

01-02: 2000 Guidelines to Florida Sex Offender Laws

December 19, 2001

Introduction:

In 1997, Florida became one of the first states to put information about sexual offenders and predators on the Internet through the passage of the Public Safety Information Act. This Act allowed the Florida Department of Law Enforcement to give public access to information important to their ability to protect themselves and their families against sexual offenders.

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, just three years later, that number has grown to 2,300 predators and 17,000 offenders.

From the beginning, Florida has enjoyed great support and cooperation from all of our State's criminal justice partners at the local, state and national levels in implementing a system of sexual predator/offender registration and verification that makes us very proud!

Because of the integrated efforts, Florida's public is advised of potential predators/offenders in a timely fashion, and predators and offenders are more closely monitored and controlled. Ultimately this information makes Florida's citizens - especially our children - much safer.

We are proud of what Florida had already accomplished and are excited about doing even more!

James T. Moore
Commissioner
FDLE

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.

What Constitutes a Sexual Predator?

There are two paths of qualifying as a sexual predator in the state of Florida: One way is to commit (on or after October 1, 1993) one of the several "one is enough" sexual predator offenses. The second is to commit a "second strike" sexual predator offense (on or after October 1, 1993) after having previously been found to have committed one or more of certain other listed sexual offenses. {Section 775.21(4)}

In either 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."

For purposes of determining qualifying offenses for sexual predator status, "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 in any state of the United States or other jurisdiction. {Section 775.21(2)(c)}

The "One is Enough" Predator Qualifying Offense:

A sexual predator is any person who has been convicted or is found to have committed, regardless of adjudication, or who plead nolo contendere or guilty to any of the following offenses which occurred ON or AFTER October 1, 1993. {Section 775.21(4)(a)1.a.}:

Capital, Life, First degree Felony or Any Attempt Thereof:

- s. 787.01 - Kidnapping. **Where the victim is a minor and the defendant is not the victim's parent**
- s. 787.02 - False imprisonment. **Where the victim is a minor and the defendant is not the victim's parent**
- s. 794 - Sexual Battery
- s. 847.0145 - Selling or buying of minors for portrayal in a visual depiction engaging in sexually explicit conduct.

Or Any violation of a similar law of another jurisdiction.

The "Second Strike" Predator Qualifying Offense:

A sexual predator is any person who has been convicted or is found to have committed **On or After October 1, 1993**, any offense, regardless of adjudication, or who pleads nolo contendere or guilty to any of these offenses **{Section 775.21(4)(a)1.b.}*:

Any Felony violation of:

- s. 787.01 - Kidnapping. Where the victim is a minor and the defendant is not the victim's parent
- s. 787.02 - False imprisonment. Where the victim is a minor and the defendant is not the victim's parent
- s. 787.025 - Luring or enticing a child. Where the victim is a minor and the defendant is not the victim's parent.
- s. 794 - Sexual Battery excluding sections 794.011(10) and 794.0235
- s. 796.03 - Procuring a person under the age of 18 for prostitution.
- s. 800.04 - Lewd, lascivious, offenses committed upon or in the presence of persons less than 16 years of age.
- s.825.1025(2)(b) - Lewd, lascivious, offenses committed upon or in the presence of an elderly person or disabled adult.
- s. 827.071 - Sexual performance by a child.
- 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

***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:

- 787.01 - Kidnapping. Where the victim is a minor and the defendant is not the victim's parent
- 787.02 - False imprisonment. Where the victim is a minor and the defendant is not the victim's parent.
- 787.025 Luring or enticing a child. Where the victim is a minor and the defendant is not the victim's parent
- 794.011 (2) - Sexual battery with injury child under 12 years of age.
- 794.011 (3) - Sexual battery upon person 12 or older with threats of deadly weapon or physical force.
- 794.011 (4) - Sexual battery on 12 year old or older (various circumstances).
- 794.011 (5) - Sexual battery upon 12 year old or older without physical force and violence.

- 794.011 (8) - Solicit or engage in sexual battery by person in familial or custodial authority on a person under 18.
- 794.05 - Unlawful sexual activity with certain minors.
- 796.03 - Procuring person under age of 18 for prostitution.
- 800.04 - Lewd, lascivious, offenses committed upon or in the presence of persons less than 16 years of age.
- 825.1025 - Lewd, lascivious, offenses committed upon or in the presence of an elderly person or disabled adult.
- 827.071 - Sexual performance by a child.
- 847.0133 - Protection of minors; prohibition of certain acts in connection with obscenity.
- 847.0135 - Computer pornography.
- 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.

Provided that:

v The Offender has not received, for the qualifying offense(s), a pardon for any felony or similar relief from another jurisdiction {Section 775.21(4)(a)2.}

OR

v A conviction of the felony or similar law of another jurisdiction has not been set aside in any postconviction proceeding. {Section 775.21(4)(a)3.}

In order to be counted as the prior offense, the felony must have resulted in a conviction sentenced separately, or 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. If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony if the offender has 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 is later. {Section 775.21(4)(b)}

Sexual Predator Requirements*:

Sexual Predators:

Ø Who have registered as required under s. 775.21 are exempt from convicted felon registration as defined by s. 775.13. {Section 775.13(5)(e)}

Ø Are subject to community and public notification. {Sections 775.21(6)(k)2., 775.21(7), 943.043}

Ø Must register with the Florida Department of Law Enforcement (FDLE) (through the sheriff's office an FDLE office, the Florida Department of Corrections (FDC), the custodian of a local jail or a federal supervision office) within 48 hours after establishing permanent or temporary residence in this state. {Section 775.21(6)}

Ø 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)}

Ø Must report in person any change in permanent or temporary residence to DHSMV within 48 hours. {Section 775.21(6)(g)}

Ø Must renew in person their driver's license or identification card when subject to renewal. {Section 775.21(6)(g)}

Ø Must report intent to establish residence in another state in person to the sheriff or FDLE within 48 hours before the date they intend to leave Florida. {Section 775.21(6)(i)}

Ø 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 in person the sheriff or the department, whichever agency is the agency 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)}

Ø Must maintain registration with the department for the duration of their life, unless they have received a full pardon or have had a conviction set aside in a postconviction proceeding for any felony sex offense that met the criteria for the sexual predator designation. {Section 775.21(6)(l)}

Ø Who were designated a sexual predator by a court before October 1, 1998, and who have been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and have not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which they reside for the purpose of removing the sexual predator designation. {Section 775.21(6)(l)}

Ø Who were designated a sexual predator by a court on or after October 1, 1998, who have been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who have not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which they reside for the purpose of removing the sexual predator designation. {Section 775.21(6)(l)}*

Ø Who are granted relief of their predator designation, unless specified in the order, must comply with the requirements for registration as sexual offenders and other requirements provided under s. 943.0435 or s. 944.607. {Section 775.21(6)(l)}

Ø Who obtain an order from the court that imposed the order designating them 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)}

Ø Sexual predators 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. {Section 775.21(2)(g), 943.0435(1)(c)}

Ø Who, except as otherwise specifically provided, fail to register or who fail, after registration, to maintain, acquire, or renew a 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 s. 775.084. {Section 775.21(10)(a)}

Ø Who have been convicted of or found to have committed, or have pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8); s. 794.023; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who work, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commit 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)}

*Regarding relief of status: The court may grant or deny such relief if the petitioner 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 Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator 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 petitioner 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 predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the petitioner 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)}

Sexual Offenders:

The 2000 Florida Legislature passed the following language (SB1400ER) regarding legislative intent and sexual offenders. Approved by Governor on 06/05/2000; Chapter No. 2000-207

Section 2. Legislative findings.--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. 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.

Note: Sexual Offenders are defined primarily under the following sections of the Florida Statutes:

- 775.21(5)(d): Offenders who qualify as a result of another state's or jurisdiction's designation.
- 943.0435: Offenders not or no longer under the care, custody, control or supervision of the Florida Department of Corrections.
- 944.606: Offenders to be released from incarceration.
- 944.607: Offenders under the Florida Department of Corrections' care, custody or control on or after October 1, 1997 (i.e. probationers.)

What Constitutes an Offender?:

A Sexual Offender is any person convicted* of committing, attempting, soliciting or conspiring to commit, any of the following violations (or any offense committed in this state which has been redesignated from a former statute number, or similar offenses in another jurisdiction): AND Released on or after October 1, 1997 from the sanction** imposed for any conviction* of these offenses. {Sections 943.0435(1)(a), 944.606(1)(b), 944.607(1)(a)}

Committing, Attempting, Soliciting, or Conspiring to commit:

- s. 787.01 - Kidnapping. Where the victim is a minor and the defendant is not the victim's parent.
- s. 787.02 - False imprisonment. Where the victim is a minor and the defendant is not the victim's parent.
- s. 787.025 - Luring or enticing a child. Where the victim is a minor and the defendant is not the victim's parent.
- s. 794 - Sexual Battery excluding 794.011(10) & 794.0235.
- s. 796.03 - Procuring a person under age of 18 for prostitution.

- s. 800.04 - Lewd, lascivious, offenses committed upon or in the presence of persons less than 16 years of age.
- s. 825.1025 - Lewd, lascivious, offenses committed upon or in the presence of an elderly person or disabled adult.
- s. 827.071 - Sexual performance by a child.
- s. 847.0133 - Protection of minors; prohibition of certain acts in connection with obscenity.
- s. 847.0135 - Computer pornography.
- s. 847.0145 - Selling or buying of minors (for portrayal in a visual depiction engaging in sexually explicit conduct.)

Or similar offense committed in this state which has been redesignated from a former statute number to one of those listed.

*"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. 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 in any state of the United States or other jurisdiction. { Sections 943.0435(1)(b), 944.606(1)(a), 944.607(1)(b) }

** A sanction 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. { Sections 943.0435(1)(a)2., 944.607(1)(a) }

The 1997 Florida Legislature enacted provisions requiring registration and permitting community notification regarding "sex offenders." Not all "sex offenders" are "sexual predators", so in determining registration requirements, caution must be exercised in evaluating the offender's criminal history. Provisions for sexual offenders are found primarily in Florida Statute Sections 943.0435, 944.606, 944.607 and 775.21(5)(d).

Sexual Offender Requirements*:

Sexual Offenders:

Ø 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. { Section 775.13(5)(f) }

Ø Are subject to community and public notification. { Sections 775.21(5)(d), 943.043, 943.0435(10), 944.606(2),(3)(d),(4), 944.607(11) }

Ø Must register with FDLE (through the sheriff's office, an FDLE office, the Department of Corrections, the custodian of a local jail or a federal supervision office) within 48 hours after establishing permanent or temporary residence in this state. { Sections 943.0435(2), 944.607(4),(7),(8) }

Ø 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 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) }

Ø Must report in person any change in permanent or temporary residence to DHSMV within 48 hours. { Sections 943.0435(4), 944.607(9) }

Ø Renew in person their driver's license or identification card when subject to renewal. { Sections 943.0435(4), 944.607(9) }

Ø Must report intent to establish residence in another state to the sheriff or FDLE in person within 48 hours before the date they intend to leave Florida. {Section 943.0435(7)}

Ø 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 or the department, whichever agency is the agency 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)}

Ø 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)}

Ø 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), 944.607(9)}

Ø 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. {Section 944.607(10)}

Ø 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 postconviction proceeding for any felony sex offense that meets the criteria for classifying them as a sexual offender for purposes of registration.{Section 943.0435(11)}

Ø Who have been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and have not been arrested for any felony or misdemeanor offense since release 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. {Section 943.0435(11)(a)} *

Ø Who was 18 years of age or under at the time the offense was committed and adjudication was withheld for that offense, who has had 10 years elapse since having been placed on probation, and who has not been arrested for any felony or misdemeanor offense since release 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. {Section 943.0435(11)(b)} *

Regarding relief of status: 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 Jacob Wetterling Act, as amended, 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)}

Ø Who provide FDLE a certified copy of a court's written finding or order that indicates that they are no longer required to comply with the requirements for registration as a sexual offender will be removed from classification as a sexual offender for purposes of registration. {Section 943.0435(11)}

Ø Who are designated a sexual predator, a sexually violent predator, or other sexual offender designation in another state or jurisdiction and establish a permanent or temporary residence in this state are subject to the requirements and penalty provisions of s. 943.0435 or s. 944.607 until they

provide FDLE with an order issued by the court that designated them a sexual predator, a sexually violent predator, or other sexual offender designation which states that such designation has been removed, and further provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state. {Section 775.21(5)(d)}

Ø Sexual offenders 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. {Section 775.21(2)(g), 943.0435(1)(c)}

*See "Restrictions and Obligations" section for additional detail.

Registration Process:

All sexual predators and offenders must register. Failure of a sexual predator or offender to register as required by law constitutes a third degree felony. {Sections 775.21(10), 943.0435(9), 944.607(9),(10)}

Residence Definitions:

- v "**Permanent residence**" means a place where the person abides, lodges, or resides for 14 or more consecutive days. {Sections 775.21(2)(f), 943.00435(1)(c)}
- v "**Temporary residence**" means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address; 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; or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence, including any out-of-state address. {Sections 775.21(2)(g), 943.0435(1)(c)}

Criminal Felon Registration:

Sexual Offenders and Predators who have registered as required are exempt from felony criminal registration as outlined in s. 775.13(6)(e), 775.13(6)(f). {Section 775.13}

Sexual Offenders who are also sexual predators shall register as a sexual predator 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, FDC, 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. (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)}

Registration of Predators and Offenders through the Department of Corrections

Incarcerated:

Sexual Predators incarcerated will provide registration materials to their custodian who will in turn supply them to FDLE for registration. {Section 775.21(6)(b)}

These materials include:

- Fingerprint card
- Digital photograph
- Completed registration form Supplied by FDC.
- 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)}

Registration information shall be immediately forwarded to FDLE.

*NOTE: 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.

Sexual Offenders who are incarcerated will provide registration materials to their custodian, which will be transmitted by FDC to FDLE prior to their release from incarceration. {Section 944.606(3)(a)}

Probation, Community Control, Control Release, Parole etc.:

Sexual Predators and Sexual Offenders on probation or some other form of controlled, non-incarcerated sanction shall supply registration materials to their supervising officer who shall forward these to FDLE. {Section 944.607(4)}

Registration Materials for Supervised Sexual Predators:

- Fingerprint card
- Digital photograph
- Completed registration form supplied by FDC.
- 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)(b)}

Registration Materials for Supervised Sexual Offenders:

- Digital photograph
- Completed registration information supplied electronically by FDC.
- Genetic Markers* (Blood Samples for DNA database)
- And "any other information determined necessary" by FDLE.

{Sections 944.607(4),(5),(6)}

Additionally these predators and offenders under non-incarcerated sanction shall report to the Department of Highway Safety and Motor Vehicles (DHSMV) within 48 hours of registration, report

their status and show proof of registration as an offender/predator to DHSMV officials and obtain a driver's license or identification card which will be flagged within the DHSMV system. This information will in turn be forwarded by DHSMV to FDLE. { Sections 775.21(6)(f), 944.607(9) }

Released from Incarceration or Sanction:

Upon outright release from incarceration or release from supervised sanction, a Sexual Predator or Sexual Offender must, within 48 hours of establishing permanent or temporary residence, report in person to either a FDLE office or to the sheriff of the county of his or her permanent or temporary residence and register. This registration will include:

- Fingerprint card
- Digital photograph
- Completed registration form (FDLE/CJIS/SOPU-001).

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

Registration information shall immediately be forwarded to FDLE.

Custody of a Local Jail:

If the sexual predator is in the custody of a local jail, the custodian of the local jail shall register the sexual predator and 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. { Sections 775.21(6)(c), 944.607(7) }

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

Required Registration Information:

- Name including any legal name change
- Height
- Date & Place of Employment
- Social Security #
- Weight
- Fingerprints
- Age
- Hair Color
- Date and Place of each Conviction
- Race
- Eye Color
- Description of Crime(s)
- Sex
- Photograph
- Tattoos or Identifying Marks
- Date of Birth
- Address(es) *
- Occupation

*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)}

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:

- Vehicle ID#
- License Tag #
- Registration #
- 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 #
- Manufacturer's Serial #
- Name of the vessel
- Description including color scheme of the vessel, live-aboard vessel or houseboat.

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

Inaccurate Registration Information:

It is important that registration records be as accurate as possible. Many agencies will be routinely monitoring 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. Any indications of inaccuracy or needed changes in FDLE's registration files should be reported by the agency to FDLE at 1-888-357-7332.

Change of Address Process:

After initial registration, all non-incarcerated Sexual Predators and Offenders must notify the DHSMV within 48 hours of any change of residence. Should the predator or offender be under sanction they must also report their change of address, as required by law, to their supervisor who will in turn notify FDLE.

DHSMV will notify FDLE of the change of address information and changes will be posted to the Internet site. The Sheriff's office and all police departments within the county will be notified via FCIC AM message of all new predator and offender addresses within their county. Agencies should regularly access the FDLE sexual offender/predator site via CJNet or the Internet at www.fdle.state.fl.us to obtain current listings of all sexual offenders. Agencies may also contact FDLE's Sexual Offender/Predator Unit for offender information at 1(888) 357-7332. { Sections 775.21(6)(g), 043.0435(4), 944.607(9)}

Moving Out of State:

A sexual predator or offender who intends to establish residence in another state or jurisdiction shall notify the sheriff of the county of current residence or FDLE in person 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:

- Address
- Municipality
- County
- State of intended residence

The sheriff shall promptly provide to FDLE the information received from the sexual predator/offender. 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'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)}

A sexual predator or offender who indicates his or her intent to reside 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 or FDLE, whichever agency is the agency to which the sexual offender/predator reported the intended change of residence, of his or her intent to remain in this state. If the sheriff 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 or FDLE 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)}

Out of State Offenders:

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. {Section 775.21(5)(d)}

(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 or temporary residence can 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 who are treated-as-adults can qualify as sexual predators or offenders based on the criteria for each classification.

Any offense for which an offender was adjudicated delinquent 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.

Law Enforcement:

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.

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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 establishes or maintains a

permanent or temporary residence shall notify each licensed day care center, elementary school, middle school, and high school within a 1-mile radius of that residence of the sexual predator's presence.

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

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

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

{ Section 775.21(7)(a) }

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), (6)(e), 943.0435(2) }

The sheriff or the police chief may coordinate the community and public notification efforts with the department. { Section 775.21(7)(b) }

If a sexual offender/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) }

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) }

Upon receiving information regarding a sexual offender from the Florida Department of Corrections, 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) }

Florida Department of Law Enforcement (FDLE):

The department shall notify the public of all designated sexual predators through the Internet. { Sections 775.21(7)(c), 943.043 }

If the sexual predator initially registers at an office of the department, 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 within 48 hours after the sexual predator registers with the department.

{ Section 775.21(6)(h) }

The department 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. }

The FDLE and the Department of Corrections shall implement a system for verifying the addresses of sexual predators/offenders. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, 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) }

County and local law enforcement agencies, in conjunction with the department, 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) }

The department's sexual predator registration list is a public record. { Section 775.21(6)(k)2. }

The department 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 }

When FDLE provides information regarding a registered sexual predator to the public, department personnel must advise the person making the inquiry that;

- v positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and
- v 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 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. { Sections 775.21(7)(c), 943.043 }

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) }

Florida Department of Corrections (FDC):

The Department of Corrections 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) }

The Department of Corrections 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. }

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

The Department of Corrections shall verify the addresses of sexual predators/offenders who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. { Sections 775.21(8), 943.0435 (6), 944.607(4) }

In addition to notification and transmittal requirements imposed by any other provision of law, FDC shall compile information on any sexual offender/predator (as defined by F.S. 944.607) 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 FDC'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:

- v The registration information obtained from the sexual offender/predator;
- v The sexual offender/predator's most current address and place of permanent and temporary residence, including the name of the county or municipality in which he or she permanently or temporarily resides and,
- v If known, the intended place of permanent or temporary residence upon satisfaction of all sanctions;
- v The legal status of the sexual offender/predator and the scheduled termination date of that legal status;
- v The location of, and local telephone number for, any Department of Corrections' office of that is responsible for supervising the sexual offender/predator;
- v 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;
- v The offense or offenses at conviction which resulted in the determination of the offender/predator's status as a sexual offender/predator; and
- v 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 FDC or 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 FDC under the Interstate Compact Agreement for Probationers and Parolees.

{ Sections 775.21(6)(b), 944.607(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) }

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) }

Incarcerated:

FDC 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:

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

{ Section 944.606(3) }

Upon receiving information regarding a sexual offender/predator from FDC, 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. FDC 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) }

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 Department of Corrections and also place it in the sexual offender's file. { Section 944.606(3)(a)1. }

The FDC or local jail custodian may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available. FDC must provide the information described to: { Section 944.606(3)(a)2. }

- v The sheriff of the county from where the sexual offender/predator was sentenced;
- v The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender/predator plans to reside;
- v The Florida Department of Law Enforcement; and
- v 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) }

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) }

Department of Highway Safety and Motor Vehicles (DHSMV):

The Department of Highway Safety and Motor Vehicles 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, Clerk of the Courts & State's Attorney:

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. { 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 FDC 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) }

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)1. }

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)2.}

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 or temporary 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 or temporary 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)2.}

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)}

Local Jail (see also Incarceration and Department of Corrections Responsibilities):

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)}

Federal Supervision Offices:

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 information provided by the Department of Corrections and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by FDLE for purposes of public notification. {Sections 775.21(6)(d), 944.607(8)}

Sexual Predator Work/Volunteer Criminal Violation:

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 of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or 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)}

Administrative Probation:

Under s. 948.01, 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. {Section 948.01(15)}

Probation & Community Control Restrictions:

F.S. 948.03 Terms and conditions of probation or community control.

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

- v 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 such 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.
- v If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court.
- v Active participation in and successful completion of a sex offender treatment program with therapists specifically trained to treat sex offenders, at the probationer's or community controllee's own expense. If a specially trained therapist 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.
- v A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.
- v If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on contact with a child under the age of 18 without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the sentencing court, unless authorized by the sentencing court.

- v If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate.
- v Unless otherwise indicated in the treatment plan provided by 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.
- v A requirement that the probationer or community controllee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- v 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.
- v Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

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

- v 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 trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.
- v Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- v A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- v 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 and/or the victim's parent or guardian.
- v 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 FDC.

Registration Form:

The following list of obligations appears on the back of the FDLE Sexual Predator/Sexual Offender Registration Form (FDLE/CJIS/SOPU-001) to be signed by each registering predator/offender:

NOTICE OF SEXUAL PREDATOR AND SEXUAL OFFENDER OBLIGATIONS:

As a Sexual Predator (Florida Statute 775.21) or Sexual Offender (Florida Statute 943.0436 or 944.607), I understand that I am required by law to abide by the following:

1. You must report in person to the local Sheriff's Office or Florida Department of Law Enforcement (FDLE) office within 48 hours of release from custody and/or supervision of Department of Corrections to register your temporary or permanent address.

Failure to comply with this requirement is a felony of the third degree.

2. Within 48 hours after the initial report required as stated in paragraph #1, you must report in person to the driver's license office of the Department of Highway Safety and Motor Vehicles to obtain a valid Florida driver's license or identification card, unless a driver's license or identification card was previously secured or updated while under the supervision of Department of Corrections and there have been no changes to your address or name.

Failure to comply with this requirement is a felony of the third degree.

3. 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 your driver's license is subject to renewal, you must report that information in person to the driver's license officer of the Department of Highway Safety and Motor Vehicles to obtain and maintain a valid Florida driver's license or Identification card.

Failure to comply with this requirement is a felony of the third degree.

4. If you live in another state but work or attend school in Florida, you MUST register your work or school address as a temporary address with the Florida Department of Law Enforcement. You must also obtain and maintain a valid Florida driver's license or identification card.

Failure to comply with this requirement is a felony of the third degree.

5. If you intend to establish residence in another state or jurisdiction, you must report in person to the local sheriff's office or FDLE office to notify of your intention to move out of the state within 48 hours prior to leaving. Failure to comply with this requirement is a felony of the third degree.

6. If you later decide to remain in this state, within 48 hours after the date you indicated that you would leave, you must report in person to the local sheriff's office or FDLE office to notify of your intention to remain in Florida.

Failure to comply with this requirement is a felony of the second degree.

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

8. You will be subject to periodic verification of your address by law enforcement, which may include a letter requiring a response.

VERIFICATION:

FDLE and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. {Section 775.21(8)}

The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, 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 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. { Sections 775.21(8), 943.0435(6), 944.607(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. { Sections 775.21(8), 943.0435(6) }

Community notification regarding sexual predators is mandatory and is the responsibility of the Sheriff and Chief of Police of the jurisdiction where the sexual predator temporarily or permanently resides. { Section 775.21(7) }

Community notification regarding registered sexual offenders is authorized but not mandatory. { Sections 943.043, 944.606(3)(d),(4) }

Notification to Schools and Daycares:

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

- v licensed day care center,
- v elementary school,
- v middle school, and
- v 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) }

Immunity:

FDLE, DHSMV, FDC, 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), 944.043(4), 944.0435(10), 944.606(5), 944.607(11) }

Misuse and Falsification of Information:

Any person who misuses public records information relating to a sexual predator or a sexual offender, as 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 web sites 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.
{ Section 775.21(10)(c)}

Florida Statutes and Federal Laws Pertaining to Sexual Offender and Predator Registration and Community Notification:

- 775.13 Registration of convicted felons, exemptions; penalties.
- 775.21 The Florida Sexual Predators Act; definitions; legislative findings, purpose, and intent; criteria; designation; registration; community and public notification; immunity; penalties.
- 775.24 Duty of the court to uphold laws governing sexual predators and sexual offenders.
- 775.25 Prosecutions for acts or omissions.
- 943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.
- 943.0435 Sexual offenders required to register with the department; penalty.
- 944.606 Sexual offenders; notification upon release.
- 944.607 Notification to Department of Law Enforcement of information on sexual offenders.

-CITE- 42 USC Sec. 14071 01/05/99

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 136 - VIOLENT CRIME CONTROL AND LAW ENFORCEMENT

SUBCHAPTER VI - CRIMES AGAINST CHILDREN

Sec. 14071. Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program

-CITE- 42 USC Sec. 14072 01/05/99

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 136 - VIOLENT CRIME CONTROL AND LAW ENFORCEMENT

SUBCHAPTER VI - CRIMES AGAINST CHILDREN

Sec. 14072. FBI database

Florida Criteria Offenses for Sexual Offenders and Sexual Predators:

- 787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.
- 787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.
- 787.025 Luring or enticing a child.
- 794.005 Legislative findings and intent as to basic charge of sexual battery.
- 794.011 Sexual battery.--
- 794.0115 Repeat sexual batterers; definition; procedure; enhanced penalties.--
- 794.02 Common-law presumption relating to age abolished.
- 794.021 Ignorance or belief as to victim's age no defense.

- 794.023 Sexual battery by multiple perpetrators; reclassification of offenses.--
- 794.05 Unlawful sexual activity with certain minors.--
- 796.03 Procuring person under age of 18 for prostitution.-
- 800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.--
- 825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.--
- 827.071 Sexual performance by a child; penalties.--
- 847.0133 Protection of minors; prohibition of certain acts in connection with obscenity; penalty.--
- 847.0135 Computer pornography; penalties.--
- 847.0145 Selling or buying of minors; penalties.--

INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS:

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.

Information on Florida's involuntary civil commitment of sexually violent predators may be found in Part V of Chapter 394 of the Florida Statutes. For more information contact the Florida Department of Children and Family Services.

Florida Department of Law Enforcement
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