

By the Committee on Judiciary; and Senator Storms

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1 A bill to be entitled
2 An act relating to sexually violent predators;
3 amending s. 394.912, F.S.; clarifying the definition
4 of the term "sexually violent offense" to include a
5 felony criminal act that has been determined beyond a
6 reasonable doubt to have been sexually motivated;
7 amending s. 394.913, F.S.; requiring the Department of
8 Children and Family Services to prioritize the
9 assessment of certain offenders for whom written
10 assessments and recommendations have not been
11 completed within a specified period; amending s.
12 394.9135, F.S.; revising the period within which the
13 department's multidisciplinary team is required to
14 provide an assessment to the state attorney regarding
15 certain offenders and file a petition with the circuit
16 court alleging that an offender is a sexually violent
17 predator; creating s. 394.933, F.S.; prohibiting the
18 introduction or attempted introduction of certain
19 items into or upon the grounds of any facility for the
20 detention of sexually violent predators; providing an
21 exception; providing that it is unlawful to transmit,
22 attempt to transmit, or cause or attempt to cause any
23 prohibited items to be transmitted or received by any
24 person incarcerated in such a facility; providing that
25 all persons or vehicles entering the grounds of such a
26 facility are subject to reasonable search for and
27 seizure of prohibited items; providing for the
28 enforcement of certain provisions of state law;
29 providing that a person who introduces or attempts to

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30 introduce a prohibited item on the grounds of a
31 facility for the detention of sexually violent
32 predators commits a felony of the third degree;
33 amending s. 775.21, F.S.; revising and providing
34 definitions; revising provisions relating to residence
35 reporting requirements for sexual predators; creating
36 s. 856.022, F.S.; enhancing the penalty for loitering
37 or prowling by certain offenders within a specified
38 distance of certain places where children congregate;
39 prohibiting certain actions toward a child at a public
40 park or playground by certain offenders; prohibiting
41 the presence of certain offenders at or on real
42 property comprising a child care facility or pre-K
43 through 12 school without notice and supervision;
44 providing exceptions; providing penalties; providing
45 an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Subsection (9) of section 394.912, Florida
50 Statutes, is amended to read:

51 394.912 Definitions.—As used in this part, the term:

52 (9) "Sexually violent offense" means:

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

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

57 1. Sexual battery; or

58 2. A lewd, lascivious, or indecent assault or act upon or

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59 in the presence of the child;

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

63 1. Sexual battery; or

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

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

67 (e) Lewd, lascivious, or indecent assault or act upon or in
68 presence of the child in violation of s. 800.04 or s.
69 847.0135(5);

70 (f) An attempt, criminal solicitation, or conspiracy, in
71 violation of s. 777.04, of a sexually violent offense;

72 (g) Any conviction for a felony offense in effect at any
73 time before October 1, 1998, which is comparable to a sexually
74 violent offense under paragraphs (a)-(f) or any federal
75 conviction or conviction in another state for a felony offense
76 that in this state would be a sexually violent offense; or

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

81 Section 2. Paragraph (e) of subsection (3) of section
82 394.913, Florida Statutes, is amended to read:

83 394.913 Notice to state attorney and multidisciplinary team
84 of release of sexually violent predator; establishing
85 multidisciplinary teams; information to be provided to
86 multidisciplinary teams.—

87 (3)

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88 (e)1. Within 180 days after receiving notice, there shall
89 be a written assessment as to whether the person meets the
90 definition of a sexually violent predator and a written
91 recommendation, which shall be provided to the state attorney.
92 The written recommendation shall be provided by the Department
93 of Children and Family Services and shall include the written
94 report of the multidisciplinary team.

95 2. The timeframes in this section notwithstanding, when
96 there are individuals for whom the written assessment and
97 recommendation have not been completed by 365 days before their
98 release from total confinement, the department shall prioritize
99 the assessment of those individuals based on their release date.

100 Section 3. Subsections (2) and (3) of section 394.9135,
101 Florida Statutes, are amended to read:

102 394.9135 Immediate releases from total confinement;
103 transfer of person to department; time limitations on
104 assessment, notification, and filing petition to hold in
105 custody; filing petition after release.—

106 (2) Within 72 hours after transfer, the multidisciplinary
107 team shall assess whether the person meets the definition of a
108 sexually violent predator. If the multidisciplinary team
109 determines that the person does not meet the definition of a
110 sexually violent predator, that person shall be immediately
111 released. If the multidisciplinary team determines that the
112 person meets the definition of a sexually violent predator, the
113 team shall provide the state attorney, as designated by s.
114 394.913, with its written assessment and recommendation within
115 the 72-hour period or, if the 72-hour period ends after 5 p.m.
116 on a work day or on a weekend or holiday, within the next

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117 working day thereafter.

118 (3) Within 48 hours after receipt of the written assessment
119 and recommendation from the multidisciplinary team, the state
120 attorney, as designated in s. 394.913, may file a petition with
121 the circuit court alleging that the person is a sexually violent
122 predator and stating facts sufficient to support such
123 allegation. If a petition is not filed within 48 hours after
124 receipt of the written assessment and recommendation by the
125 state attorney, the person shall be immediately released, except
126 that if the 48-hour period ends after 5 p.m. on a work day or on
127 a weekend or holiday, the petition may be filed on the next work
128 day without resulting in the person's release. If a petition is
129 filed pursuant to this section and the judge determines that
130 there is probable cause to believe that the person is a sexually
131 violent predator, the judge shall order the person be maintained
132 in custody and held in an appropriate secure facility for
133 further proceedings in accordance with this part.

134 Section 4. Section 394.933, Florida Statutes, is created to
135 read:

136 394.933 Introduction or removal of certain articles
137 unlawful; penalty.—

138 (1) (a) Except as authorized by law or as specifically
139 authorized by the person in charge of a facility, it is unlawful
140 to introduce into or upon the grounds of any facility for
141 commitment or detention of sexually violent predators under this
142 part, or to take or attempt to take or send therefrom, any of
143 the following articles, which are declared to be contraband for
144 the purposes of this section:

145 1. Any intoxicating beverage or beverage that causes or may

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146 cause an intoxicating effect;

147 2. Any controlled substance as defined in chapter 893;

148 3. Any firearm or deadly weapon; or

149 4. Any other item that is designated as contraband by rule
150 of the department or the agency with jurisdiction based upon a
151 determination that the item is hazardous to the welfare of
152 clients or the operation of the facility.

153 (b) It is unlawful to transmit to, attempt to transmit to,
154 or cause or attempt to cause to be transmitted to or received by
155 any client of any facility under the supervision or control of
156 the department or agency any article or thing declared by this
157 section to be contraband, at any place that is outside the
158 grounds of such facility, except as authorized by law or as
159 specifically authorized by the person in charge of such
160 facility.

161 (2) (a) All individuals or vehicles entering the grounds of
162 any facility to which this section applies are subject to
163 reasonable search and seizure of any contraband materials
164 introduced into or upon the grounds of such facility for the
165 purpose of enforcing this section. This paragraph shall be
166 enforced by institutional security personnel or by a law
167 enforcement officer as defined in s. 943.10.

168 (b) A person who violates subsection (1) commits a felony
169 of the third degree, punishable as provided in s. 775.082, s.
170 775.083, or s. 775.084.

171 Section 5. Paragraph (g) of subsection (2), paragraph (c)
172 of subsection (4), paragraph (a) of subsection (5), paragraphs
173 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of
174 subsection (7), and paragraph (a) of subsection (8) of section

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175 775.21, Florida Statutes, are amended, and paragraph (1) is
176 added to subsection (2) of that section, to read:

177 775.21 The Florida Sexual Predators Act.—

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

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

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

194 (4) SEXUAL PREDATOR CRITERIA.—

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

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

201 2. The offender was administratively registered as a sexual
202 predator because the Department of Corrections, the department,
203 or any other law enforcement agency obtained information that

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204 indicated that the offender met the criteria for designation as
205 a sexual predator based on a violation of a similar law in
206 another jurisdiction,

207
208 the department shall remove that offender from the department's
209 list of sexual predators and, for an offender described under
210 subparagraph 1., shall notify the state attorney who prosecuted
211 the offense that met the criteria for administrative designation
212 as a sexual predator, and, for an offender described under this
213 paragraph, shall notify the state attorney of the county where
214 the offender establishes or maintains a permanent, ~~or~~ temporary,
215 or transient residence. The state attorney shall bring the
216 matter to the court's attention in order to establish that the
217 offender meets the criteria for designation as a sexual
218 predator. If the court makes a written finding that the offender
219 is a sexual predator, the offender must be designated as a
220 sexual predator, must register or be registered as a sexual
221 predator with the department as provided in subsection (6), and
222 is subject to the community and public notification as provided
223 in subsection (7). If the court does not make a written finding
224 that the offender is a sexual predator, the offender may not be
225 designated as a sexual predator with respect to that offense and
226 is not required to register or be registered as a sexual
227 predator with the department.

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

230 (a)1. An offender who meets the sexual predator criteria
231 described in paragraph (4)(d) is a sexual predator, and the
232 court shall make a written finding at the time such offender is

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233 determined to be a sexually violent predator under chapter 394
234 that such person meets the criteria for designation as a sexual
235 predator for purposes of this section. The clerk shall transmit
236 a copy of the order containing the written finding to the
237 department within 48 hours after the entry of the order;

238 2. An offender who meets the sexual predator criteria
239 described in paragraph (4)(a) who is before the court for
240 sentencing for a current offense committed on or after October
241 1, 1993, is a sexual predator, and the sentencing court must
242 make a written finding at the time of sentencing that the
243 offender is a sexual predator, and the clerk of the court shall
244 transmit a copy of the order containing the written finding to
245 the department within 48 hours after the entry of the order; or

246 3. If the Department of Corrections, the department, or any
247 other law enforcement agency obtains information which indicates
248 that an offender who establishes or maintains a permanent, ~~or~~
249 temporary, or transient residence in this state meets the sexual
250 predator criteria described in paragraph (4)(a) or paragraph
251 (4)(d) because the offender was civilly committed or committed a
252 similar violation in another jurisdiction on or after October 1,
253 1993, the Department of Corrections, the department, or the law
254 enforcement agency shall notify the state attorney of the county
255 where the offender establishes or maintains a permanent, ~~or~~
256 temporary, or transient residence of the offender's presence in
257 the community. The state attorney shall file a petition with the
258 criminal division of the circuit court for the purpose of
259 holding a hearing to determine if the offender's criminal record
260 or record of civil commitment from another jurisdiction meets
261 the sexual predator criteria. If the court finds that the

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262 offender meets the sexual predator criteria because the offender
263 has violated a similar law or similar laws in another
264 jurisdiction, the court shall make a written finding that the
265 offender is a sexual predator.

266

267 When the court makes a written finding that an offender is a
268 sexual predator, the court shall inform the sexual predator of
269 the registration and community and public notification
270 requirements described in this section. Within 48 hours after
271 the court designating an offender as a sexual predator, the
272 clerk of the circuit court shall transmit a copy of the court's
273 written sexual predator finding to the department. If the
274 offender is sentenced to a term of imprisonment or supervision,
275 a copy of the court's written sexual predator finding must be
276 submitted to the Department of Corrections.

277 (6) REGISTRATION.—

278 (a) A sexual predator must register with the department
279 through the sheriff's office by providing the following
280 information to the department:

281 1. Name, social security number, age, race, sex, date of
282 birth, height, weight, hair and eye color, photograph, address
283 of legal residence and address of any current temporary
284 residence, within the state or out of state, including a rural
285 route address and a post office box, if no permanent or
286 temporary address, any transient residence within the state,
287 address, location or description, and dates of any current or
288 known future temporary residence within the state or out of
289 state, any electronic mail address and any instant message name
290 required to be provided pursuant to subparagraph (g)4., home

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291 telephone number and any cellular telephone number, date and
292 place of any employment, date and place of each conviction,
293 fingerprints, and a brief description of the crime or crimes
294 committed by the offender. A post office box shall not be
295 provided in lieu of a physical residential address.

296 a. If the sexual predator's place of residence is a motor
297 vehicle, trailer, mobile home, or manufactured home, as defined
298 in chapter 320, the sexual predator shall also provide to the
299 department written notice of the vehicle identification number;
300 the license tag number; the registration number; and a
301 description, including color scheme, of the motor vehicle,
302 trailer, mobile home, or manufactured home. If a sexual
303 predator's place of residence is a vessel, live-aboard vessel,
304 or houseboat, as defined in chapter 327, the sexual predator
305 shall also provide to the department written notice of the hull
306 identification number; the manufacturer's serial number; the
307 name of the vessel, live-aboard vessel, or houseboat; the
308 registration number; and a description, including color scheme,
309 of the vessel, live-aboard vessel, or houseboat.

310 b. If the sexual predator is enrolled, employed, or
311 carrying on a vocation at an institution of higher education in
312 this state, the sexual predator shall also provide to the
313 department the name, address, and county of each institution,
314 including each campus attended, and the sexual predator's
315 enrollment or employment status. Each change in enrollment or
316 employment status shall be reported in person at the sheriff's
317 office, or the Department of Corrections if the sexual predator
318 is in the custody or control of or under the supervision of the
319 Department of Corrections, within 48 hours after any change in

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320 status. The sheriff or the Department of Corrections shall
321 promptly notify each institution of the sexual predator's
322 presence and any change in the sexual predator's enrollment or
323 employment status.

324 2. Any other information determined necessary by the
325 department, including criminal and corrections records;
326 nonprivileged personnel and treatment records; and evidentiary
327 genetic markers when available.

328 (f) Within 48 hours after the registration required under
329 paragraph (a) or paragraph (e), a sexual predator who is not
330 incarcerated and who resides in the community, including a
331 sexual predator under the supervision of the Department of
332 Corrections, shall register in person at a driver's license
333 office of the Department of Highway Safety and Motor Vehicles
334 and shall present proof of registration. At the driver's license
335 office the sexual predator shall:

336 1. If otherwise qualified, secure a Florida driver's
337 license, renew a Florida driver's license, or secure an
338 identification card. The sexual predator shall identify himself
339 or herself as a sexual predator who is required to comply with
340 this section, provide his or her place of permanent, ~~or~~
341 temporary, or transient residence, including a rural route
342 address and a post office box, and submit to the taking of a
343 photograph for use in issuing a driver's license, renewed
344 license, or identification card, and for use by the department
345 in maintaining current records of sexual predators. A post
346 office box shall not be provided in lieu of a physical
347 residential address. If the sexual predator's place of residence
348 is a motor vehicle, trailer, mobile home, or manufactured home,

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349 as defined in chapter 320, the sexual predator shall also
350 provide to the Department of Highway Safety and Motor Vehicles
351 the vehicle identification number; the license tag number; the
352 registration number; and a description, including color scheme,
353 of the motor vehicle, trailer, mobile home, or manufactured
354 home. If a sexual predator's place of residence is a vessel,
355 live-aboard vessel, or houseboat, as defined in chapter 327, the
356 sexual predator shall also provide to the Department of Highway
357 Safety and Motor Vehicles the hull identification number; the
358 manufacturer's serial number; the name of the vessel, live-
359 aboard vessel, or houseboat; the registration number; and a
360 description, including color scheme, of the vessel, live-aboard
361 vessel, or houseboat.

362 2. Pay the costs assessed by the Department of Highway
363 Safety and Motor Vehicles for issuing or renewing a driver's
364 license or identification card as required by this section. The
365 driver's license or identification card issued to the sexual
366 predator must be in compliance with s. 322.141(3).

367 3. Provide, upon request, any additional information
368 necessary to confirm the identity of the sexual predator,
369 including a set of fingerprints.

370 (g)1. Each time a sexual predator's driver's license or
371 identification card is subject to renewal, and, without regard
372 to the status of the predator's driver's license or
373 identification card, within 48 hours after any change of the
374 predator's residence or change in the predator's name by reason
375 of marriage or other legal process, the predator shall report in
376 person to a driver's license office and shall be subject to the
377 requirements specified in paragraph (f). The Department of

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378 Highway Safety and Motor Vehicles shall forward to the
379 department and to the Department of Corrections all photographs
380 and information provided by sexual predators. Notwithstanding
381 the restrictions set forth in s. 322.142, the Department of
382 Highway Safety and Motor Vehicles is authorized to release a
383 reproduction of a color-photograph or digital-image license to
384 the Department of Law Enforcement for purposes of public
385 notification of sexual predators as provided in this section.

386 2. A sexual predator who vacates a permanent, temporary, or
387 transient residence and fails to establish or maintain another
388 permanent, ~~or~~ temporary, or transient residence shall, within 48
389 hours after vacating the permanent, temporary, or transient
390 residence, report in person to the sheriff's office of the
391 county in which he or she is located. The sexual predator shall
392 specify the date upon which he or she intends to or did vacate
393 such residence. The sexual predator must provide or update all
394 of the registration information required under paragraph (a).
395 The sexual predator must provide an address for the residence or
396 other place ~~location~~ that he or she is or will be located
397 ~~occupying~~ during the time in which he or she fails to establish
398 or maintain a permanent or temporary residence.

399 3. A sexual predator who remains at a permanent, temporary,
400 or transient residence after reporting his or her intent to
401 vacate such residence shall, within 48 hours after the date upon
402 which the predator indicated he or she would or did vacate such
403 residence, report in person to the sheriff's office to which he
404 or she reported pursuant to subparagraph 2. for the purpose of
405 reporting his or her address at such residence. When the sheriff
406 receives the report, the sheriff shall promptly convey the

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407 information to the department. An offender who makes a report as
408 required under subparagraph 2. but fails to make a report as
409 required under this subparagraph commits a felony of the second
410 degree, punishable as provided in s. 775.082, s. 775.083, or s.
411 775.084.

412 4. A sexual predator must register any electronic mail
413 address or instant message name with the department prior to
414 using such electronic mail address or instant message name on or
415 after October 1, 2007. The department shall establish an online
416 system through which sexual predators may securely access and
417 update all electronic mail address and instant message name
418 information.

419 (i) A sexual predator who intends to establish a permanent,
420 temporary, or transient residence in another state or
421 jurisdiction other than the State of Florida shall report in
422 person to the sheriff of the county of current residence within
423 48 hours before the date he or she intends to leave this state
424 to establish residence in another state or jurisdiction. The
425 sexual predator must provide to the sheriff the address,
426 municipality, county, and state of intended residence. The
427 sheriff shall promptly provide to the department the information
428 received from the sexual predator. The department shall notify
429 the statewide law enforcement agency, or a comparable agency, in
430 the intended state or jurisdiction of residence of the sexual
431 predator's intended residence. The failure of a sexual predator
432 to provide his or her intended place of residence is punishable
433 as provided in subsection (10).

434 (j) A sexual predator who indicates his or her intent to
435 establish a permanent, temporary, or transient residence ~~reside~~

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436 in another state or jurisdiction other than the State of Florida
437 and later decides to remain in this state shall, within 48 hours
438 after the date upon which the sexual predator indicated he or
439 she would leave this state, report in person to the sheriff to
440 which the sexual predator reported the intended change of
441 residence, and report his or her intent to remain in this state.
442 If the sheriff is notified by the sexual predator that he or she
443 intends to remain in this state, the sheriff shall promptly
444 report this information to the department. A sexual predator who
445 reports his or her intent to establish a permanent, temporary,
446 or transient residence ~~reside~~ in another state or jurisdiction,
447 but who remains in this state without reporting to the sheriff
448 in the manner required by this paragraph, commits a felony of
449 the second degree, punishable as provided in s. 775.082, s.
450 775.083, or s. 775.084.

451 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

452 (a) Law enforcement agencies must inform members of the
453 community and the public of a sexual predator's presence. Upon
454 notification of the presence of a sexual predator, the sheriff
455 of the county or the chief of police of the municipality where
456 the sexual predator establishes or maintains a permanent or
457 temporary residence shall notify members of the community and
458 the public of the presence of the sexual predator in a manner
459 deemed appropriate by the sheriff or the chief of police. Within
460 48 hours after receiving notification of the presence of a
461 sexual predator, the sheriff of the county or the chief of
462 police of the municipality where the sexual predator temporarily
463 or permanently resides shall notify each licensed day care
464 center, elementary school, middle school, and high school within

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465 a 1-mile radius of the temporary or permanent residence of the
466 sexual predator of the presence of the sexual predator.

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

469 1. The name of the sexual predator;

470 2. A description of the sexual predator, including a
471 photograph;

472 3. The sexual predator's current permanent, temporary, and
473 transient addresses, and descriptions of registered locations
474 that have no specific street address, including the name of the
475 county or municipality if known;

476 4. The circumstances of the sexual predator's offense or
477 offenses; and

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

480

481 This paragraph does not authorize the release of the name of any
482 victim of the sexual predator.

483 (8) VERIFICATION.—The department and the Department of
484 Corrections shall implement a system for verifying the addresses
485 of sexual predators. The system must be consistent with the
486 provisions of the federal Adam Walsh Child Protection and Safety
487 Act of 2006 and any other federal standards applicable to such
488 verification or required to be met as a condition for the
489 receipt of federal funds by the state. The Department of
490 Corrections shall verify the addresses of sexual predators who
491 are not incarcerated but who reside in the community under the
492 supervision of the Department of Corrections and shall report to
493 the department any failure by a sexual predator to comply with

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494 registration requirements. County and local law enforcement
495 agencies, in conjunction with the department, shall verify the
496 addresses of sexual predators who are not under the care,
497 custody, control, or supervision of the Department of
498 Corrections. Local law enforcement agencies shall report to the
499 department any failure by a sexual predator to comply with
500 registration requirements.

501 (a) A sexual predator must report in person each year
502 during the month of the sexual predator's birthday and during
503 every third month thereafter to the sheriff's office in the
504 county in which he or she resides or is otherwise located to
505 reregister. The sheriff's office may determine the appropriate
506 times and days for reporting by the sexual predator, which shall
507 be consistent with the reporting requirements of this paragraph.
508 Reregistration shall include any changes to the following
509 information:

510 1. Name; social security number; age; race; sex; date of
511 birth; height; weight; hair and eye color; address of any
512 permanent residence and address of any current temporary
513 residence, within the state or out of state, including a rural
514 route address and a post office box; if no permanent or
515 temporary address, any transient residence within the state;
516 address, location or description, and dates of any current or
517 known future temporary residence within the state or out of
518 state; any electronic mail address and any instant message name
519 required to be provided pursuant to subparagraph (6)(g)4.; home
520 telephone number and any cellular telephone number; date and
521 place of any employment; vehicle make, model, color, and license
522 tag number; fingerprints; and photograph. A post office box

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523 shall not be provided in lieu of a physical residential address.

524 2. If the sexual predator is enrolled, employed, or
525 carrying on a vocation at an institution of higher education in
526 this state, the sexual predator shall also provide to the
527 department the name, address, and county of each institution,
528 including each campus attended, and the sexual predator's
529 enrollment or employment status.

530 3. If the sexual predator's place of residence is a motor
531 vehicle, trailer, mobile home, or manufactured home, as defined
532 in chapter 320, the sexual predator shall also provide the
533 vehicle identification number; the license tag number; the
534 registration number; and a description, including color scheme,
535 of the motor vehicle, trailer, mobile home, or manufactured
536 home. If the sexual predator's place of residence is a vessel,
537 live-aboard vessel, or houseboat, as defined in chapter 327, the
538 sexual predator shall also provide the hull identification
539 number; the manufacturer's serial number; the name of the
540 vessel, live-aboard vessel, or houseboat; the registration
541 number; and a description, including color scheme, of the
542 vessel, live-aboard vessel, or houseboat.

543 Section 6. Section 856.022, Florida Statutes, is created to
544 read:

545 856.022 Loitering or prowling by certain offenders in close
546 proximity to children; penalty.-

547 (1) Except as provided in subsection (2), this section
548 applies to a person convicted of committing, or attempting,
549 soliciting, or conspiring to commit, any of the criminal
550 offenses proscribed in the following statutes in this state or
551 similar offenses in another jurisdiction against a victim who

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552 was under the age of 18 at the time of the offense: s. 787.01,
553 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
554 the offender was not the victim's parent or guardian; s.
555 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
556 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
557 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
558 847.0145; s. 985.701(1); or any similar offense committed in
559 this state which has been redesignated from a former statute
560 number to one of those listed in this subsection, if the person
561 has not received a pardon for any felony or similar law of
562 another jurisdiction necessary for the operation of this
563 subsection and a conviction of a felony or similar law of
564 another jurisdiction necessary for the operation of this
565 subsection has not been set aside in any postconviction
566 proceeding.

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

570 (3) A person described in subsection (1) commits loitering
571 or prowling by a person convicted of a sexual offense against a
572 minor if, while committing loitering or prowling in violation of
573 s. 856.021, he or she is knowingly:

574 (a) Within 300 feet of a child care facility or pre-K
575 through 12 school or on real property comprising any child care
576 facility or pre-K through 12 school when the child care facility
577 or school is in operation; or

578 (b) Within 300 feet of a park, playground, or bus stop
579 while children are present and congregating in such a manner
580 that any reasonable person would be aware of their presence at

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581 the park, playground, or bus stop at the same time that the
582 offender is also present.

583 (4) It is unlawful for a person described in subsection (1)
584 to:

585 (a) Knowingly approach, contact, or communicate with a
586 child under 18 years of age in any public park building or on
587 real property comprising any public park or playground with
588 intent to engage in conduct of a sexual nature, or to make a
589 communication of any type containing any content of a sexual
590 nature. This paragraph applies only to a person described in
591 subsection (1) whose offense was committed on or after the
592 effective date of this act.

593 (b)1. Knowingly be present in any child care facility or
594 pre-K through 12 school or on real property comprising any child
595 care facility or pre-K through 12 school when the child care
596 facility or school is in operation unless the person has
597 provided written notification of his or her intent to be present
598 to the school board, superintendent, principal, or child care
599 facility owner;

600 2. Fail to notify the child care facility owner or the
601 school principal's office when he or she arrives and departs the
602 child care facility or school; or

603 3. Fail to remain under direct supervision of a school
604 official or designated chaperone when present in the vicinity of
605 children. As used in this paragraph, the term "school official"
606 means a principal, school resource officer, teacher or any other
607 employee of the school, the superintendent of schools, a member
608 of the school board, a child care facility owner, or a child
609 care provider.

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- 610 (c) A person is not in violation of paragraph (b) if:
611 1. The child care facility or school is a voting location
612 and the person is present for the purpose of voting during the
613 hours designated for voting; or
614 2. The person is only dropping off or picking up his or her
615 own children or grandchildren at the child care facility or
616 school.
- 617 (5) Any person who violates this section commits a
618 misdemeanor of the first degree, punishable as provided in s.
619 775.082 or s. 775.083.
- 620 Section 7. This act shall take effect July 1, 2010.