

11.14(h) SEXUAL OFFENDER DEFINITIONS

§ 943.0435(1), Fla. Stat.

“Sexual offender” means a person who *(Insert the appropriate criteria specified by § 943.0435(1)), Fla. Stat.*

“Convicted” means there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. *(Note to Judge: For juvenile, military, federal, and out of state convictions see § 943.0435(1), Fla. Stat.)*

“Change in status at an institution of higher education” means the commencement or termination of enrollment, including, but not limited to, traditional classroom setting or online courses, or employment, whether for compensation or as a volunteer, at an institution of higher education or a change in location of enrollment or employment, whether for compensation or as a volunteer, at an institution of higher education.

“Electronic mail address” means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

“Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.

“Internet identifier” means any designation, moniker, screen name, username, or other name used for self-identification to send or receive social Internet communication. “Internet identifier” does not include a date of birth, social security number, personal identification number (PIN), or password.

“Social Internet communication” means any communication through a commercial social networking website or application software. The term does not include any of the following:

- 1. Communication for which the primary purpose is the facilitation of commercial transactions involving goods or services;**
- 2. Communication on an Internet website for which the primary purpose of the website is the dissemination of news; or**
- 3. Communication with a governmental entity.**

“Commercial social networking website” means a commercially operated Internet website that allows users to create web pages or profiles that provide information about themselves and are available publicly or to other users and that offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messenger.

“Application software” means any computer program designed to run on a mobile device such as a smartphone or tablet computer, that allows users to

create web pages or profiles that provide information about themselves and are available publicly or to other users, and that offers a mechanism for communication with other users through a forum, a chatroom, electronic mail, or an instant messenger.

“Physical residential address” does not include a post office box but may be a location that has no specific street address.

“Permanent residence” means a place where the person abides, lodges, or resides for 3 or more consecutive days that is the person’s home or other place where the person primarily lives. The first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

“Professional license” means the document of authorization or certification issued by an agency of this state for a regulatory purpose, or by any similar agency in another jurisdiction for a regulatory purpose, to a person to engage in an occupation or to carry out a trade or business.

“Temporary residence” means 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 3 or more days in the aggregate during any calendar year that is not the person’s permanent or transient residence. For a person whose permanent residence is not in this state, the term also includes a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state. The term includes an “in-state travel residence,” which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state. The first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

“Transient residence” means a place or county where a person lives, remains, or is located for the purpose of abiding, lodging, or residing for 3 or more days in the aggregate during a calendar year that is not the person’s permanent or temporary residence. 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. The first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

“Vehicles owned” means any motor vehicle which is registered, co-registered, leased, titled, or rented by a sexual predator or sexual offender; a rented vehicle that a sexual predator or sexual offender is authorized to drive; or a vehicle for which a sexual predator or sexual offender is insured as a driver. The term also includes any motor vehicle which is registered, co-registered,

leased, titled, or rented by a person or persons residing at a sexual predator's or sexual offender's permanent residence for 3 or more consecutive days.

Many of these terms have their own statutory definition which should be defined if applicable.

“Motor vehicle” means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power [but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices, mobile carriers, special mobile equipment, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds].

[“Motor vehicle” includes a recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.] *There are additional definitions for recreational vehicle-type units in § 320.01(1)(b), Fla. Stat. that may need to be given.*

Comments

Additional definitions are in § 943.0435, Fla. Stat.

This instruction was adopted in 2008 [983 So. 2d 531] and amended in 2012 [85 So. 3d 1090], 2013 [113 So. 3d 754], 2016 [195 So. 3d 1088], 2018 [249 So. 3d 554], 2018 [260 So. 3d 1024], on October 2, 2020, on June 27, 2025, and on March 20, 2026.