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# **Criminal Justice Subcommittee**

**Tuesday 19<sup>th</sup>, 2013  
9:00 AM**

**404 HOB**

**Action Packet**

**Will W. Weatherford  
Speaker**

**Matt Gaetz  
Chair**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

**Location:** 404 HOB

### Summary:

#### Criminal Justice Subcommittee

*Tuesday February 19, 2013 09:00 am*

HB 113	Favorable With Committee Substitute Amendment 788793 Adopted Without Objection	Yeas: 11 Nays: 0
HB 311	Favorable	Yeas: 11 Nays: 0
HB 619	Favorable	Yeas: 11 Nays: 0
PCB CRJS 13-02	Favorable With Amendments Amendment PCB CRJS 13-02 a1 Adopted Without Objection Amendment PCB CRJS 13-02 a2 Adopted Without Objection	Yeas: 9 Nays: 2
PCB CRJS 13-03	Favorable	Yeas: 10 Nays: 1

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Gaetz (Chair)	X		
Randolph Bracy	X		
Michael Clelland	X		
Dane Eagle	X		
James Grant	X		
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Dave Kerner	X		
Kionne McGhee	X		
Ray Pilon			X
Irving Slosberg	X		
Charles Van Zant	X		
<b>Totals:</b>	<b>12</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

Location: 404 HOB

### HB 113 : Distribution of Materials Harmful to Minors

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)			X		
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### HB 113 Amendments

#### Amendment 788793

Adopted Without Objection

### Appearances:

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

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 113 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	—	(Y/N)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

**FAVORABLE**  
**2/19/13**

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Diaz, M. offered the following:

5 **Amendment (with title amendment)**

6 Remove lines 25-26 and insert:

7 school, or secondary school, whether public or nonpublic. This  
8 subsection does not apply to the distribution or posting of  
9 instructional materials that by design serve as a major tool for  
10 assisting in the instruction of a subject or course by school  
11 officers, instructional personnel, administrative personnel,  
12 school volunteers, educational support employees, or managers as  
13 those terms are defined in s. 1012.01.

15 -----  
16 **T I T L E A M E N D M E N T**

17 Remove line 10 and insert:

18 "school property"; providing an exception; providing an  
19 effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

Location: 404 HOB

### HB 311 : Costs of Prosecution, Investigation, and Representation

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)			X		
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

#### Appearances:

Pitts, Brian (General Public) - Information Only

Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727) 897-9291

Hofheinz, Monica (Lobbyist) (State Employee) - Proponent

Assistant State Attorney, Florida Prosecuting Attorneys Association  
201 SE 6th Street  
Ft. Lauderdale FL 33301  
Phone: (954) 831-8543

Dillinger, Bob (State Employee) - Information Only

Public Defender Assoc.  
14250 49 St North  
Clearwater FL 33762  
Phone: (727) 464-6865

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

Location: 404 HOB

HB 619 : Controlled Substances

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)			X		
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### Appearances:

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

Coole, Casey (Lobbyist) - Waive In Support  
Legislative Advocate, Florida League of Cities  
P.O Box 1757  
Tallahassee FL 32302  
Phone: (850) 701-3701

Gran, Jill (Lobbyist) - Waive In Support  
Florida Alcohol and Drug Abuse Association  
2868 Mahan Dr  
Tallahassee FL 32308  
Phone: (850) 251-8988

Herbin, Susan (Lobbyist) - Waive In Support  
FAC  
Phone: (850) 922-4300

Rutherford, John (General Public) - Waive In Support  
Sheriff, Florida Sheriffs Association  
501 E. Bay St.  
Jacksonville FL 32202  
Phone: (904) 630-5898

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

**Location:** 404 HOB

**HB 619 : Controlled Substances (continued)**

**Appearances: (continued)**

Johnson, Rob (Lobbyist) - Waive In Support  
Legislative Affairs Director, Office of the Attorney General  
Phone: (850) 245-0145

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM



# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

Location: 404 HOB

### PCB CRJS 13-02 : Sex Offenses

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee		X			
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)			X		
<b>Total Yeas: 9</b>		<b>Total Nays: 2</b>			

### PCB CRJS 13-02 Amendments

#### Amendment PCB CRJS 13-02 a1

Adopted Without Objection

#### Amendment PCB CRJS 13-02 a2

Adopted Without Objection

### Appearances:

Pitts, Brian (General Public) - Information Only

Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727) 897-9291

Dillinger, Bob (State Employee) - Information Only

Public Defender Assoc.  
14250 49 St North  
Clearwater FL 33762  
Phone: (727) 464-6865

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CRJS 13-02 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

FAVORABLE  
2/19/13

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

**Amendment**

4  
5  
6 Remove line 163 and insert:  
7 ~~825.1025(2)(b);~~ s. 827.071; s. 847.0135(5), excluding s.  
8 847.0135(6); s. 847.0145; s.

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

FAVORABLE  
2/19/13

1 Committee/Subcommittee hearing PCB: Criminal Justice  
2 Subcommittee

3 Representative Harrell offered the following:

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

6 Remove lines 854-1329 and insert:  
7 that required the offender to register began, excluding any  
8 period in which the offender was supervised by the Department of  
9 Corrections;

10 b. The sexual offender has not been convicted or  
11 adjudicated delinquent of any felony offense or of an offense  
12 punishable by more than 1 year of imprisonment during the 25  
13 years preceding the petition to the court;

14 c. The sexual offender has successfully completed all  
15 sanctions imposed for all offenses that required the offender to  
16 register;

17 d. The sexual offender's requirement to register was not  
18 based upon an adult conviction for a violation of s. 787.01, s.  
19 794.011, excluding s. 794.011(10), s. 800.04(4)(b) where the  
20 court finds the offense involved a victim under 12 years of age

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CRJS 13-02 (2013)

Amendment No. 2

21 or sexual activity by the use of force or coercion, s.  
22 800.04(5)(b), or s. 800.04(5)(c)2. where the court finds the  
23 offense involved the use of force or coercion and unclothed  
24 genitals or genital area; for any attempt or conspiracy to  
25 commit any offense listed in this sub-subparagraph; for a  
26 violation of similar law of another jurisdiction; or for a  
27 violation of a similar offense committed in this state which has  
28 been redesignated from a former statute number to one of those  
29 listed in this sub-subparagraph; and

30 e. For sexual offenders whose requirement to register is  
31 based upon a conviction in another state, the sexual offender is  
32 not required to register as a sexual offender pursuant to the  
33 laws of the state where the conviction occurred. Such an  
34 offender must provide the court written confirmation that he or  
35 she is not required to register in the state where the  
36 conviction occurred.

37 ~~a. For a violation of s. 787.01 or s. 787.02;~~

38 ~~b. For a violation of s. 794.011, excluding s.~~  
39 ~~794.011(10);~~

40 ~~e. For a violation of s. 800.04(4)(b) where the court~~  
41 ~~finds the offense involved a victim under 12 years of age or~~  
42 ~~sexual activity by the use of force or coercion;~~

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

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

46 ~~f. For any attempt or conspiracy to commit any such~~  
47 ~~offense; or~~

48 ~~g. For a violation of similar law of another jurisdiction;~~

Amendment No. 2

49 ~~may petition the criminal division of the circuit court of the~~  
50 ~~circuit in which the sexual offender resides for the purpose of~~  
51 ~~removing the requirement for registration as a sexual offender.~~

52 2. A sexual offender whose requirement to register was  
53 based upon an adult conviction for a violation of s. 787.02 or  
54 s. 827.071(5), for any attempt or conspiracy to commit any  
55 offense listed in this subparagraph, or for a violation of  
56 similar law of another jurisdiction may petition the criminal  
57 division of the circuit court of the circuit in which the sexual  
58 offender resides for the purpose of removing the requirement for  
59 registration as a sexual offender if:

60 a. Fifteen years have elapsed since the sexual offender's  
61 registration period for the most recent conviction that required  
62 the offender to register began, excluding any period in which  
63 the offender was supervised by the Department of Corrections;

64 b. The sexual offender has not been convicted or  
65 adjudicated delinquent of any felony offense or of an offense  
66 punishable by more than 1 year of imprisonment during the 10  
67 years preceding the petition to the court;

68 c. The sexual offender has successfully completed all  
69 sanctions imposed for all offenses that required the offender to  
70 register; and

71 d. For sexual offenders whose requirement to register is  
72 based upon a conviction in another state, the sexual offender is  
73 not required to register as a sexual offender pursuant to the  
74 laws of the state where the conviction occurred. Such an  
75 offender must provide the court written confirmation that he or  
76 she is not required to register in the state where the

Amendment No. 2  
77 conviction occurred.

78 3. A sexual offender required to register under sub-  
79 subparagraph (1)(a)1.d. may petition the criminal division of  
80 the circuit court of the circuit in which the sexual offender  
81 resides for the purpose of removing the requirement for  
82 registration as a sexual offender if:

83 a. Twenty-five years have elapsed since the sexual  
84 offender's registration period for the most recent adjudication  
85 that required the offender to register began, excluding any  
86 period in which the offender was supervised by the Department of  
87 Juvenile Justice;

88 b. The sexual offender has not been convicted or  
89 adjudicated delinquent of any felony offense or of an offense  
90 punishable by more than 1 year of imprisonment during the 25  
91 years preceding the petition to the court; and

92 c. The sexual offender has successfully completed all  
93 sanctions imposed for all offenses that required the offender to  
94 register.

95 4.2. The court may grant or deny relief if the offender  
96 demonstrates to the court that he or she has not been arrested  
97 for any crime since release; the requested relief complies with  
98 this paragraph, the provisions of the federal Adam Walsh Child  
99 Protection and Safety Act of 2006, and any other federal  
100 standards applicable to the removal of registration requirements  
101 for a sexual offender or required to be met as a condition for  
102 the receipt of federal funds by the state; and the court is  
103 otherwise satisfied that the offender is not a current or  
104 potential threat to public safety. The state attorney in the

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105 circuit in which the petition is filed and the department must  
106 be given notice of the petition at least 3 weeks before the  
107 hearing on the matter. The state attorney may present evidence  
108 in opposition to the requested relief or may otherwise  
109 demonstrate the reasons why the petition should be denied. If  
110 the court grants the petition, the court shall instruct the  
111 petitioner to provide the department with a certified copy of  
112 the order granting relief. If the court denies the petition, the  
113 court may set a future date at which the sexual offender may  
114 again petition the court for relief, subject to the standards  
115 for relief provided in this subsection.

116 ~~5.3-~~ The department shall remove an offender from  
117 classification as a sexual offender for purposes of registration  
118 if the offender provides to the department a certified copy of  
119 the court's written findings or order that indicates that the  
120 offender is no longer required to comply with the requirements  
121 for registration as a sexual offender.

122 6. For purposes of this paragraph:

123 a. The registration period of a sexual offender sentenced  
124 to a term of incarceration or committed to a residential program  
125 begins upon the offender's release from incarceration or  
126 commitment for the most recent conviction that required the  
127 offender to register.

128 b. A sexual offender's registration period is tolled  
129 during any period in which the offender is incarcerated, civilly  
130 committed, detained pursuant to chapter 985, or committed to a  
131 residential program.

132 (b) A sexual offender as defined in sub-subparagraph

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CRJS 13-02 (2013)

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133 (1)(a)1.b. must maintain registration with the department for  
134 the duration of his or her life until the person provides the  
135 department with an order issued by the court that designated the  
136 person as a sexual predator, as a sexually violent predator, or  
137 by another sexual offender designation in the state or  
138 jurisdiction in which the order was issued which states that  
139 such designation has been removed or demonstrates to the  
140 department that such designation, if not imposed by a court, has  
141 been removed by operation of law or court order in the state or  
142 jurisdiction in which the designation was made, and provided  
143 such person no longer meets the criteria for registration as a  
144 sexual offender under the laws of this state.

145 (14)

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

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

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

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

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

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

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

160 7. Section 800.04(5)(d) where the court finds the use of



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161 force or coercion and unclothed genitals or genital area;

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

163 9. A violation of a similar law of another jurisdiction,  
164 must reregister each year during the month of the sexual  
165 offender's birthday and every third month thereafter; or

166 10. A violation of a similar offense committed in this  
167 state which has been redesignated from a former statute number  
168 to one of those listed in this paragraph.

169 (c) The sheriff's office may determine the appropriate  
170 times and days for reporting by the sexual offender, which shall  
171 be consistent with the reporting requirements of this  
172 subsection. Reregistration shall include any changes to the  
173 following information:

174 1. Name; social security number; age; race; sex; date of  
175 birth; height; weight; hair and eye color; address of any  
176 permanent residence and address of any current temporary  
177 residence, within the state or out of state, including a rural  
178 route address and a post office box; if no permanent or  
179 temporary address, any transient residence within the state;  
180 address, location or description, and dates of any current or  
181 known future temporary residence within the state or out of  
182 state; ~~any~~ electronic mail addresses or Internet identifiers  
183 ~~address and any instant message name~~ required to be provided  
184 pursuant to paragraph (4) (d); home telephone numbers or number  
185 ~~and any~~ cellular telephone numbers number; date and place of any  
186 employment; the ~~vehicle~~ make, model, color, registration number,  
187 and license tag number of any vehicles owned; fingerprints; palm  
188 prints; and photograph. A post office box may ~~shall~~ not be

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189 provided in lieu of a physical residential address. The sexual  
190 offender must also produce his or her passport, if he or she has  
191 a passport, and, if he or she is an alien, must produce or  
192 provide information about documents establishing his or her  
193 immigration status. The sexual offender must also provide  
194 information about any professional licenses he or she may have.

195 2. If the sexual offender is enrolled, volunteering,  
196 employed, or carrying on a vocation at an institution of higher  
197 education in this state, the sexual offender shall also provide  
198 to the department the name, address, and county of each  
199 institution, including each campus attended, and the sexual  
200 offender's enrollment, volunteer, or employment status.

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

214 4. Any sexual offender who fails to report in person as  
215 required at the sheriff's office, ~~or~~ who fails to respond to any  
216 address verification correspondence from the department within 3

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CRJS 13-02 (2013)

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217 weeks of the date of the correspondence, ~~or~~ who fails to report  
218 all electronic mail addresses and all Internet identifiers prior  
219 to use ~~or instant message names~~, or who knowingly provides false  
220 registration information by act or omission commits a felony of  
221 the third degree, punishable as provided in s. 775.082, s.  
222 775.083, or s. 775.084.

223 Section 6. Section 943.04351, Florida Statutes, is amended  
224 to read:

225 943.04351 Search of registration information regarding  
226 sexual predators and sexual offenders required prior to  
227 appointment or employment.—A state agency or governmental  
228 subdivision, prior to making any decision to appoint or employ a  
229 person to work, whether for compensation or as a volunteer, at  
230 any park, playground, day care center, or other place where  
231 children regularly congregate, must conduct a search of that  
232 person's name or other identifying information against the  
233 registration information regarding sexual predators and sexual  
234 offenders maintained by the Department of Law Enforcement under  
235 s. 943.043. The agency or governmental subdivision may conduct  
236 the search using the Internet site maintained by the Department  
237 of Law Enforcement. Also, a national search must be conducted  
238 through the Dru Sjodin National Sex Offender Public Website  
239 maintained by the United States Department of Justice. This  
240 section does not apply to those positions or appointments within  
241 a state agency or governmental subdivision for which a state and  
242 national criminal history background check is conducted.

243 Section 7. Section 943.04354, Florida Statutes, is amended  
244 to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CRJS 13-02 (2013)

Amendment No. 2

245 943.04354 Removal of the requirement to register as a  
246 sexual offender or sexual predator in special circumstances.-

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

250 (a) ~~Was or will be convicted, regardless of adjudication,~~  
251 ~~or adjudicated delinquent of a violation of s. 794.011, s.~~  
252 ~~800.04, s. 827.071, or s. 847.0135(5), or a similar offense in~~  
253 ~~another jurisdiction, or the person committed a violation of s.~~  
254 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~  
255 ~~adjudication of guilt was or will be withheld, and the person~~  
256 ~~does not have any other conviction, regardless of adjudication,~~  
257 ~~or adjudication of delinquency, or withhold of adjudication of~~  
258 ~~guilt for a violation of s. 794.011, s. 800.04, s. 827.071, or~~  
259 ~~s. 847.0135(5), or a similar offense in another jurisdiction;~~

260 (b)1. Was convicted, regardless of adjudication, or  
261 adjudicated delinquent of an offense listed in paragraph (a) and  
262 is required to register as a sexual offender or sexual predator  
263 solely on the basis of this conviction or adjudication  
264 violation; or and

265 2. Was convicted, regardless of adjudication, or  
266 adjudicated delinquent of an offense in another jurisdiction  
267 that is similar to an offense listed in paragraph (a) and no  
268 longer meets the criteria for registration as a sexual offender  
269 or sexual predator under the laws of the jurisdiction where the  
270 similar offense occurred; and

271 (c) Is not more than 4 years older than the victim of this  
272 violation who was 13 ~~14~~ years of age or older but less ~~not more~~

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PCB Name: PCB CRJS 13-02 (2013)

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273 than 18 ~~17~~ years of age at the time the person committed this  
274 violation.

275 (2) If a person meets the criteria in subsection (1) ~~and~~  
276 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~  
277 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person  
278 may move the criminal court of the circuit in which the offense  
279 occurred or the sentencing court or, for persons convicted or  
280 adjudicated delinquent of a qualifying offense in another  
281 jurisdiction, the criminal circuit court of the circuit in which  
282 the person resides ~~that will sentence or dispose of this~~  
283 ~~violation~~ to remove the requirement that the person register as  
284 a sexual offender or sexual predator. The person must allege in  
285 the motion that he or she meets the criteria in subsection (1)  
286 and that removal of the registration requirement will not  
287 conflict with federal law. Persons convicted or adjudicated  
288 delinquent of an offense in another jurisdiction that is similar  
289 to an offense listed in paragraph (1)(a) must provide the court  
290 written confirmation that he or she is not required to register  
291 in the state where the conviction or adjudication occurred. The  
292 state attorney and the department must be given notice of the  
293 motion at least 21 days before the date of sentencing, ~~or~~  
294 disposition of the this violation, or hearing on the motion and  
295 may present evidence in opposition to the requested relief or  
296 may otherwise demonstrate why the motion should be denied. At  
297 sentencing, ~~or~~ disposition of the this violation, or hearing on  
298 the motion, the court shall rule on this motion and, if the  
299 court determines the person meets the criteria in subsection (1)  
300 and the removal of the registration requirement will not

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COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CRJS 13-02 (2013)

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301 conflict with federal law, it may grant the motion and order the  
302 removal of the registration requirement. The court shall  
303 instruct the person to provide the department a certified copy  
304 of the order granting relief. If the court denies the motion,  
305 the person is not authorized under this section to file another  
306 motion ~~petition~~ for removal of the registration requirement.

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

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

311 ~~2. Is subject to registration as a sexual offender or~~  
312 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~  
313 ~~827.071; and~~

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

315 ~~(b) A person may petition the court in which the sentence~~  
316 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~  
317 ~~827.071 occurred for removal of the requirement to register as a~~  
318 ~~sexual offender or sexual predator. The person must allege in~~  
319 ~~the petition that he or she meets the criteria in subsection (1)~~  
320 ~~and removal of the registration requirement will not conflict~~  
321 ~~with federal law. The state attorney must be given notice of the~~  
322 ~~petition at least 21 days before the hearing on the petition and~~  
323 ~~may present evidence in opposition to the requested relief or~~  
324 ~~may otherwise demonstrate why the petition should be denied. The~~  
325 ~~court shall rule on the petition and, if the court determines~~  
326 ~~the person meets the criteria in subsection (1) and removal of~~  
327 ~~the registration requirement will not conflict with federal law,~~  
328 ~~it may grant the petition and order the removal of the~~

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

332 (3)~~(4)~~ If a person provides to the Department of Law  
333 Enforcement a certified copy of the court's order removing the  
334 requirement that the person register as a sexual offender or  
335 sexual predator for the violation of s. 794.011, s. 800.04, s.  
336 827.071, or s. 847.0135(5), or a similar offense in another  
337 jurisdiction, the registration requirement will not apply to the  
338 person and the department shall remove all information about the  
339 person from the public registry of sexual offenders and sexual  
340 predators maintained by the department. However, the removal of  
341 this information from the public registry does not mean that the  
342 public is denied access to information about the person's  
343 criminal history or record that is otherwise available as a  
344 public record.

345 Section 8. Subsection (2) and paragraph (a) of subsection  
346 (3) of section 943.0437, Florida Statutes, are amended to read:

347 943.0437 Commercial social networking websites.—

348 (2) The department may provide information relating to  
349 electronic mail addresses and Internet identifiers ~~instant~~  
350 ~~message names~~ maintained as part of the sexual offender registry  
351 to commercial social networking websites or third parties  
352 designated by commercial social networking websites. The  
353 commercial social networking website may use this information  
354 for the purpose of comparing registered users and screening  
355 potential users of the commercial social networking website  
356 against the list of electronic mail addresses and Internet

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357 identifiers ~~instant message names~~ provided by the department.

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

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

364 Section 9. Paragraphs (b) and (d) of subsection (1) and  
365 paragraph (a) of subsection (3) of section 944.606, Florida  
366 Statutes, are amended to read:

367 944.606 Sexual offenders; notification upon release.—

368 (1) As used in this section:

369 (b) "Sexual offender" means a person who has been  
370 convicted of committing, or attempting, soliciting, or  
371 conspiring to commit, any of the criminal offenses proscribed in  
372 the following statutes in this state or similar offenses in  
373 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
374 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
375 the defendant is not the victim's parent or guardian; s.  
376 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
377 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
378 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
379 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
380 916.1075(2); or s. 985.701(1); or any similar offense committed  
381 in this state which has been redesignated from a former statute  
382 number to one of those listed in this subsection, when the  
383 department has received verified information regarding such  
384 conviction; an offender's computerized criminal history record



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385 is not, in and of itself, verified information.

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

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

393 1. The department must provide: the sexual offender's  
394 name, any change in the offender's name by reason of marriage or  
395 other legal process, and any alias, if known; the correctional  
396 facility from which the sexual offender is released; the sexual  
397 offender's social security number, race, sex, date of birth,  
398 height, weight, and hair and eye color; address of any planned  
399 permanent residence or temporary residence, within the state or  
400 out of state, including a rural route address and a post office  
401 box; if no permanent or temporary address, any transient  
402 residence within the state; address, location or description,  
403 and dates of any known future temporary residence within the  
404 state or out of state; date and county of sentence and each  
405 crime for which the offender was sentenced; a copy of the  
406 offender's fingerprints, palm prints, and a digitized photograph  
407 taken within 60 days before release; the date of release of the  
408 sexual offender; all any electronic mail addresses ~~address~~ and  
409 all Internet identifiers ~~any instant message name~~ required to be  
410 provided pursuant to s. 943.0435(4)(d); all ~~and~~ home telephone  
411 numbers ~~number~~ and ~~any~~ cellular telephone numbers; information  
412 about any professional licenses the offender may have, if known;

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413 and passport information, if he or she has a passport, and, if  
414 he or she is an alien, information about documents establishing  
415 his or her immigration status ~~number~~. The department shall  
416 notify the Department of Law Enforcement if the sexual offender  
417 escapes, absconds, or dies. If the sexual offender is in the  
418 custody of a private correctional facility, the facility shall  
419 take the digitized photograph of the sexual offender within 60  
420 days before the sexual offender's release and provide this  
421 photograph to the Department of Corrections and also place it in  
422 the sexual offender's file. If the sexual offender is in the  
423 custody of a local jail, the custodian of the local jail shall  
424 register the offender within 3 business days after intake of the  
425 offender for any reason and upon release, and shall notify the  
426 Department of Law Enforcement of the sexual offender's release  
427 and provide to the Department of Law Enforcement the information  
428 specified in this paragraph and any information specified in  
429 subparagraph 2. that the Department of Law Enforcement requests.

430 2. The department may provide any other information deemed  
431 necessary, including criminal and corrections records,  
432 nonprivileged personnel and treatment records, when available.

433 Section 10. Paragraphs (a) and (f) of subsection (1),  
434 subsection (4), and paragraphs (b) and (c) of subsection (13) of  
435 section 944.607, Florida Statutes, are amended to read:

436 944.607 Notification to Department of Law Enforcement of  
437 information on sexual offenders.—

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

439 (a) "Sexual offender" means a person who is in the custody  
440 or control of, or under the supervision of, the department or is

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441 in the custody of a private correctional facility:

442 1. On or after October 1, 1997, as a result of a  
443 conviction for committing, or attempting, soliciting, or  
444 conspiring to commit, any of the criminal offenses proscribed in  
445 the following statutes in this state or similar offenses in  
446 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
447 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
448 the defendant is not the victim's parent or guardian; s.  
449 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
450 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
451 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
452 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
453 s. 916.1075(2); or s. 985.701(1); or any similar offense  
454 committed in this state which has been redesignated from a  
455 former statute number to one of those listed in this paragraph;  
456 or

457 2. Who establishes or maintains a residence in this state  
458 and who has not been designated as a sexual predator by a court  
459 of this state but who has been designated as a sexual predator,  
460 as a sexually violent predator, or by another sexual offender  
461 designation in another state or jurisdiction and was, as a  
462 result of such designation, subjected to registration or  
463 community or public notification, or both, or would be if the  
464 person were a resident of that state or jurisdiction, without  
465 regard as to whether the person otherwise meets the criteria for  
466 registration as a sexual offender.

467 (f) "Internet identifier ~~instant message name~~" has the  
468 same meaning as provided in s. 775.21 ~~means an identifier that~~

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469 ~~allows a person to communicate in real time with another person~~  
470 ~~using the Internet.~~

471 (4) A sexual offender, as described in this section, who  
472 is under the supervision of the Department of Corrections but is  
473 not incarcerated must register with the Department of  
474 Corrections within 3 business days after sentencing for a  
475 registrable offense and otherwise provide information as  
476 required by this subsection.

477 (a) The sexual offender shall provide his or her name;  
478 date of birth; social security number; race; sex; height;  
479 weight; hair and eye color; tattoos or other identifying marks;  
480 all any electronic mail addresses address and all Internet  
481 identifiers any instant message name required to be provided  
482 pursuant to s. 943.0435(4)(d); all home telephone numbers and  
483 cellular telephone numbers; the make, model, color, registration  
484 number, and license tag number of all vehicles owned; permanent  
485 or legal residence and address of temporary residence within the  
486 state or out of state while the sexual offender is under  
487 supervision in this state, including any rural route address or  
488 post office box; if no permanent or temporary address, any  
489 transient residence within the state; and address, location or  
490 description, and dates of any current or known future temporary  
491 residence within the state or out of state. The sexual offender  
492 must also produce his or her passport, if he or she has a  
493 passport, and, if he or she is an alien, must produce or provide  
494 information about documents establishing his or her immigration  
495 status. The sexual offender must also provide information about  
496 any professional licenses he or she may have. The Department of

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497 Corrections shall verify the address of each sexual offender in  
498 the manner described in ss. 775.21 and 943.0435. The department  
499 shall report to the Department of Law Enforcement any failure by  
500 a sexual predator or sexual offender to comply with registration  
501 requirements.

502 (b) If the sexual offender is enrolled, employed,  
503 volunteering, or carrying on a vocation at an institution of  
504 higher education in this state, the sexual offender shall  
505 provide the name, address, and county of each institution,  
506 including each campus attended, and the sexual offender's  
507 enrollment, volunteer, or employment status. Each change in  
508 enrollment, volunteer, or employment status shall be reported to  
509 the department within 48 hours after the change in status. The  
510 Department of Corrections shall promptly notify each institution  
511 of the sexual offender's presence and any change in the sexual  
512 offender's enrollment, volunteer, or employment status.

513 (13)

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

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

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

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

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

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

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

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

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

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

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

535

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

538

539

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

544

Remove line 591 and insert:

545

subsections (7), (8), and (11), and paragraphs (b) and (c) of  
546 subsection

547

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/19/2013 9:00:00AM

Location: 404 HOB

PCB CRJS 13-03 : Pretrial Detention

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee		X			
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)			X		
<b>Total Yeas: 10</b>		<b>Total Nays: 1</b>			

### Appearances:

Rutherford, John (General Public) - Waive In Support  
Sheriff, Florida Sheriffs Association  
501 E. Bay St.  
Jacksonville FL 32202  
Phone: (904) 630-5898

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

Committee meeting was reported out: Tuesday, February 19, 2013 12:32:06PM