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**PUBLIC SAFETY  
&  
DOMESTIC SECURITY  
POLICY COMMITTEE**

**MONDAY, MARCH 1, 2010  
2:15 P.M. – 4:15 P.M.  
404 HOB**

**REVISED ACTION PACKET**

Larry Cretul  
Speaker

Kevin C. Ambler  
Chair

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/1/2010 2:15:00PM**

**Location:** 404 HOB

**Summary:**

**Public Safety & Domestic Security Policy Committee**

*Monday March 01, 2010 02:15 pm*

HB 23 Favorable With Committee Substitute Yeas: 13 Nays: 0

HB 119 Favorable With Committee Substitute Yeas: 11 Nays: 0

PCB PSDS 10-01 Favorable Yeas: 9 Nays: 0

**Committee meeting was reported out: Monday, March 01, 2010 4:39:13PM**

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/1/2010 2:15:00PM**

**Location:** 404 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kevin Ambler (Chair)	X		
Sandra Adams	X		
Mackenson Bernard	X		
Brad Drake	X		
Greg Evers	X		
Luis Garcia	X		
Bill Heller	X		
Doug Holder	X		
Ed Hooper	X		
Lake Ray			X
Julio Robaina	X		
Darryl Rouson	X		
Kelli Stargel	X		
James Waldman	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Monday, March 01, 2010 4:39:13PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/1/2010 2:15:00PM**

**Location:** 404 HOB

**HB 23 : Parole for Adolescent Offenders**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 23 by Weinstein--Parole for Adolescent Offenders  
 Janet E. Ferris, Circuit Judge (Retired) - Proponent  
 525 Bobbin Brook Ln.  
 Tallahassee Florida 32312  
 Phone: 850-893-8585

HB 23 by Weinstein--Parole for Adolescent Offenders  
 Robert Trammell, General Counsel (Lobbyist) (State Employee) - Proponent  
 Florida Public Defenders Association  
 Post Office Box 1799  
 Tallahassee Florida 32302  
 Phone: 850-510-2187

HB 23 by Weinstein--Parole for Adolescent Offenders  
 Chantel Cooper - Proponent  
 Public Interest Law Center  
 425 W. Jefferson Street  
 Tallahassee Florida 32304  
 Phone: 678-521-3488

HB 23 by Weinstein--Parole for Adolescent Offenders  
 Nicki Mohr, Student Attorney - Proponent  
 FSU College of Law Public Interest Law Center  
 2324A Cypress Cove Drive  
 Tallahassee Florida 32310  
 Phone: 813-505-7969

Committee meeting was reported out: Monday, March 01, 2010 4:39:13PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/1/2010 2:15:00PM**

**Location:** 404 HOB

HB 23 by Weinstein--Parole for Adolescent Offenders

Scott Pribble, Student Attorney - Proponent

FSU Public Interest Law Center

310 Chestnut Drive

Tallahassee Florida 32302

Phone: 305-726-9072

**Committee meeting was reported out: Monday, March 01, 2010 4:39:13PM**



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 23 (2010)

Amendment No. 1s

20 specified officers; reclassification of offenses; minimum  
21 sentences";

22 e. Section 784.08, entitled "Assault or battery on persons  
23 65 years of age or older; reclassification of offenses; minimum  
24 sentence";

25 f. Section 787.01, entitled "Kidnapping; kidnapping of  
26 child under age 13, aggravating circumstances";

27 g. Section 790.07, entitled "Persons engaged in criminal  
28 offense, having weapons";

29 h. Section 794.011, entitled "Sexual battery";

30 i. Section 812.133, entitled "Carjacking";

31 j. Section 812.135, entitled "Home-invasion robbery";

32 k. Section 827.03, entitled "Abuse, aggravated abuse, and  
33 neglect of a child; penalties"; or

34 1. Section 828.12(2), entitled "Cruelty to animals."

35 2. If she or he, during the commission of the current  
36 offense, committed an act of violence or threatened to commit an  
37 act of violence.

38 (d) Before an adolescent offender may be granted parole  
39 under this subsection, she or he must have an initial  
40 eligibility interview to determine whether she or he has been  
41 sufficiently rehabilitated while in the custody of the  
42 department to justify granting parole. The initial eligibility  
43 interview will occur in the eighth year of incarceration. In  
44 order to determine if the adolescent offender has been  
45 sufficiently rehabilitated, she or he must have successfully  
46 completed the General Educational Development (GED) program  
47 unless waived based on disability and have received no approved

Amendment No. 1s

48 disciplinary reports for a period of at least 2 years  
49 immediately prior to the current eligibility interview. The  
50 hearing examiner must also take into serious consideration the  
51 wishes of the victim or the opinions of the victim's next of kin  
52 and consider:

53 1. Whether the adolescent offender was a principal to the  
54 criminal offense or an accomplice to the offense, a relatively  
55 minor participant in the criminal offense, or acted under  
56 extreme duress or domination of another person.

57 2. Whether the adolescent offender has shown remorse for  
58 the criminal offense.

59 3. Whether the adolescent offender's age, maturity, and  
60 psychological development at the time of the offense affected  
61 her or his behavior.

62 4. Whether the adolescent offender, while in the custody  
63 of the department, has aided inmates suffering from catastrophic  
64 or terminal medical, mental, or physical conditions or has  
65 prevented risk or injury to staff, citizens, or other inmates.

66 5. Whether the adolescent offender has successfully  
67 completed educational, technical, or vocational programs and any  
68 available self-rehabilitation programs.

69 6. Whether the adolescent offender was a victim of sexual,  
70 physical, or emotional abuse.

71 7. The results of any mental health assessment or  
72 evaluation that has been performed on the adolescent offender.

73 (e) An adolescent offender who is not granted parole under  
74 this subsection after an initial eligibility interview shall be



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75 eligible for a reinterview 7 years after the date of the denial  
76 of the grant of parole and every 7 years thereafter.

77 (f) An adolescent offender must serve her or his sentence  
78 in a facility that has a General Educational Development (GED)  
79 program unless the adolescent offender has already successfully  
80 completed a GED program.

81 (g) If the adolescent offender is granted parole, the  
82  
83

84 -----

85 **T I T L E   A M E N D M E N T**

86 Remove line 10 and insert:  
87 of or adjudicated delinquent for certain offenses, or if the  
88 offender committed an act of violence or threatened to commit an  
89 act of violence during the commission of the current offense;

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/1/2010 2:15:00PM**

**Location:** 404 HOB

**HB 119 : Sexual Offenders and Predators**

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray			X		
Julio Robaina				X	
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)				X	
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Monday, March 01, 2010 4:39:13PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

**ADOPTED**

1 Council/Committee hearing bill: Public Safety & Domestic  
2 Security Policy Committee  
3 Representative Glorioso offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 856.022, Florida Statutes, is created  
8 to read:

9 856.022 Loitering or prowling by certain offenders in  
10 close proximity to children; penalty.-

11 (1) Except as provided in subsection (2), this section  
12 applies to a person convicted of committing, or attempting,  
13 soliciting, or conspiring to commit, any of the criminal  
14 offenses proscribed in the following statutes in this state or  
15 similar offenses in another jurisdiction against a victim who  
16 was under the age of 18 at the time of the offense: s. 787.01,  
17 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
18 the offender was not the victim's parent or guardian; s.  
19 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 119 (2010)

Amendment No. 1

20 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
21 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
22 847.0145; s. 985.701(1); or any similar offense committed in  
23 this state which has been redesignated from a former statute  
24 number to one of those listed in this subsection, if the person  
25 has not received a pardon for any felony or similar law of  
26 another jurisdiction necessary for the operation of this  
27 subsection and a conviction of a felony or similar law of  
28 another jurisdiction necessary for the operation of this  
29 subsection has not been set aside in any postconviction  
30 proceeding.

31 (2) This section does not apply to a person who has been  
32 removed from the requirement to register as a sexual offender or  
33 sexual predator pursuant to s. 943.04354.

34 (3) A person described in subsection (1) commits loitering  
35 and prowling by a person convicted of a sexual offense against a  
36 minor if, in committing loitering and prowling, he or she was  
37 within 300 feet of a place where children were congregating.

38 (4) It is unlawful for a person described in subsection  
39 (1) to:

40 (a) Knowingly approach, contact, or communicate with a  
41 child under 18 years of age in any public park building or on  
42 real property comprising any public park or playground with  
43 intent to engage in conduct of a sexual nature, or to make a  
44 communication of any type containing any content of a sexual  
45 nature. This paragraph applies only to a person described in  
46 subsection (1) whose offense was committed on or after the  
47 effective date of this act.

Amendment No. 1

48 (b)1. Knowingly be present in any child care facility or  
49 pre-K through 12 school or on real property comprising any child  
50 care facility or pre-K through 12 school when the child care  
51 facility or school is in operation unless the person has  
52 provided written notification of his or her intent to be present  
53 to the school board, superintendent, principal, or child care  
54 facility owner;

55 2. Fail to notify the child care facility owner or the  
56 school principal's office when he or she arrives and departs the  
57 child care facility or school; or

58 3. Fail to remain under direct supervision of a school  
59 official or designated chaperone when present in the vicinity of  
60 children. As used in this paragraph, the term "school official"  
61 means a principal, school resource officer, teacher or any other  
62 employee of the school, the superintendent of schools, a member  
63 of the school board, a child care facility owner, or a child  
64 care provider.

65 (c) A person is not in violation of paragraph (b) if:

66 1. The child care facility or school is a voting location  
67 and the person is present for the purpose of voting during the  
68 hours designated for voting; or

69 2. The person is only dropping off or picking up his or  
70 her own children or grandchildren at the child care facility or  
71 school.

72 (5) Any person who violates this section commits a  
73 misdemeanor of the first degree, punishable as provided in s.  
74 775.082 or s. 775.083.

Amendment No. 1

75 Section 2. Paragraph (g) of subsection (2), paragraph (c)  
76 of subsection (4), paragraph (a) of subsection (5), paragraphs  
77 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of  
78 subsection (7), and paragraph (a) of subsection (8) of section  
79 775.21, Florida Statutes, are amended, and paragraph (1) is  
80 added to subsection (2) of that section, to read:

81 775.21 The Florida Sexual Predators Act.—

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

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

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

98 (4) SEXUAL PREDATOR CRITERIA.—

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

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

105 2. The offender was administratively registered as a  
106 sexual predator because the Department of Corrections, the  
107 department, or any other law enforcement agency obtained  
108 information that indicated that the offender met the criteria  
109 for designation as a sexual predator based on a violation of a  
110 similar law in another jurisdiction,

111  
112 the department shall remove that offender from the department's  
113 list of sexual predators and, for an offender described under  
114 subparagraph 1., shall notify the state attorney who prosecuted  
115 the offense that met the criteria for administrative designation  
116 as a sexual predator, and, for an offender described under this  
117 paragraph, shall notify the state attorney of the county where  
118 the offender establishes or maintains a permanent, ~~or~~ temporary,  
119 or transient residence. The state attorney shall bring the  
120 matter to the court's attention in order to establish that the  
121 offender meets the criteria for designation as a sexual  
122 predator. If the court makes a written finding that the offender  
123 is a sexual predator, the offender must be designated as a  
124 sexual predator, must register or be registered as a sexual  
125 predator with the department as provided in subsection (6), and  
126 is subject to the community and public notification as provided  
127 in subsection (7). If the court does not make a written finding  
128 that the offender is a sexual predator, the offender may not be  
129 designated as a sexual predator with respect to that offense and

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130 is not required to register or be registered as a sexual  
131 predator with the department.

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

134 (a)1. An offender who meets the sexual predator criteria  
135 described in paragraph (4)(d) is a sexual predator, and the  
136 court shall make a written finding at the time such offender is  
137 determined to be a sexually violent predator under chapter 394  
138 that such person meets the criteria for designation as a sexual  
139 predator for purposes of this section. The clerk shall transmit  
140 a copy of the order containing the written finding to the  
141 department within 48 hours after the entry of the order;

142 2. An offender who meets the sexual predator criteria  
143 described in paragraph (4)(a) who is before the court for  
144 sentencing for a current offense committed on or after October  
145 1, 1993, is a sexual predator, and the sentencing court must  
146 make a written finding at the time of sentencing that the  
147 offender is a sexual predator, and the clerk of the court shall  
148 transmit a copy of the order containing the written finding to  
149 the department within 48 hours after the entry of the order; or

150 3. If the Department of Corrections, the department, or  
151 any other law enforcement agency obtains information which  
152 indicates that an offender who establishes or maintains a  
153 permanent, ~~or~~ temporary, or transient residence in this state  
154 meets the sexual predator criteria described in paragraph (4)(a)  
155 or paragraph (4)(d) because the offender was civilly committed  
156 or committed a similar violation in another jurisdiction on or  
157 after October 1, 1993, the Department of Corrections, the



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158 department, or the law enforcement agency shall notify the state  
159 attorney of the county where the offender establishes or  
160 maintains a permanent, ~~or~~ temporary, or transient residence of  
161 the offender's presence in the community. The state attorney  
162 shall file a petition with the criminal division of the circuit  
163 court for the purpose of holding a hearing to determine if the  
164 offender's criminal record or record of civil commitment from  
165 another jurisdiction meets the sexual predator criteria. If the  
166 court finds that the offender meets the sexual predator criteria  
167 because the offender has violated a similar law or similar laws  
168 in another jurisdiction, the court shall make a written finding  
169 that the offender is a sexual predator.

170

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

181 (6) REGISTRATION.—

182 (a) A sexual predator must register with the department  
183 through the sheriff's office by providing the following  
184 information to the department:

COUNCIL/COMMITTEE AMENDMENT

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185 1. Name, social security number, age, race, sex, date of  
186 birth, height, weight, hair and eye color, photograph, address  
187 of legal residence and address of any current temporary  
188 residence, within the state or out of state, including a rural  
189 route address and a post office box, if no permanent or  
190 temporary address, any transient residence within the state,  
191 address, location or description, and dates of any current or  
192 known future temporary residence within the state or out of  
193 state, any electronic mail address and any instant message name  
194 required to be provided pursuant to subparagraph (g)4., home  
195 telephone number and any cellular telephone number, date and  
196 place of any employment, date and place of each conviction,  
197 fingerprints, and a brief description of the crime or crimes  
198 committed by the offender. A post office box shall not be  
199 provided in lieu of a physical residential address.

200 a. If the sexual predator's place of residence is a motor  
201 vehicle, trailer, mobile home, or manufactured home, as defined  
202 in chapter 320, the sexual predator shall also provide to the  
203 department written notice of the vehicle identification number;  
204 the license tag number; the registration number; and a  
205 description, including color scheme, of the motor vehicle,  
206 trailer, mobile home, or manufactured home. If a sexual  
207 predator's place of residence is a vessel, live-aboard vessel,  
208 or houseboat, as defined in chapter 327, the sexual predator  
209 shall also provide to the department written notice of the hull  
210 identification number; the manufacturer's serial number; the  
211 name of the vessel, live-aboard vessel, or houseboat; the

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

214 b. If the sexual predator is enrolled, employed, or  
215 carrying on a vocation at an institution of higher education in  
216 this state, the sexual predator shall also provide to the  
217 department the name, address, and county of each institution,  
218 including each campus attended, and the sexual predator's  
219 enrollment or employment status. Each change in enrollment or  
220 employment status shall be reported in person at the sheriff's  
221 office, or the Department of Corrections if the sexual predator  
222 is in the custody or control of or under the supervision of the  
223 Department of Corrections, within 48 hours after any change in  
224 status. The sheriff or the Department of Corrections shall  
225 promptly notify each institution of the sexual predator's  
226 presence and any change in the sexual predator's enrollment or  
227 employment status.

228 2. Any other information determined necessary by the  
229 department, including criminal and corrections records;  
230 nonprivileged personnel and treatment records; and evidentiary  
231 genetic markers when available.

232 (f) Within 48 hours after the registration required under  
233 paragraph (a) or paragraph (e), a sexual predator who is not  
234 incarcerated and who resides in the community, including a  
235 sexual predator under the supervision of the Department of  
236 Corrections, shall register in person at a driver's license  
237 office of the Department of Highway Safety and Motor Vehicles  
238 and shall present proof of registration. At the driver's license  
239 office the sexual predator shall:

COUNCIL/COMMITTEE AMENDMENT

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240 1. If otherwise qualified, secure a Florida driver's  
241 license, renew a Florida driver's license, or secure an  
242 identification card. The sexual predator shall identify himself  
243 or herself as a sexual predator who is required to comply with  
244 this section, provide his or her place of permanent, ~~or~~  
245 temporary, or transient residence, including a rural route  
246 address and a post office box, and submit to the taking of a  
247 photograph for use in issuing a driver's license, renewed  
248 license, or identification card, and for use by the department  
249 in maintaining current records of sexual predators. A post  
250 office box shall not be provided in lieu of a physical  
251 residential address. If the sexual predator's place of residence  
252 is a motor vehicle, trailer, mobile home, or manufactured home,  
253 as defined in chapter 320, the sexual predator shall also  
254 provide to the Department of Highway Safety and Motor Vehicles  
255 the vehicle identification number; the license tag number; the  
256 registration number; and a description, including color scheme,  
257 of the motor vehicle, trailer, mobile home, or manufactured  
258 home. If a sexual predator's place of residence is a vessel,  
259 live-aboard vessel, or houseboat, as defined in chapter 327, the  
260 sexual predator shall also provide to the Department of Highway  
261 Safety and Motor Vehicles the hull identification number; the  
262 manufacturer's serial number; the name of the vessel, live-  
263 aboard vessel, or houseboat; the registration number; and a  
264 description, including color scheme, of the vessel, live-aboard  
265 vessel, or houseboat.

266 2. Pay the costs assessed by the Department of Highway  
267 Safety and Motor Vehicles for issuing or renewing a driver's

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268 license or identification card as required by this section. The  
269 driver's license or identification card issued to the sexual  
270 predator must be in compliance with s. 322.141(3).

271 3. Provide, upon request, any additional information  
272 necessary to confirm the identity of the sexual predator,  
273 including a set of fingerprints.

274 (g)1. Each time a sexual predator's driver's license or  
275 identification card is subject to renewal, and, without regard  
276 to the status of the predator's driver's license or  
277 identification card, within 48 hours after any change of the  
278 predator's residence or change in the predator's name by reason  
279 of marriage or other legal process, the predator shall report in  
280 person to a driver's license office and shall be subject to the  
281 requirements specified in paragraph (f). The Department of  
282 Highway Safety and Motor Vehicles shall forward to the  
283 department and to the Department of Corrections all photographs  
284 and information provided by sexual predators. Notwithstanding  
285 the restrictions set forth in s. 322.142, the Department of  
286 Highway Safety and Motor Vehicles is authorized to release a  
287 reproduction of a color-photograph or digital-image license to  
288 the Department of Law Enforcement for purposes of public  
289 notification of sexual predators as provided in this section.

290 2. A sexual predator who vacates a permanent, temporary,  
291 or transient residence and fails to establish or maintain  
292 another permanent, ~~or~~ temporary, or transient residence shall,  
293 within 48 hours after vacating the permanent, temporary, or  
294 transient residence, report in person to the sheriff's office of  
295 the county in which he or she is located. The sexual predator

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296 shall specify the date upon which he or she intends to or did  
297 vacate such residence. The sexual predator must provide or  
298 update all of the registration information required under  
299 paragraph (a). The sexual predator must provide an address for  
300 the residence or other place location that he or she is or will  
301 be located occupying during the time in which he or she fails to  
302 establish or maintain a permanent or temporary residence.

303 3. A sexual predator who remains at a permanent,  
304 temporary, or transient residence after reporting his or her  
305 intent to vacate such residence shall, within 48 hours after the  
306 date upon which the predator indicated he or she would or did  
307 vacate such residence, report in person to the sheriff's office  
308 to which he or she reported pursuant to subparagraph 2. for the  
309 purpose of reporting his or her address at such residence. When  
310 the sheriff receives the report, the sheriff shall promptly  
311 convey the information to the department. An offender who makes  
312 a report as required under subparagraph 2. but fails to make a  
313 report as required under this subparagraph commits a felony of  
314 the second degree, punishable as provided in s. 775.082, s.  
315 775.083, or s. 775.084.

316 4. A sexual predator must register any electronic mail  
317 address or instant message name with the department prior to  
318 using such electronic mail address or instant message name on or  
319 after October 1, 2007. The department shall establish an online  
320 system through which sexual predators may securely access and  
321 update all electronic, mail address and instant message name  
322 information.

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323 (i) A sexual predator who intends to establish a  
324 permanent, temporary, or transient residence in another state or  
325 jurisdiction other than the State of Florida shall report in  
326 person to the sheriff of the county of current residence within  
327 48 hours before the date he or she intends to leave this state  
328 to establish residence in another state or jurisdiction. The  
329 sexual predator must provide to the sheriff the address,  
330 municipality, county, and state of intended residence. The  
331 sheriff shall promptly provide to the department the information  
332 received from the sexual predator. The department shall notify  
333 the statewide law enforcement agency, or a comparable agency, in  
334 the intended state or jurisdiction of residence of the sexual  
335 predator's intended residence. The failure of a sexual predator  
336 to provide his or her intended place of residence is punishable  
337 as provided in subsection (10).

338 (j) A sexual predator who indicates his or her intent to  
339 establish a permanent, temporary, or transient residence ~~reside~~  
340 in another state or jurisdiction other than the State of Florida  
341 and later decides to remain in this state shall, within 48 hours  
342 after the date upon which the sexual predator indicated he or  
343 she would leave this state, report in person to the sheriff to  
344 which the sexual predator reported the intended change of  
345 residence, and report his or her intent to remain in this state.  
346 If the sheriff is notified by the sexual predator that he or she  
347 intends to remain in this state, the sheriff shall promptly  
348 report this information to the department. A sexual predator who  
349 reports his or her intent to establish a permanent, temporary,  
350 or transient residence ~~reside~~ in another state or jurisdiction,

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351 but who remains in this state without reporting to the sheriff  
352 in the manner required by this paragraph, commits a felony of  
353 the second degree, punishable as provided in s. 775.082, s.  
354 775.083, or s. 775.084.

355 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

356 (a) Law enforcement agencies must inform members of the  
357 community and the public of a sexual predator's presence. Upon  
358 notification of the presence of a sexual predator, the sheriff  
359 of the county or the chief of police of the municipality where  
360 the sexual predator establishes or maintains a permanent or  
361 temporary residence shall notify members of the community and  
362 the public of the presence of the sexual predator in a manner  
363 deemed appropriate by the sheriff or the chief of police. Within  
364 48 hours after receiving notification of the presence of a  
365 sexual predator, the sheriff of the county or the chief of  
366 police of the municipality where the sexual predator temporarily  
367 or permanently resides shall notify each licensed day care  
368 center, elementary school, middle school, and high school within  
369 a 1-mile radius of the temporary or permanent residence of the  
370 sexual predator of the presence of the sexual predator.

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

- 373 1. The name of the sexual predator;
- 374 2. A description of the sexual predator, including a  
375 photograph;
- 376 3. The sexual predator's current permanent, temporary, and  
377 transient addresses, and descriptions of registered locations



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378 | that have no specific street address, including the name of the  
379 | county or municipality if known;

380 |         4. The circumstances of the sexual predator's offense or  
381 | offenses; and

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

384 |

385 | This paragraph does not authorize the release of the name of any  
386 | victim of the sexual predator.

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

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

414 1. Name; social security number; age; race; sex; date of  
415 birth; height; weight; hair and eye color; address of any  
416 permanent residence and address of any current temporary  
417 residence, within the state or out of state, including a rural  
418 route address and a post office box; if no permanent or  
419 temporary address, any transient residence within the state;  
420 address, location or description, and dates of any current or  
421 known future temporary residence within the state or out of  
422 state; any electronic mail address and any instant message name  
423 required to be provided pursuant to subparagraph (6)(g)4.; home  
424 telephone number and any cellular telephone number; date and  
425 place of any employment; vehicle make, model, color, and license  
426 tag number; fingerprints; and photograph. A post office box  
427 shall not be provided in lieu of a physical residential address.

428 2. If the sexual predator is enrolled, employed, or  
429 carrying on a vocation at an institution of higher education in  
430 this state, the sexual predator shall also provide to the  
431 department the name, address, and county of each institution,

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432 including each campus attended, and the sexual predator's  
433 enrollment or employment status.

434 3. If the sexual predator's place of residence is a motor  
435 vehicle, trailer, mobile home, or manufactured home, as defined  
436 in chapter 320, the sexual predator shall also provide the  
437 vehicle identification number; the license tag number; the  
438 registration number; and a description, including color scheme,  
439 of the motor vehicle, trailer, mobile home, or manufactured  
440 home. If the sexual predator's place of residence is a vessel,  
441 live-aboard vessel, or houseboat, as defined in chapter 327, the  
442 sexual predator shall also provide the hull identification  
443 number; the manufacturer's serial number; the name of the  
444 vessel, live-aboard vessel, or houseboat; the registration  
445 number; and a description, including color scheme, of the  
446 vessel, live-aboard vessel, or houseboat.

447 Section 3. Section 794.065, Florida Statutes, is  
448 renumbered as section 775.215, Florida Statutes, and amended to  
449 read:

450 775.215 ~~794.065~~ Residency restriction ~~Unlawful place of~~  
451 ~~residence~~ for persons convicted of certain sex offenses.-

452 (1) LEGISLATIVE INTENT - It is the intent of the  
453 legislature that there be one state-established residency  
454 restriction distance applicable to the residence of persons  
455 described in this section and that such state-established  
456 residency restriction distance be uniformly applied throughout  
457 the state.

458 (2) As used in this section, the term:

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459 (a) "Child care facility" has the same meaning as provided  
460 in s. 402.302.

461 (b) "Park" means all public and private property  
462 specifically designated as being used for recreational purposes  
463 and where children regularly congregate.

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

467 (d) "School" has the same meaning as provided in s.  
468 1003.01 and includes a private school as defined in s. 1002.01,  
469 a voluntary prekindergarten education program as described in s.  
470 1002.53(3), a public school as described in s. 402.3025(1), the  
471 Florida School for the Deaf and the Blind, the Florida Virtual  
472 School as established in s. 1002.37, and a K-8 Virtual School as  
473 established in s. 1002.415, but does not include facilities  
474 dedicated exclusively to the education of adults.

475 (3) (a) ~~(1)~~ No It is unlawful for any person who has been  
476 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
477 s. 847.0135(5), or s. 847.0145, regardless of whether  
478 adjudication has been withheld, in which the victim of the  
479 offense was less than 16 years of age, shall to reside within  
480 1,000 feet of any school, child care facility day care center,  
481 park, or playground. However, a person does not violate this  
482 subsection and may not be forced to relocate if he or she is  
483 living in a residence that meets the requirements of this  
484 subsection and a school, child care facility, park, or  
485 playground is subsequently established within 1,000 feet of his  
486 or her residence.

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487        (b) A person who violates this subsection and whose  
488 conviction under s. 794.011, s. 800.04, s. 827.071, s.  
489 847.0135(5), or s. 847.0145 was classified as a felony of the  
490 first degree or higher commits a felony of the third degree,  
491 punishable as provided in s. 775.082 or s. 775.083. A person who  
492 violates this subsection and whose conviction under s. 794.011,  
493 s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was  
494 classified as a felony of the second or third degree commits a  
495 misdemeanor of the first degree, punishable as provided in s.  
496 775.082 or s. 775.083.

497        (c)(2) This subsection applies to any person convicted of  
498 a violation of s. 794.011, s. 800.04, s. 827.071, s.  
499 847.0135(5), or s. 847.0145 for offenses that occur on or after  
500 October 1, 2004, excluding persons who have been removed from  
501 the requirement to register as a sexual offender or sexual  
502 predator pursuant to s. 943.04354.

503        (4) (a) No person who has been convicted of an offense in  
504 another jurisdiction that is similar to a violation of s.  
505 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,  
506 regardless of whether adjudication has been withheld, in which  
507 the victim of the offense was less than 16 years of age, shall  
508 reside within 1,000 feet of any school, child care facility,  
509 park, or playground. However, a person does not violate this  
510 subsection and may not be forced to relocate if he or she is  
511 living in a residence that meets the requirements of this  
512 subsection and a school, child care facility, park, or  
513 playground is subsequently established within 1,000 feet of his  
514 or her residence.

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

524       (c) This subsection applies to any person convicted of an  
525 offense in another jurisdiction that is similar to a violation  
526 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
527 847.0145 where such offense occurred on or after the effective  
528 date of this bill, excluding persons who have been removed from  
529 the requirement to register as a sexual offender or sexual  
530 predator pursuant to s. 943.04354.

531       Section 4. Paragraph (c) of subsection (1), subsection  
532 (2), paragraphs (a), (b), and (c) of subsection (4), subsections  
533 (7), (8), and (10), and paragraph (c) of subsection (14) of  
534 section 943.0435, Florida Statutes, are amended to read:

535       943.0435 Sexual offenders required to register with the  
536 department; penalty.—

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

538       (c) "Permanent residence," and "temporary residence," and  
539 "transient residence" have the same meaning ascribed in s.  
540 775.21.

541       (2) A sexual offender shall:

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

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543 1. In the county in which the offender establishes or  
544 maintains a permanent, ~~or~~ temporary, or transient residence  
545 within 48 hours after:

546 a. Establishing permanent, ~~or~~ temporary, or transient  
547 residence in this state; or

548 b. Being released from the custody, control, or  
549 supervision of the Department of Corrections or from the custody  
550 of a private correctional facility; or

551 2. In the county where he or she was convicted within 48  
552 hours after being convicted for a qualifying offense for  
553 registration under this section if the offender is not in the  
554 custody or control of, or under the supervision of, the  
555 Department of Corrections, or is not in the custody of a private  
556 correctional facility.

557

558 Any change in the information required to be provided pursuant  
559 to paragraph (b), including, but not limited to, any change in  
560 the sexual offender's permanent, ~~or~~ temporary, or transient  
561 residence, name, any electronic mail address and any instant  
562 message name required to be provided pursuant to paragraph  
563 (4)(d), after the sexual offender reports in person at the  
564 sheriff's office, shall be accomplished in the manner provided  
565 in subsections (4), (7), and (8).

566 (b) Provide his or her name, date of birth, social  
567 security number, race, sex, height, weight, hair and eye color,  
568 tattoos or other identifying marks, occupation and place of  
569 employment, address of permanent or legal residence or address  
570 of any current temporary residence, within the state or ~~and~~ out

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571 of state, including a rural route address and a post office box,  
572 if no permanent or temporary address, any transient residence  
573 within the state, address, location or description, and dates of  
574 any current or known future temporary residence within the state  
575 or out of state, home telephone number and any cellular  
576 telephone number, any electronic mail address and any instant  
577 message name required to be provided pursuant to paragraph  
578 (4)(d), date and place of each conviction, and a brief  
579 description of the crime or crimes committed by the offender. A  
580 post office box shall not be provided in lieu of a physical  
581 residential address.

582 1. If the sexual offender's place of residence is a motor  
583 vehicle, trailer, mobile home, or manufactured home, as defined  
584 in chapter 320, the sexual offender shall also provide to the  
585 department through the sheriff's office written notice of the  
586 vehicle identification number; the license tag number; the  
587 registration number; and a description, including color scheme,  
588 of the motor vehicle, trailer, mobile home, or manufactured  
589 home. If the sexual offender's place of residence is a vessel,  
590 live-aboard vessel, or houseboat, as defined in chapter 327, the  
591 sexual offender shall also provide to the department written  
592 notice of the hull identification number; the manufacturer's  
593 serial number; the name of the vessel, live-aboard vessel, or  
594 houseboat; the registration number; and a description, including  
595 color scheme, of the vessel, live-aboard vessel, or houseboat.

596 2. If the sexual offender is enrolled, employed, or  
597 carrying on a vocation at an institution of higher education in  
598 this state, the sexual offender shall also provide to the



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599 department through the sheriff's office the name, address, and  
600 county of each institution, including each campus attended, and  
601 the sexual offender's enrollment or employment status. Each  
602 change in enrollment or employment status shall be reported in  
603 person at the sheriff's office, within 48 hours after any change  
604 in status. The sheriff shall promptly notify each institution of  
605 the sexual offender's presence and any change in the sexual  
606 offender's enrollment or employment status.

607

608 When a sexual offender reports at the sheriff's office, the  
609 sheriff shall take a photograph and a set of fingerprints of the  
610 offender and forward the photographs and fingerprints to the  
611 department, along with the information provided by the sexual  
612 offender. The sheriff shall promptly provide to the department  
613 the information received from the sexual offender.

614 (4) (a) Each time a sexual offender's driver's license or  
615 identification card is subject to renewal, and, without regard  
616 to the status of the offender's driver's license or  
617 identification card, within 48 hours after any change in the  
618 offender's permanent, ~~or~~ temporary, or transient residence or  
619 change in the offender's name by reason of marriage or other  
620 legal process, the offender shall report in person to a driver's  
621 license office, and shall be subject to the requirements  
622 specified in subsection (3). The Department of Highway Safety  
623 and Motor Vehicles shall forward to the department all  
624 photographs and information provided by sexual offenders.  
625 Notwithstanding the restrictions set forth in s. 322.142, the  
626 Department of Highway Safety and Motor Vehicles is authorized to

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627 release a reproduction of a color-photograph or digital-image  
628 license to the Department of Law Enforcement for purposes of  
629 public notification of sexual offenders as provided in this  
630 section and ss. 943.043 and 944.606.

631 (b) A sexual offender who vacates a permanent, temporary,  
632 or transient residence and fails to establish or maintain  
633 another permanent, ~~or~~ temporary, or transient residence shall,  
634 within 48 hours after vacating the permanent, temporary, or  
635 transient residence, report in person to the sheriff's office of  
636 the county in which he or she is located. The sexual offender  
637 shall specify the date upon which he or she intends to or did  
638 vacate such residence. The sexual offender must provide or  
639 update all of the registration information required under  
640 paragraph (2)(b). The sexual offender must provide an address  
641 for the residence or other place ~~location~~ that he or she is or  
642 will be located ~~occupying~~ during the time in which he or she  
643 fails to establish or maintain a permanent or temporary  
644 residence.

645 (c) A sexual offender who remains at a permanent,  
646 temporary, or transient residence after reporting his or her  
647 intent to vacate such residence shall, within 48 hours after the  
648 date upon which the offender indicated he or she would or did  
649 vacate such residence, report in person to the agency to which  
650 he or she reported pursuant to paragraph (b) for the purpose of  
651 reporting his or her address at such residence. When the sheriff  
652 receives the report, the sheriff shall promptly convey the  
653 information to the department. An offender who makes a report as  
654 required under paragraph (b) but fails to make a report as

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655 required under this paragraph commits a felony of the second  
656 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
657 775.084.

658 (7) A sexual offender who intends to establish a  
659 permanent, temporary, or transient residence in another state or  
660 jurisdiction other than the State of Florida shall report in  
661 person to the sheriff of the county of current residence within  
662 48 hours before the date he or she intends to leave this state  
663 to establish residence in another state or jurisdiction. The  
664 notification must include the address, municipality, county, and  
665 state of intended residence. The sheriff shall promptly provide  
666 to the department the information received from the sexual  
667 offender. The department shall notify the statewide law  
668 enforcement agency, or a comparable agency, in the intended  
669 state or jurisdiction of residence of the sexual offender's  
670 intended residence. The failure of a sexual offender to provide  
671 his or her intended place of residence is punishable as provided  
672 in subsection (9).

673 (8) A sexual offender who indicates his or her intent to  
674 establish a permanent, temporary, or transient residence reside  
675 in another state or jurisdiction other than the State of Florida  
676 and later decides to remain in this state shall, within 48 hours  
677 after the date upon which the sexual offender indicated he or  
678 she would leave this state, report in person to the sheriff to  
679 which the sexual offender reported the intended change of  
680 permanent, temporary, or transient residence, and report his or  
681 her intent to remain in this state. The sheriff shall promptly  
682 report this information to the department. A sexual offender who

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683 reports his or her intent to establish a permanent, temporary,  
684 or transient residence ~~reside~~ in another state or jurisdiction  
685 but who remains in this state without reporting to the sheriff  
686 in the manner required by this subsection commits a felony of  
687 the second degree, punishable as provided in s. 775.082, s.  
688 775.083, or s. 775.084.

689 (10) The department, the Department of Highway Safety and  
690 Motor Vehicles, the Department of Corrections, the Department of  
691 Juvenile Justice, any law enforcement agency in this state, and  
692 the personnel of those departments; an elected or appointed  
693 official, public employee, or school administrator; or an  
694 employee, agency, or any individual or entity acting at the  
695 request or upon the direction of any law enforcement agency is  
696 immune from civil liability for damages for good faith  
697 compliance with the requirements of this section or for the  
698 release of information under this section, and shall be presumed  
699 to have acted in good faith in compiling, recording, reporting,  
700 or releasing the information. The presumption of good faith is  
701 not overcome if a technical or clerical error is made by the  
702 department, the Department of Highway Safety and Motor Vehicles,  
703 the Department of Corrections, the Department of Juvenile  
704 Justice, the personnel of those departments, or any individual  
705 or entity acting at the request or upon the direction of any of  
706 those departments in compiling or providing information, or if  
707 information is incomplete or incorrect because a sexual offender  
708 fails to report or falsely reports his or her current place of  
709 permanent, ~~or~~ temporary, or transient residence.

710 (14)

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711 (c) The sheriff's office may determine the appropriate  
712 times and days for reporting by the sexual offender, which shall  
713 be consistent with the reporting requirements of this  
714 subsection. Reregistration shall include any changes to the  
715 following information:

716 1. Name; social security number; age; race; sex; date of  
717 birth; height; weight; hair and eye color; address of any  
718 permanent residence and address of any current temporary  
719 residence, within the state or out of state, including a rural  
720 route address and a post office box; if no permanent or  
721 temporary address, any transient residence within the state;  
722 address, location or description, and dates of any current or  
723 known future temporary residence within the state or out of  
724 state; any electronic mail address and any instant message name  
725 required to be provided pursuant to paragraph (4) (d); home  
726 telephone number and any cellular telephone number; date and  
727 place of any employment; vehicle make, model, color, and license  
728 tag number; fingerprints; and photograph. A post office box  
729 shall not be provided in lieu of a physical residential address.

730 2. If the sexual offender is enrolled, employed, or  
731 carrying on a vocation at an institution of higher education in  
732 this state, the sexual offender shall also provide to the  
733 department the name, address, and county of each institution,  
734 including each campus attended, and the sexual offender's  
735 enrollment or employment status.

736 3. If the sexual offender's place of residence is a motor  
737 vehicle, trailer, mobile home, or manufactured home, as defined  
738 in chapter 320, the sexual offender shall also provide the

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739 vehicle identification number; the license tag number; the  
740 registration number; and a description, including color scheme,  
741 of the motor vehicle, trailer, mobile home, or manufactured  
742 home. If the sexual offender's place of residence is a vessel,  
743 live-aboard vessel, or houseboat, as defined in chapter 327, the  
744 sexual offender shall also provide the hull identification  
745 number; the manufacturer's serial number; the name of the  
746 vessel, live-aboard vessel, or houseboat; the registration  
747 number; and a description, including color scheme, of the  
748 vessel, live-aboard vessel or houseboat.

749 4. Any sexual offender who fails to report in person as  
750 required at the sheriff's office, or who fails to respond to any  
751 address verification correspondence from the department within 3  
752 weeks of the date of the correspondence or who fails to report  
753 electronic mail addresses or instant message names, commits a  
754 felony of the third degree, punishable as provided in s.  
755 775.082, s. 775.083, or s. 775.084.

756 Section 5. Section 943.04352, Florida Statutes, is amended  
757 to read:

758 943.04352 Search of registration information regarding  
759 sexual predators and sexual offenders required when placement on  
760 misdemeanor probation.—When the court places a defendant on  
761 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
762 public or private entity providing probation services must  
763 conduct a search of the probationer's name or other identifying  
764 information against the registration information regarding  
765 sexual predators and sexual offenders maintained by the  
766 Department of Law Enforcement under s. 943.043. The probation

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767 services provider may conduct the search using the Internet site  
768 maintained by the Department of Law Enforcement. Also, a  
769 national search must be conducted through the Dru Sjodin  
770 National Sex Offender Public Website maintained by the United  
771 States Department of Justice.

772 Section 6. Paragraph (a) of subsection (3) of section  
773 944.606, Florida Statutes, is amended to read:

774 944.606 Sexual offenders; notification upon release.—

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

778 1. The department must provide: the sexual offender's  
779 name, any change in the offender's name by reason of marriage or  
780 other legal process, and any alias, if known; the correctional  
781 facility from which the sexual offender is released; the sexual  
782 offender's social security number, race, sex, date of birth,  
783 height, weight, and hair and eye color; address of any planned  
784 permanent residence or temporary residence, within the state or  
785 out of state, including a rural route address and a post office  
786 box; if no permanent or temporary address, any transient  
787 residence within the state; address, location or description,  
788 and dates of any known future temporary residence within the  
789 state or out of state; date and county of sentence and each  
790 crime for which the offender was sentenced; a copy of the  
791 offender's fingerprints and a digitized photograph taken within  
792 60 days before release; the date of release of the sexual  
793 offender; any electronic mail address and any instant message  
794 name required to be provided pursuant to s. 943.0435(4) (d); and

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795 home telephone number and any cellular telephone number; ~~and the~~  
796 ~~offender's intended residence address, if known.~~ The department  
797 shall notify the Department of Law Enforcement if the sexual  
798 offender escapes, absconds, or dies. If the sexual offender is  
799 in the custody of a private correctional facility, the facility  
800 shall take the digitized photograph of the sexual offender  
801 within 60 days before the sexual offender's release and provide  
802 this photograph to the Department of Corrections and also place  
803 it in the sexual offender's file. If the sexual offender is in  
804 the custody of a local jail, the custodian of the local jail  
805 shall register the offender within 3 business days after intake  
806 of the offender for any reason and upon release, and shall  
807 notify the Department of Law Enforcement of the sexual  
808 offender's release and provide to the Department of Law  
809 Enforcement the information specified in this paragraph and any  
810 information specified in subparagraph 2. that the Department of  
811 Law Enforcement requests.

812 2. The department may provide any other information deemed  
813 necessary, including criminal and corrections records,  
814 nonprivileged personnel and treatment records, when available.

815 Section 7. Subsections (4) and (6) and paragraph (c) of  
816 subsection (13) of section 944.607, Florida Statutes, are  
817 amended to read:

818 944.607 Notification to Department of Law Enforcement of  
819 information on sexual offenders.—

820 (4) A sexual offender, as described in this section, who  
821 is under the supervision of the Department of Corrections but is  
822 not incarcerated must register with the Department of



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823 Corrections within 3 business days after sentencing for a  
824 registrable ~~registerable~~ offense and otherwise provide  
825 information as required by this subsection.

826 (a) The sexual offender shall provide his or her name;  
827 date of birth; social security number; race; sex; height;  
828 weight; hair and eye color; tattoos or other identifying marks;  
829 any electronic mail address and any instant message name  
830 required to be provided pursuant to s. 943.0435(4)(d); and  
831 permanent or legal residence and address of temporary residence  
832 within the state or out of state while the sexual offender is  
833 under supervision in this state, including any rural route  
834 address or post office box; if no permanent or temporary  
835 address, any transient residence within the state; and address,  
836 location or description, and dates of any current or known  
837 future temporary residence within the state or out of state. The  
838 Department of Corrections shall verify the address of each  
839 sexual offender in the manner described in ss. 775.21 and  
840 943.0435. The department shall report to the Department of Law  
841 Enforcement any failure by a sexual predator or sexual offender  
842 to comply with registration requirements.

843 (b) If the sexual offender is enrolled, employed, or  
844 carrying on a vocation at an institution of higher education in  
845 this state, the sexual offender shall provide the name, address,  
846 and county of each institution, including each campus attended,  
847 and the sexual offender's enrollment or employment status. Each  
848 change in enrollment or employment status shall be reported to  
849 the department within 48 hours after the change in status. The  
850 Department of Corrections shall promptly notify each institution

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851 of the sexual offender's presence and any change in the sexual  
852 offender's enrollment or employment status.

853 (6) The information provided to the Department of Law  
854 Enforcement must include:

855 (a) The information obtained from the sexual offender  
856 under subsection (4);

857 (b) The sexual offender's most current address, ~~and~~ place  
858 of permanent, ~~and~~ temporary, or transient residence within the  
859 state or out of state, and address, location or description, and  
860 dates of any current or known future temporary residence within  
861 the state or out of state, while the sexual offender is under  
862 supervision in this state, including the name of the county or  
863 municipality in which the offender permanently or temporarily  
864 resides, or has a transient residence, and address, location or  
865 description, and dates of any current or known future temporary  
866 residence within the state or out of state, and, if known, the  
867 intended place of permanent, ~~or~~ temporary, or transient  
868 residence, and address, location or description, and dates of  
869 any current or known future temporary residence within the state  
870 or out of state upon satisfaction of all sanctions;

871 (c) The legal status of the sexual offender and the  
872 scheduled termination date of that legal status;

873 (d) The location of, and local telephone number for, any  
874 Department of Corrections' office that is responsible for  
875 supervising the sexual offender;

876 (e) An indication of whether the victim of the offense  
877 that resulted in the offender's status as a sexual offender was  
878 a minor;

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879 (f) The offense or offenses at conviction which resulted  
880 in the determination of the offender's status as a sex offender;  
881 and

882 (g) A digitized photograph of the sexual offender which  
883 must have been taken within 60 days before the offender is  
884 released from the custody of the department or a private  
885 correctional facility by expiration of sentence under s. 944.275  
886 or must have been taken by January 1, 1998, or within 60 days  
887 after the onset of the department's supervision of any sexual  
888 offender who is on probation, community control, conditional  
889 release, parole, provisional release, or control release or who  
890 is supervised by the department under the Interstate Compact  
891 Agreement for Probationers and Parolees. If the sexual offender  
892 is in the custody of a private correctional facility, the  
893 facility shall take a digitized photograph of the sexual  
894 offender within the time period provided in this paragraph and  
895 shall provide the photograph to the department.

896

897 If any information provided by the department changes during the  
898 time the sexual offender is under the department's control,  
899 custody, or supervision, including any change in the offender's  
900 name by reason of marriage or other legal process, the  
901 department shall, in a timely manner, update the information and  
902 provide it to the Department of Law Enforcement in the manner  
903 prescribed in subsection (2).

904 (13)

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

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907 be consistent with the reporting requirements of this  
908 subsection. Reregistration shall include any changes to the  
909 following information:

910 1. Name; social security number; age; race; sex; date of  
911 birth; height; weight; hair and eye color; address of any  
912 permanent residence and address of any current temporary  
913 residence, within the state or out of state, including a rural  
914 route address and a post office box; if no permanent or  
915 temporary address, any transient residence; address, location or  
916 description, and dates of any current or known future temporary  
917 residence within the state or out of state; any electronic mail  
918 address and any instant message name required to be provided  
919 pursuant to s. 943.0435(4)(d); date and place of any employment;  
920 vehicle make, model, color, and license tag number;  
921 fingerprints; and photograph. A post office box shall not be  
922 provided in lieu of a physical residential address.

923 2. If the sexual offender is enrolled, employed, or  
924 carrying on a vocation at an institution of higher education in  
925 this state, the sexual offender shall also provide to the  
926 department the name, address, and county of each institution,  
927 including each campus attended, and the sexual offender's  
928 enrollment or employment status.

929 3. If the sexual offender's place of residence is a motor  
930 vehicle, trailer, mobile home, or manufactured home, as defined  
931 in chapter 320, the sexual offender shall also provide the  
932 vehicle identification number; the license tag number; the  
933 registration number; and a description, including color scheme,  
934 of the motor vehicle, trailer, mobile home, or manufactured

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935 home. If the sexual offender's place of residence is a vessel,  
936 live-aboard vessel, or houseboat, as defined in chapter 327, the  
937 sexual offender shall also provide the hull identification  
938 number; the manufacturer's serial number; the name of the  
939 vessel, live-aboard vessel, or houseboat; the registration  
940 number; and a description, including color scheme, of the  
941 vessel, live-aboard vessel or houseboat.

942 4. Any sexual offender who fails to report in person as  
943 required at the sheriff's office, or who fails to respond to any  
944 address verification correspondence from the department within 3  
945 weeks of the date of the correspondence, or who fails to report  
946 electronic mail addresses or instant message names, commits a  
947 felony of the third degree, punishable as provided in s.  
948 775.082, s. 775.083, or s. 775.084.

949 Section 8. Subsections (9) and (10) of s. 947.005, Florida  
950 Statutes is amended to read and subsections (12), (13), (14),  
951 and (15) of that section are added to read:

952 947.005 Definitions.—As used in this chapter, unless the  
953 context clearly indicates otherwise:

954 (9) "Qualified practitioner" means a social worker, mental  
955 health counselor, or a marriage and family therapist licensed  
956 under ch. 491 who, as determined by rule of the respective  
957 boards, has the coursework, training, qualifications, and  
958 experience to treat sex offenders; or a psychiatrist licensed  
959 under chapter 458 or chapter 459; or a psychologist licensed  
960 under chapter 490, or a social worker, a mental health  
961 counselor, or a marriage and family therapist licensed under

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962 ~~chapter 491 who practices in accordance with his or her~~  
963 ~~respective practice act.~~

964 (10) "Risk assessment" means an assessment completed by a  
965 ~~an independent~~ qualified practitioner to evaluate the level of  
966 risk associated when a sex offender has contact with a child:

967 (12) "Child care facility" has the same meaning as provided  
968 in s. 402.302.

969 (13) "Park" means all public and private property  
970 specifically designated as being used for recreational purposes  
971 and where children regularly congregate.

972 (14) "Playground" means a designated independent area in  
973 the community or neighborhood that is designated solely for  
974 children and has one or more play structures.

975 (15) "School" has the same meaning as provided in s.  
976 1003.01 and includes a private school as defined in s. 1002.01,  
977 a voluntary prekindergarten education program as described in s.  
978 1002.53(3), a public school as described in s. 402.3025(1), the  
979 Florida School for the Deaf and Blind, the Florida Virtual  
980 School as established in s. 1002.37, and a K-8 Virtual School as  
981 established in s. 1002.415, but does not includes facilities  
982 dedicated exclusively to the education of adults.

983 Section 9. Subsection (7) of section 947.1405, Florida  
984 Statutes, is amended, and subsection (12) is added to that  
985 section, to read:

986 947.1405 Conditional release program.—

987 (7)(a) Any inmate who is convicted of a crime committed on  
988 or after October 1, 1995, or who has been previously convicted  
989 of a crime committed on or after October 1, 1995, in violation

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990 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
991 847.0145, and is subject to conditional release supervision,  
992 shall have, in addition to any other conditions imposed, the  
993 following special conditions imposed by the commission:

994 1. A mandatory curfew from 10 p.m. to 6 a.m. The  
995 commission may designate another 8-hour period if the offender's  
996 employment precludes the above specified time, and such  
997 alternative is recommended by the Department of Corrections. If  
998 the commission determines that imposing a curfew would endanger  
999 the victim, the commission may consider alternative sanctions.

1000 2. If the victim was under the age of 18, a prohibition on  
1001 living within 1,000 feet of a school, child care facility ~~day~~  
1002 ~~care center~~, park, playground, designated public school bus  
1003 stop, or other place where children regularly congregate. A  
1004 releasee who is subject to this subparagraph may not relocate to  
1005 a residence that is within 1,000 feet of a public school bus  
1006 stop. Beginning October 1, 2004, the commission or the  
1007 department may not approve a residence that is located within  
1008 1,000 feet of a school, day care center, park, playground,  
1009 designated school bus stop, or other place where children  
1010 regularly congregate for any releasee who is subject to this  
1011 subparagraph. On October 1, 2004, the department shall notify  
1012 each affected school district of the location of the residence  
1013 of a releasee 30 days prior to release and thereafter, if the  
1014 releasee relocates to a new residence, shall notify any affected  
1015 school district of the residence of the releasee within 30 days  
1016 after relocation. If, on October 1, 2004, any public school bus  
1017 stop is located within 1,000 feet of the existing residence of

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1018 such releasee, the district school board shall relocate that  
1019 school bus stop. Beginning October 1, 2004, a district school  
1020 board may not establish or relocate a public school bus stop  
1021 within 1,000 feet of the residence of a releasee who is subject  
1022 to this subparagraph. The failure of the district school board  
1023 to comply with this subparagraph shall not result in a violation  
1024 of conditional release supervision. A releasee who is subject to  
1025 this subparagraph may not be forced to relocate and does not  
1026 violate his or her conditional release supervision if he or she  
1027 is living in a residence that meets the requirements of this  
1028 subparagraph and a school, child care facility, park,  
1029 playground, designated public school bus stop, or other place  
1030 where children regularly congregate is subsequently established  
1031 within 1,000 feet of his or her residence.

1032 3. Active participation in and successful completion of a  
1033 sex offender treatment program with qualified practitioners  
1034 specifically trained to treat sex offenders, at the releasee's  
1035 own expense. If a qualified practitioner is not available within  
1036 a 50-mile radius of the releasee's residence, the offender shall  
1037 participate in other appropriate therapy.

1038 4. A prohibition on any contact with the victim, directly  
1039 or indirectly, including through a third person, unless approved  
1040 by the victim, a qualified practitioner in the sexual offender  
1041 treatment program ~~the offender's therapist~~, and the sentencing  
1042 court.

1043 5. If the victim was under the age of 18, a prohibition  
1044 against contact with children under the age of 18 without review  
1045 and approval by the commission. The commission may approve



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1046 supervised contact with a child under the age of 18 if the  
1047 approval is based upon a recommendation for contact issued by a  
1048 qualified practitioner who is basing the recommendation on a  
1049 risk assessment. Further, the sex offender must be currently  
1050 enrolled in or have successfully completed a sex offender  
1051 therapy program. The commission may not grant supervised contact  
1052 with a child if the contact is not recommended by a qualified  
1053 practitioner and may deny supervised contact with a child at any  
1054 time. When considering whether to approve supervised contact  
1055 with a child, the commission must review and consider the  
1056 following:

1057 a. A risk assessment completed by a qualified  
1058 practitioner. The qualified practitioner must prepare a written  
1059 report that must include the findings of the assessment and  
1060 address each of the following components:

1061 (I) The sex offender's current legal status;

1062 (II) The sex offender's history of adult charges with  
1063 apparent sexual motivation;

1064 (III) The sex offender's history of adult charges without  
1065 apparent sexual motivation;

1066 (IV) The sex offender's history of juvenile charges,  
1067 whenever available;

1068 (V) The sex offender's offender treatment history,  
1069 including a consultation from the sex offender's treating, or  
1070 most recent treating, therapist;

1071 (VI) The sex offender's current mental status;

1072 (VII) The sex offender's mental health and substance abuse  
1073 history as provided by the Department of Corrections;

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1074 (VIII) The sex offender's personal, social, educational,  
1075 and work history;

1076 (IX) The results of current psychological testing of the  
1077 sex offender if determined necessary by the qualified  
1078 practitioner;

1079 (X) A description of the proposed contact, including the  
1080 location, frequency, duration, and supervisory arrangement;

1081 (XI) The child's preference and relative comfort level  
1082 with the proposed contact, when age-appropriate;

1083 (XII) The parent's or legal guardian's preference  
1084 regarding the proposed contact; and

1085 (XIII) The qualified practitioner's opinion, along with  
1086 the basis for that opinion, as to whether the proposed contact  
1087 would likely pose significant risk of emotional or physical harm  
1088 to the child.

1089  
1090 The written report of the assessment must be given to the  
1091 commission.

1092 b. A recommendation made as a part of the risk-assessment  
1093 report as to whether supervised contact with the child should be  
1094 approved;

1095 c. A written consent signed by the child's parent or legal  
1096 guardian, if the parent or legal guardian is not the sex  
1097 offender, agreeing to the sex offender having supervised contact  
1098 with the child after receiving full disclosure of the sex  
1099 offender's present legal status, past criminal history, and the  
1100 results of the risk assessment. The commission may not approve

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1101 | contact with the child if the parent or legal guardian refuses  
1102 | to give written consent for supervised contact;

1103 |         d. A safety plan prepared by the qualified practitioner,  
1104 | who provides treatment to the offender, in collaboration with  
1105 | the sex offender, the child's parent or legal guardian, and the  
1106 | child, when age appropriate, which details the acceptable  
1107 | conditions of contact between the sex offender and the child.

1108 | The safety plan must be reviewed and approved by the Department  
1109 | of Corrections before being submitted to the commission; and

1110 |         e. Evidence that the child's parent or legal guardian, if  
1111 | the parent or legal guardian is not the sex offender,  
1112 | understands the need for and agrees to the safety plan and has  
1113 | agreed to provide, or to designate another adult to provide,  
1114 | constant supervision any time the child is in contact with the  
1115 | offender.

1116 |  
1117 | The commission may not appoint a person to conduct a risk  
1118 | assessment and may not accept a risk assessment from a person  
1119 | who has not demonstrated to the commission that he or she has  
1120 | met the requirements of a qualified practitioner as defined in  
1121 | this section.

1122 |         6. If the victim was under age 18, a prohibition on  
1123 | working for pay or as a volunteer at any school, day care  
1124 | center, park, playground, or other place where children  
1125 | regularly congregate, as prescribed by the commission.

1126 |         7. Unless otherwise indicated in the treatment plan  
1127 | provided by a qualified practitioner in the sexual offender  
1128 | treatment program, a prohibition on viewing, owning, or

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1129 possessing any obscene, pornographic, or sexually stimulating  
1130 visual or auditory material, including telephone, electronic  
1131 media, computer programs, or computer services that are relevant  
1132 to the offender's deviant behavior pattern.

1133 8. Effective for a releasee whose crime is committed on or  
1134 after July 1, 2005, a prohibition on accessing the Internet or  
1135 other computer services until a qualified practitioner in the  
1136 offender's sex offender treatment program, after a risk  
1137 assessment is completed, approves and implements a safety plan  
1138 for the offender's accessing or using the Internet or other  
1139 computer services.

1140 9. A requirement that the releasee must submit two  
1141 specimens of blood to the Florida Department of Law Enforcement  
1142 to be registered with the DNA database.

1143 10. A requirement that the releasee make restitution to  
1144 the victim, as determined by the sentencing court or the  
1145 commission, for all necessary medical and related professional  
1146 services relating to physical, psychiatric, and psychological  
1147 care.

1148 11. Submission to a warrantless search by the community  
1149 control or probation officer of the probationer's or community  
1150 controllee's person, residence, or vehicle.

1151 (b) For a releasee whose crime was committed on or after  
1152 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
1153 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
1154 conditional release supervision, in addition to any other  
1155 provision of this subsection, the commission shall impose the

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1156 following additional conditions of conditional release  
1157 supervision:

1158 1. As part of a treatment program, participation in a  
1159 minimum of one annual polygraph examination to obtain  
1160 information necessary for risk management and treatment and to  
1161 reduce the sex offender's denial mechanisms. The polygraph  
1162 examination must be conducted by a polygrapher who is a member  
1163 of a national or state polygraph association and who is  
1164 certified as a post-conviction sex offender polygrapher trained  
1165 specifically in the use of the polygraph for the monitoring of  
1166 sex offenders, where available, and at the expense of the  
1167 releasee sex offender. The results of the examination shall be  
1168 provided to the releasee's probation officer and qualified  
1169 practitioner and may not be used as evidence in a hearing to  
1170 prove that a violation of supervision has occurred.

1171 2. Maintenance of a driving log and a prohibition against  
1172 driving a motor vehicle alone without the prior approval of the  
1173 supervising officer.

1174 3. A prohibition against obtaining or using a post office  
1175 box without the prior approval of the supervising officer.

1176 4. If there was sexual contact, a submission to, at the  
1177 releasee's probationer's or community controllee's expense, an  
1178 HIV test with the results to be released to the victim or the  
1179 victim's parent or guardian.

1180 5. Electronic monitoring of any form when ordered by the  
1181 commission. Any person who has been placed under supervision and  
1182 is electronically monitored by the department must pay the  
1183 department for the cost of the electronic monitoring service at

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1184 a rate that may not exceed the full cost of the monitoring  
1185 service. Funds collected under this subparagraph shall be  
1186 deposited into the General Revenue Fund. The department may  
1187 exempt a person from the payment of all or any part of the  
1188 electronic monitoring service cost if the department finds that  
1189 any of the factors listed in s. 948.09(3) exist.

1190 (12) In addition to all other conditions imposed, for a  
1191 releasee who is subject to conditional release for a crime that  
1192 was committed on or after the effective date of this act, and  
1193 who has been convicted at any time of committing, or attempting,  
1194 soliciting, or conspiring to commit, any of the criminal  
1195 offenses listed in s. 943.0435(1) (a)1.a.(I), or a similar  
1196 offense in another jurisdiction, against a victim who was under  
1197 the age of 18 at the time of the offense; if the releasee has  
1198 not received a pardon for any felony or similar law of another  
1199 jurisdiction necessary for the operation of this subsection, if  
1200 a conviction of a felony or similar law of another jurisdiction  
1201 necessary for the operation of this subsection has not been set  
1202 aside in any postconviction proceeding, or if the releasee has  
1203 not been removed from the requirement to register as a sexual  
1204 offender or sexual predator pursuant to s. 943.04354, the  
1205 commission must impose the following conditions:

1206 (a) A prohibition on visiting schools, child care  
1207 facilities, parks, and playgrounds, without prior approval from  
1208 the releasee's supervising officer. The commission may also  
1209 designate additional locations to protect a victim. The  
1210 prohibition ordered under this paragraph does not prohibit the  
1211 releasee from visiting a school, child care facility, park, or

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1212 playground for the sole purpose of attending a religious service  
1213 as defined in s. 775.0861, or picking up or dropping off the  
1214 releasee's children or grandchildren at a child care facility or  
1215 school.

1216 (b) A prohibition on distributing candy or other items to  
1217 children on Halloween; wearing a Santa Claus costume, or other  
1218 costume to appeal to children, on or preceding Christmas;  
1219 wearing an Easter Bunny costume, or other costume to appeal to  
1220 children, on or preceding Easter; entertaining at children's  
1221 parties; or wearing a clown costume; without prior approval from  
1222 the commission.

1223 Section 10. Subsections (6) and (7) of s. 948.001, Florida  
1224 Statutes, are amended to read and subsections (11), (12), (13),  
1225 and (14) of that section are added to read:

1226 948.001 Definitions.—As used in this chapter, the term:

1227 (6) "Qualified practitioner" means a social worker, mental  
1228 health counselor, or a marriage and family therapist licensed  
1229 under ch. 491 who, as determined by rule of the respective  
1230 boards, has the coursework, training, qualifications, and  
1231 experience to evaluate and treat sexual offenders; or a  
1232 psychiatrist licensed under chapter 458 or chapter 459~~7~~; or a  
1233 psychologist licensed under chapter 490, or a social worker, a  
1234 mental health counselor, or a marriage and family therapist  
1235 licensed under chapter 491 who practices in accordance with his  
1236 or her respective practice act.

1237 (7) "Risk assessment" means an assessment completed by a  
1238 ~~an independent~~ qualified practitioner to evaluate the level of  
1239 risk associated when a sex offender has contact with a child.

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1240       (11) "Child care facility" has the same meaning as provided  
1241 in s. 402.302.

1242       (12) "Park" means all public and private property  
1243 specifically designated as being used for recreational purposes  
1244 and where children regularly congregate.

1245       (13) "Playground" means a designated independent area in  
1246 the community or neighborhood that is designated solely for  
1247 children and has one or more play structures.

1248       (14) "School" has the same meaning as provided in s.  
1249 1003.01 and includes a private school as defined in s. 1002.01,  
1250 a voluntary prekindergarten education program as described in s.  
1251 1002.53(3), a public school as described in s. 402.3025(1), the  
1252 Florida School for the Deaf and Blind, the Florida Virtual  
1253 School as established in s. 1002.37, and a K-8 Virtual School as  
1254 established in s. 1002.415, but does not includes facilities  
1255 dedicated exclusively to the education of adults.

1256       Section 11. Subsection (1) and paragraph (a) of subsection  
1257 (2) of section 948.30, Florida Statutes, is amended, and  
1258 subsection (4) is added to that section, to read:

1259       948.30 Additional terms and conditions of probation or  
1260 community control for certain sex offenses.—Conditions imposed  
1261 pursuant to this section do not require oral pronouncement at  
1262 the time of sentencing and shall be considered standard  
1263 conditions of probation or community control for offenders  
1264 specified in this section.

1265       (1) Effective for probationers or community controllees  
1266 whose crime was committed on or after October 1, 1995, and who  
1267 are placed under supervision for violation of chapter 794, s.



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1268 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court  
1269 must impose the following conditions in addition to all other  
1270 standard and special conditions imposed:

1271 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court  
1272 may designate another 8-hour period if the offender's employment  
1273 precludes the above specified time, and the alternative is  
1274 recommended by the Department of Corrections. If the court  
1275 determines that imposing a curfew would endanger the victim, the  
1276 court may consider alternative sanctions.

1277 (b) If the victim was under the age of 18, a prohibition  
1278 on living within 1,000 feet of a school, child care facility day  
1279 care center, park, playground, or other place where children  
1280 regularly congregate, as prescribed by the court. The 1,000-foot  
1281 distance shall be measured in a straight line from the  
1282 offender's place of residence to the nearest boundary line of  
1283 the school, day care center, park, playground, or other place  
1284 where children congregate. The distance may not be measured by a  
1285 pedestrian route or automobile route. A probationer or community  
1286 controllee who is subject to this paragraph may not be forced to  
1287 relocate and does not violate his or her probation or community  
1288 control if he or she is living in a residence that meets the  
1289 requirements of this paragraph and a school, child care  
1290 facility, park, playground, or other place where children  
1291 regularly congregate is subsequently established within 1,000  
1292 feet of his or her residence.

1293 (c) Active participation in and successful completion of a  
1294 sex offender treatment program with qualified practitioners  
1295 specifically trained to treat sex offenders, at the

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1296 probationer's or community controllee's own expense. If a  
1297 qualified practitioner is not available within a 50-mile radius  
1298 of the probationer's or community controllee's residence, the  
1299 offender shall participate in other appropriate therapy.

1300 (d) A prohibition on any contact with the victim, directly  
1301 or indirectly, including through a third person, unless approved  
1302 by the victim, a qualified practitioner in the sexual offender  
1303 treatment program ~~the offender's therapist~~, and the sentencing  
1304 court.

1305 (e) If the victim was under the age of 18, a prohibition  
1306 on contact with a child under the age of 18 except as provided  
1307 in this paragraph. The court may approve supervised contact with  
1308 a child under the age of 18 if the approval is based upon a  
1309 recommendation for contact issued by a qualified practitioner  
1310 who is basing the recommendation on a risk assessment. Further,  
1311 the sex offender must be currently enrolled in or have  
1312 successfully completed a sex offender therapy program. The court  
1313 may not grant supervised contact with a child if the contact is  
1314 not recommended by a qualified practitioner and may deny  
1315 supervised contact with a child at any time. When considering  
1316 whether to approve supervised contact with a child, the court  
1317 must review and consider the following:

1318 1. A risk assessment completed by a qualified  
1319 practitioner. The qualified practitioner must prepare a written  
1320 report that must include the findings of the assessment and  
1321 address each of the following components:

1322 a. The sex offender's current legal status;

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- 1323           b. The sex offender's history of adult charges with  
1324           apparent sexual motivation;
- 1325           c. The sex offender's history of adult charges without  
1326           apparent sexual motivation;
- 1327           d. The sex offender's history of juvenile charges,  
1328           whenever available;
- 1329           e. The sex offender's offender treatment history,  
1330           including consultations with the sex offender's treating, or  
1331           most recent treating, therapist;
- 1332           f. The sex offender's current mental status;
- 1333           g. The sex offender's mental health and substance abuse  
1334           treatment history as provided by the Department of Corrections;
- 1335           h. The sex offender's personal, social, educational, and  
1336           work history;
- 1337           i. The results of current psychological testing of the sex  
1338           offender if determined necessary by the qualified practitioner;
- 1339           j. A description of the proposed contact, including the  
1340           location, frequency, duration, and supervisory arrangement;
- 1341           k. The child's preference and relative comfort level with  
1342           the proposed contact, when age appropriate;
- 1343           l. The parent's or legal guardian's preference regarding  
1344           the proposed contact; and
- 1345           m. The qualified practitioner's opinion, along with the  
1346           basis for that opinion, as to whether the proposed contact would  
1347           likely pose significant risk of emotional or physical harm to  
1348           the child.
- 1349
- 1350           The written report of the assessment must be given to the court;

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1351 2. A recommendation made as a part of the risk assessment  
1352 report as to whether supervised contact with the child should be  
1353 approved;

1354 3. A written consent signed by the child's parent or legal  
1355 guardian, if the parent or legal guardian is not the sex  
1356 offender, agreeing to the sex offender having supervised contact  
1357 with the child after receiving full disclosure of the sex  
1358 offender's present legal status, past criminal history, and the  
1359 results of the risk assessment. The court may not approve  
1360 contact with the child if the parent or legal guardian refuses  
1361 to give written consent for supervised contact;

1362 4. A safety plan prepared by the qualified practitioner,  
1363 who provides treatment to the offender, in collaboration with  
1364 the sex offender, the child's parent or legal guardian, if the  
1365 parent or legal guardian is not the sex offender, and the child,  
1366 when age appropriate, which details the acceptable conditions of  
1367 contact between the sex offender and the child. The safety plan  
1368 must be reviewed and approved by the court; and

1369 5. Evidence that the child's parent or legal guardian  
1370 understands the need for and agrees to the safety plan and has  
1371 agreed to provide, or to designate another adult to provide,  
1372 constant supervision any time the child is in contact with the  
1373 offender.

1374  
1375 The court may not appoint a person to conduct a risk assessment  
1376 and may not accept a risk assessment from a person who has not  
1377 demonstrated to the court that he or she has met the

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1378 requirements of a qualified practitioner as defined in this  
1379 section.

1380 (f) If the victim was under age 18, a prohibition on  
1381 working for pay or as a volunteer at any place where children  
1382 regularly congregate, including, but not limited to, schools,  
1383 day care centers, parks, playgrounds, pet stores, libraries,  
1384 zoos, theme parks, and malls.

1385 (g) Unless otherwise indicated in the treatment plan  
1386 provided by a qualified practitioner in the sexual offender  
1387 treatment program, a prohibition on viewing, accessing, owning,  
1388 or possessing any obscene, pornographic, or sexually stimulating  
1389 visual or auditory material, including telephone, electronic  
1390 media, computer programs, or computer services that are relevant  
1391 to the offender's deviant behavior pattern.

1392 (h) Effective for probationers and community controllees  
1393 whose crime is committed on or after July 1, 2005, a prohibition  
1394 on accessing the Internet or other computer services until a  
1395 qualified practitioner in the offender's sex offender treatment  
1396 program, after a risk assessment is completed, approves and  
1397 implements a safety plan for the offender's accessing or using  
1398 the Internet or other computer services.

1399 (i) A requirement that the probationer or community  
1400 controllee must submit a specimen of blood or other approved  
1401 biological specimen to the Department of Law Enforcement to be  
1402 registered with the DNA data bank.

1403 (j) A requirement that the probationer or community  
1404 controllee make restitution to the victim, as ordered by the  
1405 court under s. 775.089, for all necessary medical and related

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1406 professional services relating to physical, psychiatric, and  
1407 psychological care.

1408 (k) Submission to a warrantless search by the community  
1409 control or probation officer of the probationer's or community  
1410 controllee's person, residence, or vehicle.

1411 (2) Effective for a probationer or community controllee  
1412 whose crime was committed on or after October 1, 1997, and who  
1413 is placed on community control or sex offender probation for a  
1414 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
1415 or s. 847.0145, in addition to any other provision of this  
1416 section, the court must impose the following conditions of  
1417 probation or community control:

1418 (a) As part of a treatment program, participation at least  
1419 annually in polygraph examinations to obtain information  
1420 necessary for risk management and treatment and to reduce the  
1421 sex offender's denial mechanisms. A polygraph examination must  
1422 be conducted by a polygrapher who is a member of a national or  
1423 state polygraph association and who is certified as a post-  
1424 conviction sex offender polygrapher ~~trained specifically in the~~  
1425 ~~use of the polygraph for the monitoring of sex offenders~~, where  
1426 available, and shall be paid for by the probationer or community  
1427 controllee sex offender. The results of the polygraph  
1428 examination shall be provided to the probationer's or community  
1429 controllee's probation officer and qualified practitioner and  
1430 shall not be used as evidence in court to prove that a violation  
1431 of community supervision has occurred.

1432 (4) In addition to all other conditions imposed, for a  
1433 probationer or community controllee who is subject to

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1434 supervision for a crime that was committed on or after the  
1435 effective date of this act, and who has been convicted at any  
1436 time of committing, or attempting, soliciting, or conspiring to  
1437 commit, any of the criminal offenses listed in s.  
1438 943.0435(1)(a)1.a.(I), or a similar offense in another  
1439 jurisdiction, against a victim who was under the age of 18 at  
1440 the time of the offense; if the offender has not received a  
1441 pardon for any felony or similar law of another jurisdiction  
1442 necessary for the operation of this subsection, if a conviction  
1443 of a felony or similar law of another jurisdiction necessary for  
1444 the operation of this subsection has not been set aside in any  
1445 postconviction proceeding, or if the offender has not been  
1446 removed from the requirement to register as a sexual offender or  
1447 sexual predator pursuant to s. 943.04354, the court must impose  
1448 the following conditions:

1449 (a) A prohibition on visiting schools, child care  
1450 facilities, parks, and playgrounds, without prior approval from  
1451 the offender's supervising officer. The court may also designate  
1452 additional locations to protect a victim. The prohibition  
1453 ordered under this paragraph does not prohibit the offender from  
1454 visiting a school, child care facility, park, or playground for  
1455 the sole purpose of attending a religious service as defined in  
1456 s. 775.0861, or picking up or dropping off the offender's  
1457 children or grandchildren at a child care facility or school.

1458 (b) A prohibition on distributing candy or other items to  
1459 children on Halloween; wearing a Santa Claus costume, or other  
1460 costume to appeal to children, on or preceding Christmas;  
1461 wearing an Easter Bunny costume, or other costume to appeal to

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1462 children, on or preceding Easter; entertaining at children's  
1463 parties; or wearing a clown costume; without prior approval from  
1464 the court.

1465 Section 12. Section 948.31, Florida Statutes, is amended  
1466 to read:

1467 948.31 ~~Diagnosis, Evaluation, and treatment of sexual~~  
1468 ~~predators and offenders placed on probation or community control~~  
1469 ~~for certain sex offenses or child exploitation.~~The court shall  
1470 require an a diagnosis and evaluation by a qualified  
1471 practitioner to determine the need of a probationer or community  
1472 controlee offender in community control for treatment. If the  
1473 court determines that a need therefor is established by the such  
1474 diagnosis and evaluation process, the court shall require sexual  
1475 offender treatment outpatient counseling as a term or condition  
1476 of probation or community control for any person who is required  
1477 to register as a sexual predator under s. 775.21 or sexual  
1478 offender under s. 943.0435, s. 944.606, or s. 944.607. was found  
1479 guilty of any of the following, or whose plea of guilty or nolo  
1480 contendere to any of the following was accepted by the court:

1481 ~~(1) Lewd or lascivious battery, lewd or lascivious~~  
1482 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1483 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1484 ~~(2) Sexual battery, as defined in chapter 794, against a~~  
1485 ~~child.~~

1486 ~~(3) Exploitation of a child as provided in s. 450.151, or~~  
1487 ~~for prostitution.~~

1488



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1489 Such treatment counseling shall be required to be obtained from  
1490 a qualified practitioner as defined in s. 948.001. Treatment may  
1491 not be administered by a qualified practitioner who has been  
1492 convicted or adjudicated delinquent of committing, or  
1493 attempting, soliciting, or conspiring to commit, any offense  
1494 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall  
1495 impose a restriction against contact with minors if sexual  
1496 offender treatment is recommended a community mental health  
1497 center, a recognized social service agency providing mental  
1498 health services, or a private mental health professional or  
1499 through other professional counseling. The evaluation and  
1500 recommendations plan for treatment of counseling for the  
1501 probationer or community controlee individual shall be provided  
1502 to the court for review.

1503 Section 13. Paragraph (a) of subsection (3) of section  
1504 985.481, Florida Statutes, is amended to read:

1505 985.481 Sexual offenders adjudicated delinquent;  
1506 notification upon release.-

1507 (3) (a) The department must provide information regarding  
1508 any sexual offender who is being released after serving a period  
1509 of residential commitment under the department for any offense,  
1510 as follows:

1511 1. The department must provide the sexual offender's name,  
1512 any change in the offender's name by reason of marriage or other  
1513 legal process, and any alias, if known; the correctional  
1514 facility from which the sexual offender is released; the sexual  
1515 offender's social security number, race, sex, date of birth,  
1516 height, weight, and hair and eye color; address of any planned

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1517 permanent residence or temporary residence, within the state or  
1518 out of state, including a rural route address and a post office  
1519 box; if no permanent or temporary address, any transient  
1520 residence within the state; address, location or description,  
1521 and dates of any known future temporary residence within the  
1522 state or out of state; date and county of disposition and each  
1523 crime for which there was a disposition; a copy of the  
1524 offender's fingerprints and a digitized photograph taken within  
1525 60 days before release; the date of release of the sexual  
1526 offender; and home telephone number and any cellular telephone  
1527 number; and the offender's intended residence address, if known.

1528 The department shall notify the Department of Law Enforcement if  
1529 the sexual offender escapes, absconds, or dies. If the sexual  
1530 offender is in the custody of a private correctional facility,  
1531 the facility shall take the digitized photograph of the sexual  
1532 offender within 60 days before the sexual offender's release and  
1533 also place it in the sexual offender's file. If the sexual  
1534 offender is in the custody of a local jail, the custodian of the  
1535 local jail shall register the offender within 3 business days  
1536 after intake of the offender for any reason and upon release,  
1537 and shall notify the Department of Law Enforcement of the sexual  
1538 offender's release and provide to the Department of Law  
1539 Enforcement the information specified in this subparagraph and  
1540 any information specified in subparagraph 2. which the  
1541 Department of Law Enforcement requests.

1542 2. The department may provide any other information  
1543 considered necessary, including criminal and delinquency  
1544 records, when available.

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1545 Section 14. Paragraph (a) of subsection (4), paragraph (a)  
1546 of subsection (6), and paragraph (b) of subsection (13) of  
1547 section 985.4815, Florida Statutes, are amended to read:

1548 985.4815 Notification to Department of Law Enforcement of  
1549 information on juvenile sexual offenders.—

1550 (4) A sexual offender, as described in this section, who  
1551 is under the supervision of the department but who is not  
1552 committed must register with the department within 3 business  
1553 days after adjudication and disposition for a registrable  
1554 offense and otherwise provide information as required by this  
1555 subsection.

1556 (a) The sexual offender shall provide his or her name;  
1557 date of birth; social security number; race; sex; height;  
1558 weight; hair and eye color; tattoos or other identifying marks;  
1559 and permanent or legal residence and address of temporary  
1560 residence within the state or out of state while the sexual  
1561 offender is in the care or custody or under the jurisdiction or  
1562 supervision of the department in this state, including any rural  
1563 route address or post office box; if no permanent or temporary  
1564 address, any transient residence; address, location or  
1565 description, and dates of any current or known future temporary  
1566 residence within the state or out of state; and the name and  
1567 address of each school attended. The department shall verify the  
1568 address of each sexual offender and shall report to the  
1569 Department of Law Enforcement any failure by a sexual offender  
1570 to comply with registration requirements.

1571 (6) (a) The information provided to the Department of Law  
1572 Enforcement must include the following:

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1573 1. The information obtained from the sexual offender under  
1574 subsection (4).

1575 2. The sexual offender's most current address and place of  
1576 permanent, ~~or~~ temporary, or transient residence within the state  
1577 or out of state, and address, location or description, and dates  
1578 of any current or known future temporary residence within the  
1579 state or out of state, while the sexual offender is in the care  
1580 or custody or under the jurisdiction or supervision of the  
1581 department in this state, including the name of the county or  
1582 municipality in which the offender permanently or temporarily  
1583 resides, or has a transient residence, and address, location or  
1584 description, and dates of any current or known future temporary  
1585 residence within the state or out of state; and, if known, the  
1586 intended place of permanent, ~~or~~ temporary, or transient  
1587 residence, and address, location or description, and dates of  
1588 any current or known future temporary residence within the state  
1589 or out of state upon satisfaction of all sanctions.

1590 3. The legal status of the sexual offender and the  
1591 scheduled termination date of that legal status.

1592 4. The location of, and local telephone number for, any  
1593 department office that is responsible for supervising the sexual  
1594 offender.

1595 5. An indication of whether the victim of the offense that  
1596 resulted in the offender's status as a sexual offender was a  
1597 minor.

1598 6. The offense or offenses at adjudication and disposition  
1599 that resulted in the determination of the offender's status as a  
1600 sex offender.

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1601 7. A digitized photograph of the sexual offender, which  
1602 must have been taken within 60 days before the offender was  
1603 released from the custody of the department or a private  
1604 correctional facility by expiration of sentence under s.  
1605 944.275, or within 60 days after the onset of the department's  
1606 supervision of any sexual offender who is on probation,  
1607 postcommitment probation, residential commitment, nonresidential  
1608 commitment, licensed child-caring commitment, community control,  
1609 conditional release, parole, provisional release, or control  
1610 release or who is supervised by the department under the  
1611 Interstate Compact Agreement for Probationers and Parolees. If  
1612 the sexual offender is in the custody of a private correctional  
1613 facility, the facility shall take a digitized photograph of the  
1614 sexual offender within the time period provided in this  
1615 subparagraph and shall provide the photograph to the department.

1616 (13)

1617 (b) The sheriff's office may determine the appropriate  
1618 times and days for reporting by the sexual offender, which shall  
1619 be consistent with the reporting requirements of this  
1620 subsection. Reregistration shall include any changes to the  
1621 following information:

1622 1. Name; social security number; age; race; sex; date of  
1623 birth; height; weight; hair and eye color; address of any  
1624 permanent residence and address of any current temporary  
1625 residence, within the state or out of state, including a rural  
1626 route address and a post office box; if no permanent or  
1627 temporary address, any transient residence; address, location or  
1628 description, and dates of any current or known future temporary

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1629 residence within the state or out of state; name and address of  
1630 each school attended; date and place of any employment; vehicle  
1631 make, model, color, and license tag number; fingerprints; and  
1632 photograph. A post office box shall not be provided in lieu of a  
1633 physical residential address.

1634 2. If the sexual offender is enrolled, employed, or  
1635 carrying on a vocation at an institution of higher education in  
1636 this state, the sexual offender shall also provide to the  
1637 department the name, address, and county of each institution,  
1638 including each campus attended, and the sexual offender's  
1639 enrollment or employment status.

1640 3. If the sexual offender's place of residence is a motor  
1641 vehicle, trailer, mobile home, or manufactured home, as defined  
1642 in chapter 320, the sexual offender shall also provide the  
1643 vehicle identification number; the license tag number; the  
1644 registration number; and a description, including color scheme,  
1645 of the motor vehicle, trailer, mobile home, or manufactured  
1646 home. If the sexual offender's place of residence is a vessel,  
1647 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1648 sexual offender shall also provide the hull identification  
1649 number; the manufacturer's serial number; the name of the  
1650 vessel, live-aboard vessel, or houseboat; the registration  
1651 number; and a description, including color scheme, of the  
1652 vessel, live-aboard vessel, or houseboat.

1653 4. Any sexual offender who fails to report in person as  
1654 required at the sheriff's office, or who fails to respond to any  
1655 address verification correspondence from the department within 3  
1656 weeks after the date of the correspondence, commits a felony of

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1657 the third degree, punishable as provided in ss. 775.082,  
1658 775.083, and 775.084.

1659 Section 15. The Legislature intends that nothing in this  
1660 act reduce or diminish a court's jurisdiction.

1661 Section 16. If any provision of this act or its  
1662 application to any person or circumstance is held invalid, the  
1663 invalidity does not affect other provisions or applications of  
1664 this act which can be given effect without the invalid provision  
1665 or application, and to this end the provisions of this act are  
1666 declared severable.

1667 Section 17. This act shall take effect upon becoming a  
1668 law.

1669  
1670

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

571  
1672 Remove the entire title and insert:

1673 A bill to be entitled

1674 An act relating to sexual offenders and predators;  
1675 creating s. 856.022, F.S.; prohibiting loitering or  
1676 prowling by certain offenders within a specified distance  
1677 of places where children were congregating; prohibiting  
1678 certain actions toward a child at a public park or  
1679 playground by certain offenders; prohibiting the presence  
1680 of certain offenders at or on real property comprising a  
1681 child care facility or pre-K through 12 school without  
1682 notice and supervision; providing exceptions; providing  
1683 penalties; amending s. 775.21, F.S.; revising and  
1684 providing definitions; revising provisions relating to

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1685 residence reporting requirements for sexual predators;  
1686 renumbering s. 794.065, F.S., as s. 775.215, F.S.;  
1687 providing definitions; substituting the term "child care  
1688 facility" for the term "day care center"; providing that  
1689 the section does not apply to a person living in an  
1690 approved residence before the establishment of a school,  
1691 child care facility, park, or playground within 1,000 feet  
1692 of the residence; including offenses in other  
1693 jurisdictions that are similar to the offenses listed in  
1694 provisions providing residency restrictions for persons  
1695 convicted of certain sex offenses, applicable to offenses  
1696 committed on or after a specified date; providing that the  
1697 section does not apply to persons who were removed from  
1698 the requirement to register as a sexual offender or sexual  
1699 predator under a specified provision; amending s.  
1700 943.0435, F.S.; revising provisions relating to residence  
1701 reporting requirements for sexual offenders; amending s.  
1702 943.04352, F.S.; requiring that the probation services  
1703 provider search in an additional specified sex offender  
1704 registry for information regarding sexual predators and  
1705 sexual offenders when an offender is placed on misdemeanor  
1706 probation; amending s. 944.606, F.S.; revising address  
1707 reporting requirements for sexual offenders; amending s.  
1708 944.607, F.S.; requiring additional registration  
1709 information from sex offenders who are under the  
1710 supervision of the Department of Corrections but who are  
1711 not incarcerated; amending s. 947.1405, F.S.; revising  
1712 provisions relating to polygraph examinations of specified



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1713 conditional releasees who have committed specified sexual  
1714 offenses; providing additional restrictions for certain  
1715 conditional releasees who have committed specified sexual  
1716 offenses against minors under the age of 18 or have  
1717 similar convictions in another jurisdiction; amending s.  
1718 948.30, F.S.; revising provisions relating to polygraph  
1719 examinations of specified probationers or community  
1720 controllees who have committed specified sexual offenses;  
1721 providing additional restrictions for certain probationers  
1722 or community controllees who committed specified sexual  
1723 offenses against minors under the age of 18 or who have  
1724 similar convictions in another jurisdiction; amending s.  
1725 948.31, F.S.; deleting a requirement for diagnosis of  
1726 certain sexual predators and sexual offenders on community  
1727 control; revising provisions relating to treatment for  
1728 such offenders and predators; amending s. 985.481, F.S.;  
1729 providing additional address reporting requirements for  
1730 sexual offenders adjudicated delinquent; amending s.  
1731 985.4815, F.S.; revising provisions relating to address  
1732 and residence reporting requirements for sexual offenders  
1733 adjudicated delinquent; providing legislative intent;  
1734 providing severability; providing an effective date.

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/1/2010 2:15:00PM**

**Location:** 404 HOB

**PCB PSDS 10-01 : Criminal Law Reviser Bill**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard			X		
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper			X		
Lake Ray			X		
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman				X	
Kevin Ambler (Chair)			X		
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Monday, March 01, 2010 4:39:13PM