

The Basics of Sex Offender/Predator Registration
 By Dennis Nicewander
 Assistant State Attorney
 17th Judicial Circuit
 12/1/2021

Statutes:

- Sexual Offenders are governed by F.S. 943.0435, sentencing in F.S. 943.0435(9)
- Sexual Predators are governed by F.S. 775.21, sentencing in F.S. 775.21(10)
- Sex Offenders on probation are governed by F.S. 944.607

What Statutes Apply?

Statute Name	Number
Attempts, Solicitations and Conspiracies Apply	
Sexual Misconduct-Agency for Dev. Disabilities	393.135(2)
Sexual Misconduct – Mental Health Facility	394.4593(2)
Kidnapping (non-parental)	787.01
False Imprisonment (non-parental)	787.02
Luring or Enticing a Child	787.025(2)(c)
Human Trafficking	787.06(3)(b)(d)(f) or (g)
Sexual Battery	794.011
Unlawful Sexual Activity with Certain Minors	794.05
Procuring a Minor for Prostitution	796.03 & 035(Repealed Staute)
Lewd or Lascivious Act on Child	800.04
Video Voyeurism (child victim)	810.145(8)
Lewd Offenses on Disabled or Elderly Adults	825.1025
Sexual Performance by a Child	827.071
Distribute or Show Obscene Material to a Minor	847.0133
Computer Pornography	847.0135
Transmission of Pornography by Elect. Device	847.0137
Transmission of Harmful Material...	847.0138
Selling or Buying of Minors	847.0145
Racketeering with sexual component	895.03
Sexual Misconduct Mentally Ill Defendants	916.1075
Sexual Misconduct Juvenile Justice	985.701

What are the Criteria for Applying These Statutes?

775.21 - Predators	943.0435 - Offenders
Offense committed on or after 10/1/93.	Released from sanction on or after 10/1/97.
<u>Single conviction</u> Capital, Life or 1 st deg. F. violation of <ul style="list-style-type: none"> • 787.01 • 787.02 (minor victim) • 794.011 • 800.04 • 847.0145 <u>or</u> 	Any of the above offenses.

<p><u>Repeat offender</u> A violation of</p> <ul style="list-style-type: none"> • 393.135(2) • 394.4593(2) • 787.01 • 787.02 • 787.025(2)(c) • 787.06(3)(b)(d)(f) or (g) • 794.011 • 794.05 • 796.03 & 035(Repealed Statute) • 800.04 • 810.145(8)(b) • 825.1025 • 827.071 • 847.0135 • 847.0145 • 895.03 • 916.1075(2) • 985.701(1) <p style="text-align: right;">↗</p> <p>and</p>	<p>A Previous Conviction for:</p> <ul style="list-style-type: none"> • 393.135(2) • 394.4593(2) • 787.01 • 787.02 • 787.025(2)(c) • 787.06(3)(b)(d)(f) or (g) • 794.011 • 794.05 • 796.03 & 035(Repealed Statute) • 800.04 • 825.1025 • 827.071 • 847.0133 • 847.0135 • 847.0145 • 895.03 • 916.1075(2) • 985.701 	<p>* “In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony regardless of the date of offense of the prior felony.”</p>
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Key Terms: (Terms for predator and offenders defined in 775.21)

- **Permanent Address:** “a place where the person abides, lodges, or resides for 3 or more consecutive days.” 775.21(2)(k)
- **Temporary Address:** “a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.” 775.21(2)(n)
- **Transient Address:** “a county where a person lives, remains, or is located for a period of 3 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

Where and when do predators and offenders register? 775.21(6), 943.0435(2) and 944.607

- **No Supervision:** If offender or predator is not on any sort of supervision, he must register with the local Sheriff’s Office within 48 hours of establishing residence. He shall then register with DHSMV within 48 hours. Sheriff: 775.21(6)(e)- 943.0435(2)(a)...DHSMV: 775.21(6)(f)- 943.0435(3)
- **Probation:** If offender or predator is on probation, he registers with probation officer, who is then responsible for communicating information to FDLE. The offender then has 48 hours to register with DHSMV on his own. 775.21(6)(b), 944.607(4)
- **Federal Probation:** Same rules as probation. 775.21(6)(d).
- **Jail:** If the offender or predator is in county jail, the jail shall register him and forward information to FDLE within 48 hours. 775.21(6)(c) 944.607(7)

When does a predator or offender have to update his driver's license?

- Each time his license or ID card is up for renewal. 775.21(6)(c), 943.0435(4)(a) and 944.607(9)
- Within 48 hours of change in permanent, temporary or transient residence
- Within 48 hours of change in name.

What other times does the sexual predator/offender have to update his information?

- A predator must reregister his birth month and every third month. 775.21(8)(a)
- An offender must register his birth month and every sixth month. 943.0435(14)(a)
- Certain enumerated offenses require offenders to register every three months. 943.0435(14)(b)

How do homeless people register?

- Within 48 hours of vacating permanent, temporary or transient residence, offender or predator must register with local sheriff. He shall tell them when he vacated and where he will be staying until he gets a permanent address. 943.0435(4)(b)(1), 775.21(6)(g)(2)(a).
- An offender or predator must register with sheriff within 48 hours of establishing a transient residence and thereafter must report every 30 days to the sheriff in the county he is located. 943.0435(4)(b)(2), 775.21(6)(g)(2)(b).
- Offender or predator who remains at residence after reporting an intent to vacate must notified sheriff within 48 hours. (2nd degree felony)

What does a predator/offender do if he establishes a permanent, temporary or transient residence in another state or country?

- He must notify the sheriff 48 hours prior to leaving. FDLE then notifies other state of address to which offender intends to establish a residence. This also applies to offenders traveling out of state.
- He must register 21 days in advance if he is going to be out of the country for 5 days or more. 3rd degree felony 943.0435(7), 775.21(6)(i)
- If he later decides not to leave, he must register with sheriff 48 hours of time in which he was supposed to leave. 2nd degree felony for violation. 943.0435(8), 775.21(6)(j)

How long does the sexual predator/offender designation last?

• Predators 775.21(6)(l)

“A sexual predator shall maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation.”

• Offenders 943.0435(11)

- Life, but if offender has been released from supervision for 25 years and has not been arrested for a felony or misdemeanor offense he may petition court for removal of sex offender status.
- Conviction for several enumerated offenses disqualify a defendant from removal. See 943.0435(11)(a)(1).

Who has jurisdiction to prosecute the predator/offender?

• Predators - 775.21(10)(e)

- The county in which the act or omission was committed,
- The county of the last registered address of the sexual predator, or
- The county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator.
- The county in which he or she was designated a sexual predator.
- The county where the sexual predator was released from incarceration.

- The county of the intended address of the sexual predator as reported by the predator prior to his or her release from incarceration.
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- **Offenders – 934.0435(9)(c)**
 - The county in which the act or omission was committed,
 - The county of the last registered address of the sexual offender, or
 - The county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.
 - The county where the sexual offender was released from incarceration.
 - The county of the intended address of the sexual offender as reported by the offender prior to his or her release from incarceration.

How are they treated differently?

- Predator whose offense was against a minor may not work, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate. A 3rd degree felony. 775.21(10)(b)
- For Predators, sheriff or chief of police must notify community when predator registers. 775.21(7)(c).
- For Predators, sheriff or police chief shall notify each licensed day care center, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator. 775.21(7)(a)
- FDLE shall put predators on Internet. 775.21(7).

Are there residency restrictions?

- “A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.” 775.215(2)(a)
- A person convicted of a first degree felony or higher commits a 3rd degree felony. A person who committed a second or third degree felony commits a 1st degree misdemeanor.
- This section applies to both predators and offenders who whose qualifying offence occurred after October 1, 2004. It applies to offenders with out-of-state qualifying offenses that occurred after May 26, 2021.

What happens if resident at address lies to you or assists predator/offender in hiding?

- If the witness gives you false information, withholds information about the offender’s whereabouts or noncompliance, harbors or conceals the offender, he is guilty of a third degree felony. 775.21(10)(g) and 943.0435(13).

Are juveniles required to register as sexual predators and offenders?

- Juveniles 14 years of age or older who commit violations of 794.011 and certain qualified 800.04 offenses are subject to sex offender registration. 934.0435(1)(d)
- Juveniles are not subject to sexual predator registration.