

FLORIDA SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

33,246 as of March 26, 2003

1. WHO IS REQUIRED TO REGISTER?

Sexual offenders and sexual predators are required to register.
(*Fla. Stat. Ann. § 775.21(6)(a)*)

2. WHAT DOES “SEXUAL OFFENDER” MEAN?

“Sexual offender” means a person who:

- (1) has been convicted of committing, or attempting, soliciting, or conspiring to commit:
 - (a) kidnapping, false imprisonment, luring, or enticing of a minor, if the offender is not the victim’s parent;
 - (b) certain sexual battery offenses;
 - (c) procuring a person under 18 for prostitution;
 - (d) lewd or lascivious offenses committed upon or in the presence of persons under 16;
 - (e) lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person;
 - (f) sexual performance by a minor;
 - (g) selling, renting, loaning, giving away, distributing, transmitting, or showing obscene material to a minor;
 - (h) computer pornography;
 - (i) computer luring;
 - (j) transmission of pornography by electronic device or equipment;
 - (k) transmission of material harmful to minors to a minor by electronic device or equipment;
 - (l) selling or buying of minors; or
 - (m) a similar offense committed in another jurisdiction;
- (2) has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense listed in (1) above; and
- (3) establishes or maintains a residence in Florida and who:
 - (a) has not been designated a sexual predator by a Florida court but who has been designated a sexual predator, a sexually violent predator, or some other sexual offender in another state or jurisdiction and was, as a result of such designation, subject to registration or community/public notification, or both, or would be if the person were a resident of that state or jurisdiction; or

- (b) is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, a criminal offense listed in (1)(a) through (m) above.

(Fla. Stat. Ann. § 943.0435(1)(a))

3. WHO IS A “SEXUAL PREDATOR”?

A “sexual predator” is one who, on or after October 1, 1993:

- (1) was convicted of:
 - (a) kidnapping or false imprisonment, if the victim is a minor and the offender is not the victim’s parent;
 - (b) lewd or lascivious offenses committed upon or in the presence of persons under 16;
 - (c) selling or buying minors;
 - (d) luring or enticing a minor, if the offender is not the victim’s parent;
 - (e) certain sexual battery offenses;
 - (f) unlawful sexual activity with certain minors;
 - (g) procuring a person under 18 for prostitution;
 - (h) lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person;
 - (i) sexual performance by a minor;
 - (j) selling, renting, loaning, giving away, distributing, transmitting, or showing obscene material to a minor;
 - (k) computer pornography;
 - (l) computer luring;
 - (m) attempting to commit an offense listed in (a) through (l) above; or
 - (n) an offense similar to those listed in (a) through (m) above committed in another jurisdiction;
- (2) has not yet received a pardon for an offense listed above; and
- (3) has not had a conviction in another jurisdiction set aside in any postconviction proceeding.

(Fla. Stat. Ann. § 775.21(4)(a))

4. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Please contact the Florida Department of Law Enforcement or local law enforcement for information on juvenile offenders.

5. WHEN AND WHERE DOES AN OFFENDER REGISTER?

A. Sexual Offenders

A sexual offender must report in person at an office of the Florida Department of Law Enforcement or at the sheriff’s office in the county in which he or she establishes or maintains a permanent or temporary residence within 48 hours after establishing permanent or temporary residence in Florida or within 48 hours after being released from the custody, control, or supervision of the Florida Department of Corrections or from the custody of a private correctional facility.

(Fla. Stat. Ann. § 94.30435(2)(a))

B. Sexual Predators

A sexual predator must register with the Florida Department of Law Enforcement and/or the local sheriff's office. Registration must be accomplished within 48 hours of entering a county to establish residence.

(Fla. Stat. Ann. § 775.21(6))

If a sexual predator is in the custody or control of, or under the supervision of, the Florida Department of Corrections, or is in the custody of a private correctional facility, he or she must register with the Department of Corrections.

(Fla. Stat. Ann. § 775-21(6)(b))

If a sexual predator is in the custody of a local jail, the custodian of the local jail must register him or her and forward the registration information to the Florida Department of Law Enforcement.

(Fla. Stat. Ann. § 775.21(6)(c))

If the sexual predator is not in the custody or control of, or under the supervision of, the Florida Department of Corrections, or is not in the custody of a private correctional facility, and establishes or maintains a residence in Florida, her or she must register in person at an office of the Florida Department of Law Enforcement, or at the sheriff's office in the county in which he or she establishes or maintains a residence, within 48 hours after establishing permanent or temporary residence in Florida.

(Fla. Stat. Ann. § 775.21(6)(e))

6. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Information that the sexual offender/predator must provide at the initial registration includes his or her:

- (1) name;
- (2) date of birth;
- (3) social-security number;
- (4) race;
- (5) sex;
- (6) height and weight;
- (7) hair and eye color;
- (8) tattoos or other identifying marks;
- (9) occupation and place of employment;
- (10) address of permanent or legal residence or address of any current temporary residence, within Florida and out-of-state including a rural route address and a post office box;
- (11) date and place of each conviction; and
- (12) a brief description of the offense(s) committed.

(Fla. Stat. Ann. § 775.21(6)(a); § 943.0435(2)(b))

In addition sexual predators must provide:

- (1) a photograph;
- (2) fingerprints; and
- (3) any other information determined necessary by the Florida Department of Law Enforcement including criminal and corrections records, nonprivileged personnel and treatment records, and evidentiary genetic markers when available.

(Fla. Stat. Ann. § 775.21(6)(a))

If the sexual offender's/predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home he or she must provide to the Florida Department of Law Enforcement written notice of:

- (1) the vehicle-identification number;
- (2) the license-tag number;
- (3) the registration number; and
- (4) a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home.

(Fla. Stat. Ann. § 775-21(6)(a)(1)(a); § 943.0435(1))

If a sexual offender's/predator's place of residence is a vessel, live-aboard vessel, or houseboat, he or she must provide to the Florida Department of Law Enforcement written notice of:

- (1) the hull identification number;
- (2) the manufacturer's serial number;
- (3) the name of the vessel, live-aboard vessel, or houseboat;
- (4) the registration number; and
- (5) a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(Fla. Stat. Ann. § 775-21(6)(a)(1)(a); § 943.0435(1))

If a sexual offender/predator is enrolled, employed, or carrying on a vocation at an institution of higher education in Florida, the sexual predator must provide to the Florida Department of Law Enforcement the name, address, and county of each institution, including each campus attended and his or her enrollment or employment status. Each change in enrollment or employment status must be reported in person at the sheriff's office or the Florida Department of Corrections if in the custody or control of or under the supervision of the Department, within 48 hours after any change in status.

(Fla. Stat. Ann. § 775-21(6)(a)(2)(b); § 943.0435(2))

7. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

Within 48 hours of any change in a sexual offender's/predator's temporary or permanent residence or name, he or she must report in person to the driver's license office to register the change. The Florida Department of Highway Safety and Motor Vehicles will forward the new information to the Florida Department of Law Enforcement.

(Fla. Stat. Ann. § 775.21(g); § 943.0432(4))

8. WHAT HAPPENS IF AN OFFENDER MOVES FROM FLORIDA TO ANOTHER STATE?

A sexual offender/predator who intends to establish residence in another state must report in person to the sheriff of the county of current residence or the Florida Department of Law Enforcement within 48 hours before the date he or she intends to leave Florida to establish residence in another state. The notification must include the address, municipality, county, and state of intended residence. The sheriff must promptly provide the Department of Law Enforcement with the information received from the sexual offender/predator. The Department of Law Enforcement is then responsible for notifying the statewide law-enforcement agency or a comparable agency in the intended state or jurisdiction of residence of the sexual predator's intended residence.

(Fla. Stat. Ann. § 775.21(6)(i); § 943.0435(7))

9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO FLORIDA REQUIRED TO REGISTER?

A person who establishes or maintains a residence in Florida and who has not been designated a sexual predator by a Florida court but who has been designated a sexual predator, a sexually violent predator, or some other type of sexual offender in another state or jurisdiction and was, as a result of such designation, subjected to registration or community/public notification, or both, or would be if the person was a resident of that state or jurisdiction, is required to register in Florida.

(Fla. Stat. Ann. § 775.21(d))

10. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN FLORIDA?

If a sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in Florida, he or she must provide to the Florida Department of Law Enforcement the name, address, and county of each institution, including each campus attended, and his or her enrollment or employment status. Each change in enrollment or employment status must be reported in person at the sheriff's office or the Florida Department of Corrections if the predator is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status.

(Fla. Stat. Ann. § 775-21(6)(a)(1)(b))

11. IS REGISTRATION A LIFETIME REQUIREMENT?

A. Sexual Offenders

A sexual offender must maintain registration with the Florida Department of Law Enforcement for the duration of his or her life, unless he or she receives a full pardon or has a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying him or her as a sexual offender for purposes of registration; however, a sexual offender who:

- (1) has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since release; or
- (2) was 18 or under at the time the offense was committed and the victim was 12 or older and adjudication was withheld for that offense, who is released from all sanctions, who has had 10 years elapse since having been placed on probation, and who has not been arrested for any felony or misdemeanor offense since the date of conviction of the qualifying offense,

may petition the criminal division of the circuit court of the circuit in which he or she resides for the purpose of removing the requirement for registration as a sexual offender.

(Fla. Stat. Ann. § 943.0435(11))

B. Sexual Predators

A sexual predator must maintain registration with the Florida Department of Law Enforcement for the duration of his or her life, unless he or she receives a full pardon or has a conviction set aside in a postconviction proceeding for any offense that meets the criteria for the sexual-predator designation.

(Fla. Stat. Ann. § 775.21(6)(l); § 943.0435(11)(c))

A sexual predator who was designated as such by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may

petition the criminal division of the circuit court in the circuit in which he or she resides for the purpose of removing the sexual-predator designation.

(Fla. Stat. Ann. § 775.21(6)(l))

A sexual predator who was designated as such by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which he or she resides for the purpose of removing the sexual-predator designation.

(Fla. Stat. Ann. § 775.21(6)(l))

12. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

A sexual offender who does not comply with the registration requirements commits a felony of the third degree.

(Fla. Stat. Ann. § 943.0435(9))

A sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; or who otherwise fails, by act or omission, to comply with the registration requirements, commits a felony of the third degree.

(Fla. Stat. Ann. § 775.21(10)(a))

13. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

The Florida Department of Law Enforcement provides, through a toll-free number, public access to registration information regarding sexual offenders/predators, provided the information is not confidential and exempt from public disclosure.

(Fla. Stat. Ann. § 943.043(2))

The Florida Department of Law Enforcement's sexual-predator registration list is a public record. The Department of Law Enforcement is authorized to disseminate this public information by any means deemed appropriate.

(Fla. Stat. Ann. § 775.21(6)(k)(2))

Law-enforcement agencies must inform members of the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator establishes or maintains a permanent or temporary residence must notify members of the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides must notify each licensed daycare center, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of his or her presence.

(Fla. Stat. Ann. § 775.21(7)(a))

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

- (1) name;
- (2) description including a photograph;
- (3) current address including the name of the county or municipality if known;

- (4) circumstances of his or her offense(s); and
- (5) whether the victim of his or her offense(s) was, at the time of the offense, a minor or an adult.

(Fla. Stat. Ann. § 775.21(7)(a))

The Florida Department of Law Enforcement must provide, upon request and at a reasonable cost, a copy of the photograph of any sexual offender/predator maintained in the Department of Law Enforcement's files.

(Fla. Stat. Ann. § 943.043(3))

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

(Fla. Stat. Ann. § 775.21(7)(b))

14. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Florida Department of Law Enforcement Sex Offender/Predator Database is available online at http://www.fdle.state.fl.us/Sexual_Predators/index.asp. The database can be searched by first name, last name, county, city, zip code, and address. Information provided includes:

- (1) full name;
- (2) last reported address;
- (3) status;
- (4) date of birth;
- (5) race;
- (6) sex;
- (7) height and weight;
- (8) hair and eye color;
- (9) county;
- (10) qualifying offense(s);
- (11) gender of victim(s);
- (12) whether minor victims were involved; and
- (13) a photograph, if available.

15. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

It is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.

(Fla. Stat. Ann. § 775.21(6)(k)(2))

Any person who misuses public-record information relating to a sexual predator to secure a payment from the predator; who knowingly distributes or publishes false information relating to the predator which the person misrepresents as being public-record information; or who materially alters public-record information with the intent to misrepresent the information, including documents, summaries of public-record information provided by law-enforcement agencies, or public-record information displayed by law-enforcement agencies on web sites or provided through other means of communication, commits a misdemeanor of the first degree.

(Fla. Stat. Ann. § 775.21(10)(c))