual predator, in order to protect the public, it is necessary that the sexual predator be registered with the department and that members of the community and the public be notified of the sexual predator’s presence. The designation of a person as a sexual predator is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes.

(e) It is the intent of the Legislature to address the problem of sexual predators by:

1. Requiring sexual predators supervised in the community to have special conditions of supervision and to be supervised by probation officers with low caseloads;

2. Requiring sexual predators to register with the Florida Department of Law Enforcement, as provided in this section; and

3. Requiring community and public notification of the presence of a sexual predator, as provided in this section.

(4) SEXUAL PREDATOR CRITERIA.—
(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a “sexual predator” under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony is:

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

   b. Any felony violation, or any attempt thereof, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0135; s. 847.0145, excluding s. 847.0135(6); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction;

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

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

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony regardless of the date of offense of the prior felony.

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

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

2. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information that indicated that the offender met the criteria for designation as a sexual predator based on a violation of a similar law in another jurisdiction,

   the department shall remove that offender from the department’s list of sexual predators and, for an offender described under subparagraph 1., shall notify the state attorney who prosecuted the offense that met the criteria for administrative designation as a sexual predator, and, for an
offender described under this paragraph, shall notify the state attorney of the county where the offender establishes or maintains a permanent, temporary, or transient residence. The state attorney shall bring the matter to the court’s attention in order to establish that the offender meets the criteria for designation as a sexual predator. If the court makes a written finding that the offender is a sexual predator, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

(d) An offender who has been determined to be a sexually violent predator pursuant to a civil commitment proceeding under chapter 394 shall be designated as a “sexual predator” under subsection (5) and subject to registration under subsection (6) and community and public notification under subsection (7).

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

(a) 1. An offender who meets the sexual predator criteria described in paragraph (4)(d) is a sexual predator, and the court shall make a written finding at the time such offender is determined to be a sexually violent predator under chapter 394 that such person meets the criteria for designation as a sexual predator for purposes of this section. The clerk shall transmit a copy of the order containing the written finding to the department within 48 hours after the entry of the order;

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

3. If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender who establishes or maintains a permanent, temporary, or transient residence in this state meets the sexual predator criteria described in paragraph (4)(a) or paragraph (4)(d) because the offender was civilly committed or committed a similar violation in another jurisdiction on or after October 1, 1993, the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney of the county where the offender establishes or maintains a permanent, temporary, or transient residence of the offender’s presence in the community. The state attorney shall file a petition with the criminal division of the circuit court for the purpose of holding a hearing to determine if the offender’s criminal record or record of civil commitment from another jurisdiction meets the sexual predator criteria. If the court finds that the offender meets the sexual predator criteria because the offender has violated a similar law or similar laws in another jurisdiction, the court shall make a written finding that the offender is a sexual predator.

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

(b) If a sexual predator is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual predator’s fingerprints are taken and forwarded to the department within 48 hours after the court renders its written sexual predator finding. The fingerprint card shall be clearly marked, “Sexual Predator Registration Card.” The clerk of the court that convicts and sentences the sexual predator for the offense or offenses described in subsection (4) shall forward to the department and to the Department of Corrections a certified copy of any order entered by the court imposing any special condition or restriction on the sexual predator which restricts or prohibits access to the victim, if the victim is a minor, or to other minors.

(c) If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender meets the sexual predator criteria but the court did not make a written finding that the offender is a sexual predator as required in paragraph (a), the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney who prosecuted the offense for offenders described in subparagraph (a)1., or the state attorney of the county where the offender establishes or maintains a residence upon first entering the state for offenders described in subparagraph (a)3. The state attorney shall bring the matter to the court’s attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

(d) A person who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender, shall register in the manner provided in s. 943.0435 or s. 944.607 and shall be subject to community and public notification as provided in s. 943.0435 or s. 944.607. A person who meets the criteria of this section is subject to the requirements and penalty provisions of s. 943.0435 or s. 944.607 until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided
such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(6) REGISTRATION.—

(a) A sexual predator must register with the department through the Sheriff’s Office by providing the following information to the department:

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

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

b. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator’s enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the Sheriff’s Office, or the Department of Corrections if the sexual predator is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. The sheriff or the Department of Corrections shall promptly notify each institution of the sexual predator’s presence and any change in the sexual predator’s enrollment or employment status.

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

(b) If the sexual predator is in the custody or control of, or under the supervision of, the Department of Corrections, or is in the custody of a private correctional facility, the sexual predator must register with the Department of Corrections. A sexual predator who is under the supervision of the Department of Corrections but who is not incarcerated must register with the
Department of Corrections within 3 business days after the court finds the offender to be a sexual predator. The Department of Corrections shall provide to the department registration information and the location of, and local telephone number for, any Department of Corrections office that is responsible for supervising the sexual predator. In addition, the Department of Corrections shall notify the department if the sexual predator escapes or absconds from custody or supervision or if the sexual predator dies.

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

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

(e)1. If the sexual predator is not in the custody or control of, or under the supervision of, the Department of Corrections or is not in the custody of a private correctional facility, the sexual predator shall register in person:
   a. At the Sheriff’s Office in the county where he or she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; and
   b. At the Sheriff’s Office in the county where he or she was designated a sexual predator by the court within 48 hours after such finding is made.

2. Any change in the sexual predator’s permanent or temporary residence, name, or any electronic mail address and any instant message name required to be provided pursuant to subparagraph (g)4., after the sexual predator registers in person at the Sheriff’s Office as provided in subparagraph 1., shall be accomplished in the manner provided in paragraphs (g), (i), and (j). When a sexual predator registers with the Sheriff’s Office, the sheriff shall take a photograph and a set of fingerprints of the predator and forward the photographs and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section.

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall register in person at a driver’s license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration. At the driver’s license office the sexual predator shall:
1. If otherwise qualified, secure a Florida driver’s license, renew a Florida driver’s license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver’s license, renewed license, or identification card, and for use by the department in maintaining current records of sexual predators. A post office box shall not be provided in lieu of a physical residential address. If the sexual predator’s place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator’s place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer’s serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

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

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

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

2. A sexual predator who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the Sheriff’s Office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator must provide or update all of the registration information required under paragraph (a). The sexual predator must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.
3. A sexual predator who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the predator indicated he or she would or did vacate such residence, report in person to the Sheriff’s Office to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(i) A sexual predator who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The sexual predator must provide to the sheriff the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual predator. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual predator’s intended residence. The failure of a sexual predator to provide his or her intended place of residence is punishable as provided in subsection (10).

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

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

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

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

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

(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform members of the community and the public of a sexual predator’s presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator establishes or maintains a permanent or temporary residence shall notify members of the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed child care facility, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator. Information provided to members of the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;

2. A description of the sexual predator, including a photograph;

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

4. The circumstances of the sexual predator’s offense or offenses; and
5. Whether the victim of the sexual predator’s offense or offenses was, at the time of the offense, a minor or an adult.

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

(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.

(c) The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required by paragraph (a).

(d) The department shall adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual predators.

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

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

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any instant message name required to be provided pursuant to subparagraph (6)(g)4.; home telephone number and any cellular telephone number; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.
2. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator’s enrollment or employment status.

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

(b) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department.

(9) IMMUNITY.—The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual predator fails to report or falsely reports his or her current place of permanent or temporary residence.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver’s license or identification card; who fails to provide required location information, electronic mail address information, instant message name information, home telephone number and any cellular telephone number, or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, child care facility, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator’s failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:
1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator’s noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator; or

4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

History.—s. 1, ch. 93-277; s. 1, ch. 95-264; s. 54, ch. 95-283; s. 61, ch. 96-388; s. 5, ch. 97-299; s. 3, ch. 98-81; s. 1, ch. 98-267; s. 1, ch. 2000-207; s. 3, ch. 2000-246; s. 113, ch. 2000-349; s. 1, ch. 2002-58; s. 1, ch. 2004-371; s. 33, ch. 2004-373; s. 3, ch. 2005-28; s. 5, ch. 2005-67; s. 1, ch. 2006-200; s. 1, ch. 2006-235; s. 2, ch. 2006-299; s. 150, ch. 2007-5; s. 9, ch. 2007-143; s. 3, ch. 2007-207; s. 1, ch. 2007-209; s. 16, ch. 2008-172; s. 2, ch. 2009-194; s. 2, ch. 2010-92.

775.215 Residency restriction for persons convicted of certain sex offenses.

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

(a) “Child care facility” has the same meaning as provided in s. 402.302.

(b) “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

(c) “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

(d) “School” has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, the Florida Virtual School as established under s. 1002.37, and a K-8 Virtual School as established under s. 1002.415, but does not include facilities dedicated exclusively to the education of adults.

(2)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this
subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur on or after October 1, 2004, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)(a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

History.—s. 2, ch. 2004-55; s. 21, ch. 2008-172; ss. 3, 18, ch. 2010-92.
Note.—Former s. 794.065.
Furthermore, the Congress of the United States has expressly encouraged every state to enact such laws, and has provided that, to the extent that a state’s laws do not meet certain federal requirements, the state will lose significant federal funding provided to the state for law enforcement and public safety programs. Unless a court that enters such an order determines that a person or entity is not operating in accordance with the laws governing sexual predators or sexual offenders, or that such laws or any part of such laws are unconstitutional or unconstitutionally applied, the court unlawfully encroaches on the Legislature’s exclusive power to make laws and places at risk significant public interests of the state.

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

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

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

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

(3) If the court enters an order that affects an agency’s performance of a duty imposed under the laws governing sexual predators or sexual offenders, or that limits the agency’s exercise of authority conferred under such laws, the Legislature strongly encourages the affected agency to file a motion in the court that entered such order. The affected agency may, within 1 year after the receipt of any such order, move to modify or set aside the order or, if such order is in the nature of an injunction, move to dissolve the injunction. Grounds for granting any such motion include, but need not be limited to:

(a) The affected agency was not properly noticed.

(b) The court is not authorized to enjoin the operation of a statute that has been duly adjudged constitutional and operative unless the statute is illegally applied or unless the statute or the challenged part of it is unconstitutional on adjudicated grounds.

(c) Jurisdiction may not be conferred by consent of the parties.

(d) To the extent that the order is based upon actions the agency might take, the court’s order is premature and, if and when such actions are taken, these actions may be challenged in appropriate proceedings to determine their enforceability.

(e) The injunction affects the public interest and would cause injury to the public.

(f) The order creates an unenforceable, perpetual injunction.
(g) The order seeks to restrict the agency in the performance of its duties outside the court’s territorial jurisdiction.

History.—s. 4, ch. 98-81; s. 2, ch. 2002-58; s. 7, ch. 2004-371.

775.25 Prosecutions for acts or omissions.

A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator or sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

History.—s. 5, ch. 98-81; s. 8, ch. 2004-371. s. 2, ch. 2010-117.

794.075 Sexual predators; erectile dysfunction drugs.

(1) A person may not possess a prescription drug, as defined in s. 499.003(43), for the purpose of treating erectile dysfunction if the person is designated as a sexual predator under s. 775.21.

(2) A person who violates a provision of this section for the first time commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates a provision of this section a second or subsequent time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, ch. 2006-150; s. 41, ch. 2008-207; s. 44, ch. 2010-161.

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.

(1) The department may notify the public through the Internet of any information regarding sexual predators and sexual offenders which is not confidential and exempt from public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) The department shall provide, through a toll-free telephone number, public access to registration information regarding sexual predators and sexual offenders and may provide other information reported to the Department which is not exempt from public disclosure.

(3) The department shall provide to any person, upon request and at a reasonable cost determined by the Department, a copy of the photograph of any sexual offender or sexual predator which the Department maintains in its files and a printed summary of the information that is available to the public under this section.
(4) The department, its personnel, and any individual or entity acting at the request or upon the direction of the department are immune from civil liability for damages for good faith compliance with this section and will be presumed to have acted in good faith by reporting information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, its personnel, or any individual or entity acting at the request or upon the direction of the department in reporting the information, if the department and its personnel are unable to report information because the information has not been provided or reported by a person or agency required to provide or report the information to the department, or if the department, its personnel, or any individual or entity acting at the request or upon the direction of the department reports information that was falsely reported without the knowledge of the department, its personnel, or such individual or entity.

(5) In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall dedicate analytical resources to assist local law enforcement agencies in determining the potential whereabouts of any sexual predator or sexual offender who fails to respond to address verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.

History.—s. 7, ch. 97-299; s. 6, ch. 98-81; s. 8, ch. 2005-28.

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

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

(a)

1. “Sexual offender” means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

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

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

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

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

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

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

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

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

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

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

For each violation of a qualifying offense listed in this subsection, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall additionally make a written finding indicating that the offense did or did not involve sexual activity and indicating that the offense did or did not involve force or coercion. For a violation of s. 800.04(5), the court shall additionally make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.
(b) “Convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning ascribed in s. 775.21.

(d) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

(e) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(f) “Electronic mail address” has the same meaning as provided in s. 668.602.

(g) “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) A sexual offender shall:

(a) Report in person at the Sheriff’s Office:

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

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

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

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

Any change in the information required to be provided pursuant to paragraph (b), including, but not limited to, any change in the sexual offender’s permanent, temporary, or transient residence, name, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), after the sexual offender reports in person at the Sheriff’s Office, shall be accomplished in the manner provided in subsections (4), (7), and (8).
(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; occupation and place of employment; address of permanent or legal residence or address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state, address, location or description, and dates of any current or known future temporary residence within the state or out of state; home telephone number and any cellular telephone number; any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d); date and place of each conviction; and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address.

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

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

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

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

(a) If otherwise qualified, secure a Florida driver’s license, renew a Florida driver’s license, or secure an identification card. The sexual offender shall identify himself or herself as a sexual offender who is required to comply with this section and shall provide proof that the sexual offender reported as required in subsection (2). The sexual offender shall provide any of the information specified in subsection (2), if requested. The sexual offender shall submit to the taking of a photograph for use in issuing a driver’s license, renewed license, or identification card, and for use by the department in maintaining current records of sexual offenders.
(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver’s license or identification card as required by this section. The driver’s license or identification card issued must be in compliance with s. 322.141(3).

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

(4)(a) Each time a sexual offender’s driver’s license or identification card is subject to renewal, and, without regard to the status of the offender’s driver’s license or identification card, within 48 hours after any change in the offender’s permanent, temporary, or transient residence or change in the offender’s name by reason of marriage or other legal process, the offender shall report in person to a driver’s license office, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606.

(b) A sexual offender who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the Sheriff’s Office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

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

(d) A sexual offender must register any electronic mail address or instant message name with the department prior to using such electronic mail address or instant message name on or after October 1, 2007. The department shall establish an online system through which sexual offenders may securely access and update all electronic mail address and instant message name information.
(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections in a manner that is consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The notification must include the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual offender’s intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

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

(9)(a) A sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under subsection (2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender’s failure to immediately register as required by this section following such arrest, service, or arraignment
constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

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

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

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

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

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

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

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

e. For a violation of s. 800.04(5)c.2. where the court finds the offense involved unclothed genitals or genital area;
f. For any attempt or conspiracy to commit any such offense; or

g. For a violation of similar law of another jurisdiction,

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

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

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

(b) As defined in sub-subparagraph (1)(a)1.b. must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(12) The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual
offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender’s birthday and during the sixth month following the sexual offender’s birth month to the Sheriff’s Office in the county in which he or she resides or is otherwise located to reregister.

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

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

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

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

4. Section 800.04(5)(b);

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

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

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

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

9. A violation of a similar law of another jurisdiction, must reregister each year during the month of the sexual offender’s birthday and every third month thereafter.
(c) The Sheriff’s Office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

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

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

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

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

(d) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department.

943.04351 Search of registration information regarding sexual predators and sexual offenders required prior to appointment or employment.--

A state agency or governmental subdivision, prior to making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The agency or governmental subdivision may conduct the search using the Internet site maintained by the Department of Law Enforcement. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

History.—s. 1, ch. 2004-81.

943.04352 Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.—

When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement. Also, a national search must be conducted through the Dru Sjodin National Sex Offender Public Website maintained by the United States Department of Justice.

History.— s. 10, ch. 2005-28; s. 5, ch. 2010-92.

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

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

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

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

(c) Is not more than 4 years older than the victim of this violation who was 14 years of age or older but not more than 17 years of age at the time the person committed this violation.
(2) If a person meets the criteria in subsection (1) and the violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) was committed on or after July 1, 2007, the person may move the court that will sentence or dispose of this violation to remove the requirement that the person register as a sexual offender or sexual predator. The person must allege in the motion that he or she meets the criteria in subsection (1) and that removal of the registration requirement will not conflict with federal law. The state attorney must be given notice of the motion at least 21 days before the date of sentencing or disposition of this violation and may present evidence in opposition to the requested relief or may otherwise demonstrate why the motion should be denied. At sentencing or disposition of this violation, the court shall rule on this motion and, if the court determines the person meets the criteria in subsection (1) and the removal of the registration requirement will not conflict with federal law, it may grant the motion and order the removal of the registration requirement. If the court denies the motion, the person is not authorized under this section to petition for removal of the registration requirement.

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

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

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

3. Meets the criteria in subsection (1).

(b) A person may petition the court in which the sentence or disposition for the violation of s. 794.011, s. 800.04, or s. 827.071 occurred for removal of the requirement to register as a sexual offender or sexual predator. The person must allege in the petition that he or she meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law. The state attorney must be given notice of the petition at least 21 days before the hearing on the petition and may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. The court shall rule on the petition and, if the court determines the person meets the criteria in subsection (1) and removal of the registration requirement will not conflict with federal law, it may grant the petition and order the removal of the registration requirement. If the court denies the petition, the person is not authorized under this section to file any further petition for removal of the registration requirement.

(4) If a person provides to the Department of Law Enforcement a certified copy of the court’s order removing the requirement that the person register as a sexual offender or sexual predator for the violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5), the registration requirement will not apply to the person and the department shall remove all information about the person from the public registry of sexual offenders and sexual predators maintained by the department. However, the removal of this information from the public registry does not mean that the public is denied access to information about the person’s criminal history or record that is otherwise available as a public record.

History.—s. 3, ch. 2007-209; s. 26, ch. 2008-172; s. 6, ch. 2010-92.
943.0515 Retention of criminal history records of minors.--

(1)(a) The Criminal Justice Information Program shall retain the criminal history record of a minor who is classified as a serious or habitual juvenile offender or committed to a juvenile correctional facility or juvenile prison under chapter 985 for 5 years after the date the offender reaches 21 years of age, at which time the record shall be expunged unless it meets the criteria of paragraph (2)(a) or paragraph (2)(b).

(b) If the minor is not classified as a serious or habitual juvenile offender or committed to a juvenile correctional facility or juvenile prison under chapter 985, the program shall retain the minor's criminal history record for 5 years after the date the minor reaches 19 years of age, at which time the record shall be expunged unless it meets the criteria of paragraph (2)(a) or paragraph (2)(b).

(2)(a) If a person 18 years of age or older is charged with or convicted of a forcible felony and the person's criminal history record as a minor has not yet been destroyed, the person's record as a minor must be merged with the person's adult criminal history record and must be retained as a part of the person's adult record.

(b) If, at any time, a minor is adjudicated as an adult for a forcible felony, the minor's criminal history record prior to the time of the minor's adjudication as an adult must be merged with his or her record as an adjudicated adult.

(3) Notwithstanding any other provision of this section, the Criminal Justice Information Program shall retain the criminal history record of a minor adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in s. 943.0435(1)(a)1.d. Such records may not be destroyed and must be merged with the person's adult criminal history record and retained as a part of the person's adult record.

History.--s. 90, ch. 94-209; s. 20, ch. 96-388; s. 1845, ch. 97-102; s. 7, ch. 98-94; s. 56, ch. 98-280; s. 6, ch. 99-284; s. 5, ch. 2007-209.

943.44353 Automatic notification of registration information regarding sexual predators and offenders.--

(1) No later than January 1, 2008, the department shall develop and maintain a system to provide automatic notification of registration information regarding sexual predators and sexual offenders to the public.

(2) In accordance with the federal Adam Walsh Child Protection and Safety Act of 2006, schools, public housing agencies, agencies responsible for conducting employment-related background checks under s. 3 of the National Child Protection Act of 1993, 42 U.S.C. s. 5119a, as amended, social service entities responsible for protecting minors in the child welfare system, volunteer organizations in which contact with minors or other vulnerable individuals might occur, and any other such organization, company, or individual shall have access to the notification system.

History.--s. 4, ch. 2007-209.
944.606 Sexual offenders; notification upon release.—

(1) As used in this section:

(a) “Convicted” means there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine; probation; community control; parole; conditional release; control release; or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(b) “Sexual offender” means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim’s parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender’s computerized criminal history record is not, in and of itself, verified information.

(c) “Electronic mail address” has the same meaning as provided in s. 668.602.

(d) “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) The Legislature finds that sexual offenders, especially those who have committed their offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount governmental interest. Sexual offenders have a reduced expectation of privacy because of the public’s interest in public safety and in the effective operation of government. Releasing sexual offender information to law enforcement agencies and to persons who request such information, and releasing such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety.

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

1. The department must provide: the sexual offender’s name, any change in the offender’s name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender’s social security number, race, sex, date of birth, height, weight, and hair and eye color; address of any planned permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any known future
temporary residence within the state or out of state; date and county of sentence and each
crime for which the offender was sentenced; a copy of the offender’s fingerprints and a digitized
photograph taken within 60 days before release; the date of release of the sexual offender; any
electronic mail address and any instant message name required to be provided pursuant to s.
943.0435(4)(d); and home telephone number and any cellular telephone number. The
department shall notify the Department of Law Enforcement if the sexual offender escapes,
absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the
facility shall take the digitized photograph of the sexual offender within 60 days before the
sexual offender’s release and provide this photograph to the Department of Corrections and
also place it in the sexual offender’s file. If the sexual offender is in the custody of a local jail,
the custodian of the local jail shall register the offender within 3 business days after intake of
the offender for any reason and upon release, and shall notify the Department of Law
Enforcement of the sexual offender’s release and provide to the Department of Law
Enforcement the information specified in this paragraph and any information specified in
subparagraph 2. that the Department of Law Enforcement requests.

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

(b) The department must provide the information described in subparagraph (a)1. to:

1. The sheriff of the county from where the sexual offender was sentenced;

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the
sexual offender plans to reside;

3. The Florida Department of Law Enforcement;

4. When requested, the victim of the offense, the victim’s parent or legal guardian if the victim is
a minor, the lawful representative of the victim or of the victim’s parent or guardian if the victim
is a minor, or the next of kin if the victim is a homicide victim; and

5. Any person who requests such information, either within 6 months prior to the anticipated
release of a sexual offender, or as soon as possible if an offender is released earlier than
anticipated. All such information provided to the Department of Law Enforcement must be
available electronically as soon as the information is in the agency’s database and must be in a
format that is compatible with the requirements of the Florida Crime Information Center.

(c) Upon request, the department must provide the information described in subparagraph (a)2.
to:

1. The sheriff of the county from where the sexual offender was sentenced; and

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the
sexual offender plans to reside, either within 6 months prior to the anticipated release of a
sexual offender, or as soon as possible if an offender is released earlier than anticipated.
(d) Upon receiving information regarding a sexual offender from the department, the Department of Law Enforcement, the sheriff or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information and may release the information to the public in any manner deemed appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) This section authorizes the department or any law enforcement agency to notify the community and the public of a sexual offender’s presence in the community. However, with respect to a sexual offender who has been found to be a “sexual predator” under chapter 775, the Florida Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator’s presence in the community, as provided in chapter 775.

(5) An elected or appointed official, public employee, school administrator or employee, or agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency, is immune from civil liability for damages resulting from the release of information under this section.

History.—s. 3, ch. 92-76; s. 20, ch. 95-283; s. 10, ch. 96-312; s. 65, ch. 96-388; s. 11, ch. 97-299; s. 10, ch. 98-81; s. 119, ch. 99-3; s. 10, ch. 99-201; s. 4, ch. 2000-207; s. 3, ch. 2000-246; s. 5, ch. 2001-209; s. 5, ch. 2002-58; s. 3, ch. 2004-371; s. 4, ch. 2006-200; s. 5, ch. 2006-299; s. 161, ch. 2007-5; s. 11, ch. 2007-143; s. 6, ch. 2007-209; s. 4, ch. 2009-194; s. 7, ch. 2010-92.

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

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

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

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

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

(b) “Conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine; probation; community control; parole; conditional release; control release; or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

(d) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(e) “Electronic mail address” has the same meaning as provided in s. 668.602.

(f) “Instant message name” means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) The clerk of the court of that court which convicted and sentenced the sexual offender for the offense or offenses described in subsection (1) shall forward to the department and the Department of Law Enforcement a certified copy of any order entered by the court imposing any special condition or restriction on the sexual offender which restricts or prohibits access to the victim, if the victim is a minor, or to other minors. The Department of Law Enforcement may include on its Internet site such special conditions or restrictions.

(3) If a sexual offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual offender’s fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the offender. The fingerprint card shall be clearly marked “Sexual Offender Registration Card.”

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

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

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

(5) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sexual offender and provide the information to the Department of Law Enforcement. The information shall be made available electronically to the Department of Law Enforcement as soon as this information is in the department’s database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

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

(a) The information obtained from the sexual offender under subsection (4);

(b) The sexual offender’s most current address, place of permanent, temporary, or transient residence within the state or out of state, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, while the sexual offender is under supervision in this state, including the name of the county or municipality in which the offender permanently or temporarily resides, or has a transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions;

(c) The legal status of the sexual offender and the scheduled termination date of that legal status;

(d) The location of, and local telephone number for, any Department of Corrections’ office that is responsible for supervising the sexual offender;

(e) An indication of whether the victim of the offense that resulted in the offender’s status as a sexual offender was a minor;

(f) The offense or offenses at conviction which resulted in the determination of the offender’s status as a sex offender; and
(g) A digitized photograph of the sexual offender which must have been taken within 60 days before the offender is released from the custody of the department or a private correctional facility by expiration of sentence under s. 944.275 or must have been taken by January 1, 1998, or within 60 days after the onset of the department’s supervision of any sexual offender who is on probation, community control, conditional release, parole, provisional release, or control release or who is supervised by the department under the Interstate Compact Agreement for Probationers and Parolees. If the sexual offender is in the custody of a private correctional facility, the facility shall take a digitized photograph of the sexual offender within the time period provided in this paragraph and shall provide the photograph to the department. If any information provided by the department changes during the time the sexual offender is under the department’s control, custody, or supervision, including any change in the offender’s name by reason of marriage or other legal process, the department shall, in a timely manner, update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (2).

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

(8) If the sexual offender is under federal supervision, the federal agency responsible for supervising the sexual offender may forward to the Department of Law Enforcement any information regarding the sexual offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the Department of Law Enforcement for purposes of public notification.

(9) A sexual offender, as described in this section, who is under the supervision of the Department of Corrections but who is not incarcerated shall, in addition to the registration requirements provided in subsection (4), register and obtain a distinctive driver’s license or identification card in the manner provided in s. 943.0435(3), (4), and (5), unless the sexual offender is a sexual predator, in which case he or she shall register and obtain a distinctive driver’s license or identification card as required under s. 775.21. A sexual offender who fails to comply with the requirements of s. 943.0435 is subject to the penalties provided in s. 943.0435(9).

(10)(a) The failure of a sexual offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.
(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender’s failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(11) The department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Corrections, the Department of Juvenile Justice, personnel of those departments, and any individual or entity acting at the request or upon the direction of those departments are immune from civil liability for damages for good faith compliance with this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Juvenile Justice, personnel of those departments, or any individual or entity acting at the request or upon the direction of those departments in compiling, recording, reporting, or providing information, or, if the information is incomplete or incorrect because the information has not been provided by a person or agency required to provide the information, or because the information was not reported or was falsely reported.

(12) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information, commits a felony of the third degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender’s birthday and during the sixth month following the sexual offender’s birth month to the Sheriff’s Office in the county in which he or she resides or is otherwise located to reregister.

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

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

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

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

4. Section 800.04(5)(b);

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

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

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

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

9. A violation of a similar law of another jurisdiction, must reregister each year during the month of the sexual offender’s birthday and every third month thereafter.

(c) The Sheriff’s Office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; any electronic mail address and any instant message name required to be provided pursuant to s. 943.0435(4)(d); date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.
2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender’s enrollment or employment status.

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

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

(d) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Department of Law Enforcement in a manner prescribed by that department.

History.—s. 9, ch. 97-299; s. 11, ch. 98-81; s. 5, ch. 2000-207; s. 3, ch. 2000-246; s. 6, ch. 2002-58; s. 4, ch. 2004-371; s. 11, ch. 2005-28; s. 5, ch. 2006-200; s. 6, ch. 2006-299; s. 162, ch. 2007-5; s. 12, ch. 2007-143; s. 5, ch. 2007-207; s. 7, ch. 2007-209; s. 5, ch. 2009-194; s. 8, ch. 2010-92.

947.1405 Conditional release program.—
(1) This section and s. 947.141 may be cited as the “Conditional Release Program Act.”

(2) Any inmate who:
(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23, shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the
Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate’s overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on conditional release supervision is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentsences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation may result in a forfeiture of all gain-time, and the commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions imposed by the commission. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the commission, through review and consideration of information provided by the department, shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party’s fear of the inmate or concerns about the release of the inmate.

(4) The commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.
(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the department shall review the inmate’s program participation, disciplinary record, psychological and medical records, criminal records, and any other information pertinent to the impending release. The department shall gather and compile information necessary for the commission to make the determinations set forth in subsection (3). A department representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate’s release plan, including the inmate’s planned residence and employment. The department representative shall forward the inmate’s release plan to the commission and recommend to the commission the terms and conditions of the conditional release.

(6) The commission shall review the recommendations of the department, and such other information as it deems relevant, and may conduct a review of the inmate’s record for the purpose of establishing the terms and conditions of the conditional release. The commission may impose any special conditions it considers warranted from its review of the release plan and recommendation. If the commission determines that the inmate is eligible for release under this section, the commission shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee’s original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

1. A mandatory curfew from 10 p.m. to 6 a.m. The commission may designate another 8-hour period if the offender’s employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the commission determines that imposing a curfew would endanger the victim, the commission may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop. Beginning October 1, 2004, the commission or the department may not approve a residence that is located within 1,000 feet of a school, child care facility, park, playground, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop. Beginning October 1, 2004, a district school board may not establish or
relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision. A releasee who is subject to this subparagraph may not be forced to relocate and does not violate his or her conditional release supervision if he or she is living in a residence that meets the requirements of this subparagraph and a school, child care facility, park, playground, designated public school bus stop, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.

3. Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the releasee’s own expense. If a qualified practitioner is not available within a 50-mile radius of the releasee’s residence, the offender shall participate in other appropriate therapy.

4. A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.

5. If the victim was under the age of 18, a prohibition against contact with children under the age of 18 without review and approval by the commission. The commission may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The commission may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the commission must review and consider the following:

a. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

(I) The sex offender’s current legal status;

(II) The sex offender’s history of adult charges with apparent sexual motivation;

(III) The sex offender’s history of adult charges without apparent sexual motivation;

(IV) The sex offender’s history of juvenile charges, whenever available;

(V) The sex offender’s offender treatment history, including a consultation from the sex offender’s treating, or most recent treating, therapist;

(VI) The sex offender’s current mental status;
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(VII) The sex offender’s mental health and substance abuse history as provided by the Department of Corrections;

(VIII) The sex offender’s personal, social, educational, and work history;

(IX) The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;

(X) A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

(XI) The child’s preference and relative comfort level with the proposed contact, when age-appropriate;

(XII) The parent’s or legal guardian’s preference regarding the proposed contact; and

(XIII) The qualified practitioner’s opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child. The written report of the assessment must be given to the commission.

b. A recommendation made as a part of the risk-assessment report as to whether supervised contact with the child should be approved;

c. A written consent signed by the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex offender’s present legal status, past criminal history, and the results of the risk assessment. The commission may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact;

d. A safety plan prepared by the qualified practitioner, who provides treatment to the offender, in collaboration with the sex offender, the child’s parent or legal guardian, and the child, when age-appropriate, which details the acceptable conditions of contact between the sex offender and the child. The safety plan must be reviewed and approved by the Department of Corrections before being submitted to the commission; and

e. Evidence that the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, understands the need for and agrees to the safety plan and has agreed to provide, or to designate another adult to provide, constant supervision any time the child is in contact with the offender. The commission may not appoint a person to conduct a risk assessment and may not accept a risk assessment from a person who has not demonstrated to the commission that he or she has met the requirements of a qualified practitioner as defined in this section.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, child care facility, park, playground, or other place where children regularly congregate, as prescribed by the commission.
7. Unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender’s deviant behavior pattern.

8. Effective for a releasee whose crime is committed on or after July 1, 2005, a prohibition on accessing the Internet or other computer services until a qualified practitioner in the offender’s sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender’s accessing or using the Internet or other computer services.

9. A requirement that the releasee must submit two specimens of blood to the Department of Law Enforcement to be registered with the DNA database.

10. A requirement that the releasee make restitution to the victim, as determined by the sentencing court or the commission, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

11. Submission to a warrantless search by the community control or probation officer of the probationer’s or community controllee’s person, residence, or vehicle.

(b) For a releasee whose crime was committed on or after October 1, 1997, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:

1. As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender’s denial mechanisms. The polygraph examination must be conducted by a polygrapher who is a member of a national or state polygraph association and who is certified as a postconviction sex offender polygrapher, where available, and at the expense of the releasee. The results of the examination shall be provided to the releasee’s probation officer and qualified practitioner and may not be used as evidence in a hearing to prove that a violation of supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the releasee’s expense, an HIV test with the results to be released to the victim or the victim’s parent or guardian.

5. Electronic monitoring of any form when ordered by the commission. Any person who has been placed under supervision and is electronically monitored by the department must pay the.
department for the cost of the electronic monitoring service at a rate that may not exceed the full cost of the monitoring service. Funds collected under this subparagraph shall be deposited into the General Revenue Fund. The department may exempt a person from the payment of all or any part of the electronic monitoring service cost if the department finds that any of the factors listed in s. 948.09(3) exist.

(8) It is the finding of the Legislature that the population of offenders released from state prison into the community who meet the conditional release criteria poses the greatest threat to the public safety of the groups of offenders under community supervision. Therefore, the Department of Corrections is to provide intensive supervision by experienced correctional probation officers to conditional release offenders. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 conditional release offenders per officer to provide for enhanced public safety and to effectively monitor conditions of electronic monitoring or curfews, if so ordered by the commission.

(9) The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the provisions of the Conditional Release Program Act.

(10) Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s. 775.21, in addition to any other provision of this section, the commission must order electronic monitoring for the duration of the releasee’s supervision.

(11) Effective for a releasee whose crime was committed on or after October 1, 2008, and who has been found to have committed the crime for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, the commission shall, in addition to any other conditions imposed, impose a condition prohibiting the releasee from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

(12) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from the releasee’s supervising officer. The commission may also designate additional
prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee’s child or grandchild at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children’s parties; or wearing a clown costume without prior approval from the commission.

History.—s. 19, ch. 88-122; ss. 12, 17, ch. 89-531; ss. 11, 20, ch. 90-337; s. 2, ch. 91-225; s. 8, ch. 91-280; s. 14, ch. 92-310; s. 1, ch. 94-1; s. 4, ch. 93-277; s. 4, ch. 93-417; s. 2, ch. 94-121; s. 3, ch. 94-294; s. 4, ch. 95-264; s. 5, ch. 95-283; s. 64, ch. 96-388; s. 10, ch. 97-78; s. 1872, ch. 97-102; s. 1, ch. 97-308; s. 3, ch. 2000-246; s. 5, ch. 2001-124; s. 1, ch. 2004-55; s. 16, ch. 2004-371; s. 12, ch. 2005-28; s. 2, ch. 2005-67; s. 27, ch. 2008-172; s. 23, ch. 2008-238; s. 9, ch. 2009-63; ss. 10, 18, ch. 2010-92.

948.01 When court may place defendant on probation or into community control.—

(1) Any state court having original jurisdiction of criminal actions may at a time to be determined by the court, with or without an adjudication of the guilt of the defendant, hear and determine the question of the probation of a defendant in a criminal case, except for an offense punishable by death, who has been found guilty by the verdict of a jury, has entered a plea of guilty or a plea of nolo contendere, or has been found guilty by the court trying the case without a jury.

(a) If the court places the defendant on probation or into community control for a felony, the department shall provide immediate supervision by an officer employed in compliance with the minimum qualifications for officers as provided in s. 943.13. A private entity may not provide probationary or supervision services to felony or misdemeanor offenders sentenced or placed on probation or other supervision by the circuit court.

(b) The department, in consultation with the Office of the State Courts Administrator, shall develop and disseminate to the courts uniform order of supervision forms by July 1 of each year or as necessary. The courts shall use the uniform order of supervision forms provided by the department for all persons placed on community supervision.

(2) If it appears to the court upon a hearing of the matter that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant presently suffer the penalty imposed by law, the court, in its discretion, may either adjudge the defendant to be guilty or stay and withhold the adjudication of guilt. In either case, the court shall stay and withhold the imposition of sentence upon the defendant and shall place a felony defendant upon probation. If the defendant is found guilty of a nonfelony offense as the result of a trial or entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, the court may place the defendant on probation. In addition to court costs and fees and notwithstanding any law to the contrary, the court may
impose a fine authorized by law if the offender is a nonfelony offender who is not placed on probation. However, a defendant who is placed on probation for a misdemeanor may not be placed under the supervision of the department unless the circuit court was the court of original jurisdiction.

(3) If, after considering the provisions of subsection (2) and the offender’s prior record or the seriousness of the offense, it appears to the court in the case of a felony disposition that probation is an unsuitable dispositional alternative to imprisonment, the court may place the offender in a community control program as provided in s. 948.10. Or, in a case of prior disposition of a felony commitment, upon motion of the offender or the department or upon its own motion, the court may, within the period of its retained jurisdiction following commitment, suspend the further execution of the disposition and place the offender in a community control program upon such terms as the court may require. The court may consult with a local offender advisory council pursuant to s. 948.90 with respect to the placement of an offender into community control. Not later than 3 working days before the hearing on the motion, the department shall forward to the court all relevant material on the offender’s progress while in custody. If this sentencing alternative to incarceration is utilized, the court shall:

(a) Determine what community-based sanctions will be imposed in the community control plan. Community-based sanctions may include, but are not limited to, rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver’s license, community service, deprivation of nonessential activities or privileges, or other appropriate restraints on the offender’s liberty.

(b) After appropriate sanctions for the offense are determined, develop, approve, and order a plan of community control which contains rules, requirements, conditions, and programs that are designed to encourage noncriminal functional behavior and promote the rehabilitation of the offender and the protection of the community. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3).

(4) The sanctions imposed by order of the court shall be commensurate with the seriousness of the offense. When community control or a program of public service is ordered by the court, the duration of community control supervision or public service may not be longer than the sentence that could have been imposed if the offender had been committed for the offense or a period not to exceed 2 years, whichever is less. When restitution or public service is ordered by the court, the amount of restitution or public service may not be greater than an amount which the offender could reasonably be expected to pay or perform.

(5) The imposition of sentence may not be suspended and the defendant thereupon placed on probation or into community control unless the defendant is placed under the custody of the department or another public or private entity. A private entity may not provide probationary or supervision services to felony or misdemeanor offenders sentenced or placed on probation or other supervision by the circuit court.
(6) When the court, under any of the foregoing subsections, places a defendant on probation or into community control, it may specify that the defendant serve all or part of the probationary or community control period in a community residential or nonresidential facility under the jurisdiction of the Department of Corrections or the Department of Children and Family Services or any public or private entity providing such services, and it shall require the payment prescribed in s. 948.09.

(7)(a) Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2009, the sentencing court may place the defendant into a postadjudicatory treatment-based drug court program if the defendant’s Criminal Punishment Code scoresheet total sentence points under s. 921.0024 are 52 points or fewer and the defendant is a nonviolent felony offender, amenable to substance abuse treatment, and otherwise qualifies under s. 397.334(3). The satisfactory completion of the program shall be a condition of the defendant’s probation or community control. As used in this subsection, the term “nonviolent felony” means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

(b) The defendant must be fully advised of the purpose of the program, and the defendant must agree to enter the program. The original sentencing court shall relinquish jurisdiction of the defendant’s case to the postadjudicatory drug court program until the defendant is no longer active in the program, the case is returned to the sentencing court due to the defendant’s termination from the program for failure to comply with the terms thereof, or the defendant’s sentence is completed.

History.—s. 20, ch. 20519, 1941; s. 7, ch. 22858, 1945; s. 1, ch. 59-130; s. 1, ch. 61-498; s. 1, ch. 65-453; s. 1, ch. 67-204; ss. 12, 13, ch. 74-112; s. 3, ch. 75-301; s. 3, ch. 76-238; s. 90, ch. 77-120; s. 1, ch. 77-174; s. 109, ch. 79-3; s. 13, ch. 83-131; s. 14, ch. 85-288; s. 1, ch. 86-106; s. 4, ch. 87-211; s. 69, ch. 88-122; s. 36, ch. 89-526; ss. 7, 16, ch. 90-337; ss. 2, 14, ch. 91-225; ss. 1, 15, ch. 91-280; s. 14, ch. 93-227; s. 17, ch. 96-322; s. 21, ch. 97-78; s. 1876, ch. 97-102; s. 6, ch. 97-239; s. 13, ch. 98-81; s. 121, ch. 99-3; s. 323, ch. 99-8; s. 3, ch. 2000-246; s. 4, ch. 2001-55; ss. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, ch. 2004-373; s. 5, ch. 2008-250; s. 6, ch. 2009-6; s. 10, ch. 2009-63; s. 3, ch. 2009-64.

948.012 Split sentence of probation or community control and imprisonment.—

(1) Whenever punishment by imprisonment for a misdemeanor or a felony, except for a capital felony, is prescribed, the court, in its discretion, may, at the time of sentencing, impose a split sentence whereby the defendant is to be placed on probation or, with respect to any such felony, into community control upon completion of any specified period of such sentence which may include a term of years or less. In such case, the court shall stay and withhold the imposition of the remainder of sentence imposed upon the defendant and direct that the defendant be placed upon probation or into community control after serving such period as may be imposed by the court. The period of probation or community control shall commence immediately upon the release of the defendant from incarceration, whether by parole or gain-time allowances.
(2) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation or community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

(3) The court may also impose split probation whereby, upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation for the remainder of the term of supervision.

(4) Effective for offenses committed on or after September 1, 2005, the court must impose a split sentence pursuant to subsection (1) for any person who is convicted of a life felony for lewd and lascivious molestation pursuant to s. 800.04(5)(b) if the court imposes a term of years in accordance with s. 775.082(3)(a)4.a.(II) rather than life imprisonment. The probation or community control portion of the split sentence imposed by the court for a defendant must extend for the duration of the defendant’s natural life and include a condition that he or she be electronically monitored.

History.—s. 1, ch. 67-204; s. 12, ch. 74-112; s. 13, ch. 83-131; s. 14, ch. 85-288; s. 14, ch. 91-225; s. 1, ch. 91-280; s. 21, ch. 97-78; s. 121, ch. 99-3; ss. 4, 8, 9, ch. 2004-373; s. 14, ch. 2005-28; s. 115, ch. 2006-1; s. 6, ch. 2007-2; s. 2, ch. 2008-182. Note.—Former s. 948.01(6), (11), (12).

948.03 Terms and conditions of probation.—

(1) The court shall determine the terms and conditions of probation. Conditions specified in this section do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. These conditions may include among them the following, that the probationer or offender in community control shall:

(a) Report to the probation and parole supervisors as directed.

(b) Permit such supervisors to visit him or her at his or her home or elsewhere.
(c) Work faithfully at suitable employment insofar as may be possible.

(d) Remain within a specified place.

(e) Live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of probation, community control, or any other form of court-ordered supervision.

(f) Make reparation or restitution to the aggrieved party for the damage or loss caused by his or her offense in an amount to be determined by the court. The court shall make such reparation or restitution a condition of probation, unless it determines that clear and compelling reasons exist to the contrary. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, it shall state on the record in detail the reasons therefor.

(g) Effective July 1, 1994, and applicable for offenses committed on or after that date, make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the felony probationer while in that detention facility. The court, in determining whether to order such repayment and the amount of the repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the felony probationer, the present and potential future financial needs and earning ability of the probationer, and dependents, and other appropriate factors.

(h) Support his or her legal dependents to the best of his or her ability.

(i) Make payment of the debt due and owing to the state under s. 960.17, subject to modification based on change of circumstances.

(j) Pay any application fee assessed under s. 27.52(1)(b) and attorney’s fees and costs assessed under s. 938.29, subject to modification based on change of circumstances.

(k) Not associate with persons engaged in criminal activities.

(l)1. Submit to random testing as directed by the correctional probation officer or the professional staff of the treatment center where he or she is receiving treatment to determine the presence or use of alcohol or controlled substances.

2. If the offense was a controlled substance violation and the period of probation immediately follows a period of incarceration in the state correction system, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3).

(m) Be prohibited from possessing, carrying, or owning any:
1. Firearm

2. Weapon without first procuring the consent of the correctional probation officer.

(n) Be prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician. The probationer or community controllee shall not knowingly visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.

(o) Submit to the drawing of blood or other biological specimens as prescribed in ss. 943.325 and 948.014, and reimburse the appropriate agency for the costs of drawing and transmitting the blood or other biological specimens to the Department of Law Enforcement.

(p) Submit to the taking of a digitized photograph by the department as a part of the offender's records. This photograph may be displayed on the department’s public website while the offender is under court-ordered supervision. However, the department may not display the photograph on the website if the offender is only on pretrial intervention supervision or if the offender’s identity is exempt from disclosure due to an exemption from the requirements of s. 119.07.

(2) The enumeration of specific kinds of terms and conditions shall not prevent the court from adding thereto such other or others as it considers proper. However, the sentencing court may only impose a condition of supervision allowing an offender convicted of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, to reside in another state, if the order stipulates that it is contingent upon the approval of the receiving state interstate compact authority. The court may rescind or modify at any time the terms and conditions theretofore imposed by it upon the probationer. However, if the court withholds adjudication of guilt or imposes a period of incarceration as a condition of probation, the period shall not exceed 364 days, and incarceration shall be restricted to either a county facility, a probation and restitution center under the jurisdiction of the Department of Corrections, a probation program drug punishment phase I secure residential treatment institution, or a community residential facility owned or operated by any entity providing such services.

History.—s. 23, ch. 20519, 1941; s. 5, ch. 77-452; s. 1, ch. 81-198; s. 3, ch. 83-75; s. 16, ch. 83-131; s. 192, ch. 83-216; s. 3, ch. 83-256; s. 8, ch. 84-363; s. 15, ch. 85-288; s. 5, ch. 87-211; s. 11, ch. 88-96; ss. 70, 71, ch. 88-122; s. 37, ch. 89-526; s. 10, ch. 90-287; ss. 8, 17, ch. 90-337; s. 11, ch. 91-225; s. 4, ch. 91-280; s. 23, ch. 92-310; s. 10, ch. 93-37; s. 15, ch. 93-227; s. 1, ch. 94-294; s. 1, ch. 95-189; ss. 53, 59, ch. 95-283; s. 1, ch. 96-170; s. 4, ch. 96-232; s. 54, ch. 96-312; s. 6, ch. 96-409; s. 22, ch. 97-78; s. 1877, ch. 97-102; s. 11, ch. 97-107; s. 27, ch. 97-234; s. 44, ch. 97-271; s. 3, ch. 97-308; s. 14, ch. 98-81; s. 15, ch. 98-251; s. 122, ch. 99-3; s. 13, ch. 99-201; s. 3, ch. 2000-246; s. 6, ch. 2001-50; s. 1045, ch. 2002-387; s. 1, ch. 2003-18; s. 1, ch. 2003-63; s. 136, ch. 2003-402; ss. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, ch. 2004-373; s. 116, ch. 2006-1; s. 28, ch. 2008-172; s. 18, ch. 2010-64.

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.--
(1)(a) Whenever within the period of probation or community control there are reasonable
grounds to believe that a probationer or offender in community control has violated his or her
probation or community control in a material respect, any law enforcement officer who is aware
of the probationary or community control status of the probationer or offender in community
control or any parole or probation supervisor may arrest or request any county or municipal law
enforcement officer to arrest such probationer or offender without warrant wherever found and
return him or her to the court granting such probation or community control.

(b) Any committing trial court judge may issue a warrant, upon the facts being made known to
him or her by affidavit of one having knowledge of such facts, for the arrest of the probationer
or offender, returnable forthwith before the court granting such probation or community control.
In lieu of issuing a warrant for arrest, the committing trial court judge may issue a notice to
appear if the probationer or offender in community control has never been convicted of
committing, and is not currently alleged to have committed, a qualifying offense as defined in
this section.

(c) Any parole or probation supervisor, any officer authorized to serve criminal process, or any
peace officer of this state is authorized to serve and execute such warrant. Any parole or
probation supervisor is authorized to serve such notice to appear.
(d) Upon the filing of an affidavit alleging a violation of probation or community control and
following issuance of a warrant under s. 901.02, a warrantless arrest under this section, or a
notice to appear under this section, the probationary period is tolled until the court enters a
ruling on the violation. Notwithstanding the tolling of probation, the court shall retain jurisdiction
over the offender for any violation of the conditions of probation or community control that is
alleged to have occurred during the tolling period. The probation officer is permitted to continue
to supervise any offender who remains available to the officer for supervision until the
supervision expires pursuant to the order of probation or community control or until the court
revokes or terminates the probation or community control, whichever comes first.

(e) The chief judge of each judicial circuit may direct the department to use a notification letter
of a technical violation in appropriate cases in lieu of a violation report, affidavit, and warrant
when the alleged violation is not a new felony or misdemeanor offense. Such direction must be
in writing and must specify the types of specific violations which are to be reported by a
notification letter of a technical violation, any exceptions to those violations, and the required
process for submission. At the direction of the chief judge, the department shall send the
notification letter of a technical violation to the court.

(f) The court may allow the department to file an affidavit, notification letter, violation report, or
other report under this section by facsimile or electronic submission.

(2)(a) The court, upon the probationer or offender being brought before it, shall advise him or
her of such charge of violation and, if such charge is admitted to be true, may forthwith revoke,
modify, or continue the probation or community control or place the probationer into a
community control program.

(b) If probation or community control is revoked, the court shall adjudge the probationer or
offender guilty of the offense charged and proven or admitted, unless he or she has previously
been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer on probation or the offender into community control.

(c) If such violation of probation or community control is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing, or it may dismiss the charge of probation or community control violation.

(d) If such charge is not at that time admitted by the probationer or offender and if it is not dismissed, the court, as soon as may be practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel.

(e) After such hearing, the court may revoke, modify, or continue the probation or community control or place the probationer into community control. If such probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he or she has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer or offender on probation or into community control.

(f) Notwithstanding s. 775.082, when a period of probation or community control has been tolled, upon revocation or modification of the probation or community control, the court may impose a sanction with a term that when combined with the amount of supervision served and tolled, exceeds the term permissible pursuant to s. 775.082 for a term up to the amount of the tolled period of supervision.

(g) If the court dismisses an affidavit alleging a violation of probation or community control, the offender’s probation or community control shall continue as previously imposed, and the offender shall receive credit for all tolled time against his or her term of probation or community control.

(h) 1. For each case in which the offender admits to committing a violation or is found to have committed a violation, the department shall provide the court with a recommendation as to disposition by the court. The department shall provide the reasons for its recommendation and include an evaluation of:

a. The appropriateness or inappropriateness of community facilities, programs, or services for treating or supervising the offender;

b. The ability or inability of the department to provide an adequate level of supervision of the offender in the community and a statement of what constitutes an adequate level of supervision; and

c. The existence of treatment modalities that the offender could use but that do not currently exist in the community.

2. The report must also include a summary of the offender’s prior supervision history, including the offender’s prior participation in treatment, educational, and vocational programs, and any other actions by or circumstances concerning the offender which are relevant.
3. The court may specify whether the recommendation or report must be oral or written and may waive the requirement for a report in an individual case or a class of cases. This paragraph does not prohibit the department from making any other report or recommendation that is provided for by law or requested by the court.

   (i) 1. Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2009, the court may order the defendant to successfully complete a postadjudicatory treatment-based drug court program if:

   a. The court finds or the offender admits that the offender has violated his or her community control or probation and the violation was due only to a failed or suspect substance abuse test;

   b. The offender’s Criminal Punishment Code scoresheet total sentence points under s. 921.0024 are 52 points or fewer after including points for the violation;

   c. The underlying offense is a nonviolent felony. As used in this subsection, the term “nonviolent felony” means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08;

   d. The court determines that the offender is amenable to the services of a postadjudicatory treatment-based drug court program;

   e. The court has explained the purpose of the program to the offender and the offender has agreed to participate; and

   f. The offender is otherwise qualified to participate in the program under the provisions of s. 397.334(3).

2. After the court orders the modification of community control or probation, the original sentencing court shall relinquish jurisdiction of the offender’s case to the postadjudicatory treatment-based drug court program until the offender is no longer active in the program, the case is returned to the sentencing court due to the offender’s termination from the program for failure to comply with the terms thereof, or the offender’s sentence is completed.

(3) When the court imposes a subsequent term of supervision following a revocation of probation or community control, it shall not provide credit for time served while on probation or community control toward any subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses before the court for sentencing, would exceed the maximum penalty allowable as provided by s. 775.082. No part of the time that the defendant is on probation or in community control shall be considered as any part of the time that he or she shall be sentenced to serve.

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer
or offender was arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender’s or probationer’s release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender’s or probationer’s past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender’s or probationer’s family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After the hearing, the court shall make findings of fact and forward the findings to the court that granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the probation or community control. Upon the probationer or offender being brought before it, the court that granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section. However, the probationer or offender shall not be released and shall not be admitted to bail, but shall be brought before the court that granted the probation or community control if any violation of felony probation or community control other than a failure to pay costs or fines or make restitution payments is alleged to have been committed by:

(a) A violent felony offender of special concern, as defined in this section;

(b) A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or

(c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator as defined in s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.
(5) In any hearing in which the failure of a probationer or offender in community control to pay restitution or the cost of supervision as provided in s. 948.09, as directed, is established by the state, if the probationer or offender asserts his or her inability to pay restitution or the cost of supervision, it is incumbent upon the probationer or offender to prove by clear and convincing evidence that he or she does not have the present resources available to pay restitution or the cost of supervision despite sufficient bona fide efforts legally to acquire the resources to do so. If the probationer or offender cannot pay restitution or the cost of supervision despite sufficient bona fide efforts, the court shall consider alternate measures of punishment other than imprisonment. Only if alternate measures are not adequate to meet the state’s interests in punishment and deterrence may the court imprison a probationer or offender in community control who has demonstrated sufficient bona fide efforts to pay restitution or the cost of supervision.

(6) Any parolee in a community control program who has allegedly violated the terms and conditions of such placement is subject to the provisions of ss. 947.22 and 947.23.

(7) Any provision of law to the contrary notwithstanding, whenever probation, community control, or control release, including the probationary, community control portion of a split sentence, is violated and the probation or community control is revoked, the offender, by reason of his or her misconduct, shall be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided by law, earned up to the date of his or her release on probation, community control, or control release. This subsection does not deprive the prisoner of his or her right to gain-time or commutation of time for good conduct, as provided by law, from the date on which the prisoner is returned to prison. However, if a prisoner is sentenced to incarceration following termination from a drug punishment program imposed as a condition of probation, the sentence may include incarceration without the possibility of gain-time or early release for the period of time remaining in his or her treatment program placement term.

(8)(a) In addition to complying with the provisions of subsections (1)-(7), this subsection provides further requirements regarding a probationer or offender in community control who is a violent felony offender of special concern. The provisions of this subsection shall control over any conflicting provisions in subsections (1)-(7). For purposes of this subsection, the term “convicted” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(b) For purposes of this section and ss. 903.0351, 948.064, and 921.0024, the term “violent felony offender of special concern” means a person who is on:

1. Felony probation or community control related to the commission of a qualifying offense committed on or after the effective date of this act;

2. Felony probation or community control for any offense committed on or after the effective date of this act, and has previously been convicted of a qualifying offense;

3. Felony probation or community control for any offense committed on or after the effective date of this act, and is found to have violated that probation or community control by committing a qualifying offense;
4. Felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b) and has committed a qualifying offense on or after the effective date of this act;

5. Felony probation or community control and has previously been found by a court to be a three-time violent felony offender as defined in s. 775.084(1)(c) and has committed a qualifying offense on or after the effective date of this act; or

6. Felony probation or community control and has previously been found by a court to be a sexual predator under s. 775.21 and has committed a qualifying offense on or after the effective date of this act.

(c) For purposes of this section, the term “qualifying offense” means any of the following:

1. Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), or luring or enticing a child under s. 787.025(2)(b) or (c).

2. Murder or attempted murder under s. 782.04, attempted felony murder under s. 782.051, or manslaughter under s. 782.07.

3. Aggravated battery or attempted aggravated battery under s. 784.045.

4. Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c).

5. Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious conduct under s. 800.04(6)(b), lewd or lascivious exhibition under s. 800.04(7)(b), or lewd or lascivious exhibition on computer under s. 847.0135(5)(b).

6. Robbery or attempted robbery under s. 812.13, carjacking or attempted carjacking under s. 812.133, or home invasion robbery or attempted home invasion robbery under s. 812.135.

7. Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under s. 825.1025.

8. Sexual performance by a child or attempted sexual performance by a child under s. 827.071.

9. Computer pornography under s. 847.0135(2) or (3), transmission of child pornography under s. 847.0137, or selling or buying of minors under s. 847.0145.

10. Poisoning food or water under s. 859.01.

11. Abuse of a dead human body under s. 872.06.
12. Any burglary offense or attempted burglary offense that is either a first degree felony or second degree felony under s. 810.02(2) or (3).

13. Arson or attempted arson under s. 806.01(1).


15. Aggravated stalking under s. 784.048(3), (4), (5), or (7).

16. Aircraft piracy under s. 860.16.

17. Unlawful throwing, placing, or discharging of a destructive device or bomb under s. 790.161(2), (3), or (4).

18. Treason under s. 876.32.

19. Any offense committed in another jurisdiction which would be an offense listed in this paragraph if that offense had been committed in this state.

(d) In the case of an alleged violation of probation or community control other than a failure to pay costs, fines, or restitution, the following individuals shall remain in custody pending the resolution of the probation or community control violation:

1. A violent felony offender of special concern, as defined in this section;

2. A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or

3. A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act. The court shall not dismiss the probation or community control violation warrant pending against an offender enumerated in this paragraph without holding a recorded violation-of-probation hearing at which both the state and the offender are represented.

(e) If the court, after conducting the hearing required by paragraph (d), determines that a violent felony offender of special concern has committed a violation of probation or community control other than a failure to pay costs, fines, or restitution, the court shall:

1. Make written findings as to whether or not the violent felony offender of special concern poses a danger to the community. In determining the danger to the community posed by the offender’s release, the court shall base its findings on one or more of the following:

   a. The nature and circumstances of the violation and any new offenses charged.
b. The offender’s present conduct, including criminal convictions.

c. The offender’s amenability to nonincarcerative sanctions based on his or her history and conduct during the probation or community control supervision from which the violation hearing arises and any other previous supervisions, including disciplinary records of previous incarcerations.

d. The weight of the evidence against the offender.

e. Any other facts the court considers relevant.

2. Decide whether to revoke the probation or community control.

a. If the court has found that a violent felony offender of special concern poses a danger to the community, the court shall revoke probation and shall sentence the offender up to the statutory maximum, or longer if permitted by law.

b. If the court has found that a violent felony offender of special concern does not pose a danger to the community, the court may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

History.—s. 26, ch. 20519, 1941; s. 2, ch. 59-130; s. 2, ch. 61-498; s. 1, ch. 69-71; s. 20, ch. 83-131; ss. 2, 3, ch. 84-337; ss. 8, 9, 38, 48, ch. 89-526; s. 13, ch. 89-531; s. 11, ch. 90-287; s. 2, ch. 91-225; s. 8, ch. 91-280; s. 23, ch. 97-78; s. 1687, ch. 97-102; s. 5, ch. 97-239; s. 13, ch. 97-299; s. 3, ch. 2000-246; s. 1, ch. 2001-109; s. 50, ch. 2004-11; ss. 27, 28, 41, ch. 2004-373; s. 13, ch. 2005-28; s. 3, ch. 2007-2; s. 5, ch. 2007-210; s. 29, ch. 2008-172; s. 4, ch. 2009-64.

948.061 Identifying, assessing, and monitoring high-risk sex offenders on community supervision; providing cumulative criminal and supervision histories on the Internet.—

(1) By December 1, 2005, the Department of Corrections shall develop a graduated risk assessment that identifies, assesses, and closely monitors a high-risk sex offender who is placed on probation or in community control and who:

(b) Has experienced more than one of the following risk factors that could potentially make the offender more likely to pose a danger to others:

1. Previous conviction for domestic violence;

2. History of substance abuse;

3. Unemployment or substantial financial difficulties;

4. Previous conviction for violence or sex acts against children, particularly involving strangers; or

5. Any other risk factor identified by the Department.
(2) To facilitate the information available to the court at first appearance hearings and at all subsequent hearings for these high-risk sex offenders, the Department shall, no later than March 1, 2006, post on FDLE's Criminal Justice Intranet a cumulative chronology of the sex offender's prior terms of state probation and community control, including all substantive or technical violations of state probation or community control. The county jail in the county where the arrested person is booked shall ensure that state and national criminal history information and all criminal justice information available in the Florida Crime Information Center and the National Crime Information Center, is provided to the court at the time of the first appearance. The courts shall assist the Department's dissemination of critical information by creating and maintaining an automated system to provide the information as specified in this subsection and by providing the necessary technology in the courtroom to deliver the information.

(3) In monitoring the location of high-risk sex offenders, the Department of Corrections shall, no later than October 1, 2006, have fingerprint-reading equipment and capability that will immediately identify the probationer or community controllee when he or she reports to his or her designated probation officer and alert department probation officials when probationers and community controllees are subsequently rearrested.

History.--s. 15, ch. 2005-28; s. 117, ch. 2006-1.

948.062 Reviewing and reporting serious offenses committed by offenders placed on probation or community control.--

(1) The Department of Corrections shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

(a) Any murder as provided in s. 782.04;

(b) Any sexual battery as provided in s. 794.011 or s. 794.023;

(c) Any sexual performance by a child as provided in s. 827.071;

(d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 782.07, or s. 787.025;

(e) Any lewd and lascivious battery or lewd and lascivious molestation as provided in s. 800.04(4) or (5);

(f) Any aggravated child abuse as provided in s. 827.03(2);

(g) Any robbery with a firearm or other deadly weapon, home invasion robbery, or carjacking as provided in s. 812.13(2)(a), s. 812.135, or s. 812.133;

(h) Any aggravated stalking as provided in s. 784.048(3), (4), or (5);

(i) Any forcible felony as provided in s. 776.08, committed by any person on probation or community control who is designated as a sexual predator; or

(j) Any DUI manslaughter as provided in s. 316.193(3)(c), or vehicular or vessel homicide as provided in s. 782.071 or s. 782.072, committed by any person who is on probation or community control for an offense involving death or injury resulting from a driving incident.
(2) The Department shall provide a statistical data summary from these reviews to the Office of Program Policy Analysis and Government Accountability. The Office of Program Policy Analysis and Government Accountability shall analyze this data and provide a written report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2006. The report must include, at a minimum, any identified systemic deficiencies in managing high-risk offenders on community supervision, any patterns of noncompliance by correctional probation officers, and recommendations for improving the community supervision program.

History.--s. 16, ch. 2005-28; s. 118, ch. 2006-1.

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—

(1) If probation or community control for any felony offense is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

(2) If the probationer or offender is required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity involving a victim 15 years of age or younger and the probationer or offender is 18 years of age or older and has violated the conditions of his or her probation or community control, but the court does not revoke the probation or community control, the court shall nevertheless modify the probation or community control to include electronic monitoring for any probationer or offender not then subject to electronic monitoring.

History.—s. 17, ch. 2005-28; s. 2, ch. 2006-235.

948.11 Electronic monitoring devices.—

(1) The Department of Corrections may, at its discretion, electronically monitor an offender sentenced to community control.

(2) Any offender placed on community control who violates the terms and conditions of community control and is restored to community control may be supervised by means of an electronic monitoring device or system.

(3) For those offenders being electronically monitored, the Department of Corrections shall develop procedures to determine, investigate, and report the offender’s noncompliance with the terms and conditions of sentence 24 hours per day. All reports of noncompliance shall be immediately investigated by a community control officer.

(4) The Department of Corrections may contract with local law enforcement agencies to assist in the location and apprehension of offenders who are in noncompliance as reported by the electronic monitoring system. This contract is intended to provide the department a means for
providing immediate investigation of noncompliance reports, especially after normal office hours.

(5) Any person being electronically monitored by the department as a result of being placed on
supervision shall pay the department for the electronic monitoring services as provided in s.
948.09(2).

(6) For probationers, community controllees, or conditional releasees who have current or prior
convictions for violent or sexual offenses, the department, in carrying out a court or commission
order to electronically monitor an offender, must use a system that actively monitors and
identifies the offender’s location and timely reports or records the offender’s presence near or
within a crime scene or in a prohibited area or the offender’s departure from specified
geographic limitations. Procurement of electronic monitoring services under this subsection
shall be by competitive procurement in accordance with s. 287.057.

(7) A person who intentionally alters, tampers with, damages, or destroys any electronic
monitoring equipment pursuant to court or commission order, unless such person is the owner
of the equipment, or an agent of the owner, performing ordinary maintenance and repairs,
commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

History.— s. 5, ch. 87-211; s. 37, ch. 89-526; ss. 4, 9, ch. 91-280; s. 15, ch. 93-227; s. 16, ch.
2004-373; s. 18, ch. 2005-28; s. 12, ch. 2009-63; s. 21, ch. 2010-64; s. 14, ch. 2010-113.
Note.— Subsections (1)-(4) former s. 948.03(3).

948.15 Misdemeanor probation services.--

(1) Defendants found guilty of misdemeanors who are placed on probation shall be under
supervision not to exceed 6 months unless otherwise specified by the court. In relation to any
offense other than a felony in which the use of alcohol is a significant factor, the period of
probation may be up to 1 year.

(2) A private entity or public entity under the supervision of the board of county commissioners
or the court may provide probation services for offenders sentenced by the county court.

(3) Any private entity providing services for the supervision of misdemeanor probationers must
contract with the county in which the services are to be rendered. In a county with a population
of less than 70,000, the county court judge, or the administrative judge of the county court in a
county that has more than one county court judge, must approve the contract. Terms of the
contract must state, but are not limited to:

(a) The extent of the services to be rendered by the entity providing supervision or
rehabilitation.

(b) Staff qualifications and criminal record checks of staff in accordance with essential
standards established by the American Correctional Association as of January 1, 1991.
(c) Staffing levels.

(d) The number of face-to-face contacts with the offender.

(e) Procedures for handling the collection of all offender fees and restitution.

(f) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay.

(g) Circumstances under which revocation of an offender's probation may be recommended.

(h) Reporting and recordkeeping requirements.

(i) Default and contract termination procedures.

(j) Procedures that aid offenders with job assistance.

(k) Procedures for accessing criminal history records of probationers.

In addition, the entity shall supply the chief judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity must be open to inspection upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.

(4) A private entity that provides court-ordered services to offenders and that charges a fee for such services must register with the board of county commissioners in the county in which the services are offered. The entity shall provide the following information for each program it operates:

(a) The length of time the program has been operating in the county.

(b) A list of the staff and a summary of their qualifications.

(c) A summary of the types of services that are offered under the program.

(d) The fees the entity charges for court-ordered services and its procedures, if any, for handling indigent offenders.

(5) The private entity providing misdemeanor supervision services shall also comply with all other applicable provisions of law.

History.--s. 10, ch. 91-280; s. 11, ch. 93-61; s. 42, ch. 95-283; s. 134, ch. 2001-266; s. 19, ch. 2005-28.
948.30  Additional terms and conditions of probation or community control for certain sex offenses.

Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(1) Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

(a) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender’s employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender’s place of residence to the nearest boundary line of the school, child care facility, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route. A probationer or community controllee who is subject to this paragraph may not be forced to relocate and does not violate his or her probation or community control if he or she is living in a residence that meets the requirements of this paragraph and a school, child care facility, park, playground, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.

(c) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the probationer’s or community controllee’s own expense. If a qualified practitioner is not available within a 50-mile radius of the probationer’s or community controllee’s residence, the offender shall participate in other appropriate therapy.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.

(e) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the court must review and consider the following:
1. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

   a. The sex offender’s current legal status;

   b. The sex offender’s history of adult charges with apparent sexual motivation;

   c. The sex offender’s history of adult charges without apparent sexual motivation;

   d. The sex offender’s history of juvenile charges, whenever available;

   e. The sex offender’s offender treatment history, including consultations with the sex offender’s treating, or most recent treating, therapist;

   f. The sex offender’s current mental status;

   g. The sex offender’s mental health and substance abuse treatment history as provided by the Department of Corrections;

   h. The sex offender’s personal, social, educational, and work history;

   i. The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;

   j. A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

   k. The child’s preference and relative comfort level with the proposed contact, when age appropriate;

   l. The parent’s or legal guardian’s preference regarding the proposed contact; and

   m. The qualified practitioner’s opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child. The written report of the assessment must be given to the court;

2. A recommendation made as a part of the risk assessment report as to whether supervised contact with the child should be approved;

3. A written consent signed by the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex offender’s present legal status, past criminal history, and the results of the risk assessment. The court may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact;
4. A safety plan prepared by the qualified practitioner, who provides treatment to the offender, in collaboration with the sex offender, the child’s parent or legal guardian, if the parent or legal guardian is not the sex offender, and the child, when age appropriate, which details the acceptable conditions of contact between the sex offender and the child. The safety plan must be reviewed and approved by the court; and

5. Evidence that the child’s parent or legal guardian understands the need for and agrees to the safety plan and has agreed to provide, or to designate another adult to provide, constant supervision any time the child is in contact with the offender. The court may not appoint a person to conduct a risk assessment and may not accept a risk assessment from a person who has not demonstrated to the court that he or she has met the requirements of a qualified practitioner as defined in this section.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to, schools, child care facilities, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls.

(g) Unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender’s deviant behavior pattern.

(h) Effective for probationers and community controllees whose crime is committed on or after July 1, 2005, a prohibition on accessing the Internet or other computer services until a qualified practitioner in the offender’s sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender’s accessing or using the Internet or other computer services.

(i) A requirement that the probationer or community controllee must submit a specimen of blood or other approved biological specimen to the Department of Law Enforcement to be registered with the DNA data bank.

(j) A requirement that the probationer or community controllee make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

(k) Submission to a warrantless search by the community control or probation officer of the probationer’s or community controllee’s person, residence, or vehicle.

(2) Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on community control or sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition to any other provision of this section, the court must impose the following conditions of probation or community control:
(a) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher who is a member of a national or state polygraph association and who is certified as a postconviction sex offender polygrapher, where available, and shall be paid for by the probationer or community controllee. The results of the polygraph examination shall be provided to the probationer's or community controllee's probation officer and qualified practitioner and shall not be used as evidence in court to prove that a violation of community supervision has occurred.

(b) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

(c) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

(d) If there was sexual contact, a submission to, at the probationer’s or community controllee’s expense, an HIV test with the results to be released to the victim or the victim’s parent or guardian.

(e) Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

(3) Effective for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who:

(a) Is placed on probation or community control for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;

(b) Is designated a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older, the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

(4) In addition to all other conditions imposed, for a probationer or community controllee who is subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; if the offender has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any
other pertinent florida law

postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender’s supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender’s children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children’s parties; or wearing a clown costume; without prior approval from the court.

History.—s. 59, ch. 95-283; s. 6, ch. 96-409; s. 3, ch. 97-308; s. 14, ch. 98-81; s. 13, ch. 99-201; s. 3, ch. 2000-246; s. 1, ch. 2003-18; s. 1, ch. 2003-63; s. 18, ch. 2004-373; s. 151, ch. 2005-2; s. 20, ch. 2005-28; s. 4, ch. 2005-67; s. 31, ch. 2008-172; ss. 12, 18, ch. 2010-92. Note.—Former s. 948.03(5).

948.32 Requirements of law enforcement agency upon arrest of persons for certain sex offenses.—

(1) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of s. 787.025(2)(c), chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

(2) If the law enforcement agency finds that the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release, the law enforcement agency shall immediately notify the person’s probation officer or release supervisor of the investigation or the arrest.

History.—s. 13, ch. 97-299; s. 3, ch. 2000-246; s. 28, ch. 2004-373 ; s. 7, ch. 2006-299.

Note.—Former s. 948.06(2).

985.481 Sexual offenders adjudicated delinquent; notification upon release.—

(1) As used in this section:

(a) “Convicted” has the same meaning as provided in s. 943.0435.
(b) “Sexual offender” means a person who has been adjudicated delinquent as provided in s. 943.0435(1)(a)1.d.

(2) The Legislature finds that certain juvenile sexual offenders pose a high risk of engaging in sexual offenses even after being released from commitment and that protection of the public from sexual offenders is a paramount governmental interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing sexual offender information to law enforcement agencies, to persons who request such information, and to the public by a law enforcement agency or public agency will further the governmental interests of public safety.

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

1. The department must provide the sexual offender’s name, any change in the offender’s name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender’s social security number, race, sex, date of birth, height, weight, and hair and eye color; address of any planned permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any known future temporary residence within the state or out of state; date and county of disposition and each crime for which there was a disposition; a copy of the offender’s fingerprints and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; and home telephone number and any cellular telephone number. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender’s release and also place it in the sexual offender’s file. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender’s release and provide to the Department of Law Enforcement the information specified in this subparagraph and any information specified in subparagraph 2. which the Department of Law Enforcement requests.

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

(b) No later than November 1, 2007, the department must make the information described in subparagraph (a)1. available electronically to the Department of Law Enforcement in its database and in a format that is compatible with the requirements of the Florida Crime Information Center.

(c) Upon receiving information regarding a sexual offender from the department, the Department of Law Enforcement, the sheriff, or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information and may
release the information to the public in any manner considered appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) This section authorizes the department or any law enforcement agency to notify the community and the public of a sexual offender’s presence in the community. However, with respect to a sexual offender who has been found to be a sexual predator under chapter 775, the Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator’s presence in the community as provided in chapter 775.

(5) An elected or appointed official, public employee, school administrator or employee, or agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency, is immune from civil liability for damages resulting from the release of information under this section.

History.—s. 12, ch. 2007-209; s. 6, ch. 2009-194; s. 14, ch. 2010-92.

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

1) As used in this section, the term:

(a) “Change in enrollment or employment status” means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(b) “Conviction” has the same meaning as provided in s. 943.0435.

(c) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

(d) “Sexual offender” means a person who is in the care or custody or under the jurisdiction or supervision of the department or is in the custody of a private correctional facility and who:

1. Has been adjudicated delinquent as provided in s. 943.0435(1)(a.1.d.; or

2. Establishes or maintains a residence in this state and has not been designated as a sexual predator by a court of this state but has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender.

(2) The clerk of the court that adjudicated and entered a disposition regarding the sexual offender for the offense or offenses for which he or she was convicted shall forward to the department and the Department of Law Enforcement a certified copy of any order entered by the court imposing any special condition or restriction on the sexual offender which restricts or
prohibits access to the victim, if the victim is a minor, or to other minors. The Department of Law Enforcement may include on its Internet website such special conditions or restrictions.

(3) If a sexual offender is not sentenced to a term of residential commitment, the clerk of the court shall ensure that the sexual offender’s fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the offender. The fingerprint card shall be clearly marked “Sexual Offender Registration Card.”

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

(a) The sexual offender shall provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; permanent or legal residence and address of temporary residence within the state or out of state while the sexual offender is in the care or custody or under the jurisdiction or supervision of the department in this state, including any rural route address or post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; and the name and address of each school attended. The department shall verify the address of each sexual offender and shall report to the Department of Law Enforcement any failure by a sexual offender to comply with registration requirements.

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

(5) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sexual offender and provide the information to the Department of Law Enforcement. No later than November 1, 2007, the department must make the information available electronically to the Department of Law Enforcement in its database in a format that is compatible with the requirements of the Florida Crime Information Center.

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

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

2. The sexual offender’s most current address and place of permanent, temporary, or transient residence within the state or out of state, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, while the sexual
offender is in the care or custody or under the jurisdiction or supervision of the department in this state, including the name of the county or municipality in which the offender permanently or temporarily resides, or has a transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state; and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions.

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

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

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

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

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

(b) If any information provided by the department changes during the time the sexual offender is under the department’s care, control, custody, or supervision, including any change in the offender’s name by reason of marriage or other legal process, the department shall, in a timely manner, update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (5).

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

(8) If the sexual offender is under federal supervision, the federal agency responsible for supervising the sexual offender may forward to the Department of Law Enforcement any information regarding the sexual offender which is consistent with the information provided by
the department under this section and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the Department of Law Enforcement for purposes of public notification.

(9) A sexual offender, as described in this section, who is under the care, jurisdiction, or supervision of the department but who is not incarcerated shall, in addition to the registration requirements provided in subsection (4), register in the manner provided in s. 943.0435(3), (4), and (5), unless the sexual offender is a sexual predator, in which case he or she shall register as required under s. 775.21. A sexual offender who fails to comply with the requirements of s. 943.0435 is subject to the penalties provided in s. 943.0435(9).

(10)(a) The failure of a sexual offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the adjudication and disposition occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender’s failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(11) The department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Corrections, personnel of those departments, and any individual or entity acting at the request or upon the direction of those departments, are immune from civil liability for damages for good faith compliance with this section and shall be presumed to have acted in good faith in compiling, recording, reporting, or providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Department of Corrections, personnel of those departments, or any individual or entity acting at the request or upon the direction of those departments in compiling, recording, reporting, or providing information, or, if the information is incomplete or incorrect because the information has not been provided by a person or agency required to provide it, was not reported, or was falsely reported.
(12) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section and, if known, the whereabouts of the sexual offender;

(b) Harbors, attempts to harbor, or assists another person in harboring or attempting to harbor the sexual offender;

(c) Conceals, attempts to conceal, or assists another person in concealing or attempting to conceal the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender’s birthday and during every third month thereafter to the Sheriff’s Office in the county in which he or she resides or is otherwise located to reregister.

(b) The Sheriff’s Office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; name and address of each school attended; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

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

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

4. Any sexual offender who fails to report in person as required at the Sheriff’s Office, or who fails to respond to any address verification correspondence from the department within 3 weeks after the date of the correspondence, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

(c) The Sheriff’s Office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Department of Law Enforcement in a manner prescribed by that department.

History.—s. 13, ch. 2007-209; s. 15, ch. 2010-92.

1012.465 Background screening requirements for certain noninstructional school district employees and contractors.—

(1) Except as provided in s. 1012.467 or s. 1012.468, noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. Contractual personnel shall include any vendor, individual, or entity under contract with a school or the school board.

(2) Every 5 years following employment or entry into a contract in a capacity described in subsection (1), each person who is so employed or under contract with the school district must meet level 2 screening requirements as described in s. 1012.32, at which time the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for the level 2 screening. If, for any reason following employment or entry into a contract in a capacity described in subsection (1), the fingerprints of a person who is so employed or under contract with the school district are not retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b), the person must file a complete set of fingerprints with the district school superintendent of the employing or contracting school district. Upon submission of fingerprints for this purpose, the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for the level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of the state and federal criminal history check required by level 2 screening may be borne by the district school board, the contractor, or the person fingerprinted. Under penalty of perjury, each person who is employed or under contract in a capacity described in subsection (1) must agree to inform his or her employer or the party with whom he or she is under contract within 48 hours if convicted of any disqualifying offense while he or she is employed or under contract in that capacity.
(3) If it is found that a person who is employed or under contract in a capacity described in subsection (1) does not meet the level 2 requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

History.—s. 14, ch. 2004-295; s. 21, ch. 2005-28; s. 6, ch. 2007-207.
Federal Law
**Note:** State compliance with federal registration laws is tied to the receipt of certain grant and bonus monies.

**NEW IN 2006: H.R. 4472**

**The Adam Walsh Child Protection and Safety Act (AWCP SA) of 2006**

On July 27, 2006, President Bush signed into law the AWCP SA, with the following purpose: “To protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.” This federal Act will serve as the basis for many changes in Florida sexual offenders/predator registration laws from 2007 – 2009. In 2009, the AWCP SA will replace requirements of the Jacob Wetterling Crimes Against Children Act.

Highlights of the AWCP SA are provided below.¹

**Title I - Sex Offender Registration and Notification Act**

**Sex Offender Registration and Notification Act –**

**Section 102** -
Declares as the purpose of this Act the establishment of a comprehensive national system for the registration of sex offenders and offenders against children.

**Section 103** -
Establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

**Subtitle A - Sex Offender Registration and Notification**

**Section 111** -
Establishes a three-tier classification system for sex offenders based upon specified criteria, including the seriousness of the underlying offense and the age of any child involved.

Defines "sex offense" (to be known as the Amie Zyla Expansion of Sex Offense Definition) to mean: (1) a criminal offense that has an element involving a sexual act or contact or that is a specified offense against a minor; (2) a federal offense involving sex trafficking, sexual abuse, sexual exploitation or abuse of children, or domestic assault; (3) a specified military offense; or (4) an attempt or conspiracy to commit such an offense.

Excludes from such definition foreign convictions lacking due process safeguards and certain offenses involving consensual sexual conduct.

Defines "specified offense against a minor" to include offenses involving kidnapping, false imprisonment, sexual solicitation, video voyeurism, and possession, production, or distribution of child pornography.

Defines "jurisdiction" to include a state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and federally recognized Indian tribes.

**Section 112 -**
Requires each jurisdiction to maintain a jurisdiction-wide sex offender registry.

**Section 113 -**
Requires a sex offender to: (1) register in each jurisdiction where such offender resides, is an employee, and is a student; (2) keep such registration current; and (3) for initial registrations, register in the jurisdiction where convicted if different than jurisdiction of residence. Requires jurisdictions (other than federally recognized Indian tribes) to impose a maximum criminal penalty greater than one year for sex offenders who fail to comply with registration requirements.

**Section 114 -**
Sets forth the information required in a sex offender's registration, to include name of the sexual offender, any alias names, social security number, all addresses and places of employment, enrollment as a student and license plate numbers of all owned vehicles.

Requires jurisdictions to include in a sex offender registry: (1) a physical description, current photograph, criminal history, fingerprints, palm prints, and a DNA sample of the sex offender; (2) the offender's criminal offense; and (3) a photocopy of the offender's driver's license or government-issued identification card.

**Section 115 -**
Specifies the duration of registration periods for sex offenders based on tier classifications. The registration period is 15 years if the offender is a tier level I, 25 years if the offender is a tier level II, and life if the offender is a tier level III. Also, allows for reduced period of registration if an offender has a clean record.

**Section 116 -**
Requires sex offenders to appear in person periodically to verify information in a sex offender registry. If the sexual offender is a tier level I, annual periodic in person verification is required; every 6 months for a tier level II offender; and every three months for a tier level III offender.

**Section 117 -**
Requires the appropriate official of a jurisdiction to notify sex offenders of their duty to register prior to release from custody or immediately after sentencing for a sex offense. Requires the sexual offender to read and sign a form stating that the duty to register has been explained and that the offender understands the registration requirement.
Section 118 -
Requires jurisdictions to provide public access to sex offender information through the Internet. Exempts from such disclosure the identity of any victim of a sex offense, the social security number of the sex offender, and any reference to arrests of the sex offender not resulting in conviction.

Section 119 -
Establishes the National Sex Offender Registry. Directs the Attorney General to maintain such registry at the Federal Bureau of Investigation (FBI) and to ensure that updated information about sex offenders is immediately transmitted to all relevant jurisdictions.

Section 120 -
Establishes the Dru Sjodin National Sex Offender Public Website to be maintained by the Attorney General. Requires such Website to include relevant information about sex offenders in each jurisdiction.

Section 121 -
Establishes the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program to provide for notification to the Attorney General, relevant jurisdictions, law enforcement agencies, social service entities, volunteer organizations, and other entities immediately after a sex offender registers or updates a registration.

Section 122 -
Requires appropriate officials of a jurisdiction to notify the Attorney General and appropriate law enforcement agencies of a failure of a sex offender to register and to note such failure in the jurisdiction's registry.

Section 123 -
Directs the Attorney General to develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites. Imposes a two-year deadline for developing such software.

Section 124 -
Requires jurisdictions to implement the requirements of this title before the later of three years after enactment of this Act and one year after the software developed by the Attorney General for sex offender registries becomes available. Authorizes the Attorney General to extend such deadlines.

Section 125 -
Reduces by 10% funding under the Omnibus Crime Control and Safe Street Act of 1968 (OCCSSA) for jurisdictions which fail to implement the requirements of this title.

Section 126 -
Directs the Attorney General to establish and implement a Sex Offender Management Assistance (SOMA) program to award grants to jurisdictions to offset the costs of implementing
this title. Authorizes bonus payments to jurisdictions that implement the requirements of this Act within two years of enactment. Authorizes appropriations for SOMA for FY2007-FY2009.

Section 127 -
Permits a federally recognized Indian tribe to elect to carry out the provisions of this subtitle or to delegate its functions to another jurisdiction.

Section 128 -
Directs the Attorney General to establish and maintain a system for notifying jurisdictions of sex offenders entering the United States who are required to register.

Section 129 -

Section 130 -
Amends the Victims of Child Abuse Act of 1990 to grant civil and criminal immunity to personnel of the National Center for Missing and Exploited Children arising out of the performance of CyberTipline responsibilities and functions, except for certain intentional, reckless, or malicious conduct.

Section 131 -
Grants immunity to the federal government and jurisdictions for good faith conduct in implementing the requirements of this title.

Subtitle B - Improving Federal Criminal Law Enforcement to Ensure Sex Offender Compliance with Registration and Notification Requirements and Protection of Children From Violent Predators

Section 141 -
Amends the federal criminal code to impose a fine and/or prison term of up to 10 years upon convicted sex offenders for failure to register or update a registration as required by the Sex Offender Registration and Notification Act.

Allows affirmative defenses to a prosecution for such offense, including an allegation that uncontrollable circumstances prevented registration. Increases criminal penalties for sex offenders who do not register and commit a crime of violence.

Directs the U.S. Sentencing Commission to consider certain criteria in promulgating sentencing guidelines for the crime of failure to register.
Imposes increased criminal penalties for making false statements in a sex offense registration or in connection with certain sex crimes against children.

Modifies probation and supervised release provisions for sex offenders required to register under the Sex Offender Registration and Notification Act.
Requires the Director of the Bureau of Prisons to inform persons released from prison of the duty to register as a sex offender.

Section 142 -
Requires the Attorney General to use federal law enforcement resources, including the U.S. Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who fail to register.

Authorizes appropriations.

Section 143 -
Directs the Attorney General to create and maintain a Project Safe Childhood program. Designates funding under such program for: (1) integrated federal, state, and local efforts to investigate and prosecute child exploitation cases; (2) major case coordination by the Department of Justice; (3) increased federal involvement in child pornography and enticement cases; (4) law enforcement training; (5) community awareness and educational programs; (6) the addition of not less than eight Assistant U.S. Attorneys for the prosecution of cases under the program; (7) the addition of not less than 10 new Internet Crimes Against Children task forces within the Internet Crimes Against Children (ICAC) Task Force Program; and (8) the development and enhancement by the Federal Bureau of Investigation (FBI) of the Innocent Images task forces.

Authorizes appropriations.

Section 144 -
Directs the Attorney General to provide assistance to jurisdictions in identifying and locating a sex offender relocated due to a major disaster.

Section 145 -
Directs the Attorney General to: (1) expand training and technology efforts to respond to the threat posed by sex offenders who use the Internet and technology to solicit or exploit children; and (2) report to Congress by July 1, 2007, on such efforts.

Authorizes appropriations.

Section 146 -
Establishes in the Department of Justice an Office of Sex Offender Sentencing, Monitoring, Apprehending, and Tracking to be headed by a presidentially-appointed Director. Authorizes the Office to: (1) administer the standards for the sex offender registration and notification program; (2) administer grant programs relating to sex offender registration and notification; and (3) cooperate with and provide technical assistance to jurisdictions and other public and private entities involved in sex offender registration or notification activities.

Subtitle C - Access to Information and Resources Needed to Ensure that Children are not Attacked or Abused
Section 151 - Requires the Attorney General to ensure access to the national crime information databases by:
(1) the National Center for Missing and Exploited Children; and (2) governmental social service agencies with child protection responsibilities.

Section 152 - Amends title IV (Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services) of the Social Security Act to require fingerprint-based checks of the national crime information databases and checks of any state child abuse and neglect registry for prospective foster or adoptive parent placements. Eliminates as of October 1, 2008, the ability of states to opt-out of such requirements.

Section 153 - Schools Safely Acquiring Faculty Excellence Act of 2006 - Requires the Attorney General, upon the request of a state, to conduct fingerprint-based checks of the national crime information databases to assist: (1) child welfare agencies in checking backgrounds of individuals under consideration as prospective foster or adoptive parents or in investigating child abuse or neglect incidents; or (2) private or public schools or educational agencies in checking backgrounds of prospective employees. Restricts the disclosure of such fingerprint information and imposes criminal penalties for unauthorized release of such information.

Section 154 - Amends the Crime Control Act of 1990 to prohibit a state law enforcement agency from removing a missing person from its law enforcement data system or the National Crime Information Center computer database based solely on the age of such person.

Section 155 - Amends the DNA Analysis Backlog Elimination Act of 2000 to authorize the Attorney General to collect DNA samples from individuals who are facing charges or are convicted, in addition to individuals who are arrested (current law).

Title II - Federal Criminal Law Enhancements Needed to Protect Children from Sexual Attacks and Other Violent Crimes

Section 201 - Amends the Controlled Substances Act to prohibit the distribution of date rape drugs using the Internet.

Authorizes the Attorney General to designate such drugs.

Section 202 - Imposes mandatory minimum terms of imprisonment for violent crimes against children, including murder, kidnapping, and violence resulting in serious bodily injury using a dangerous weapon.
Sections 203 - 209
Increases mandatory minimum terms of imprisonment for: (1) coercion and enticement of children to engage in prostitution; (2) sexual abuse; (3) aggravated sexual abuse of children; (4) sex trafficking of children. Increases criminal penalties for: (1) sex crimes against children resulting in death; (2) distribution of materials involving the sexual exploitation of children or child pornography; (3) using misleading Internet domain names to direct children to harmful material; (4) sexual abuse of wards; and (5) failure to report child abuse.

Section 210 -
Requires sex offenders to submit to a search of their person or property as a condition of probation or supervised release.

Section 211 -
Eliminates any statute of limitation for the prosecution of felony sex offenses involving a minor.

Section 212 -
Extends certain rights to crime victims in federal habeas corpus proceedings, including the right not be excluded from public court proceedings, the right to be reasonably heard, the right to proceedings free from unreasonable delay, and the right to be treated with fairness and respect.

Section 213 -
Modifies the definition of kidnapping to eliminate the requirement that the victim was alive when the victim's transportation began.

Section 214 -
Directs the U.S. Judicial Conference to study the necessity and desirability of amending the Federal Rules of Evidence to provide that the marital communication and adverse spouse privilege be made inapplicable in any federal criminal proceeding against a spouse who is charged with a crime against a child of, or under the custody or control of, either spouse.

Section 215 -
Includes the crime of felony child abuse or neglect as a crime punishable within Indian country.

Section 216 -
Amends the federal criminal code to impose certain restrictions on the granting of bail to individuals charged with certain crimes against minors.

Title III - Civil Commitment of Dangerous Sex Offenders

Section 301 -
Directs the Attorney General to make grants to jurisdictions for effective civil commitment programs for sexually dangerous persons. Prohibits use of grant money for transitional housing
for sexually dangerous persons in locations where minors or other vulnerable individuals are likely to come into contact with such persons.

Requires the Attorney General to report to the Judiciary Committees of Congress by January 31 of each year, beginning in 2008, on the progress of jurisdictions in implementing civil commitment programs for sexually dangerous persons and on the rate of sexually violent offenses for each jurisdiction.

**Section 302**
Sets forth procedures for the civil commitment of sexually dangerous persons.

**Title IV - Immigration Law Reforms to Prevent Sex Offenders from Abusing Children**

**Sections 401- 402**
Amends the Immigration and Nationality Act to: (1) make failure to register as a sex offender a deportable offense; (2) prohibit convicted child sex offenders from obtaining approval of certain family-based visas.

**Title V - Child Pornography Prevention**

**Section 502**
Revises recordkeeping requirements for producers of actual sexually explicit conduct to cover digital images or computer-manipulated images of actual human beings. Makes it unlawful for any producer of sexually explicit materials to refuse inspection of its records.

**Section 503**
Imposes new recordkeeping requirements (and penalties for noncompliance) on individuals who produce simulated sexually explicit materials and distribute such materials in interstate commerce. Requires the Attorney General to report to Congress annually on the enforcement of recordkeeping requirements for producers of actual and simulated sexually explicit materials.

**Section 504**
Prohibits the reproduction of child pornography materials by a defendant in a criminal proceeding. Places such materials in the care, custody, and control of the government or the court. Requires that such materials be reasonably available to a defendant and the defendant's attorney or expert witness for inspection, viewing, and examination.

**Section 505**
Revises and expands provisions authorizing civil and criminal asset forfeiture in child sexual exploitation and obscenity cases.

**Section 506**
Amends the federal criminal code to prohibit the production of obscene materials for sale or distribution in interstate commerce (current law prohibits the transportation, distribution, and sale of such materials).
Section 507 -
Authorizes reasonable compensation and payment of expenses for a guardian ad litem to represent children who are victims of, or witnesses to, sexual abuse or exploitation.

Title VI - Grants, Studies, and Programs for Children and Community Safety
Subtitle A - Mentoring Matches for Youth Act
Mentoring Matches for Youth Act of 2006 -

Section 603 -
Authorizes the Administrator of the Office of Juvenile Justice and Delinquency to make grants in FY2007-FY2012 to Big Brothers Big Sisters of America to expand mentoring programs for at-risk youth. Requires Big Brothers Big Sisters to make biannual reports to the Administrator on such mentoring programs.

Authorizes appropriations.

Subtitle B - National Police Athletic League Youth Enrichment Act
National Police Athletic League Youth Enrichment Reauthorization Act of 2006 -

Section 614 -
Reauthorizes grant authority and appropriations through FY2010 for the National Police Athletic League Youth Enrichment program. Requires funds authorized for police athletic league programs to be used for character development and leadership training.

Subtitle C - Grants, Studies, and Other Provisions
Section 621 -
Authorizes the Attorney General to award grants (referred to as Jessica Lunsford and Sarah Lunde Grants) for three years to states, local governments, and Indian tribal governments to outfit sex offenders with electric monitoring units.

Requires the Attorney General to: (1) fund different approaches to monitoring to allow an assessment of the effectiveness of the program; and (2) report to Congress on the program by September 1, 2010.

Section 622 -
Amends the federal criminal code to direct the Bureau of Prisons to provide sex offenders with sex offender management and residential sex offender treatment programs. Authorizes appropriations.

Section 623 -
Amends the OCCSSA to authorize the Attorney General to make grants to assist governments and private entities in enforcing sex offender registration requirements and in the treatment of juvenile sex offenders.
Section 624 -
Directs the Attorney General to make grants to help prosecute cases cleared through use of DNA backlog clearance funds.

Section 625 -
Authorizes the Bureau of Justice Assistance to make grants to law enforcement agencies to combat sexual abuse of children. Directs the Attorney General to give priority to law enforcement agencies making a showing of need.

Section 626 -
Amends the OCCSSA to authorize the Attorney General to make grants to private nonprofit entities to promote crime prevention through public outreach and media campaigns.

Section 627 -
Directs the Attorney General to establish and implement a grant program for the voluntary fingerprinting of children. Limits the release of child fingerprint information to a parent or guardian of the child. Authorizes appropriations.

Section 628 -
Directs the Administrator of the Office of Juvenile Justice and Delinquency Prevention to issue rules, coordinate programs, and provide adequate staffing to implement the annual grant program for the Rape, Abuse & Incest National Network (RAINN).

Section 629 -
Authorizes the Attorney General, in consultation with the National Center for Missing and Exploited Children, to carry out a public awareness campaign to protect children when such children are on the Internet.

Section 630 -
Directs the Attorney General to make grants for online child safety programs.

Section 631 -
Establishes the Jessica Lunsford Address Verification Grant Program to authorize the Attorney General to award grants for the verification of the residence of all or some registered sex offenders. Requires the Attorney General to report to Congress on the verification program by April 1, 2009.

Section 632 -
Directs the U.S. Marshals Service to establish, direct, and coordinate a Fugitive Safe Surrender Program for the safe, secure, and peaceful apprehension of federal, state, and local fugitives.

Section 633 -
Directs the Secretary of Health and Human Services to: (1) create a national registry of substantiated cases of child abuse or neglect; (2) establish standards for the dissemination of
information in the registry; and (3) conduct a study on the feasibility of establishing data collection standards for the registry.

Directs the Secretary of Homeland Security to report to specified committees of Congress on the study on data collection standards for a national registry of substantiated cases of child abuse or neglect.

**Section 634 -**
Directs the National Institute of Justice to conduct a comprehensive study of the control, prosecution, treatment, and monitoring of sex offenders to determine the effectiveness of sexual offender registration and in increasing compliance and the effectiveness of registration/dissemination of registration information in increasing public safety. The National Institute of Justice will report its finding to Congress, through the Internet to the public, to each governor, to the Mayor of the District of Columbia, to territory heads, and to top officials of Indian tribes.

**Section 635 -**
Directs the Attorney General to make annual reports to Congress (by July 1) on the enforcement of sex offender registration requirements.

**Section 636 -**
Requires the Government Accountability Office (GAO) to: (1) conduct a study to assess the capabilities of states to use driver's license registration processes as additional registration requirements for sex offenders; and (2) evaluate the effectiveness of certain Nevada statutes relating to sex offender registration.

**Section 637 -**
Directs the Attorney General to study and report to Congress on risk-based sex offender classification systems.

**Section 638 -**
Directs the Attorney General to study and report to the House and Senate Judiciary Committees on the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

**Section 639 -**
Justice for Crime Victims Family Act - Requires the Attorney General to report to the Judiciary Committees on measures needed to improve the performance of homicide investigators and for solving homicides involving missing persons and unidentified human remains. Authorizes appropriations.

**Title VII - Internet Safety Act**

**Section 701 -**
Amends the federal criminal code to: (1) impose criminal penalties for participation in a child exploitation enterprise; (2) increase penalties for registered sex offenders who commit a felony
sex offense against a minor; and (3) prohibit the embedding of deceptive words or images in a website to deceive an individual, including a minor, into viewing obscene material.

Section 704 -
Directs the Attorney General to increase by not less than 200 the number of U.S. attorneys and assign such attorneys to prosecute offenses relating to the sexual exploitation of children.

Section 705 -
Directs the Attorney General to increase by not less than 30 the number of computer forensic examiners within the Regional Computer Forensic Laboratories, and requires the Secretary of Homeland Security to increase by not less than 15 the number of such examiners within the Cyber Crimes Center, who shall be dedicated to investigating crimes involving the sexual exploitation of children.

Section 706 -
Directs the Administrator of the Office of Juvenile Justice and Delinquency Prevention to increase by not less than 10 the number of Internet Crimes Against Children (ICAC) Task Forces authorized and funded under the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 707 -
Masha’s Law - Revises provisions allowing victims of certain sex-related crimes to seek civil remedies to: (1) allow adults as well as minors to sue for injuries; and (2) increase from $50,000 to $150,000 the minimum level of damages.

Authorizes appropriations.
Sec. 14071. Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program

(a) In general

(1) State guidelines The Attorney General shall establish guidelines for State programs that require –

(A) a person who is convicted of a criminal offense against a victim who is a minor or who is convicted of a sexually violent offense to register a current address for the time period specified in subparagraph (A) of subsection (b)(6) of this section; and

(B) a person who is a sexually violent predator to register a current address unless such requirement is terminated under subparagraph (B) of subsection (b)(6) of this section.

(2) Determination of sexually violent predator status; waiver; alternative measures

(A) In general

A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims’ rights advocates, and representatives of law enforcement agencies.

(B) Waiver

The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

(C) Alternative measures

The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.
(3) Definitions

For purposes of this section:

(A) The term **criminal offense against a victim who is a minor** means any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:

(i) kidnapping of a minor, except by a parent;

(ii) false imprisonment of a minor, except by a parent;

(iii) criminal sexual conduct toward a minor;

(iv) solicitation of a minor to engage in sexual conduct;

(v) use of a minor in a sexual performance;

(vi) solicitation of a minor to practice prostitution;

(vii) any conduct that by its nature is a sexual offense against a minor; or

(viii) an attempt to commit an offense described in any of clauses (i) through (vii), if the State –

(I) makes such an attempt a criminal offense; and

(II) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section. For purposes of this subparagraph conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

(B) The term "sexually violent offense" means any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18 or as described in the State criminal code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as described in such sections of title 18 or as described in the State criminal code).

(C) The term **sexually violent predator** means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(D) The term **‘mental abnormality’** means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.
(E) The term predatory means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(F) The term employed, carries on a vocation includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(G) The term student means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.

(b) Registration requirement upon release, parole, supervised release, or probation An approved State registration program established under this section shall contain the following elements:

(1) Duties of responsible officials

(A) If a person who is required to register under this section is released from prison, or placed on parole, supervised release, or probation, a State prison officer, the court, or another responsible officer or official, shall –

(i) inform the person of the duty to register and obtain the information required for such registration;

(ii) inform the person that if the person changes residence address, the person shall report the change of address as provided by State law;

(iii) inform the person that if the person changes residence to another State, the person shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student;

(iv) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(v) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(B) In addition to the requirements of subparagraph (A), for a person required to register under subparagraph (B) of subsection (a)(1) of this section, the State prison officer, the court, or another responsible officer or official, as the case may be, shall obtain the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person.

(2) Transfer of information to State and FBI; participation in national sex offender registry
(A) State reporting
State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

(B) National reporting
A State shall participate in the national database established under section 14072(b) of this title in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.

(3) Verification

(A) For a person required to register under subparagraph (A) of subsection (a)(1) of this section, State procedures shall provide for verification of address at least annually.

(B) The provisions of subparagraph (A) shall be applied to a person required to register under subparagraph (B) of subsection (a)(1) of this section, except that such person must verify the registration every 90 days after the date of the initial release or commencement of parole.

(4) Notification of local law enforcement agencies of changes in address
A change of address by a person required to register under this section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system.

(5) Registration for change of address to another State
A person who has been convicted of an offense which requires registration under this section and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration.

(6) Length of registration
A person required to register under subsection (a)(1) of this section shall continue to comply with this section, except during ensuing periods of incarceration, until -

(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

(B) for the life of that person if that person –

(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A) of this section; or
(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A) of this section; or

(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2) of this section.

(7) Registration of out-of-state offenders, Federal offenders, persons sentenced by courts martial, and offenders crossing State borders As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from -

(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

(B) nonresident offenders who have crossed into another State in order to work or attend school.

(c) Registration of offender crossing State border
Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.

(d) Penalty
A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in any State in which the person has so failed.

(e) Release of information

(1) The information collected under a State registration program may be disclosed for any purpose permitted under the laws of the State.

(2) The State or any agency authorized by the State shall release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released.

(f) Immunity for good faith conduct Law enforcement agencies, employees of law enforcement agencies and independent contractors acting at the direction of such agencies, and State officials shall be immune from liability for good faith conduct under this section.

(g) Compliance

(1) Compliance date Each State shall have not more than 3 years from September 13, 1994, in which to implement this section, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement this section.
(2) Ineligibility for funds

(A) A State that fails to implement the program as described in this section shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 3756 of this title.

(B) Reallocation of funds. - Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

(h) Fingerprints

Each requirement to register under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 14072(h) of this title.

(i) Grants to States for costs of compliance

(1) Program authorized

(A) In general

The Director of the Bureau of Justice Assistance (in this subsection referred to as the Director) shall carry out a program, which shall be known as the Sex Offender Management Assistance Program (in this subsection referred to as the SOMA program), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

(B) Uses of funds

Each grant awarded under this subsection shall be -

(i) distributed directly to the State for distribution to State and local entities; and

(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

(2) Eligibility

(A) Application

To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that –

(i) the State complies with (or made a good faith effort to comply with) this section; and

(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this
clause if a State demonstrates an overriding need for assistance under this subsection.

(B) Regulations

(i) In general
Not later than 90 days after October 30, 1998, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State’s monitoring and notification programs.

(ii) Certain training programs
Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 13941 of this title. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

(3) Authorization of appropriations
There is authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 1999 and 2000.

(j) Notice of enrollment at or employment by institutions of higher education

(1) Notice by offenders

(A) In general In addition to any other requirements of this section, any person who is required to register in a State shall provide notice as required under State law - (i) of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student; and (ii) of each change in enrollment or employment status of such person at an institution of higher education in that State.

(B) Change in status
A change in status under subparagraph (A)(ii) shall be reported by the person in the manner provided by State law.

State procedures shall ensure that the updated information is promptly made available to a law enforcement agency having jurisdiction where such institution is located and entered into the appropriate State records or data system.

(2) State reporting
State procedures shall ensure that the registration information collected under paragraph (1) -

(A) is promptly made available to a law enforcement agency having jurisdiction where such institution is located; and
(B) entered into the appropriate State records or data system.

(3) Request
Nothing in this subsection shall require an educational institution to request such information from any State.

-SOURCE-

AMENDMENTS

1998 - Subsecs. (g), (h). Pub. L. 105-314, Sec. 607(a)(1), which directed the amendment of this section by redesignating the second subsection designated as subsection (g) as subsection (h), was executed by redesignating subsec. (g), relating to fingerprints, as (h) to reflect the probable intent of Congress.

1997 - Subsec. (a)(1)(A), (B). Pub. L. 105-119, Sec. 115(a)(1)(A), struck out "with a designated State law enforcement agency" after "current address".

Subsec. (a)(2). Pub. L. 105-119, Sec. 115(a)(1)(B), added par. (2) and struck out heading and text of former par. (2). Text read as follows: "A determination that a person is a sexually violent predator and a determination that a person is no longer a sexually violent predator shall be made by the sentencing court after receiving a report by a State board composed of experts in the field of the behavior and treatment of sexual offenders, victim rights advocates, and representatives from law enforcement agencies."

Subsec. (a)(3)(A). Pub. L. 105-119, Sec. 115(a)(1)(C)(i), substituted "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:" for "that consists of - " in introductory provisions.

Subsec. (a)(3)(B). Pub. L. 105-119, Sec. 115(a)(1)(C)(ii), substituted "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by" for "that consists of".

Subsec. (a)(3)(F), (G). Pub. L. 105-119, Sec. 115(a)(1)(D), added subpars. (F) and (G).


Subsec. (b)(1)(A). Pub. L. 105-119, Sec. 115(a)(2)(A)(ii)(I), substituted "the court, or another responsible officer or
official” for "or in the case of probation, the court” in introductory provisions.

Subsec. (b)(1)(A)(ii). Pub. L. 105-119, Sec. 115(a)(2)(A)(ii)(II), substituted "report the change of address as provided by State law" for "give the new address to a designated State law enforcement agency in writing within 10 days".

Subsec. (b)(1)(A)(iii). Pub. L. 105-119, Sec. 115(a)(2)(A)(ii)(III), substituted "shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student" for "shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new State not later than 10 days after establishing residence in the new State, if the new State has a registration requirement".

Subsec. (b)(1)(B). Pub. L. 105-119, Sec. 115(a)(2)(A)(iii), substituted “, the court, or another responsible officer or official” for "or the court”.

Subsec. (b)(2). Pub. L. 105-119, Sec. 115(a)(2)(B), added par. (2) and struck out heading and text of former par. (2). Text read as follows: "The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 14072 of this title."

Subsec. (b)(3)(A). Pub. L. 105-119, Sec. 115(a)(2)(C)(i), in introductory provisions, substituted "State procedures shall provide for verification of address at least annually." for "on each anniversary of the person's initial registration date during the period in which the person is required to register under this section the following applies:"

Subsec. (b)(3)(A) to (iv). Pub. L. 105-119, Sec. 115(a)(2)(C)(ii), which directed the amendment of par. (3)(A) by striking out cls. (i) through (v), was executed by striking out cls. (i) through (iv) to reflect the probable intent of Congress because no cl. (v) had been enacted. Prior to amendment, cls. (i) through (iv) read as follows: "(i) The designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. "(ii) The person shall mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form. "(iii) The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. The person shall include with the verification form, fingerprints and a photograph of that person.
"(iv) If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed the residence address."

Subsec. (b)(4). Pub. L. 105-119, Sec. 115(a)(2)(D), substituted "section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system" for "section reported to the designated State law enforcement agency shall be immediately reported to the appropriate law enforcement agency having jurisdiction where the person is residing. The designated law enforcement agency shall, if the person changes residence to another State, notify the law enforcement agency with which the person must register in the new State, if the new State has a registration requirement".

Subsec. (b)(5). Pub. L. 105-119, Sec. 115(a)(2)(E), substituted "and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration" for "shall register the new address with a designated law enforcement agency in another State to which the person moves not later than 10 days after such person establishes residence in the new State, if the new State has a registration requirement".

Subsec. (b)(7). Pub. L. 105-119, Sec. 115(a)(2)(F), added par. (7). Subsec. (c). Pub. L. 105-119, Sec. 115(a)(3), added subsec. (c). Former subsec. (c) redesignated (d). Subsec. (d). Pub. L. 105-119, Sec. 115(a)(3), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e). Subsec. (e). Pub. L. 105-119, Sec. 115(a)(3), (4), redesignated subsec. (d) as (e) and in par. (2) substituted "The State or any agency authorized by the State" for "The designated State law enforcement agency and any local law enforcement agency authorized by the State agency". Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 105-119, Sec. 115(a)(3), (5), redesignated subsec. (e) as (f) and substituted "and independent contractors acting at the direction of such agencies, and State officials" for "", and State officials". Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 105-119, Sec. 115(a)(3), redesignated subsec. (f), relating to compliance, as.

1996 - Subsec. (a)(2). Pub. L. 104-236, Sec. 4, inserted before period at end ", victim rights advocates, and representatives from law enforcement agencies".

Subsec. (b)(2). Pub. L. 104-236, Sec. 7, amended heading and text of par. (2) generally. Prior to amendment, text read as follows: "The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the
conviction data and fingerprints to the Federal Bureau of Investigation.'

Subsec. (b)(3)(A)(iii). Pub. L. 104-236, Sec. 6, inserted at end "The person shall include with the verification form, fingerprints and a photograph of that person."

Subsec. (b)(6). Pub. L. 104-236, Sec. 3, amended heading and text of par. (6) generally. Prior to amendment, text read as follows: "(A) A person required to register under subparagraph (A) of subsection (a)(1) of this section shall continue to comply with this section until 10 years have elapsed since the person was released from prison, placed on parole, supervised release, or probation. "(B) The requirement of a person to register under subparagraph (B) of subsection (a)(1) of this section shall terminate upon a determination, made in accordance with paragraph (2) of subsection (a) of this section, that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense."

Subsec. (d). Pub. L. 104-145 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: "The information collected under a State registration program shall be treated as private data except that –

"(1) such information may be disclosed to law enforcement agencies for law enforcement purposes;

"(2) such information may be disclosed to government agencies conducting confidential background checks; and

"(3) the designated State law enforcement agency and any local law enforcement agency authorized by the State agency may release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released."

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-386, div. B, title VI, Sec. 1601(b)(2), Oct. 28, 2000, 114 Stat. 1537, provided that: "The amendment made by this subsection (amending this section) shall take effect 2 years after the date of the enactment of this Act (Oct. 28, 2000)."

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 106-386, div. B, title VI, Sec. 1601(b)(2), Oct. 28, 2000, 114 Stat. 1537, provided that: "The amendment made by this subsection (amending this section) shall take effect 2 years after the date of the enactment of this Act (Oct. 28, 2000)."
additional 2 years to a State that is making good faith efforts to implement these amendments."

**EFFECTIVE DATE OF 1996 AMENDMENT**

Section 10 of Pub. L. 104-236, as amended by Pub. L. 105-119, title I, Sec. 115(a)(7), Nov. 26, 1997, 111 Stat. 2464, provided that: "(a) In General. - This Act (enacting sections 14072 and 14073 of this title, amending this section, and enacting provisions set out as notes under this section and section 13701 of this title) and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act (Oct. 3, 1996).

(b) Compliance by States. - Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act (amending this section) not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) Ineligibility for Funds. - "(1) A State that fails to implement the program as described in sections 3, 4, 5, 6, and 7 of this Act (amending this section) shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756).

(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections."

(d) Effective Date. - States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2 (enacting section 14072 of this title). Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(c), (k)), and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs."

**REGULATIONS**

Section 9 of Pub. L. 104-236 provided that: "Not later than 1 year after the date of enactment of this Act (Oct. 3, 1996), the Attorney General shall issue regulations to carry out this Act (see Effective Date of 1996 Amendment note above) and the amendments made by this Act."

**SEVERABILITY**

Section 11 of Pub. L. 104-236 provided that: "If any provision of this Act (see Effective Date of 1996 Amendment note above), an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby."

**TRANSFER OF FUNCTIONS**

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) (title I, Sec. 108(b)) of Pub. L. 106-113, set out as a note under section 3741 of this title.

**STUDY OF SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM**

Pub. L. 105-314, title VI, Sec. 607(b), Oct. 30, 1998, 112 Stat. 2986, provided that: "Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex
STUDY OF HOTLINES

Pub. L. 105-314, title IX, Sec. 902, Oct. 30, 1998, 112 Stat. 2991, provided that: "(a) In General. - Not later than 1 year after the date of the enactment of this Act (Oct. 30, 1998), the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study. "(b) Contents of Study. - The study under this section shall include an examination of - "(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and "(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigation database that tracks the location of convicted sexual predators established under section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072) and, in determining that feasibility, the Attorney General shall examine issues including the cost, necessary changes to Federal and State laws necessitated by the creation of such a hotline, consistency with Federal and State case law pertaining to community notification, and the need for, and accuracy and reliability of, the information available through such a hotline."
exceeds that described in subparagraph (A) or (B) of section 14071(a)(1) of this title; (B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General; (C) provides for verification of address at least annually; (FOOTNOTE 1) So in original. Probably should be followed by "and". (D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

(b) Establishment
The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of - (1) each person who has been convicted of a criminal offense against a victim who is a minor; (2) each person who has been convicted of a sexually violent offense; and (3) each person who is a sexually violent predator.

(c) Registration requirement
Each person described in subsection (b) of this section who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) of this section for the time period specified under subsection (d) of this section.

(d) Length of registration
A person described in subsection (b) of this section who is required to register under subsection (c) of this section shall, except during ensuing periods of incarceration, continue to comply with this section - (1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or (2) for the life of the person, if that person - (A) has 2 or more convictions for an offense described in subsection (b) of this section; (B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18 or in a comparable provision of State law; or (C) has been determined to be a sexually violent predator.

(e) Verification
(1) Persons convicted of an offense against a minor or a sexually violent offense In the case of a person required to register under subsection (c) of this section, the FBI shall, during the period in which the person is required to register under subsection (d) of this section, verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

(2) Sexually violent predators
Paragraph (1) shall apply to a person described in subsection (b)(3) of this section, except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

(f) Community notification
(1) In general
Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) of this section that is necessary to protect the public.
(2) Identity of victim
In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

(g) Notification of FBI of changes in residence
(1) Establishment of new residence
For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.
(2) Persons required to register with the FBI
Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) of this section shall be reported to the FBI not later than 10 days after that person establishes a new residence.

(3) Individual registration requirement
A person required to register under subsection (c) of this section or under a State sexual offender registration program, including a program established under section 14071 of this title, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and photograph of that person, for inclusion in the appropriate database, with -

(FOOTNOTE 2) So in original. (A) the FBI; and
(FOOTNOTE 2) So in original. (B) the State in which the new residence is established.
(4) State registration requirement
Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 14071 of this title, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify -
(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and
(B) the FBI.
(5) Verification
(A) Notification of local law enforcement officials
The FBI shall ensure that State and local law enforcement officials of the jurisdiction from which, and the State and
local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) of this section relocates are notified of the new residence of such person.

(B) Notification of FBI
A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

(C) Verification
(i) State agencies
If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 14071 of this title, the State shall immediately notify the FBI.

(ii) FBI
If the FBI cannot verify the address of or locate a person required to register under subsection (c) of this section or if the FBI receives notification from a State under clause (i), the FBI shall:

(I) classify the person as being in violation of the registration requirements of the national database; and

(II) add the name of the person to the National Crime Information Center Wanted person file and create a wanted persons record: Provided, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

(h) Fingerprints
(1) FBI registration
For each person required to register under subsection (c) of this section, fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.

(2) State registration systems
In a State that has a minimally sufficient sexual offender registration program, including a program established under section 14071 of this title, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

(i) Penalty
A person who is -

(1) required to register under paragraph (1), (2), or (3) of subsection (g) of this section and knowingly fails to comply with this section;

(2) required to register under a sexual offender registration program in the person's State of residence and knowingly fails to register in any other State in which the person is employed, carries on a vocation, or is a student;

(3) described in section 4042(c)(4) of title 18, and knowingly fails to register in any State in which the person resides, is employed, carries on a vocation, or is a student following release
from prison or sentencing to probation; or
(4) sentenced by a court martial for conduct in a category
specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105-119, and knowingly fails to register in any State in which the person resides, is employed, carries on a vocation, or is a student following release from prison or sentencing to probation, shall, in the case of a first offense under this subsection, be imprisoned for not more than 1 year and, in the case of a second or subsequent offense under this subsection, be imprisoned for not more than 10 years.

(j) Release of information
The information collected by the FBI under this section shall be disclosed by the FBI -
(1) to Federal, State, and local criminal justice agencies for - (A) law enforcement purposes; and (B) community notification in accordance with section 14071(d)(3) (FOOTNOTE 3) of this title; and (FOOTNOTE 3) See References in Text note below.
(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 5119a of this title.

(k) Notification upon release
Any State not having established a program described in subsection (a)(3) of this section must -
(1) upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 14071(a)(1) of this title of their duty to register with the FBI; and
(2) notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 14071(a)(1) of this title.

-SOURCE-

REFERENCES IN TEXT

AMENDMENTS
1998 - Subsec. (a)(2). Pub. L. 105-277, Sec. 101(b) (title I, Sec. 123(1)), struck out "or" after "employed,".
Subsec. (g)(3). Pub. L. 105-277, Sec. 101(b) (title I, Sec. 123(2)), substituted "State sexual offender" for "minimally sufficient" in introductory provisions.
Federal Law

Subsec. (i). Pub. L. 105-277, Sec. 101(b) (title I, Sec. 123(3)), amended heading and text of subsec. (i) generally. Prior to amendment, text read as follows: "A person required to register under paragraph (1), (2), or (3) of subsection (g) of this section or pursuant to section 14071(b)(7) of this title who knowingly fails to comply with this section shall - "(1) in the case of a first offense - "(A) if the person has been convicted of 1 offense described in subsection (b) of this section, be fined not more than $100,000; or "(B) if the person has been convicted of more than 1 offense described in subsection (b) of this section, be imprisoned for up to 1 year and fined not more than $100,000; or "(2) in the case of a second or subsequent offense, be imprisoned for up to 10 years and fined not more than $100,000."

1997 - Subsec. (a)(2). Pub. L. 105-119, Sec. 115(a)(6)(A), substituted " 'predatory', 'employed, or carries on a vocation', and 'student' " for "and 'predatory' ".

Subsec. (a)(3)(A). Pub. L. 105-119, Sec. 115(a)(6)(B)(i), inserted "in a range of offenses specified by State law which is comparable to or exceeds that before "described". Subsec. (a)(3)(B). Pub. L. 105-119, Sec. 115(a)(6)(B)(ii), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;". Subsec. (a)(3)(C). Pub. L. 105-119, Sec. 115(a)(6)(B)(iii), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "meets the requirements for verification under section 14071(b)(3) of this title; and". Subsec. (i). Pub. L. 105-119, Sec. 115(a)(6)(C), inserted "or pursuant to section 14071(b)(7) of this title" after "subsection (g) of this section" in introductory provisions.

EFFECTIVE DATE
For effective date of section, see section 10 of Pub. L. 104-236, as amended, set out as an Effective Date of 1996 Amendment note under section 14071 of this title.

SECTION REFERRED TO IN OTHER SECTIONS
This section is referred to in section 14071 of this title.
20 USC Sec. 1232g  01/02/01

TITLE 20 - EDUCATION
CHAPTER 31 - GENERAL PROVISIONS CONCERNING EDUCATION
SUBCHAPTER III - GENERAL REQUIREMENTS AND CONDITIONS CONCERNING
OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL
AUTHORITY OF SECRETARY
Part 4 - Records; Privacy; Limitation on Withholding Federal Funds
Sec. 1232g. Family educational and privacy rights

-STATUTE-
(a) Conditions for availability of funds to educational agencies or institutions; inspection and review of education records; specific information to be made available; procedure for access to education records; reasonableness of time for such access; hearings; written explanations by parents; definitions

(1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section.

(C) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

(i) financial records of the parents of the student or any information contained therein;

(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (D), confidential recommendations respecting admission to any educational agency or institution,
(II) respecting an application for employment, and
(III) respecting the receipt of an honor or honorary recognition.
(D) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (C), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.
(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.
(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.
(4)(A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, Documents, and other materials which -
(i) contain information directly related to a student; and
(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.
(B) The term "education records" does not include -
(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;
(ii) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;
(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person’s capacity as an employee and are not available for use for any other purpose; or
(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records
can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5)(A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

(b) Release of education records; parental consent requirement; exceptions; compliance with judicial orders and subpoenas; audit and evaluation of federally-supported education programs; recordkeeping

(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section) of students without the written consent of their parents to any individual, agency, or organization, other than to the following:

(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required;

(B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C)(i) authorized representatives of (I) the Comptroller General of the United States, (II) the Secretary, or (III) State educational authorities, under the conditions set forth in paragraph (3), or (ii) authorized representatives of the Attorney General for law enforcement purposes under the same conditions as apply to the Secretary under paragraph (3);

(D) in connection with a student's application for, or receipt of, financial aid;

(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released, or after November 19, 1974, if -

(i) the allowed reporting or disclosure concerns the
juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and

(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent of the student. (FOOTNOTE 1) So in original. The period probably should be a semicolon.

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in section 152 of title 26;

(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and

(J)(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.

(2) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection, unless -

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) except as provided in paragraph (1)(J), such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.
(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, or (C) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally-supported education programs, or in connection with the enforcement of the Federal legal requirements which relate to such programs: Provided, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4)(A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1)(A) of this subsection), agencies, or organizations which have requested or obtained access to a student’s education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information.

Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party outside the educational agency or institution permits access to information in violation of paragraph (2)(A), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of not less than five years.

(5) Nothing in this section shall be construed to prohibit State and local educational officials from having access to student or other records which may be necessary in connection with the audit and evaluation of any federally or State supported education program or in connection with the enforcement of the Federal legal requirements which relate to any such program, subject to the conditions specified in the proviso in paragraph (3).

(6)(A) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18), or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime or offense with respect to such crime or offense.

(B) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence (as that term is defined in section 16 of title 18), or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed
a violation of the institution's rules or policies with respect to such crime or offense. (C) For the purpose of this paragraph, the final results of any disciplinary proceeding -
(i) shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student; and
(ii) may include the name of any other student, such as a victim or witness, only with the written consent of that other student.
(7)(A) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 14071 of title 42 concerning registered sex offenders who are required to register under such section.
(B) The Secretary shall take appropriate steps to notify educational institutions that disclosure of information described in subparagraph (A) is permitted.
(c) Surveys or data-gathering activities; regulations
Not later than 240 days after October 20, 1994, the Secretary shall adopt appropriate regulations or procedures, or identify existing regulations or procedures, which protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.
(d) Students' rather than parents' permission or consent
For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.
(e) Informing parents or students of rights under this section
No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution effectively informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.
(f) Enforcement; termination of assistance
The Secretary shall take appropriate actions to enforce this section and to deal with violations of this section, in accordance with this chapter, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with this section, and he has determined that compliance cannot be secured by voluntary means.
(g) Office and review board; creation; functions
The Secretary shall establish or designate an office and review board within the Department for the purpose of investigating, processing, reviewing, and adjudicating violations of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.
(h) Disciplinary records; disclosure
Nothing in this section shall prohibit an educational agency or institution from -
(1) including appropriate information in the education record of any student concerning
disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

(i) Drug and alcohol violation disclosures

(1) In general

Nothing in this Act or the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be construed to prohibit an institution of higher education from disclosing, to a parent or legal guardian of a student, information regarding any violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student’s education records, if -

(A) the student is under the age of 21; and

(B) the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

(2) State law regarding disclosure

Nothing in paragraph (1) shall be construed to supersede any provision of State law that prohibits an institution of higher education from making the disclosure described in subsection (a) of this section.

-SOURCE-


-REFTEXT-

REFERENCES IN TEXT


The Higher Education Act of 1965, referred to in subsec. (i)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (Sec. 1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title andTables.

-MISC2-

PRIOR PROVISIONS
A prior section 444 of Pub. L. 90-247 was classified to section 1233c of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS
1998 - Subsec. (b)(1)(C). Pub. L. 105-244, Sec. 951(1), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "authorized representatives of (i) the Comptroller General of the United States, (ii) the Secretary, or (iii) State educational authorities, under the conditions set forth in paragraph (3) of this subsection;".

Subsec. (b)(6). Pub. L. 105-244, Sec. 951(2), designated existing provisions as subpar. (A), substituted "or a nonforcible sex offense, the final results" for "the results", substituted "such crime or offense" for "such crime" in two places, and added subpars. (B) and (C).

Subsec. (i). Pub. L. 105-244, Sec. 952, added subsec. (i).

Subsec. (a)(1)(C). Pub. L. 103-382, Sec. 249(1)(A)(i), (iii), redesignated subpar. (B) as (C) and substituted "subparagraph (D)" for "subparagraph (C)" in cl. (iii). Former subpar. (C) redesignated (D).

Subsec. (a)(1)(D). Pub. L. 103-382, Sec. 249(1)(A)(i), (iv), redesignated subpar. (C) as (D) and substituted "subparagraph (C)" for "subparagraph (B)".

Subsec. (a)(2). Pub. L. 103-382, Sec. 249(1)(B), substituted "privacy rights" for "privacy or other rights".


Subsec. (b)(1)(A). Pub. L. 103-382, Sec. 249(2)(A)(i), inserted before semicolon ", including the educational interests of the child for whom consent would otherwise be required".

Subsec. (b)(1)(C). Pub. L. 103-382, Sec. 261(h)(2)(A), substituted "or (iii)" for "(iii) an administrative head of an education agency (as defined in section 1221e-3(c) of this title), or (iv)".

Subsec. (b)(1)(E). Pub. L. 103-382, Sec. 249(2)(A)(ii), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: "State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;".

Subsec. (b)(1)(H). Pub. L. 103-382, Sec. 261(h)(2)(B), substituted "the Internal Revenue Code of 1986" for "the Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

Subsec. (b)(2). Pub. L. 103-382, Sec. 249(2)(B)(i), which directed amendment of matter preceding subpar. (A) by substituting "unless" for the period, was executed by substituting a comma for the period before "unless" to reflect the probable intent of Congress.

Subsec. (b)(2)(B). Pub. L. 103-382, Sec. 249(2)(B)(ii), inserted "except as provided in paragraph (1)(J)," before "such information".

Subsec. (b)(3). Pub. L. 103-382, Sec. 261(h)(2)(C), substituted "or (C)" for "(C) an administrative head of an education agency or (D)" and "education programs" for "education program".

Subsec. (b)(4). Pub. L. 103-382, Sec. 249(2)(C), inserted at end "If a third party outside the educational agency or institution permits access to information in violation of paragraph (2)(A), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of not less than five years."

Subsec. (c). Pub. L. 103-382, Sec. 249(3), substituted "Not later than 240 days after October 20, 1994, the Secretary shall adopt appropriate regulations or procedures, or identify existing regulations or procedures, which" for "The Secretary shall adopt appropriate regulations to".

Subsec. (d). Pub. L. 103-382, Sec. 261(h)(3), inserted a comma after "education".

Subsec. (e). Pub. L. 103-382, Sec. 249(4), inserted "effectively" before "informs".

Subsec. (f). Pub. L. 103-382, Sec. 261(h)(4), struck out ", or an administrative head of an education agency," after "The Secretary" and substituted "enforce this section" for "enforce provisions of this section", "in accordance with" for "according to the provisions of", and "comply with this section" for "comply with the provisions of this section".

Subsec. (g). Pub. L. 103-382, Sec. 261(h)(5), struck out "of Health, Education, and Welfare" after "the Department" and "the provisions of" after "adjudicating violations of".


1992 - Subsec. (a)(4)(B)(ii). Pub. L. 102-325 amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "if the personnel of a law enforcement unit do not have access to education records under subsection (b)(1) of this section, the records and documents of such law enforcement unit which (I) are kept apart from records described in subparagraph (A), (II) are maintained solely for law enforcement purposes, and (III) are not made available to persons other than law enforcement officials of the same jurisdiction;".

Federal Law


1974 - Subsec. (a)(1). Pub. L. 93-568, Sec. 2(a)(1)(A)-(C), (2)(A)-(C), (3), designated existing par. (1) as subpar. (A), substituted reference to educational agencies and institutions for reference to state or local educational agencies, institutions of higher education, community colleges, schools, agencies offering preschool programs, and other educational institutions, substituted the generic term education records for the enumeration of such records, and extended the right to inspect and review such records to parents of children who have been in attendance, and added subpars. (B) and (C).

Subsec. (a)(2). Pub. L. 93-568, Sec. 2(a)(4), substituted provisions making the availability of funds to educational agencies and institutions conditional on the granting of an opportunity for a hearing to parents of students who are or have been in attendance at such institution or agency to challenge the contents of the student's education records for provisions granting the parents an opportunity for such hearing, and inserted provisions authorizing insertion into the records a written explanation of the parents respecting the content of such records.

Subsec. (a)(3) to (6). Pub. L. 93-568, Sec. 2(a)(1)(G), (2)(F), (5), added pars. (3) to (6).

Subsec. (b)(1). Pub. L. 93-568, Sec. 2(a)(1)(D), (2)(D), (6), (8)(A)-(C), (10)(A), in provisions preceding subpar. (A), substituted "educational agency or institution which has a policy of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section)" for "state or local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution which has a policy or practice of permitting the release of personally identifiable records or files (or personal information contained therein)", in subpar. (A), substituted "educational agency, who have been determined by such agency or institution to have" for "educational agency who have", in subpar. (B), substituted "the student seeks or intends to" for "the student intends to", in subpar. (C), substituted reference to "section 408(c)" for reference to "section 409 of this Act" which for purposes of codification has been translated as "section 1221e-3(c) of this title", and added subpars.

Subsec. (b)(2). Pub. L. 93-568, Sec. 2(a)(1)(E), (2)(E), substituted "educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection" for "state or local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution which has a policy or practice of furnishing, in any form, any personally identifiable information contained in personal school records, to any persons other than those listed in subsection (b)(1) of this section."

Subsec. (b)(3). Pub. L. 93-568, Sec. 2(a)(8)(D), substituted "information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements" for "data is specifically
authorized by Federal law, any data collected by such officials with respect to individual students shall not include information (including social security numbers) which would permit the personal identification of such students or their parents after the data so obtained has been collected”.

Subsec. (b)(4). Pub. L. 93-568, Sec. 2(a)(9), substituted provisions that each educational agency or institution maintain a record, kept with the education records of each student, indicating individuals, agencies, or organizations who obtained access to the student's record and the legitimate interest in obtaining such information, that such record of access shall be available only to parents, school officials, and their assistants having responsibility for the custody of such records, and as a means of auditing the operation of the system, for provisions that with respect to subsecs. (c)(1), (c)(2), and (c)(3) of this section, all persons, agencies, or organizations desiring access to the records of a student shall be required to sign forms to be kept with the records of the student, but only for inspection by the parents or the student, indicating specifically the legitimate educational or other interest of the person seeking such information, and that the form shall be available to parents and school officials having responsibility for record maintenance as a means of auditing the operation of the system.

Subsec. (e). Pub. L. 93-568, Sec. 2(a)(1)(F), substituted "to any educational agency or institution unless such agency or institution" for "unless the recipient of such funds".

Subsec. (g). Pub. L. 93-568, Sec. 2(a)(7), (10)(B), struck out reference to sections 1232c and 1232f of this title and inserted provisions that except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

EFFECTIVE DATE OF 1998 AMENDMENT
Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT
Section 1555(b) of Pub. L. 102-325 provided that: "The amendment made by this section (amending this section) shall take effect on the date of enactment of this Act (July 23, 1992)."

EFFECTIVE DATE OF 1979 AMENDMENT

EFFECTIVE DATE OF 1974 AMENDMENT
Section 2(b) of Pub. L. 93-568 provided that: "The amendments made by subsection (a) (amending this section) shall be effective, and retroactive to, November 19, 1974."

EFFECTIVE DATE
Section 513(b)(1) of Pub. L. 93-380 provided that: "The provisions of this section (enacting this section and provisions set out as a note under section 1221 of this title) shall become effective ninety days after the date of enactment (Aug. 21, 1974) of section 438 (now 444) of the General Education Provisions Act (this section)."
SUMMARY: The United States Department of Justice is publishing Final Guidelines to implement an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enacted by the Campus Sex Crimes Prevention Act.

EFFECTIVE DATE: October 25, 2002.

FOR FURTHER INFORMATION CONTACT: C. Camille Cain, Deputy Director for Programs, Bureau of Justice Assistance, 810 Seventh Street NW, Washington, D.C. 20531. Telephone: (202) 514-6278. E-mail: cainc@ojp.usdoj.gov.

SUPPLEMENTARY INFORMATION: Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the "Wetterling Act"). The Wetterling Act sets minimum national standards for state sex offender registration and community notification programs, and directs the Attorney General to issue guidelines for such programs. The current Wetterling Act guidelines were published in the Federal Register at 64 FR 572 (Jan. 5, 1999), with corrections at 64 FR 3590 (Jan. 22, 1999). States that fail to comply with the Wetterling Act's requirements (as implemented and explained in the Attorney General's guidelines) are subject to a mandatory 10% reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, Congress amended the Wetterling Act in the Campus Sex Crimes Prevention Act (the "CSCPA"), Pub. L. 106-386, div. B, Sec. 1601, 114 Stat. 1464, 1537 (2000). The CSCPA provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. The CSCPA amendment to the Wetterling Act takes effect two years after its enactment date of October 28, 2000.
Supplementary guidelines are necessary to take account of the CSCPA amendment to the Wetterling Act. On March 8, 2002, the U.S. Department of Justice published Proposed Guidelines in the Federal Register (67 FR 10758) for that purpose.

Summary of Comments on the Proposed Guidelines
Following the publication of the Proposed Guidelines, the Department received several comments, all of which were carefully considered in finalizing the guidelines. A summary of the comments and responses to them are provided in the following paragraphs.

A. Availability of Information to the Campus Community
A number of comments noted that the Proposed Guidelines did not discuss the requirement under the CSCPA that information concerning the presence of registered sex offenders be made available to campus communities, and recommended that this requirement be articulated more clearly in the Final Guidelines. Comments to this effect were received from Senator Jon Kyl, the sponsor of the CSCPA, and from Daniel S. Carter, Senior Vice President of Security On Campus, Inc.

This issue was not addressed at length in the Proposed Guidelines because responsibility for implementation of the CSCPA is divided between the Attorney General and the Secretary of Education, and this issue relates to federal education law amendments that are within the purview of the Secretary of Education.

In part, the CSCPA added a new subsection to the Wetterling Act, 42 U.S.C. 14071(j), which requires states to obtain information concerning registrants’ enrollment or employment at institutions of higher education, and to provide this information to campus police departments or other appropriate law enforcement agencies. The Attorney General is responsible for issuing guidelines relating to the Wetterling Act amendment of the CSCPA as part of his general responsibility for the issuance of guidelines under the Wetterling Act. See 42 U.S.C. 14071(a). The detailed discussion in the Proposed Guidelines was accordingly limited to the portions of the CSCPA that affect the Wetterling Act.

The Proposed Guidelines explained: “These guidelines relate solely to the provisions of the CSCPA that amended the Wetterling Act, and hence affect state eligibility for full Byrne Grant funding.” The Proposed Guidelines, however, also noted: “In addition to adding subsection (j) to the Wetterling Act, the CSCPA amended federal education laws to ensure the availability to the campus community of information concerning the presence of registered sex offenders.” 67 FR at 10759. The Department of Education is responsible for the issuance of regulations relating to those laws.

The CSCPA’s education law amendments include the addition of a new provision, section 485(f)(1)(l) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)(l)). This provision requires a statement advising the campus community where it can obtain the information identifying registered sex offenders who are enrolled or employed at the institution of higher education--information that the state is required to provide to the campus police department or other appropriate law enforcement agency pursuant to 42 U.S.C. 14071(j):

(l) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control
and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

In addition, the CSCPA added a provision to section 444(b) of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g(b)(7)(A)), which specifies that that Act does not prohibit educational institutions from disclosing information provided to them concerning registered sex offenders.

Thus, under the CSCPA's provisions, information identifying the registered sex offenders at an institution of higher education must be provided to the campus police Department or other appropriate law enforcement agency, and the campus community must be advised where it can obtain this information. The net effect of these provisions is that information identifying the registered sex offenders at an institution of higher education must be made available to the campus community by some means, for otherwise it would be impossible to comply with the requirement that the campus community be advised where this information can be obtained. The CSCPA affords discretion concerning the specific means by which this information will be made available to the campus community, and indicates more specifically by way of illustration that permissible options would include making the information available at an appropriate law enforcement office, or making the information available online. See 20 U.S.C. 1092(f)(1)(I) (quoted above).

In addition to the special provisions of the CSCPA concerning the availability of sex offender information to campus communities, the general community notification provision of the Wetterling Act, 42 U.S.C. 14072(e)(2), applies to registered sex offenders who are enrolled or employed at institutions of higher education just as it applies to other registered sex offenders. Subsection (e)(2) requires that relevant information be released concerning registrants as necessary to protect the public. The Attorney General's guidelines for the Wetterling Act explain the meaning and application of this requirement. See 64 FR 572, 581-82.

B. Mandatory or Discretionary Character of the CSCPA's Standards

James Thomas, Executive Director of the Pennsylvania Commission on Crime and Delinquency, provided comments on behalf of the Commonwealth of Pennsylvania. In part, the comments suggested that the CSCPA does not require states to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education, or to provide such information to law enforcement agencies.

Pennsylvania's comments pointed out that 42 U.S.C. 14071(j)(1)(A) states that persons required to register shall provide notice relating to their enrollment or employment at institutions of higher education "as required under State law," and that 42 U.S.C. 14071(j)(1)(B) provides that such persons shall report changes in their enrollment or employment status "in the manner provided by State law." The comments interpreted these phrases to mean that the states have discretion under the CSCPA's standards as to whether they will impose such obligations on registrants at all. In support of this interpretation, the comments stated that other federal statutes uniformly use the phrase "as required under State law" in referring to pre-existing state duties-- citing 12 U.S.C. 1813(m)(4); 15 U.S.C. 1612(d); 26 U.S.C. 832(b)(7)(E) -- rather than with the intent to impose a new federal obligation on states. (Only one of the cited statutes
uses the exact phrase "as required under State law"; the other two use "as required by State law." The comments also asserted that the phrase "in the manner provided by State law" is not used elsewhere in the United States Code.

However, the phrase "in the manner provided by State law" is used at an earlier point in the Wetterling Act itself, as part of a provision requiring change-of-address notice by registrants. Specifically, 42 U.S.C. 14071(b)(4) provides that a change of address by a person required to register under the Wetterling Act shall be reported by the person "in the manner provided by State law," and that "State procedures shall ensure" that the updated address information is promptly made available to an appropriate law enforcement agency and entered into the appropriate state records or data system. This provision does not mean that states have discretion under the Wetterling Act's standards as to whether or not they will require change of address notice by registrants, but only conveys state discretion as to the manner in which this notice will be affected--for example, specifying which particular agency or official must be given the notice. See 64 FR 572, 580 (explanation of 42 U.S.C. 14071(b)(4) in Attorney General's guidelines).

In parallel fashion, 42 U.S.C. 14071(j)(1)(B) provides that a change of enrollment or employment status shall be reported by the person "in the manner provided by State law," and that "State procedures shall ensure" that the updated information is promptly made available to an appropriate law enforcement agency and entered into the appropriate state records or data system. The similarity of language evidences a similarity of legislative intent. Like 42 U.S.C. 14071(b)(4), 42 U.S.C. 14071(j)(1)(B) conveys state discretion concerning the particular manner in which changes in registration information will be reported, but does not convey discretion as to whether or not the reporting of such information will be required at all.

The other qualifying phrase noted in Pennsylvania's comments appears in 42 U.S.C. 14071(j)(1)(A), which says that, in addition to any other requirements of the Wetterling Act, a person who is required to register shall provide notice "as required under State law" concerning enrollment or employment at an institution of higher education in the state. In effect, the comments suggest that "as required under State law" should be read to mean: "if required under State law."

The phrase "as required under State law" does not appear verbatim elsewhere in the Wetterling Act, but a similar phrase--"as provided by State law"--appears in 42 U.S.C. 14071(b)(1)(A)(ii)-(iii). Section 14071(b)(1)(A)(ii)-(iii) requires state officials to advise registrants that if they change address, they must "report the change of address as provided by State law." This phrase does not mean that registrants are to be told that they have an obligation to report a change of address only if the state, in its discretion, chooses to impose such an obligation by state law. Rather, "as provided by State law" in Sec. 14071(b)(1)(A)(ii)-(iii) evidently has the same meaning as "in the manner provided by State law" in Sec. 14071(b)(4), referring to the specification by state law of the particular manner in which change of address information is to be reported.

Similarly, the requirement under Sec. 14071(j)(1)(A) that registrants are to provide notice "as required under State law" means that they are to provide notice in the manner required under state law, not if required under state law. The parallel usages elsewhere in the Wetterling Act are more persuasive on this point than the appearance of "as required under [or by] State law"
in a few statutes (cited in Pennsylvania’s comments) that use that phrase in entirely different contexts and that have no relationship to the Wetterling Act or its subject matter.

Beyond the foregoing textual points, the interpretation suggested in Pennsylvania’s comments is clearly inconsistent with the understanding presented to Congress in its consideration of the CSCPA:

The purpose of [the CSCPA] is to guarantee that, when a convicted sex offender enrolls or begins employment at a college or university, members of the campus community will have the information they need to protect themselves. . . . The Campus Sex Crimes Prevention Act provides that offenders must register the name of any higher education institution where they enroll as a student or commence employment. It also requires that this information be promptly made available to law enforcement agencies in the jurisdictions where the institutions of higher education are located. . . .

In order to ensure that the information is readily accessible to the campus community, the Campus Sex Crimes Prevention Act requires colleges and universities to provide the campus community with clear guidance as to where this information can be found, and clarifies that federal laws governing the privacy of education records do not prevent campus security agencies or other administrators from disclosing such information. 146 Cong. Rec. S10216 (Oct. 11, 2000) (remarks of Senator Kyl).

In contrast, under the interpretation suggested in Pennsylvania's comments, the CSCPA would not guarantee that information concerning the presence of registered sex offenders at institutions of higher education is obtained by or made available to anyone, because the decision whether to collect such information would be left to the discretion of individual states.

In addition to the interpretive issues discussed above, the comments received from Pennsylvania expressed a number of concerns about the practical impact of the CSCPA amendment to the Wetterling Act. Specifically, the comments expressed concern that: (1) Requiring employment and schooling information from registrants will complicate the registration process and result in fewer offenders registering properly and providing the required notifications concerning changes; (2) legislation will be needed to effectively implement the new requirements; and (3) the new requirements will have a fiscal impact in a tight budgetary situation, including the expense of modifying the registration database to add the fields and logic necessary to store and process the new data, and additional staff for the State Police Megan’s Law section because of increased workload. The comments stated that Pennsylvania had not had sufficient time to implement the proposed guidelines and requested an extension of the implementation deadline, or if that could not be effected, an extension of the effective date of the reduction of Byrne Grant funding in case of noncompliance.

In response, the Department of Justice notes that the requirement to obtain information from registrants concerning enrollment or employment at institutions of higher education, and to make this information available to appropriate law enforcement agencies, is integral to the CSCPA amendment to the Wetterling Act and cannot be changed by the guidelines. States have considerable latitude as to the particular procedures to be used in carrying out these requirements, and may adopt procedures consistent with the statute and guidelines that minimize resulting costs and burdens in the context of their registration systems. As with other
provisions of the Wetterling Act, the Department provides advice and consultation to states on request concerning the consistency of measures they are considering to implement subsection (j) with the statute and the guidelines.

Under the original provisions of the Wetterling Act and most previous amendments, the legislation allowed states three years to come into compliance, and authorized the Attorney General to grant an additional two years to states that were making good faith efforts to come into compliance. See 64 FR at 572 (explanation of deadlines in Attorney General's guidelines). However, the CSCPA provides that its amendment to the Wetterling Act takes effect two years after enactment, and does not give the Attorney General authority to grant additional time. The Department is accordingly required to reduce by 10% any formula Byrne Grant award to a state made after October 27, 2002, if the state is not in compliance with the requirements of 42 U.S.C. 14071(j) at the time of the award. Since the deadline is statutory and not subject to extension by the Attorney General, any request for additional time would need to be addressed to Congress.

C. Comments From the American Council on Education
David Ward, President of the American Council on Education (ACE), sent a letter on behalf of the ACE expressing support for the proposed guidelines for the CSCPA amendment to the Wetterling Act. The letter advised that the ACE had worked with Senator Kyl and other members of Congress in developing the CSCPA so that community members at institutions of higher education could have access to information regarding registered sex offenders enrolled or employed at a particular college or university; that the ACE intended to offer more detailed comments to the Department of Education as it develops guidelines to ensure the availability of information concerning the presence of registered sex offenders; and that the proposed guidelines from the Department of Justice accurately and appropriately represent the intention of the law and that the ACE does not recommend any changes.

D. Comments From a Kansas Respondent
Tiffany Muller, Sexual Assault Advocacy Coordinator at the Kansas Coalition Against Sexual and Domestic Violence (hereafter, the "Kansas Coalition"), submitted comments reflecting discussion of the CSCPA by a Sexual Assault Task Group made up of representatives from rape crisis centers and other interested agencies. The comments stated that the CSCPA was well received in Kansas, and that it provides a number of benefits, but that there were concerns about implementation and effectiveness in light of other current barriers. The specific concerns and suggestions were as follows:

1. Time for Registration in Interstate Situations
The comments from the Kansas Coalition asked how the duration of registration, and the related requirement to report attendance at a university, would be handled in situations involving multiple states with different registration periods--e.g., a situation in which a person was initially registered in a state that requires registration for 10 years, but then attends a university in a neighboring state that requires registration for 15 years.

One type of situation this question covers is that in which a sex offender is convicted and initially registered in one state, but then changes his residence to another state and attends a university in the new state of residence. Under the standards of the CSCPA amendment to the Wetterling Act, the offender would be required to notify the new state of residence concerning
his enrollment or employment at institutions of higher education in that state for however long he is required to register in that state. See 42 U.S.C. 14071(j) ("a person who is required to register in a State" shall provide notice concerning enrollment or employment at an institution of higher education in that state).

A second type of situation the question may refer to is one in which a sex offender continues to reside in the state in which he is convicted and initially registered, but attends a university in another state. This situation falls under another provision of the Wetterling Act, 42 U.S.C. 14071(b)(7)(B), which relates to registration by a state of non-residents who are in the state for purposes of employment or school attendance. The state of employment or school attendance must accept registration information from such non-residents for as long as they are required to be registered in their states of residence under the Wetterling Act's standards. See 64 FR 572, 585 (explanation of subsection (b)(7)(B) in Attorney General's guidelines).

The question may also be seeking more general information about the Wetterling Act's requirements regarding the duration of registration in interstate situations. In general, the Wetterling Act's standards require registration of at least 10 years for offenders in the offense categories covered by the Act, and lifetime registration for certain types of offenders. See 42 U.S.C. 14071(b)(6); 64 FR 572, 576, 582-83, 584. These requirements apply regardless of whether the registrant moves from one state to another. If an offender who is subject only to the limited (ten-year) registration requirement of the Wetterling Act changes his state of residence, the new state of residence may give him credit towards satisfaction of the ten-year requirement based on the amount of time he was registered in the previous state of residence. See 64 FR 572, 578, 580. In all circumstances, states are free to require registration for longer periods than the minimum required under the Wetterling Act's standards. See 64 FR 572, 575.

2. Breakdown in Communication
The comments from the Kansas Coalition stated that in some cities a campus police department would have immediate jurisdiction over the campus, but often would not patrol some student housing, and that campus police in Kansas often do not share information with local police departments. The comments suggested that the concerns raised by this breakdown in communication might be addressed by notifying both the campus and local law enforcement.

On this point, the Proposed Guidelines, and the Final Guidelines below, make it clear that states are free to notify both a campus police department and other law enforcement agencies: "Regardless of whether an institution of higher education has its own law enforcement unit, the Wetterling Act does not limit the discretion of states to make information concerning registrants enrolled or working at the institution available to other law enforcement agencies as well."

3. Use of Pamphlets in Notification
The comments from the Kansas Coalition suggested that schools could distribute pamphlets to help notify people that information is available about such matters as crime rates and registered offenders at institutions of higher education.

This comment relates to the means of carrying out provisions of the Higher Education Act of 1965, including the CSCPA amendment to that Act (20 U.S.C. 1092(f)(1)(I)), rather than to the CSCPA amendment to the Wetterling Act.
4. **Standardized Guidelines**

The comments from the Kansas Coalition noted a suggestion that states should have more standardized sex offender registration guidelines.

On this point, it may be noted that the Wetterling Act, and the Attorney General's guidelines for the Wetterling Act, provide minimum national standards for state sex offender registration programs, and thereby establish a baseline of common features for the state programs.

5. **Monitoring of Offenders**

The comments from the Kansas Coalition expressed concern that it would be fairly easy for offenders to be without monitoring—especially those in a very transient college population—since updates come from the offenders themselves and states are only required to check in with registered offenders once a year.

The Wetterling Act's standards require annual address verification for registrants generally, but quarterly address verification for certain registrants. States are free to check or verify address information and other registration information with greater frequency than the minimum required by the Wetterling Act. See 42 U.S.C. 14071(b)(3); 64 FR 572, 575, 581, 584.

6. **Inaccurate Reporting**

The comments from the Kansas Coalition stated that many campuses are not accurately reporting and continue to cover up incidences of sexual assault, and that these same campuses may be resistant to reporting registered offenders to the public.

This comment relates to compliance with provisions of the Higher Education Act of 1965, including the CSCPA amendment to that Act (20 U.S.C. 1092(f)(1)(I)), rather than to the CSCPA amendment to the Wetterling Act.

E. **Comments From a Tennessee Respondent**

Tim Burchett, a state senator in Tennessee, sent a letter stating that he had recently learned that the U.S. Department of Justice, in a brief filed with the Supreme Court, had articulated a requirement that campus sex offender notifications must be made categorically without regard to any risk assessment. Senator Burchett stated that he had sponsored the law in Tennessee designed to achieve compliance with the campus notification requirements of the CSCPA, and that he wanted to make sure that Tennessee’s law will meet this new requirement.

Senator Burchett further stated that Tennessee will make categorical notifications on campus for all registrants after the Tennessee law’s effective date of October 27, 2002, and that for convictions prior to that date release of the information is at the discretion of law enforcement. He asked whether this would meet the CSCPA’s requirements, or whether further amendment of the law would be needed requiring categorical notifications without regard to conviction date. He also suggested that it would be very helpful if an explanation of the categorical notification requirement could be included in the Final Guidelines, so that states will know exactly what is needed for compliance.

In three briefs filed with the Supreme Court, the Department of Justice has noted the CSCPA’s requirements relating to the availability to campus communities of information concerning the presence of registered sex offenders. See Brief for the United States as Amicus Curiae
Federal Law

Supporting Petitioner, at 2-3, 10, in Connecticut Department of Public Safety v. Doe, No. 01-1231 (April 2002) (amicus brief supporting the granting of certiorari); Brief for the United States as Amicus Curiae Supporting Petitioners, at 2, 6, 22-23, in Godfrey v. Doe, No. 01-729 (June 2002) (amicus brief supporting petitioners on the merits); Brief for the United States as Amicus Curiae Supporting Petitioners, at 4-5, 27-28, in Connecticut Department of Public Safety v. Doe, No. 01-1231 (July 2002) (amicus brief supporting petitioners on the merits). These requirements are categorical in that information must be made available to a campus community concerning the identities of all registered sex offenders who are enrolled or employed at the institution of higher education. As explained above, this follows from the requirement of 42 U.S.C. 14071(j) that information identifying all registrants at an institution of higher education must be provided to the campus police department or other appropriate law enforcement agency, together with the requirement of 20 U.S.C. 1092(f)(1)(I) that the campus community must be told where it can obtain this information.

The Wetterling Act's requirements generally apply to registrants who are convicted at any time after a state's establishment of a registration system that conforms to these requirements. Hence, a state must at a minimum apply the requirements of 42 U.S.C. 14071(j) to all persons registered on the basis of convictions occurring after the effective date of state legislation that implements the requirements of 42 U.S.C. 14071(j) in the state's registration system. States are also free to apply the requirements of 42 U.S.C. 14071(j) more broadly to persons registered on the basis of convictions occurring before the enactment or effectiveness of such state legislation. See 64 FR 572, 575, 581, 583.

Final Guidelines
The Campus Sex Crimes Prevention Act (CSCPA) provisions appear in subsection (j) of the Wetterling Act (42 U.S.C. 14071(j)). As provided in subsection (j), any person required to register under a state sex offender registration program must notify the state concerning each institution of higher education (i.e., post-secondary school) in the state at which the person is a student or works, and of each change in enrollment or employment status of the person at such an institution. States can comply with the Wetterling Act's requirements concerning these registrants, in part, by: (1) Advising registrants concerning these specific obligations when they are generally advised of their registration obligations, as discussed in part II.A of the January 5, 1999, Wetterling Act guidelines (64 FR 572, 579), (2) including in the registration information obtained from each registrant information concerning any enrollment or employment at an institution of higher education in the state, and (3) establishing procedures for registrants to notify the state concerning any subsequent commencement or termination of enrollment or employment at an institution of higher education in the state. The failure of a registrant to notify the state concerning enrollment or employment at an institution of higher education or the termination of such enrollment or employment would constitute a failure to register or keep such registration current for purposes of subsection (d) of the Wetterling Act (42 U.S.C. 14071(d)), and must be subject to criminal penalties as provided in that subsection.

Under the requirements of subsection (j) of the Wetterling Act, state procedures must also ensure that information concerning a registrant enrolled or working at an institution of higher education is promptly made available to a law enforcement agency having jurisdiction where the institution is located, and entered into the appropriate state records or data system. This requirement applies both to any information initially obtained from registrants concerning enrollment or employment at institutions of higher education in the state, and information...
concerning subsequent changes in such enrollment or employment status. As paragraph (3) of subsection (j) makes clear, subsection (j) does not place any burden on an educational institution to request information about registrants enrolled or employed at the institution from the state, and the requirement that the state make the information available to a law enforcement agency having jurisdiction where the institution is located is not contingent on a request from the institution.

Subsection (j)'s requirement to promptly make the information available to a law enforcement agency having jurisdiction where the institution is located is supplementary to the requirement under subsection (b)(2)(A) and (4) of the Wetterling Act (42 U.S.C. 14071(b)(2)(A), (4)) to promptly make information concerning registrants available to a law enforcement agency having jurisdiction where the registrant resides. The legislative history of the CSCPA explains subsection (j)'s requirement as follows:

Once information about an offender's enrollment * * * or employment * * * [at] * * * an institution of higher education has been provided to a state's sex offender registration program, that information should be shared with that school's law enforcement unit as soon as possible.

The reason for this is simple. An institution's law enforcement unit will have the most direct responsibility for protecting that school's community and daily contact with those that should be informed about the presence of the convicted offender.

If an institution does not have a campus police department, or other form of state recognized law enforcement agency, the sex offender information could then be shared with a local law enforcement agency having primary jurisdiction for the campus. 146 Cong. Rec. S10216 (Oct. 11, 2000) (remarks of Senator Kyl).

Thus, if an institution of higher education has a campus police department or other form of state recognized law enforcement agency, state procedures must ensure that information concerning the enrollment or employment of registrants at that institution (and subsequent changes in registrants' enrollment or employment status) is promptly made available to the campus police department or law enforcement agency. If there is no such department or agency at the institution, then state procedures must ensure that this information is promptly made available to some other law enforcement agency having jurisdiction where the institution is located. Regardless of whether an institution of higher education has its own law enforcement unit, the Wetterling Act does not limit the discretion of states to make information concerning registrants enrolled or working at the institution available to other law enforcement agencies as well.

The language of subsection (j) refers specifically to any registrant who ``is employed, carries on a vocation, or is a student" at an institution of higher education in the state. These terms have defined meanings set forth in subsection (a)(3)(F)-(G) of the Wetterling Act (42 U.S.C. 14071(a)(3)(F)-(G)). In light of these definitions, the registrants to whom the requirements of subsection (j) apply are those who: (1) are enrolled in any institution of higher education in the state on a full-time or part-time basis, or (2) have any sort of full-time or part-time employment at an institution of higher education in the state, with or without compensation, for more than 14 days, or for an aggregate period exceeding thirty days in a calendar year.
The CSCPA provisions in subsection (j) of the Wetterling Act are supplementary to, and do not limit or supersede, the provisions in subsection (b)(7)(B) of the Wetterling Act that require states to accept registration information from offenders who reside outside a state but come into the state in order to work or attend school. Subsection (b)(7)(B) applies only to non-resident workers and students, but it is not limited in scope to those who work at or attend institutions of higher education (as opposed to other places of employment or schools). The requirements under subsection (b)(7)(B) are explained in part V.B.2 of the January 5, 1999, Wetterling Act guidelines (64 FR 572, 585).

The CSCPA's effective date for its amendment to the Wetterling Act is two years after enactment. Hence, following October 27, 2002, Byrne Formula Grant awards to states that are not in compliance with subsection (j) of the Wetterling Act will be subject to a mandatory 10% reduction. If a state's funding is reduced because of a failure to comply with the CSCPA amendment to the Wetterling Act or other Wetterling Act requirements by an applicable deadline, the state may regain eligibility for full funding thereafter by establishing compliance with all applicable requirements of the Wetterling Act. States are encouraged to submit information concerning existing and proposed sex offender registration provisions relating to compliance with the CSCPA amendment as soon as possible.

After the reviewing authority has determined that a state is in compliance with the Wetterling Act, the state has a continuing obligation to maintain its system's consistency with the Wetterling Act's standards, and will be required as part of the Byrne Formula Grant application process in subsequent program years to certify that the state remains in compliance with the Wetterling Act.

These guidelines relate solely to the provisions of the CSCPA that amended the Wetterling Act, and hence affect state eligibility for full Byrne Grant funding. In addition to adding subsection (j) to the Wetterling Act, the CSCPA amended federal education laws to ensure the availability to the campus community of information concerning the presence of registered sex offenders. The Department of Education is responsible for the issuance of regulations relating to those laws.

As noted above, the general guidelines for the Wetterling Act were published on January 5, 1999, and appear at 64 FR 572, with corrections at 64 FR 3590 (Jan. 22, 1999). The new CSCPA provisions in subsection (j), which these supplementary guidelines address, are only one part of the Wetterling Act. States must comply with all of the Wetterling Act's requirements in order to maintain eligibility for full Byrne Grant funding.

Dated: October 22, 2002.
Larry D. Thompson, Acting Attorney General.
[FR DC. 02-27257 Filed 10-24-02; 8:45 am]

§ 4042. Duties of Bureau of Prisons
Release date: 2004-08-06
(a) In General.— The Bureau of Prisons, under the direction of the Attorney General, shall—
(1) have charge of the management and regulation of all Federal penal and correctional institutions;
(2) provide suitable quarters and provide for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise;
(3) provide for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States;
(4) provide technical assistance to State and local governments in the improvement of their correctional systems; and
(5) provide notice of release of prisoners in accordance with subsections (b) and (c).

(b) Notice of Release of Prisoners.—
(1) At least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, written notice of the release or change of residence shall be provided to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside. Notice prior to release shall be provided by the Director of the Bureau of Prisons. Notice concerning a change of residence following release shall be provided by the probation officer responsible for the supervision of the released prisoner, or in a manner specified by the Director of the Administrative Office of the United States Courts. The notice requirements under this subsection do not apply in relation to a prisoner being protected under chapter 224.

(2) A notice under paragraph (1) shall disclose—
(A) the prisoner’s name;
(B) the prisoner’s criminal history, including a description of the offense of which the prisoner was convicted; and
(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

(3) A prisoner is described in this paragraph if the prisoner was convicted of—
(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or
(B) a crime of violence (as defined in section 924(c)(3)).

(c) Notice of Sex Offender Release.—
(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—
(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and
(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of
the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.
(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.
(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):
(A) An offense under section 1201 involving a minor victim.
(B) An offense under chapter 109A.
(C) An offense under chapter 110.
(D) An offense under chapter 117.
(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.
(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).
(d) Application of Section.— This section shall not apply to military or naval penal or correctional institutions or the persons confined therein.
Federal BOP Sex Offender Registration and Treatment Notification form:

PS 5141.02
12/14/98
Attachment C, Page 1

SEX OFFENDER REGISTRATION AND TREATMENT NOTIFICATION

A. Initial Classification

1. This is to notify you of your Public Safety Factor - Sex Offender classification pursuant to Bureau of Prisons Program Statement - Security Designation and Custody Classification Manual.

   Institution: ____________________________

   Inmate Name: __________________________ Reg. No: __________________________

   ______ Current conviction of sexual offense

   ______ Prior conviction of sexual offense

   ________________ Inmate signature ________________ Date

   ________________ Staff signature ________________ Date

B. Final Program Review

   You are subject to registration as a sex offender in any state in which you reside, are employed, carry on a vocation, or are a student.

   Institution: ____________________________

   Inmate Name: __________________________ Reg. No: __________________________

   ______ Current conviction of sexual offense

   ______ Prior conviction of sexual offense

   ________________ Inmate signature ________________ Date

   ________________ Staff signature ________________ Date
Federal BOP Sex Offender Release Notification form:

TO:  * STATE LAW ENFORCEMENT OFFICIAL
     * LOCAL LAW ENFORCEMENT OFFICIAL
     * STATE SEX OFFENDER REGISTRATION OFFICIAL

Pursuant to 18 U.S.C. § 4042(c), the Federal Bureau of Prisons is notifying your office of the release of an offender who, based upon available information, was convicted of a sexual offense. This individual is subject to registration as a sex offender under federal law. For additional information, please contact the Warden or Community Corrections Manager (CCM) identified below.

1) Offender's Name: __________________________

2) Current and prior criminal history of sexual offense(s):

<table>
<thead>
<tr>
<th>Date of Conviction</th>
<th>Offense and Description</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

(This form may be replicated via WP)
Federal BOP Sex Offender Release Notification form (page 2):

3) Final Release Date: ____________________________

4) Offender’s Projected Address: ____________________________

5) Release Conditions or Restrictions:

Standard Conditions of Supervision for Federal Offenders (as revised September 1995)

1. You shall not leave the judicial district without the permission of the court or probation officer;
2. You shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. You shall support your dependents and meet other family responsibilities;
5. You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. You shall notify the probation officer ten days prior to any change in residence or employment;
7. You shall refrain from excessive use of alcohol;
8. You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. You shall permit a probation officer to visit you at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
12. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without permission of the court;
13. As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.

Typed Name of Warden or Community Corrections Manager: ____________________________

Signature: ____________________________

Address and Telephone Number: ____________________________

In the event you are not the law enforcement agency with jurisdictional authority consistent with the releasee's address, please forward these documents to the appropriate authority.
Agency Contacts
### FDLE FIELD OFFICES & REGIONAL OPERATION CENTERS

<table>
<thead>
<tr>
<th>Field Office</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brooksville Field Office TBROC</td>
<td>(800) 226-1140</td>
</tr>
<tr>
<td>Broward County Field Office MROC</td>
<td>(305) 470-5500</td>
</tr>
<tr>
<td>Daytona Beach Field Office OROC</td>
<td>(386) 274-3829</td>
</tr>
<tr>
<td>Daytona Beach, FL 32117</td>
<td>FAX 386-274-3458</td>
</tr>
<tr>
<td>FT. MYERS REGIONAL OPERATIONS CENTER - FMROC</td>
<td>800-407-4880</td>
</tr>
<tr>
<td>Ft. Myers, FL 33907</td>
<td>FAX 239-278-7373</td>
</tr>
<tr>
<td>Ft. Pierce Field Office OROC</td>
<td>(772) 216-0301</td>
</tr>
<tr>
<td>Gainesville Field Office JROC</td>
<td>(352) 373-0566</td>
</tr>
<tr>
<td>JACKSONVILLE REGIONAL OPERATIONS CENTER - JROC</td>
<td>(800) 226-6481</td>
</tr>
<tr>
<td>Jacksonville, FL 32209-6804</td>
<td>FAX 904-360-7111</td>
</tr>
<tr>
<td>Key West Field Office MROC</td>
<td>(305) 289-2360</td>
</tr>
<tr>
<td>Lakeland Field Office TBROC</td>
<td>(800) 226-1140</td>
</tr>
<tr>
<td>Live Oak Field Office TROC</td>
<td>800-226-5630</td>
</tr>
<tr>
<td>Melbourne Field Office OROC</td>
<td>(386) 274-3829</td>
</tr>
<tr>
<td>MIAMI REGIONAL OPERATIONS CENTER - MROC</td>
<td>800-226-3023</td>
</tr>
<tr>
<td>Agency Contact</td>
<td>Phone Number</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>1030 NW 111th Avenue</td>
<td>305-470-5500</td>
</tr>
<tr>
<td>Miami, FL 33172</td>
<td>FAX 305-470-5515</td>
</tr>
<tr>
<td>SC (429)</td>
<td></td>
</tr>
<tr>
<td>Northeast Florida Investigative Support Center</td>
<td>800-954-0202</td>
</tr>
<tr>
<td>8647 Bay Pine Road, Suite 333</td>
<td>904-256-5900</td>
</tr>
<tr>
<td>Jacksonville, FL 32256</td>
<td>FAX 904-346-5154</td>
</tr>
<tr>
<td>SC 880-9900 Phone 870-5154 Fax</td>
<td></td>
</tr>
<tr>
<td>ORLANDO REGIONAL OPERATIONS CENTER - OROC</td>
<td>800-226-8521</td>
</tr>
<tr>
<td>500 W Robinson Street</td>
<td>407-245-0888</td>
</tr>
<tr>
<td>Orlando, FL 32801-1771</td>
<td>FAX 407-540-3806</td>
</tr>
<tr>
<td>SC (344) Phone (343)-0889 Fax</td>
<td></td>
</tr>
<tr>
<td>Panama City Field Office PROC</td>
<td>(850) 595-2100</td>
</tr>
<tr>
<td>PENSACOLA REGIONAL OPERATIONS CENTER - PROC</td>
<td>800-226-8574</td>
</tr>
<tr>
<td>1800 St. Mary’s Street</td>
<td>850-595-2100</td>
</tr>
<tr>
<td>Pensacola, FL 32501-2640</td>
<td>FAX 850-595-5580</td>
</tr>
<tr>
<td>SC (695)</td>
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<tr>
<td>Sarasota Field Office FMROC</td>
<td>(941) 359-5655</td>
</tr>
<tr>
<td>Sebring Field Office FMROC</td>
<td>(863) 386-6085</td>
</tr>
<tr>
<td>South Florida Investigative Support Center MROC</td>
<td>954-430-4700</td>
</tr>
<tr>
<td>3101 Commerce Parkway</td>
<td>FAX 954-430-4708</td>
</tr>
<tr>
<td>Miramar, FL 33025</td>
<td>SC (483)</td>
</tr>
<tr>
<td>St. Augustine Field Office JROC</td>
<td>(904) 209-3180</td>
</tr>
<tr>
<td>TALLAHASSEE REGIONAL OPERATIONS CENTER - TROC</td>
<td>800-342-0820</td>
</tr>
<tr>
<td>Address</td>
<td>Phone</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>2331 Phillips Road, Tallahassee, FL 32308</td>
<td>850-410-7645</td>
</tr>
<tr>
<td>FAX 850-410-7440</td>
<td>SC (210)</td>
</tr>
<tr>
<td><strong>TAMPA BAY REGIONAL OPERATIONS CENTER - TBROC</strong></td>
<td><strong>800-226-1140</strong></td>
</tr>
<tr>
<td>4211 N Lois Avenue, Tampa, FL 33614</td>
<td>813-878-7300</td>
</tr>
<tr>
<td>FAX 813-878-7303</td>
<td>SC (556)</td>
</tr>
<tr>
<td><strong>West Palm Beach Field Office MROC</strong></td>
<td><strong>(561) 640-2840</strong></td>
</tr>
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</table>
## STATE/TERRITORY SEX OFFENDER REGISTRY AGENCIES

<table>
<thead>
<tr>
<th>STATE/TERRITORY</th>
<th>NAME/TITLE</th>
<th>AGENCY ADDRESS</th>
<th>PHONE</th>
<th>FAX</th>
<th>DRI</th>
<th>WEBSITE/E-MAIL ADDRESS</th>
<th>HOURS OF OPERATION</th>
<th>DIRECT RELOCATION INFORMATION TO (IF DIFFERENT):</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALABAMA</td>
<td>Ms. Susan Baker, Sex Offender Registry Coordinator</td>
<td>Alabama Department of Public Safety Bureau of Investigation P.O. Box 551 Montgomery, Alabama 36102-551</td>
<td>(334) 353-1122</td>
<td>(334) 353-2062</td>
<td>ALASTID0047</td>
<td><a href="http://www.asa.state.al.us">www.asa.state.al.us</a></td>
<td>8:00 am - 5:00 pm M - F (CST)</td>
<td></td>
</tr>
<tr>
<td>ALASKA</td>
<td>Mr. Loraine Bulloch, Coordinator, Sex Offender Registry</td>
<td>Department of Public Safety Division of Statewide Services Sex Offender Registry 3200 E. Taylor Road Anchorage, Alaska 99501</td>
<td>(907) 269-6920</td>
<td>(907) 269-0859</td>
<td>AKASTID1550</td>
<td><a href="http://www.dps.state.ak.us/sexoffenderregistry">www.dps.state.ak.us/sexoffenderregistry</a></td>
<td>8:00 am - 4:30 pm M - F (Alaska Time)</td>
<td></td>
</tr>
<tr>
<td>ARIZONA</td>
<td>Ms. Patty Martin, Sex Offender Registry Coordinator</td>
<td>Arizona Department of Public Safety Sex Offender Compliance Unit Post Office Box 4088 Phoenix, Arizona 85004</td>
<td>(602) 255-0087</td>
<td>(602) 255-0086</td>
<td>ACPS1040</td>
<td><a href="http://www.arizonaoffender.com">www.arizonaoffender.com</a></td>
<td>8:00 am - 5:00 pm M - F (MT)</td>
<td></td>
</tr>
<tr>
<td>ARKANSAS</td>
<td>Mr. Fred Green, Administrator, Sex Offender Registry</td>
<td>Arkansas Crime Information Center Number One Capitol Mall Little Rock, Arkansas 72201</td>
<td>(501) 652-2222</td>
<td>(501) 653-3592</td>
<td>ARKASTID901</td>
<td><a href="http://www.aro.state.ar.us">www.aro.state.ar.us</a></td>
<td>7:30 am - 4:00 pm M - F (CT)</td>
<td></td>
</tr>
<tr>
<td>CALIFORNIA</td>
<td>Ms. Usha Shaw, Manager</td>
<td>Sex Offender Tracking Program California Department of Justice P.O. Box 045397 Sacramento, California 94223-3000</td>
<td>(916) 227-4800</td>
<td>(916) 227-4800</td>
<td>CA10010437</td>
<td><a href="mailto:onsite.shaw@doi.ca.gov">onsite.shaw@doi.ca.gov</a></td>
<td>7:30 am - 4:30 pm M - F (PT)</td>
<td></td>
</tr>
<tr>
<td>COLORADO</td>
<td>Ms. Gail Givens, Sex Offender Registry Coordinator</td>
<td>Colorado Bureau of Investigation Attn: DOC 946 Hipling Street, #3000 Lakewood, Colorado 80215</td>
<td>(303) 258-4510</td>
<td>(303) 258-4661</td>
<td>COASTID0006</td>
<td><a href="http://cisc.state.co.us">http://cisc.state.co.us</a></td>
<td>8:00 am - 5:00 pm M - F (MT)</td>
<td></td>
</tr>
<tr>
<td>CONNECTICUT</td>
<td>Benjamin Joseph Bele, Sex Offender Registry Coordinator</td>
<td>Connecticut Department of Public Safety Sex Offender Registry 3111 Country Club Road Middletown, Connecticut 06457</td>
<td>(860) 695-6600</td>
<td>(860) 695-6600</td>
<td>CT030P000050</td>
<td><a href="http://www.offenderregistry.igo.state.ct.us">www.offenderregistry.igo.state.ct.us</a></td>
<td>7:30 am - 4:00 pm M - F (ET)</td>
<td></td>
</tr>
</tbody>
</table>

### Agency Contacts – Page 353

FOR OFFICIAL USE ONLY

May 14, 2010
<table>
<thead>
<tr>
<th>STATE/TERRITORY</th>
<th>NAME/TITLE</th>
<th>AGENCY/ADDRESS</th>
<th>PHONE</th>
<th>FAX</th>
<th>ORI</th>
<th>WEBSITE/EMAIL ADDRESS</th>
<th>HOURS OF OPERATION</th>
<th>DIRECT RELOCATION INFORMATION TO (F: DIFERENT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DELAWARE</td>
<td>Sgt. Thomas Conner, Sex Offender Apprehension and Registration Unit Supervisor</td>
<td>Delaware State Police P.O. Box 410 Dover, Delaware 19903</td>
<td>(302) 739-6060</td>
<td>(302) 739-6060</td>
<td>DE6319001</td>
<td><a href="mailto:Thomas_conners@state.de.us">Thomas_conners@state.de.us</a></td>
<td>8:00am - 4:00pm M - F (ET)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ms. Lori L. Heggan, Admin. Specialist 1</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>DISTRICT OF COLUMBIA</td>
<td>Ms. Yolanda Stokes, Ms. Stephanie Grey</td>
<td>Court Services &amp; Offender Supervision Agency for DC 350 Indiana Ave, NW Room 305 Washington, DC 20001</td>
<td>(202) 565-7891</td>
<td>(202) 565-7892</td>
<td>DCMP0001</td>
<td><a href="mailto:Yolanda.Stokes@cse.dc.gov">Yolanda.Stokes@cse.dc.gov</a> <a href="mailto:Stephanie.Grey@cse.dc.gov">Stephanie.Grey@cse.dc.gov</a></td>
<td>7:00am - 3:30pm M - F (ET)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sgt. Robert Perlezei</td>
<td>Metropolitan Police Department 350 Indiana Avenue, NW Room 305 Washington, DC 20001</td>
<td>(202) 727-6000</td>
<td>(202) 727-6029</td>
<td>DOCMP0001</td>
<td><a href="mailto:Robert.Perlezei@mpdc.gov">Robert.Perlezei@mpdc.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FLORIDA</td>
<td>Ms. Mary Coffee, Policy and Planning Administrator</td>
<td>Florida Department of Law Enforcement Career Offender Unit &amp; Sex Offender Program Unit Post Office Box 1496 Tallahassee, FL 32302-1496</td>
<td>(850) 681-7732</td>
<td>(850) 681-9569</td>
<td>FL0701001</td>
<td><a href="mailto:mugreeland@doj.state.fl.us">mugreeland@doj.state.fl.us</a></td>
<td>24 HRS. / F: ONLY</td>
<td>Mr. Mike Coastman, Senior Management Analyst Supervisor</td>
</tr>
<tr>
<td></td>
<td>Ms. Mary Coffee, Policy and Planning Administrator</td>
<td>Florida Department of Law Enforcement Career Offender Unit &amp; Sex Offender Program Unit Post Office Box 1496 Tallahassee, FL 32302-1496</td>
<td>(850) 681-7732</td>
<td>(850) 681-9569</td>
<td>FL0701001</td>
<td><a href="mailto:mugreeland@doj.state.fl.us">mugreeland@doj.state.fl.us</a></td>
<td>24 HRS. / F: ONLY</td>
<td>Mr. Mike Coastman, Senior Management Analyst Supervisor</td>
</tr>
<tr>
<td>GEORGIA</td>
<td>Mr. Melvin L. Jones, SOR Program Manager</td>
<td>Georgia Bureau of Investigation P.O. Box 300948 Atlanta, Georgia 30327-0948</td>
<td>(404) 210-8416</td>
<td>(404) 210-8452</td>
<td>GAG00027</td>
<td><a href="mailto:melvin.jones@gbgi.ga.us">melvin.jones@gbgi.ga.us</a></td>
<td>7:30am - 4:00pm M - F (ET)</td>
<td></td>
</tr>
<tr>
<td>HAWAII</td>
<td>Ms. Jennifer Saltman, Supervisor, Sex Offender Registration Unit</td>
<td>Department of the Attorney General Hawaii Criminal Justice Data Center 450 South King Street Room 111 Honolulu, Hawaii 96813</td>
<td>(808) 587-2366</td>
<td>(808) 587-3024</td>
<td>HOGD165Y</td>
<td><a href="mailto:jsaltman@haca.hawaii.gov">jsaltman@haca.hawaii.gov</a></td>
<td>7:45am - 4:30pm M - F Hawaii Time</td>
<td></td>
</tr>
<tr>
<td>IDAHO</td>
<td>Mr. Elke Allen, Criminal Records Supervisor</td>
<td>Idaho State Police Bureau of Criminal Identification 180 S. 19th St. Boise, ID 83702</td>
<td>(208) 344-7405</td>
<td>(208) 344-7405</td>
<td>ID001105Y</td>
<td><a href="mailto:elkeallen@idaho.gov">elkeallen@idaho.gov</a></td>
<td>8:00am - 5:00pm M - F MT</td>
<td>Central Bureau of Offender Registration Unit State Police P.O. Box 700 Meridian, ID 83642-0700</td>
</tr>
<tr>
<td>STATE/TERRITORY</td>
<td>NAME/TITLE</td>
<td>AGENCY/ADDRESS</td>
<td>PHONE</td>
<td>FAX</td>
<td>ORI</td>
<td>WEBSITE/EMAIL ADDRESS</td>
<td>HOURS OF OPERATION</td>
<td>DIRECT RELOCATION INFORMATION TO (IF DIFFERENT):</td>
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<td>---------------------------------</td>
</tr>
<tr>
<td>ILLINOIS</td>
<td>Ms. Trace Newmon, SOR Program Administrator</td>
<td>Illinois State Police, 801 South 7th Street, Suite 200 South, Peoria, Illinois 61601</td>
<td>(217) 567-1946</td>
<td>(217) 712-4985</td>
<td>L0042659</td>
<td><a href="http://www.ilsbtel.org/tracenewmon@il.state.us">www.ilsbtel.org/tracenewmon@il.state.us</a></td>
<td>8:00am - 5:30pm M-F (CT)</td>
<td></td>
</tr>
<tr>
<td>INDIANA</td>
<td>Mr. Brent Myers, Sex and Violent Offender Registry</td>
<td>Indiana Department of Correction, Indiana Sex and Violent Offender Registry, 821 W. Washington Street, Room E314, Indianapolis, Indiana 46204</td>
<td>(317) 232-1220</td>
<td>(317) 233-6456</td>
<td>L00470007</td>
<td><a href="http://www.in.gov">www.in.gov</a></td>
<td>8:30am - 4:30pm M-F (EST)</td>
<td></td>
</tr>
<tr>
<td>IOWA</td>
<td>Mr. Terry G. Gowman, Special Agent in Charge</td>
<td>Sex Offender Registry, Unit 42, 302 5th Street, Des Moines, Iowa 50319</td>
<td>(515) 725-6051</td>
<td>(515) 725-6040</td>
<td>I4DD10086</td>
<td><a href="mailto:mills@iops.state.ia.us">mills@iops.state.ia.us</a></td>
<td>8:00am - 5:00pm M-F (CT)</td>
<td></td>
</tr>
<tr>
<td>KANSAS</td>
<td>Mr. Eric Wood, Manager</td>
<td>Kansas Bureau of Investigation, 1000 SW Tyler, Topeka, Kansas 66612-1837</td>
<td>(785) 296-2841</td>
<td>(785) 296-2821</td>
<td>KSGI01000</td>
<td><a href="http://www.kansasdata.org">www.kansasdata.org</a></td>
<td>8:00am - 5:00pm M-F (CT)</td>
<td></td>
</tr>
<tr>
<td>KENTUCKY</td>
<td>Sgt. Judas Pankett, Mr. Elaine Daniels</td>
<td>Kentucky State Police, 1200 E. Capitol Ave, Frankfort, Kentucky 40601</td>
<td>(502) 227-6781</td>
<td>(502) 227-7076</td>
<td>KYKP30000</td>
<td><a href="mailto:Elaine.Daniels@ky.gov">Elaine.Daniels@ky.gov</a></td>
<td>24 HRS. M-F (ET)</td>
<td></td>
</tr>
<tr>
<td>LOUISIANA</td>
<td>L.T. Leland Fair, Ms. Marcella Campbell, Sex Offender Registry, Supervisor</td>
<td>Louisiana State Police, Bureau of Criminal Identification and Information, P.O. Box 60615, Baton Rouge, Louisiana 70896</td>
<td>(225) 925-4031</td>
<td>(225) 925-1005</td>
<td>L2LSP0001</td>
<td><a href="http://www.lasconline.org">www.lasconline.org</a></td>
<td>8:00am - 4:30pm M-F (CT)</td>
<td></td>
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<tr>
<td>STATE/TERRITORY</td>
<td>NAME/TITLE</td>
<td>AGENCY/ADDRESS</td>
<td>PHONE</td>
<td>FAX</td>
<td>ORI</td>
<td>WEBSITE/EMAIL ADDRESS</td>
<td>HOURS OF OPERATION</td>
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<td></td>
</tr>
<tr>
<td>MAINE</td>
<td>Mr. Matthew Rud, Director</td>
<td>State Bureau of Identification</td>
<td>(207) 624-7211</td>
<td>(207) 207-5440</td>
<td>MEBP8100</td>
<td>[email protected]@me.gov</td>
<td>8:00am - 5:00pm M - F (ET)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ms. Donna Cost, Supervisor</td>
<td>Sex Offender Registry</td>
<td>(207) 624-7211</td>
<td></td>
<td></td>
<td><a href="mailto:Donna.Cost@me.gov">Donna.Cost@me.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MARYLAND</td>
<td>Ms. Allison Gilford, SOR Supervisor</td>
<td>Department of Public Safety and Correctional Services</td>
<td>(410) 585-3540</td>
<td>(410) 653-6500</td>
<td>MDSP1051</td>
<td><a href="mailto:agilford@dpss.state.md.us">agilford@dpss.state.md.us</a></td>
<td>8:00am - 4:30pm M - F (ET)</td>
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<tr>
<td>MASSACHUSETTS</td>
<td>Ms. Sarah Edwars, Chairman</td>
<td>Sex Offender Registry Board</td>
<td>(617) 740-6400</td>
<td>(617) 740-6664</td>
<td>MACS1001</td>
<td>[email protected]</td>
<td>8:00am - 4:00pm M - F (ET)</td>
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<tr>
<td></td>
<td>Ms. Jeanne L. Holmes, Executive Director</td>
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<tr>
<td>MICHIGAN</td>
<td>F/L Chuck Linder, Commander, SOR Section</td>
<td>Michigan State Police</td>
<td>(517) 322-5424</td>
<td>(517) 322-6957</td>
<td>MIPO0020</td>
<td>[email protected]</td>
<td>8:00am - 5:00pm M - F (ET)</td>
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<tr>
<td></td>
<td>Ms. Karen Johnson (Registry)</td>
<td>Criminal Justice Information Center</td>
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<td></td>
<td>Sgt. Kevin Mark (enforcement)</td>
<td>Lansing, Michigan 48913</td>
<td>(517) 322-1855</td>
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<tr>
<td>MINNESOTA</td>
<td>Recidivist Offender Registration Unit</td>
<td>Minnesota Bureau of Criminal Apprehension</td>
<td>(651) 796-7097</td>
<td>(651) 796-7097</td>
<td>MNBCA0001</td>
<td>[email protected]</td>
<td>8:00am - 5:00pm M - F (CT)</td>
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<td></td>
<td></td>
<td>Recidivist Offender Registration Unit</td>
<td>(651) 222-1220</td>
<td></td>
<td></td>
<td>[email protected]@state.mn.us</td>
<td></td>
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<tr>
<td>MISSOURI</td>
<td>Lt. James Gunn, Director</td>
<td>Missouri Criminal Information System</td>
<td>(816) 533-2680</td>
<td>(816) 533-6565</td>
<td>MSHP1000</td>
<td>[email protected]@mop.state.ns.us</td>
<td>8:00am - 5:00pm M - F (CT)</td>
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<td>Missouri Bureau of Investigation</td>
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<td></td>
<td>Jefferson City, Missouri 64142</td>
<td>(816) 791-6777</td>
<td></td>
<td>MSHP1000</td>
<td>[email protected]@mop.state.mo.gov</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>(715) 526-6347</td>
<td></td>
<td></td>
<td>[email protected]@mop.state.mo.gov</td>
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<tr>
<td>MISSISSIPPI</td>
<td>Lt. Steve Pfitshe, Assistant Director</td>
<td>Mississippi State Highway Patrol</td>
<td>(800) 250-3553</td>
<td></td>
<td>MSHP1000</td>
<td>[email protected]@mop.state.miss.us</td>
<td>8:00am - 5:00pm M - F (CT)</td>
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<tr>
<td></td>
<td>Ms. Tammy Bryant, Sex Offender Registry Supervisor</td>
<td>1210 East Elm Street Jefferson City, Missouri 65102</td>
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<tr>
<td>MONTANA</td>
<td>Ms. Dawn Spencer, Program Specialist</td>
<td>Department of Justice Division of Criminal Investigation P.O. Box 204417 Helena, Montana 59620</td>
<td>(406) 444-2497</td>
<td>(406) 444-2756</td>
<td>MTG2503EY</td>
<td><a href="http://www.oj.mtgov/wcor">www.oj.mtgov/wcor</a></td>
<td>8:00 a.m. - 5:00 p.m. M - F (MT)</td>
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<tr>
<td>NEBRASKA</td>
<td>Ms. Andi Morris, Sex Offender Registry Crime Analyst</td>
<td>Nebraska State Police Sex Offender Registry P.O. Box 9407 Lincoln, Nebraska 68505-9407</td>
<td>(402) 471-4660</td>
<td>(402) 471-4667</td>
<td>4B08SP0003</td>
<td><a href="http://www.show.state.ne.us/sexoffender">www.show.state.ne.us/sexoffender</a></td>
<td>8:00 a.m. - 5:00 p.m. M - F (CT)</td>
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<tr>
<td>NEVADA</td>
<td>Mr. Patrick Sanders, Program Officer II</td>
<td>Department of Public Safety Records and Technology Division 333 West 1st Street, Suite 100 Carson City, Nevada 89706</td>
<td>(775) 684-6297</td>
<td>(775) 684-6282</td>
<td>NV121700</td>
<td><a href="http://www.nvsexoffenders.gov">www.nvsexoffenders.gov</a></td>
<td>8:00 a.m. - 5:00 p.m. M - F (PT)</td>
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<tr>
<td>NEW HAMPSHIRE</td>
<td>Ms. Denise Pery, SOR Coordinator</td>
<td>New Hampshire State Police Sex Offender Registry 20 Main Street Concord, New Hampshire 03305</td>
<td>(603) 271-6344</td>
<td>(603) 271-1728</td>
<td>NHSP1400</td>
<td><a href="http://www.state.nh.us/correction">www.state.nh.us/correction</a></td>
<td>8:15 a.m. - 4:15 p.m. M - F (ET)</td>
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<tr>
<td>NEW JERSEY</td>
<td>SFC J. Shinnick, Unit Head, Records Assembly Unit</td>
<td>Division of State Police 6th Floor Box 1061 Trenton, New Jersey 08625-0006</td>
<td>(609) 882-2000 x 2467</td>
<td>(609) 882-4544</td>
<td>NJSP1230</td>
<td><a href="http://www.state.nj.us">www.state.nj.us</a></td>
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<tr>
<td>NEW MEXICO</td>
<td>Ms. Teresa Hernandez, Coordinator</td>
<td>Department of Public Safety P.O. Box 1230 (physical: 4415 Cerrillos Rd) Santa Fe, New Mexico 87504</td>
<td>(505) 627-3314</td>
<td>(505) 627-3366</td>
<td>NM129P0000</td>
<td><a href="mailto:TeresaA.Hernandez@state.nm.us">TeresaA.Hernandez@state.nm.us</a></td>
<td>8:00 a.m. - 6:00 p.m. M - F (MT)</td>
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<tr>
<td>NEW YORK</td>
<td>Ms. Pam Celler, SOR Director</td>
<td>New York Division of Criminal Justice Services Sex Offender Registry 4 Tower Place Malverne, New York 11542</td>
<td>(516) 455-5155</td>
<td>(516) 455-5555</td>
<td>NY101655</td>
<td><a href="mailto:pamceller@dojs.state.ny.us">pamceller@dojs.state.ny.us</a></td>
<td>8:00 a.m. - 5:00 p.m. M - F (ET)</td>
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<tr>
<td>New York</td>
<td>Ms. Michelle Mulligan, Project Director</td>
<td>New York Division of Criminal Justice Services Sex Offender Registry 4 Tower Place Malverne, New York 11542</td>
<td>(516) 455-5155</td>
<td>(516) 455-5555</td>
<td>NY101655</td>
<td><a href="mailto:michelle.mulligan@dojs.state.ny.us">michelle.mulligan@dojs.state.ny.us</a></td>
<td>8:00 a.m. - 5:00 p.m. M - F (ET)</td>
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<tr>
<td>NORTH CAROLINA</td>
<td>Mr. Chris Batista, ASAC</td>
<td>NCS State Bureau of Investigation (588) Special Operations Division Criminal Information and Identification Section Compliance Unit/SOR P.O. Box 23900 3200 Garner Road (Raleigh), North Carolina 27615-0000</td>
<td>(919) 602-4200</td>
<td>(919) 661-4072</td>
<td>5880</td>
<td><a href="mailto:NCSO@ncsoj.gov">NCSO@ncsoj.gov</a></td>
<td>8:00 am - 5:00 pm M - F (ET)</td>
<td></td>
</tr>
<tr>
<td>NORTH DAKOTA</td>
<td>Mr. Leonie Groesbeck, Chief Agent Ms. Kay Berg, Administrative Agent Ms. Beverly Gunderson, Administrative Agent</td>
<td>Bureau of Criminal Investigation P.O. Box 1054 Bismarck, North Dakota 58502-1054</td>
<td>(701) 328-5200</td>
<td>(701) 328-5220</td>
<td>5824</td>
<td><a href="mailto:NODCA@nc.gov">NODCA@nc.gov</a></td>
<td>8:00 am - 5:00 pm M - F (CT)</td>
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<tr>
<td>OHIO</td>
<td>Mr. Steven Rantker, SOR Administrator, OHLEA Ms. Darlene Ernst, Administrative Assistant</td>
<td>Bureau of Criminal Investigation OHLEA (Sex Offender Unit) P.O. Box 305 1560 S. Rt. 5668</td>
<td>6140 South Miami Ave.</td>
<td>1560 S. Rt. 5668</td>
<td>CLEO</td>
<td><a href="http://www.cleos.state.oh.us">www.cleos.state.oh.us</a></td>
<td>7:30 am - 4:45 pm M - F (ET)</td>
<td></td>
</tr>
<tr>
<td>OKLAHOMA</td>
<td>Lawanna Hamrick Coordinator Bennie Yarbrough Deputy</td>
<td>Oklahoma Department of Corrections Sex and Violent Offender Registration Unit 3800 N. Martin Luther King Avenue Oklahoma City, Oklahoma 73111</td>
<td>(405) 254-3210</td>
<td>(405) 254-3210</td>
<td>4051</td>
<td><a href="mailto:OKEOG@ok.gov">OKEOG@ok.gov</a></td>
<td>8:00 am - 5:00 pm M - F (CT)</td>
<td></td>
</tr>
<tr>
<td>OREGON</td>
<td>Ms. V. Beatty SOR Unit Manager</td>
<td>Attn: SOR Oregon State Police Criminal Investigative Division 255 Capitol Street NE, 4th Floor Salem, Oregon 97310</td>
<td>(503) 373-6300</td>
<td>(503) 373-6300</td>
<td>4030</td>
<td><a href="mailto:ORSPS@oregon.gov">ORSPS@oregon.gov</a></td>
<td>8:00 am - 5:00 pm M - F (PT)</td>
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</tr>
<tr>
<td>PENNSYLVANIA</td>
<td>Lt. Douglas S. Brown Commander Op. Steve Vanover</td>
<td>Pennsylvania State Police Bureau of Records and Identification Mepham Lane Section 1000 Elmerton Avenue Harrisburg, Pennsylvania 17110</td>
<td>(717) 763-4361</td>
<td>(717) 705-4090</td>
<td>541</td>
<td><a href="mailto:PSUVE@psp.state.pa.us">PSUVE@psp.state.pa.us</a></td>
<td>7:00 am - 4:00 pm M - F (ET)</td>
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Page 6 FOR OFFICIAL USE ONLY May 14, 2010
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<th>WEBSITE/EMAIL ADDRESS</th>
<th>HOURS OF OPERATION</th>
<th>DIRECT RELOCATION INFORMATION TO (IF DIFFERENT)</th>
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<tr>
<td>RHODE ISLAND</td>
<td>R1 Sex Offender Registration Database/Manager</td>
<td>Rhode Island State Police 311 Darnell Street North Providence, RI 02907</td>
<td>(401) 444-1148</td>
<td>(401) 444-1149</td>
<td>R1RSP0005</td>
<td><a href="mailto:riolr@rsp.dps.r.i.gov">riolr@rsp.dps.r.i.gov</a></td>
<td>8:00 am - 5:00 pm M - F (ET)</td>
<td>Forward relocation information to Police Dept. of known address. If exact location is unknown, forward to R1SP0005 Database Manager, RSP. Local agencies are responsible for the offenders registration (except for B特色产业, which is handled by the RSP. Hope Valley, Rhode).</td>
</tr>
<tr>
<td>SOUTH CAROLINA</td>
<td>Captain Andrew Jordan</td>
<td>South Carolina Law Enforcement Division</td>
<td>864-766-7142</td>
<td>864-766-2262</td>
<td>SCLEDD6000</td>
<td><a href="http://www.scledd.sc.gov">www.scledd.sc.gov</a></td>
<td>8:00 am - 5:00 pm M - F (ET)</td>
<td>Natalie Sprins 863-865-0001</td>
</tr>
<tr>
<td>SOUTH DAKOTA</td>
<td>Ms. Peggy Niesman, Sex Offender Compliance Coordinator</td>
<td>South Dakota Office of the Attorney General</td>
<td>605-773-2366</td>
<td>605-773-2225</td>
<td>SDODC0062</td>
<td><a href="mailto:Peggy.Niesman@state.sd.us">Peggy.Niesman@state.sd.us</a></td>
<td>8:00 am - 5:00 pm M - F (CT)</td>
<td>Tammy Backel 605-773-7721</td>
</tr>
<tr>
<td>TENNESSEE</td>
<td>Mr. Jason Locke, Assistant Special Agent in Charge</td>
<td>Tennessee Bureau of Investigation</td>
<td>615-837-4700</td>
<td>615-744-4655</td>
<td>TNIB0000</td>
<td><a href="http://www.tbi.tn.gov">www.tbi.tn.gov</a></td>
<td>7:00 am - 8:30 pm (CT) - 7 days a week</td>
<td><a href="mailto:Jason.Locke@tn.gov">Jason.Locke@tn.gov</a></td>
</tr>
<tr>
<td>TEXAS</td>
<td>Mr. Vincent Castille, Sex Offender Registration Coordinator</td>
<td>Texas Department of Public Safety 501 N. East Avenue P.O. Box 123 Austin, TX 78701</td>
<td>(512) 442-2779</td>
<td>(512) 442-2600</td>
<td>TXDEP0000</td>
<td><a href="http://texassexoffender.state.tx.us">http://texassexoffender.state.tx.us</a></td>
<td>8:00 am - 5:00 pm M - F (CT)</td>
<td>Bobbi Beecher</td>
</tr>
<tr>
<td>UTAH</td>
<td>Mr. Jim Ingle</td>
<td>Utah Department of Corrections 1417 Minnetonka Road Draper, UT 84020</td>
<td>(801) 495-7700</td>
<td>(801) 495-7700</td>
<td>UTP0000</td>
<td><a href="mailto:utpol@utah.gov">utpol@utah.gov</a></td>
<td>7:00 am - 6:00 pm M - Th (MT)</td>
<td><a href="mailto:Jim.Ingle@utah.gov">Jim.Ingle@utah.gov</a></td>
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<td>VERMONT</td>
<td>Ms. Sherri Engert</td>
<td>Vermont Crime Information Center 103 South Main Street Williston, Vermont 05495-2101</td>
<td>(802) 241-5409</td>
<td>(802) 241-5500</td>
<td>VTCS</td>
<td>VTCP000</td>
<td>9:00 am - 4:30 pm M-F (ET)</td>
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<tr>
<td>VIRGINIA</td>
<td>Ms. Debbie Mann</td>
<td>Virginia Department of State Police P.O. Box 27472 Richmond, Virginia 23221</td>
<td>(804) 674-2023</td>
<td>(804) 674-2023</td>
<td>VAWS</td>
<td>VAWSF000</td>
<td>8:30 am - 5:00 pm M-F (ET)</td>
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<tr>
<td>WASHINGTON</td>
<td>Ms. Carolene Sihvola</td>
<td>Washington State Police Identification and Criminal History Section P.O. Box 4063 Olympia, Washington 98504-4063</td>
<td>(360) 534-2182</td>
<td>(360) 534-2199</td>
<td>WWS</td>
<td>WWSF000</td>
<td>9:00 am - 5:00 pm M-F (PT)</td>
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<td>WEST VIRGINIA</td>
<td>Ms. Terri Skeeter, Coordinator</td>
<td>West Virginia State Police 225 Jefferson Road South Charleston, West Virginia 25309</td>
<td>(304) 746-2123</td>
<td>(304) 746-2482</td>
<td>WWPS</td>
<td>WWPSF000</td>
<td>9:00 am - 5:00 pm M-F (ET)</td>
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<tr>
<td>WISCONSIN</td>
<td>Ms. Melissa Roberts, Director Of Sex Offender Programs</td>
<td>Wisconsin Department of Corrections P.O. Box 7622 Madison, Wisconsin 53707-7622</td>
<td>(608) 246-0500</td>
<td>(608) 246-0355</td>
<td>WDC</td>
<td>WDCF000</td>
<td>9:45 am - 4:30 pm M-F (CT) 8 hour SHAE Tlp line: 1-877-234-0281</td>
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</tr>
<tr>
<td>WYOMING</td>
<td>Ms. Diana M. Fesik, Program Manager</td>
<td>Wyoming Sex Offender Registry Wyoming Division of Criminal Investigation 316 N 2nd Street Cheyenne, Wyoming 82002</td>
<td>(307) 777-7325</td>
<td>(307) 777-7301</td>
<td>WYOR</td>
<td>WYOF041</td>
<td>9:00 am - 5:00 pm M-F (MT)</td>
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<tr>
<td>AMERICAN SAMOA</td>
<td>Tukulau F. Talia, Director OHSS</td>
<td>Department of Human and Social Services American Samoa Government P.O. Box 997334 Pago Pago, American Samoa 96794</td>
<td>(684) 633-7568</td>
<td>(684) 633-7449</td>
<td>TSS</td>
<td>TSSF000</td>
<td>9:30 am - 4:00 pm M-F (GMT)</td>
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Page 8 FOR OFFICIAL USE ONLY May 14, 2010
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<th>Phone</th>
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<th>Website/Email Address</th>
<th>Hours of Operation</th>
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<tr>
<td>GUAM</td>
<td>Mr. Ruben Payumo</td>
<td>Judiciary of Guam</td>
<td>(671) 475-3409</td>
<td>(671) 475-3409</td>
<td></td>
<td><a href="http://www.guamcourts.org/godf">www.guamcourts.org/godf</a></td>
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<tr>
<td></td>
<td>Ms. Enike Schener</td>
<td>Office of the Deputy District Attorney Office</td>
<td>(671) 475-3409</td>
<td>(671) 475-3409</td>
<td></td>
<td><a href="mailto:eschener@dal.gov">eschener@dal.gov</a></td>
<td>9:00 am - 5:00 pm M - F</td>
<td>(Western Pacific Time)</td>
</tr>
<tr>
<td></td>
<td>Ms. Marvel Reyes</td>
<td>Commonwealth of the Northern Mariana Islands</td>
<td>(671) 664-4006</td>
<td>(671) 664-4005</td>
<td></td>
<td><a href="http://www.dps.gov">www.dps.gov</a></td>
<td>9:00 am - 5:00 pm M - F</td>
<td>(Western Pacific Time)</td>
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<tr>
<td>NORTHERN</td>
<td>Jason I. Tatchong, Police Officer</td>
<td>Commonwealth of the Northern Mariana Islands</td>
<td>(671) 664-4006</td>
<td>(671) 664-4005</td>
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<td>MARIANA ISLANDS</td>
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<td></td>
<td>Mr. Luis O. Martinez, Acting Administrative Director</td>
<td>Chief Justice Information System</td>
<td>(787) 722-2212</td>
<td>(787) 722-2212</td>
<td></td>
<td><a href="http://www.cj.gov">www.cj.gov</a></td>
<td>9:00 am - 5:00 pm M - F</td>
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<td>Mr. Luis Cruz</td>
<td>Puerto Rico Police Department</td>
<td>(787) 781-3450</td>
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<td>PUERTO RICO</td>
<td>Lt. Margaret George</td>
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<td>Vincent F. Fritzler, Attorney General</td>
<td>Virgin Islands Department of Justice</td>
<td>(340) 774-5606</td>
<td>(340) 774-5606</td>
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<td><a href="http://www.cj.gov">www.cj.gov</a></td>
<td>9:00 am - 5:00 pm M - F</td>
<td>(Eastern Time)</td>
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Please forward any additions or changes to:

Kimberly Kay Lough at telephone number (304) 625-3855 or email kimberly.lough@lco.gov
or by facsimile to (304) 625-4557

May 14, 2010