

**11.15(n) FAILURE BY A SEXUAL PREDATOR TO COMPLY WITH
REGISTRATION REQUIREMENTS**

(Failure to Report Change in Vehicle Owned)

§ 775.21(6)(a)(1)d., Fla. Stat.

**To prove the crime of Failure by a Sexual Predator to Comply with
Registration Requirements, the State must prove the following three elements
beyond a reasonable doubt:**

Give 1a or 1b as applicable.

1. (Defendant)

a. is a sexual predator.

**b. has agreed or stipulated that [he] [she] has been convicted as a
sexual predator; therefore, you should consider the sexual
predator status element as proven by agreement of the parties.**

*If the defendant offers to stipulate, the court must accept the offer after
conducting an on-the-record colloquy with the defendant. See Brown v. State, 719 So.
2d 882 (Fla. 1998); Johnson v. State, 842 So. 2d 228 (Fla. 1st DCA 2003). If there is a
stipulation, the court should not give the definition of “sexual predator” or “convicted.”*

2. (Defendant) **[established] [maintained] a [permanent] [temporary]
[transient] residence in (name of county) County, Florida.**

Give as applicable.

3. (Defendant)

**a. knowingly failed to report either to the Department of Law
Enforcement through its online system or in person to the
office of the sheriff of (name of county) County of any change in
a vehicle owned within 48 hours after the change.**

**b. was under the supervision of the Department of [Corrections]
[Juvenile Justice] and knowingly failed to report in person to
the office of the sheriff of (name of county) County of any
change in a vehicle owned within 48 hours after the change.**

*Give if the defendant meets his or her burden of production. See Barnes v. State,
108 So. 3d 700 (Fla. 1st DCA 2013).*

**It is a defense to the crime of Failure by a Sexual Offender to Comply with
Registration Requirements that (defendant) attempted to comply with the
requirements but was misinformed or otherwise prevented from complying by
the [office of the sheriff] [Department of Law Enforcement].**

*There is no statute for the defense of being misinformed or otherwise prevented
from registering, and the case law is silent as to (1) which party bears the burden of
persuasion of the affirmative defense and (2) the standard for the burden of persuasion.
Under the common law, defendants had both the burden of production and the burden*

of persuasion on an affirmative defense by a preponderance of the evidence. In the absence of case law, trial judges must resolve the issue via a special instruction. See the opinion in Dixon v. United States, 548 U.S. 1 (2006), for further guidance.

If burden of persuasion is on the defendant:

If you find that (defendant) **proved** (insert appropriate burden of persuasion) **that the [office of the sheriff] [Department of Law Enforcement] misinformed [him] [her] or otherwise prevented [him] [her] from complying with the registration requirements, you should find [him] [her] not guilty. If the defendant did not prove** (insert appropriate burden of persuasion) **that the [office of the sheriff] [Department of Law Enforcement] misinformed [him] [her] or otherwise prevented [him] [her] from complying, you should find [him] [her] guilty if all the elements of the charge have been proven beyond a reasonable doubt.**

Or, if the burden of disproving the affirmative defense is on the State under the beyond a reasonable standard:

If you find that the State proved beyond a reasonable doubt that the [office of the sheriff] [Department of Law Enforcement] did not misinform (defendant) or otherwise prevent [him] [her] from complying with the registration requirements, you should find [him] [her] guilty, if all of the elements of the charge have also been proven beyond a reasonable doubt. However, if you have a reasonable doubt on the issue of whether the [office of the sheriff] [Department of Law Enforcement] misinformed (defendant) or otherwise prevented [him] [her] from complying with the registration requirements, you should find [him] [her] not guilty.

Definitions. See instruction 11.15(l) for the applicable definitions.

Lesser Included Offenses

No lesser included offenses have been identified for this offense.

Comment

This instruction was adopted on March 20, 2026.