

By Representatives Crist, Futch, Ball, Arnall, Bainter,
Valdes and Fuller

1 A bill to be entitled
2 An act relating to the release of public
3 records information regarding criminal
4 offenders; creating the "Public Safety
5 Information Act"; creating s. 943.046, F.S.;
6 authorizing a state or local law enforcement
7 agency to release to the public criminal
8 offender information that is not exempt from
9 public disclosure under the public records law;
10 providing immunity from civil liability for a
11 law enforcement agency and its personnel in
12 releasing such information; creating s.
13 943.043, F.S.; requiring the Department of Law
14 Enforcement to operate a toll-free telephone
15 number to provide public access to information
16 regarding sex offenders; providing immunity
17 from civil liability for the department and its
18 personnel in reporting information; providing
19 that the department and its personnel are
20 presumed to have acted in good faith; creating
21 s. 943.0435, F.S.; providing definitions;
22 requiring certain sex offenders to report their
23 current address and place of permanent or
24 temporary residence to the Department of Law
25 Enforcement within a specified time and upon
26 moving to a new place of residence; requiring
27 the department to adopt rules on sex-offender
28 reporting; providing a penalty for failing to
29 report as required; providing immunity from
30 civil liability for the department and its
31 personnel in compiling, recording, and

1 reporting information regarding certain sex
2 offenders; providing that the department and
3 its personnel are presumed to have acted in
4 good faith; creating s. 944.607, F.S.;
5 requiring that the Department of Corrections
6 provide information to the Department of Law
7 Enforcement on certain sex offenders who are in
8 the custody of the Department of Corrections on
9 or after a specified date; providing for a
10 joint agreement to determine the time and
11 manner in which the information is provided;
12 providing immunity from civil liability for the
13 Department of Corrections and its personnel in
14 compiling, recording, and reporting information
15 regarding certain sex offenders; providing that
16 the department and its personnel are presumed
17 to have acted in good faith; amending ss.
18 944.605, 947.177, F.S.; revising requirements
19 for the Department of Corrections, the Control
20 Release Authority, and the Parole Commission
21 with respect to notifying judges and law
22 enforcement agencies of the anticipated release
23 of an inmate; requiring that a digitized
24 photograph be made of the inmate; amending s.
25 944.606, F.S., relating to the release of
26 information regarding certain sex offenders by
27 the Department of Corrections; providing that
28 the release of such information does not
29 constitute unauthorized public disclosure under
30 the Florida Sexual Predators Act; amending s.
31 948.03, F.S.; requiring the Department of

1 Corrections to compile information on certain
2 sex offenders who are under the supervision of
3 the department on or after a specified date;
4 requiring that the Department of Corrections
5 provide such information to the Department of
6 Law Enforcement; providing immunity from civil
7 liability for the Department of Corrections and
8 its personnel in compiling, recording, and
9 reporting information regarding certain sex
10 offenders; providing that the department and
11 its personnel are presumed to have acted in
12 good faith; amending s. 948.06, F.S.; requiring
13 state and local law enforcement agencies to
14 verify if a person under investigation or under
15 arrest for certain sexual offenses is on
16 probation, community control, parole,
17 conditional release, or control release;
18 requiring the law enforcement agency to notify
19 the person's probation officer or release
20 supervisor of the investigation or the arrest;
21 amending s. 921.0012, F.S.; ranking under the
22 sentencing guidelines the offense of failure to
23 report current place of residence; amending s.
24 921.0017, F.S., relating to credit upon
25 recommitment of an offender serving a split
26 sentence; conforming a cross-reference to
27 changes made by the act; requiring the
28 Department of Law Enforcement and the
29 Department of Highway Safety and Motor Vehicles
30 to report to the Legislature on a plan to make
31 digitized photographs of certain sex offenders;

1 requiring the Department of Corrections to
2 report to the Legislature on a plan for
3 directly transmitting data on sex offenders to
4 the Department of Law Enforcement; requiring
5 that the report also include a plan for taking
6 digitized photographs of certain sex offenders
7 under the supervision of the department;
8 providing an effective date.

9
10 WHEREAS, the Legislature and law enforcement agencies
11 recognize that the release of criminal history information or
12 other information regarding criminal offenders is essential to
13 the public's safety and welfare, and

14 WHEREAS, the Legislature intends to provide specific
15 statutory direction whereby a law enforcement agency, of its
16 own volition or in response to a request for a public record,
17 may release to the public criminal history information and
18 other information regarding criminal offenders, including
19 public notification of this information, and

20 WHEREAS, the Legislature intends that criminal history
21 information and other information regarding criminal offenders
22 which is subject to release to the public shall consist only
23 of information that is subject to public disclosure under
24 section 119.07(1), Florida Statutes, the state public records
25 law, and under Section 24(a), Article I of the State
26 Constitution, and

27 WHEREAS, the Legislature intends that the order of
28 priority, the methods of dissemination of criminal history
29 information compiled from intrastate sources by the Department
30 of Law Enforcement, and the assessment of costs for the
31

1 production of this information, as provided in section
2 943.053, Florida Statutes, shall be maintained, and

3 WHEREAS, the Legislature finds that the public is
4 especially concerned about certain sex offenders, and

5 WHEREAS, the Legislature intends to enhance public
6 access to information regarding certain sex offenders by
7 creating a public-access telephone number for releasing this
8 information, and

9 WHEREAS, the Legislature intends that information
10 released through the public-access telephone number shall
11 consist only of information that is subject to public
12 disclosure under section 119.07(1), Florida Statutes, the
13 state public records law, and under Section 24(a), Article I
14 of the State Constitution, and

15 WHEREAS, the Legislature intends to streamline
16 requirements that relate to the notification of the date of an
17 offender's anticipated release by the Department of
18 Corrections, and

19 WHEREAS, the Legislature finds that current law
20 authorizes law enforcement agencies to release to the public
21 criminal information on certain sex offenders which is
22 provided to these agencies by the Department of Corrections,
23 but prohibits these agencies from providing public or
24 community notification of this information, and

25 WHEREAS, the Legislature further finds that this
26 information is subject to public disclosure under section
27 119.07(1), Florida Statutes, the state public records law, and
28 under Section 24(a), Article I of the State Constitution, and

29 WHEREAS, the Legislature intends to authorize public or
30 community notification of this information, and

31

1 WHEREAS, the Legislature intends that a state or local
2 law enforcement agency that investigates or arrests a person
3 for certain sexual offenses shall verify whether the person is
4 on probation or some form of release supervision, and, if so
5 verified, shall inform the person's probation officer that the
6 person is under investigation or arrest for a sexual offense,
7 NOW, THEREFORE,

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. This act may be cited as the "Public Safety
12 Information Act."

13 Section 2. Section 943.046, Florida Statutes, is
14 created to read:

15 943.046 Notification of criminal offender
16 information.--

17 (1) Any state or local law enforcement agency may
18 release to the public any criminal history information and
19 other information regarding a criminal offender, including,
20 but not limited to, public notification by the agency of the
21 information, unless the information is confidential and exempt
22 from s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution. However, this section does not contravene any
24 provision of s. 943.053.

25 (2) A state or local law enforcement agency and its
26 personnel are immune from civil liability for the release of
27 criminal history information or other information regarding a
28 criminal offender, as provided by this section.

29 Section 3. Section 943.043, Florida Statutes, is
30 created to read:

31

1 943.043 Toll-free telephone number; sex-offender
2 information.--

3 (1) The department shall operate a toll-free telephone
4 number to provide public access to information regarding
5 certain sex offenders.

6 (2) Notwithstanding any other law, the information
7 that shall be made available to the public through the
8 toll-free telephone number shall consist of information on
9 these sex offenders which:

10 (a) The Department of Corrections is required to
11 provide to the department pursuant to s. 944.607 and s.
12 948.03; and

13 (b) Is reported to the department by each sex offender
14 who is required to report pursuant to s. 943.0435.

15 (3) The department and its personnel are immune from
16 civil liability for damages for good-faith compliance with
17 this section and shall be presumed to have acted in good faith
18 by reporting information. The presumption of good faith is not
19 overcome if technical or clerical errors are made by the
20 department and its personnel in reporting the information, if
21 the department and its personnel are unable to report
22 information because the information has not been provided or
23 reported by a person or agency required to provide or report
24 the information to the department, or if the department and
25 its personnel report information that was falsely reported
26 without the knowledge of the department and its personnel.

27 Section 4. Section 943.0435, Florida Statutes, is
28 created to read:

29 943.0435 Sex offenders required to report to the
30 department; penalty.--

31 (1) As used in this section, the term:

1 (a) "Sex offender" means a person who has been:
2 1. Convicted of committing, or attempting, soliciting,
3 or conspiring to commit, any of the criminal offenses
4 proscribed in the following statutes in this state or
5 analogous offenses in another jurisdiction: s. 787.025,
6 chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.
7 847.0135, s. 847.0145, or any similar offense committed in
8 this state which has been redesignated from a former statute
9 number to one of those listed in this subparagraph.
10 2. Released from the sanction imposed for any
11 conviction of an offense described in subparagraph 1. For
12 purposes of subparagraph 1., a sanction imposed in this state
13 or in any other jurisdiction includes, but is not limited to,
14 a fine, probation, community control, parole, conditional
15 release, control release, or incarceration in a state or
16 federal prison or local detention facility.
17 (b) "Convicted" means the person has been determined
18 guilty as a result of a plea or a trial, regardless of whether
19 adjudication is withheld.
20 (2) If a sex offender permanently or temporarily
21 resides in any county of the state, the offender must report
22 to the department his or her current address and place of
23 permanent or temporary residence within 48 hours after arrival
24 at the place of residence. Thereafter, if the sex offender
25 moves to a new residence, he or she must report to the
26 department, within 48 hours after arriving at the new place of
27 residence, his or her current address and place of permanent
28 or temporary residence.
29 (3) The department shall adopt, by rule, the manner in
30 which each sex offender is required under this section to
31

1 report his or her current address and place of permanent or
2 temporary residence.

3 (4) A sex offender who fails to report his or her
4 current address and place of permanent or temporary residence,
5 in accordance with the rule adopted by the department, commits
6 a felony of the third degree, punishable as provided in s.
7 775.082, s. 775.083, or s. 775.084.

8 (5) The department and its personnel are immune from
9 civil liability for damages for good-faith compliance with the
10 requirements of this section, and shall be presumed to have
11 acted in good faith in compiling, recording, and reporting
12 information. The presumption of good faith is not overcome if
13 a technical or clerical error is made by the department and
14 its personnel in compiling or providing information, or if
15 information is incomplete or incorrect because a sex offender
16 fails to report or falsely reports his or her current address
17 and place of permanent or temporary residence.

18 Section 5. Section 944.607, Florida Statutes, is
19 created to read:

20 944.607 Notification to Department of Law Enforcement
21 of information on sex offenders.--

22 (1) As used in this section, the term "sex offender"
23 means a person who:

24 (a) Is an inmate in the custody of the department on
25 or after October 1, 1997;

26 (b) Is incarcerated for committing, or attempting,
27 soliciting, or conspiring to commit, any of the criminal
28 offenses proscribed in the following statutes in this state or
29 analogous offenses in another jurisdiction: s. 787.025,
30 chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.
31 847.0135, s. 847.0145, or any similar offense committed in

1 this state which has been redesignated from a former statute
2 number to one of those listed in this paragraph; and

3 (c) Is not required to serve a period of probation,
4 community control, parole, conditional release, or control
5 release following incarceration for any offense listed in
6 paragraph (b).

7 (2) The department shall compile information on each
8 sex offender and provide the information to the Department of
9 Law Enforcement for its use in operating a toll-free telephone
10 number to provide public access to information regarding sex
11 offenders.

12 (3) The department shall provide the information to
13 the Department of Law Enforcement within a reasonable time and
14 in a manner determined by a joint agreement of the Department
15 of Corrections and the Department of Law Enforcement. The
16 information provided to the Department of Law Enforcement must
17 include:

18 (a) The name of the sex offender and any alias, if
19 known;

20 (b) The correctional facility from which the sex
21 offender is released and the sex offender's current address
22 and place of temporary or permanent residence, if such
23 information is provided to the department by the sex offender;

24 (c) A physical description of the sex offender;

25 (d) The offense or offenses for which the sex offender
26 is serving a sentence;

27 (e) The date of release of the sex offender; and

28 (f) A digitized photograph of the sex offender.

29 (4) The department and its personnel are immune from
30 civil liability for damages for good-faith compliance with
31 this section, and shall be presumed to have acted in good

1 faith in compiling, recording, and providing information. The
2 presumption of good faith is not overcome if technical or
3 clerical errors are made by the department and its personnel
4 in compiling, recording, or providing information, if the
5 information compiled, recorded, or provided by the department
6 and its personnel is incomplete because the information has
7 not been provided to the department by a person or agency
8 required to provide the information, or if the department and
9 its personnel compile, record, or provide information that was
10 falsely reported without the knowledge of the department and
11 its personnel.

12 Section 6. Subsections (1) and (2) of section 944.605,
13 Florida Statutes, 1996 Supplement, are amended to read:

14 944.605 Inmate release; notice by Department of
15 Corrections, Control Release Authority, or Parole
16 Commission.--

17 (1) Within 6 months before the release of an inmate
18 from the custody of the Department of Corrections by
19 expiration of sentence under s. 944.275, any release program
20 provided by law, or parole under chapter 947, or as soon as
21 possible if the offender is released earlier than anticipated,
22 notification of such anticipated release date shall be made
23 known by the appropriate agency to the appropriate chief
24 ~~original sentencing~~ judge, the appropriate state attorney, ~~the~~
25 ~~original arresting law enforcement agency,~~ and the sheriff as
26 chief law enforcement officer of the county in which the
27 inmate plans to reside. ~~If the original sentencing judge is~~
28 ~~no longer available, such notice shall be sent to the chief~~
29 ~~judge of the circuit in which the offender was sentenced.~~ In
30 addition, unless otherwise requested by the victim or the
31 personal representative of the victim, the state attorney, the

1 Department of Corrections, the Control Release Authority, or
2 the Parole Commission, whichever is appropriate, shall notify
3 such person within 6 months before the inmate's release, or as
4 soon as possible if the offender is released earlier than
5 anticipated, when if the name and address of such victim or
6 representative of the victim has been furnished to the agency.
7 The state attorney shall provide the latest address documented
8 for the victim to the sheriff with the other documents
9 required by law for the delivery of inmates to those agencies
10 for service of sentence. For the purposes of this section, the
11 Parole Commission or the Control Release Authority is the
12 appropriate agency for any type of release it grants, and the
13 Department of Corrections is the appropriate agency for any
14 type of release it authorizes. This section does not imply
15 any repeal or modification of any provision of law relating to
16 notification of victims.

17 (2) Within 6 months ~~120 days~~ before the anticipated
18 release of an inmate under subsection (1), except for an
19 inmate for which notification is required under subsection (3)
20 or s. 944.606, a digitized photograph ~~an exit photo~~ of the
21 inmate to be released shall be made ~~taken~~ and placed in the
22 inmate's file and shall be made available to the Department of
23 Law Enforcement and, upon request, to local law enforcement
24 agencies.

25 Section 7. Subsection (4) of section 944.606, Florida
26 Statutes, 1996 Supplement, is amended to read:

27 944.606 Sexual offenders; notification upon release.--

28 (4) Release of information pursuant to this section
29 does not constitute unauthorized public disclosure of
30 information that relates to sexual predators under ss.
31 775.21-775.23. ~~This section does not authorize the department~~

1 ~~or any law enforcement agency to notify the community and the~~
2 ~~public of a sexual offender's presence in the community.~~
3 ~~However, with respect to a sexual offender who has been found~~
4 ~~to be a "sexual predator" under chapter 775, the Florida~~
5 ~~Department of Law Enforcement or any other law enforcement~~
6 ~~agency must inform the community and the public of the sexual~~
7 ~~predator's presence in the community, as provided in chapter~~
8 ~~775.~~

9 Section 8. Subsections (1) and (2) of section 947.177,
10 Florida Statutes, 1996 Supplement, are amended to read:

11 947.177 Inmate release; notice by Department of
12 Corrections, Control Release Authority, or Parole
13 Commission.--

14 (1) Within 6 months before the release of an inmate
15 from the custody of the Department of Corrections by
16 expiration of sentence under s. 944.275, control release under
17 s. 947.146, or parole under this chapter, or as soon as
18 possible if the offender is released earlier than anticipated,
19 notification of such release date shall be made known by the
20 appropriate agency to the appropriate chief original
21 ~~sentencing judge, the appropriate state attorney, the original~~
22 ~~arresting law enforcement agency, and the sheriff as chief law~~
23 ~~enforcement officer of the county in which the inmate plans to~~
24 ~~reside. If the original sentencing judge is no longer~~
25 ~~available, such notice shall be sent to the chief judge of the~~
26 ~~circuit in which the offender was sentenced.~~ In addition,
27 unless otherwise requested by the victim or the personal
28 representative of the victim, the state attorney, the
29 Department of Corrections, or the Parole Commission, whichever
30 is appropriate, shall notify such person within 6 months
31 before the inmate's release, or as soon as possible if the

1 offender is released earlier than anticipated, when ~~if~~ the
2 name and address of the victim or representative of the victim
3 has been furnished to the agency. The state attorney shall
4 provide the latest address documented for the victim to the
5 sheriff with the other documents required by law for the
6 delivery of inmates to those agencies for service of sentence.
7 For the purposes of this section, the Parole Commission or the
8 Control Release Authority is the appropriate agency for any
9 type of release it grants, and the Department of Corrections
10 is the appropriate agency for any type of release it
11 authorizes. This section does not imply any repeal or
12 modification of any provision of law relating to notification
13 of victims.

14 (2) Within 6 months ~~120 days~~ before the anticipated
15 release of an inmate, except for an inmate for which
16 notification is required under subsection (3) or s. 944.606, a
17 digitized photograph ~~an exit photo~~ of the inmate to be
18 released shall be made ~~taken~~ and placed in the inmate's file
19 and shall be made available to the Department of Law
20 Enforcement and, upon request, to local law enforcement
21 agencies.

22 Section 9. Subsection (12) is added to section 948.03,
23 Florida Statutes, 1996 Supplement, to read:

24 948.03 Terms and conditions of probation or community
25 control.--

26 (12)(a) The Department of Corrections shall compile
27 information on certain sex offenders and provide the
28 information to the Department of Law Enforcement for use in
29 operating a toll-free telephone number to provide public
30 access to information regarding these sex offenders.

31 (b) As used in this subsection, the term:

- 1 1. "Sex offender" means a person who:
2 a. Is under the supervision of the Department of
3 Corrections on or after October 1, 1997;
4 b. Has been convicted of committing, or attempting,
5 soliciting, or conspiring to commit, any of the criminal
6 offenses proscribed in the following statutes in this state or
7 analogous offenses in another jurisdiction: s. 787.025,
8 chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.
9 847.0135, s. 847.0145, or any similar offense committed in
10 this state which has been redesignated from a former statute
11 number to one of those listed in this sub-subparagraph; and
12 c. Is serving a term of probation, community control,
13 parole, conditional release, or control release in this state
14 or any other jurisdiction for any offense listed in
15 sub-subparagraph b.
16 2. "Convicted" means the person has been determined
17 guilty as a result of a plea or a trial, regardless of whether
18 adjudication is withheld.
19 (c) The Department of Corrections shall provide the
20 information to the Department of Law Enforcement within a
21 reasonable time and in a manner determined by a joint
22 agreement of the Department of Corrections and the Department
23 of Law Enforcement. The information provided to the Department
24 of Law Enforcement must include:
25 1. The name of the sex offender and any alias, if
26 known;
27 2. A physical description of the sex offender;
28 3. The sex offender's most current address and place
29 of permanent or temporary residence, including the name of the
30 county or municipality in which the offender permanently or
31 temporarily resides;

1 4. The legal status of the sex offender and the
2 scheduled termination date of that legal status; and

3 5. The offense or offenses for which the sex offender
4 was convicted.

5 (d) The Department of Corrections and its personnel
6 are immune from civil liability for damages for good-faith
7 compliance with this subsection, and shall be presumed to have
8 acted in good faith in compiling, recording, and providing
9 information. The presumption of good faith is not overcome if
10 technical or clerical errors are made by the Department of
11 Corrections and its personnel in compiling, recording, or
12 providing information, if the information compiled, recorded,
13 or provided by the department and its personnel is incomplete
14 because the information has not been provided to the
15 department by a person or agency required to provide the
16 information, or if the department and its personnel compile,
17 record, or provide information that was falsely reported
18 without the knowledge of the department and its personnel.

19 Section 10. Present subsections (2), (3), (4), (5),
20 and (6) of section 948.06, Florida Statutes, are redesignated
21 as subsections (3), (4), (5), (6), and (7), respectively, and
22 a new subsection (2) is added to that section, to read:

23 948.06 Violation of probation or community control;
24 revocation; modification; continuance; failure to pay
25 restitution or cost of supervision.--

26 (2)(a) When any state or local law enforcement agency
27 investigates or arrests a person for committing, or
28 attempting, soliciting, or conspiring to commit, a violation
29 of: s. 787.025, chapter 794, s. 796.03, s. 800.04, s.
30 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law
31 enforcement agency shall contact the Department of Corrections

1 to verify whether the person under investigation or under
2 arrest is on probation, community control, parole, conditional
3 release, or control release.

4 (b) If the law enforcement agency finds that the
5 person under investigation or under arrest is on probation,
6 community control, parole, conditional release, or control
7 release, the law enforcement agency shall immediately notify
8 the person's probation officer or release supervisor of the
9 investigation or the arrest.

10 Section 11. Paragraph (f) of subsection (3) of section
11 921.0012, Florida Statutes, 1996 Supplement, is amended to
12 read:

13 921.0012 Sentencing guidelines offense levels; offense
14 severity ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

16 Florida	Felony	
17 Statute	Degree	Description
		(f) LEVEL 6
21 316.027(1)(b)	2nd	Accident involving death, failure 22 to stop; leaving scene.
23 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent 24 conviction.
25 775.0875(1)	3rd	Taking firearm from law 26 enforcement officer.
27 784.021(1)(a)	3rd	Aggravated assault; deadly weapon 28 without intent to kill.
29 784.021(1)(b)	3rd	Aggravated assault; intent to 30 commit felony.

31

1	784.048(3)	3rd	Aggravated stalking; credible
2			threat.
3	784.07(2)(c)	2nd	Aggravated assault on law
4			enforcement officer.
5	784.08(2)(b)	2nd	Aggravated assault on a person 65
6			years of age or older.
7	784.081(2)	2nd	Aggravated assault on specified
8			official or employee.
9	784.082(2)	2nd	Aggravated assault by detained
10			person on visitor or other
11			detainee.
12	787.02(2)	3rd	False imprisonment; restraining
13			with purpose other than those in
14			s. 787.01.
15	790.115(2)(d)	2nd	Discharging firearm or weapon on
16			school property.
17	790.161(2)	2nd	Make, possess, or throw
18			destructive device with intent to
19			do bodily harm or damage
20			property.
21	790.164(1)	2nd	False report of deadly explosive
22			or act of arson or violence to
23			state property.
24	790.19	2nd	Shooting or throwing deadly
25			missiles into dwellings, vessels,
26			or vehicles.
27	794.011(8)(a)	3rd	Solicitation of minor to
28			participate in sexual activity by
29			custodial adult.
30	794.05(1)	2nd	Unlawful sexual activity with
31			specified minor.

1	806.031(2)	2nd	Arson resulting in great bodily
2			harm to firefighter or any other
3			person.
4	810.02(3)(c)	2nd	Burglary of occupied structure;
5			unarmed; no assault or battery.
6	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
7			but less than \$100,000, grand
8			theft in 2nd degree.
9	812.13(2)(c)	2nd	Robbery, no firearm or other
10			weapon (strong-arm robbery).
11	817.034(4)(a)1.	1st	Communications fraud, value
12			greater than \$50,000.
13	817.4821(5)	2nd	Possess cloning paraphernalia
14			with intent to create cloned
15			cellular telephones.
16	825.102(1)	3rd	Abuse of an elderly person or
17			disabled adult.
18	825.102(3)(c)	3rd	Neglect of an elderly person or
19			disabled adult.
20	825.1025(3)	3rd	Lewd or lascivious molestation of
21			an elderly person or disabled
22			adult.
23	825.103(2)(c)	3rd	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$100 or more, but less
26			than \$20,000.
27	827.03(1)	3rd	Abuse of a child.
28	827.03(3)(c)	3rd	Neglect of a child.
29	827.071(2)&(3)	2nd	Use or induce a child in a sexual
30			performance, or promote or direct
31			such performance.

1	836.05	2nd	Threats; extortion.
2	836.10	2nd	Written threats to kill or do
3			bodily injury.
4	843.12	3rd	Aids or assists person to escape.
5	914.23	2nd	Retaliation against a witness,
6			victim, or informant, with bodily
7			injury.
8	<u>943.0435(4)</u>	<u>3rd</u>	<u>Sex offenders; failure to report</u>
9			<u>current place of residence.</u>
10	944.35(3)(a)2.	3rd	Committing malicious battery upon
11			or inflicting cruel or inhuman
12			treatment on an inmate or
13			offender on community
14			supervision, resulting in great
15			bodily harm.
16	944.40	2nd	Escapes.
17	944.46	3rd	Harboring, concealing, aiding
18			escaped prisoners.
19	944.47(1)(a)5.	2nd	Introduction of contraband
20			(firearm, weapon, or explosive)
21			into correctional facility.
22	951.22(1)	3rd	Intoxicating drug, firearm, or
23			weapon introduced into county
24			facility.

25 Section 12. Section 921.0017, Florida Statutes, is
26 amended to read:

27 921.0017 Credit upon recommitment of offender serving
28 split sentence.--Effective for offenses committed on or after
29 January 1, 1994, if an offender's probation or community
30 control is revoked and the offender is serving a split
31 sentence pursuant to s. 948.01, upon recommitment to the

1 Department of Corrections, the court shall order credit for
2 time served only, without considering any type of gain-time
3 earned before release to supervision, or any type of sentence
4 reduction granted to avoid prison overcrowding, including, but
5 not limited to, any sentence reduction resulting from
6 administrative gain-time, provisional credits, or control
7 release. The court shall determine the amount of jail-time
8 credit to be awarded for time served between the date of
9 arrest as a violator and the date of recommitment, and shall
10 direct the Department of Corrections to compute and apply
11 credit for all other time served previously on the prior
12 sentence for the offense for which the offender is being
13 recommitted. This section does not affect or limit the
14 department's authority to forfeit gain-time under ss.
15 944.28(1) and 948.06(7)~~948.06(6)~~.

16 Section 13. (1) By January 1, 1998, the Department of
17 Law Enforcement and the Department of Highway Safety and Motor
18 Vehicles shall jointly report to the Legislature a plan for
19 requiring each sex offender, as defined in section 944.607,
20 Florida Statutes, to report to drivers' license bureaus for
21 the purpose of making digitized photographs of the sex
22 offender. The report must also include the costs of making
23 digitized photographs of the sex offenders and a timetable for
24 implementing the plan.

25 (2) By January 1, 1998, the Department of Corrections
26 shall report to the Legislature a plan for directly
27 transmitting to the Department of Law Enforcement data on sex
28 offenders, as defined in section 944.607 or section 948.03,
29 Florida Statutes, who are under the supervision of the
30 Department of Corrections. The report must include the costs
31 of preparing, storing, and directly transmitting data to the

1 Department of Law Enforcement in a format that is compatible
2 with FCIC II, and must include a timetable for implementing
3 the plan. The report must also include a plan for the
4 Department of Corrections to take digitized photographs of the
5 population of sex offenders under its supervision, as defined
6 in section 948.03, Florida Statutes, for the purpose of
7 transmitting the photographs to the Department of Law
8 Enforcement and, upon request, to local law enforcement
9 agencies. The report must include the cost of making and
10 providing digitized photographs of sex offenders and a
11 timetable for implementing the plan.

12 Section 14. This act shall take effect October 1,
13 1997.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

537-165A-97

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Creates the "Public Safety Information Act." Authorizes a law enforcement agency to release criminal history information to the public. Provides that the agency is immune from civil liability for releasing such information. Requires the Department of Law Enforcement to operate a toll-free telephone number to provide information regarding certain sex offenders. Provides that the department and its personnel are immune from civil liability for providing such information and are presumed to have acted in good faith. Requires that a person convicted of specified sexual offenses report his or her current address and place of residence to the Department of Law Enforcement within 48 hours after arriving at the place of residence and, thereafter, within 48 hours after arriving at a new place of residence. Provides that it is a third-degree felony to fail to report. Requires that the Department of Corrections provide information to the Department of Law Enforcement on each offender who is convicted of committing certain specified sexual offenses and who is in the custody or supervision of the Department of Corrections on or after October 1, 1997. Requires that the Department of Corrections and the Department of Law Enforcement jointly agree on the time and manner for providing the information. Provides that the Department of Corrections and its personnel are immune from civil liability for compiling, recording, and reporting such information and are presumed to have acted in good faith. Requires that a law enforcement agency verify if a person under investigation or under arrest for certain specified sexual offenses is on probation, community control, parole, conditional release, or control release. Requires that the law enforcement agency notify the person's probation officer or release supervisor of the investigation or the arrest. Requires that the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles report to the Legislature on a plan to make digitized photographs of certain sex offenders. Requires that the Department of Corrections report to the Legislature on a plan to directly transmit data on certain sex offenders under its supervision to the Department of Law Enforcement. Requires that the report also include a plan for taking digitized photographs of certain sex offenders who are supervised by the Department of Corrections. (See bill for details.)