

By the Committee on Crime & Punishment and Representatives
Morrone, Crist, Feeney, Argenziano, Lynn, Fasano, Culp and
Chestnut

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"; amending s. 775.21, F.S.;
6 revising registration requirements for sexual
7 predators; requiring a sexual predator to
8 register at a driver's license office of the
9 Department of Highway Safety and Motor Vehicles
10 following a change in permanent or temporary
11 residence and obtain a driver's license or
12 identification card; requiring that a sexual
13 predator renew such license or identification
14 card; providing a penalty; creating s. 943.046,
15 F.S.; authorizing a state or local law
16 enforcement agency to release to the public
17 criminal offender information that is not
18 exempt from public disclosure under the public
19 records law; providing immunity from civil
20 liability for a law enforcement agency and its
21 personnel in releasing such information;
22 creating s. 943.043, F.S.; requiring the
23 Department of Law Enforcement to provide a
24 toll-free telephone number for public access to
25 information regarding sex offenders; requiring
26 that the department provide to the public upon
27 request a copy of the photograph of a sex
28 offender or sexual predator and a summary of
29 information that is publicly available;
30 providing immunity from civil liability for the
31 department and its personnel in reporting

1 information; providing that the department and
2 its personnel are presumed to have acted in
3 good faith; creating s. 943.0435, F.S.;
4 providing definitions; requiring sex offenders
5 to report their current place of permanent or
6 temporary residence to the Department of Law
7 Enforcement and the Department of Highway
8 Safety and Motor Vehicles within a specified
9 time and upon moving to a new place of
10 residence; providing procedures for reporting;
11 providing a penalty for failing to report as
12 required; providing immunity from civil
13 liability for the Department of Law
14 Enforcement, the Department of Highway Safety
15 and Motor Vehicles, the Department of
16 Corrections, and the personnel of those
17 departments in compiling, recording, and
18 reporting information regarding sex offenders;
19 providing that those departments and the
20 personnel of those departments are presumed to
21 have acted in good faith; creating s. 944.607,
22 F.S.; requiring that the Department of
23 Corrections provide information to the
24 Department of Law Enforcement on sex offenders
25 who are in the custody or control of, or under
26 the supervision of, the Department of
27 Corrections on or after a specified date;
28 providing immunity from civil liability for the
29 Department of Corrections and its personnel in
30 compiling, recording, and reporting information
31 regarding sex offenders; providing that the

1 department and its personnel are presumed to
2 have acted in good faith; amending ss. 944.605
3 and 947.177, F.S.; revising requirements for
4 the Department of Corrections, the Control
5 Release Authority, and the Parole Commission
6 with respect to notifying judges and law
7 enforcement agencies of the anticipated release
8 of an inmate; requiring that a digitized
9 photograph be made of the inmate; requiring
10 that this information be provided to the
11 Department of Law Enforcement; amending s.
12 944.606, F.S., relating to the release of
13 information regarding certain sex offenders by
14 the Department of Corrections; requiring that
15 this information be provided to the Department
16 of Law Enforcement; providing that the release
17 of such information does not constitute
18 unauthorized public disclosure under the
19 Florida Sexual Predators Act; amending s.
20 948.06, F.S.; requiring state and local law
21 enforcement agencies to verify if a person
22 under investigation or under arrest for certain
23 sexual offenses is on probation, community
24 control, parole, conditional release, or
25 control release; requiring the law enforcement
26 agency to notify the person's probation officer
27 or release supervisor of the investigation or
28 the arrest; amending s. 921.0012, F.S.; ranking
29 under the sentencing guidelines the offenses of
30 failure to register, including failure to renew
31 a driver's license or identification card, and

1 failure of sex offenders to comply with
2 reporting requirements; amending s. 921.0017,
3 F.S., relating to credit upon recommitment of
4 an offender serving a split sentence;
5 conforming a cross reference to changes made by
6 the act; requiring the court, at the time of
7 sentencing, to note on the judgment if the
8 victim is a minor and provide such information
9 to the Department of Law Enforcement; providing
10 an effective date.

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

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

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

29 WHEREAS, the Legislature intends that the order of
30 priority, the methods of dissemination of criminal history
31 information compiled from intrastate sources by the Department

1 of Law Enforcement, and the assessment of costs for the
2 production of this information, as provided in section
3 943.053, Florida Statutes, shall be maintained, and

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

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

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

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

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

26 WHEREAS, the Legislature intends to authorize public or
27 community notification of this information, and

28 WHEREAS, the Legislature intends that a state or local
29 law enforcement agency that investigates or arrests a person
30 for certain sexual offenses shall verify whether the person is
31 on probation or some form of release supervision, and, if so

1 verified, shall inform the person's probation officer that the
2 person is under investigation or arrest for a sexual offense,
3 NOW, THEREFORE,

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. This act may be cited as the "Public Safety
8 Information Act."

9 Section 2. Subsection (6) and paragraph (a) of
10 subsection (9) of section 775.21, Florida Statutes, 1996
11 Supplement, are amended to read:

12 775.21 The Florida Sexual Predators Act; definitions;
13 legislative findings, purpose, and intent; criteria;
14 designation; registration; community and public notification;
15 immunity; penalties.--

16 (6) REGISTRATION.--

17 (a) A sexual predator must register with the
18 department by providing the following information to the
19 department:

20 1. Name, social security number, age, race, sex, date
21 of birth, height, weight, hair and eye color, photograph,
22 address of legal residence, address of any current temporary
23 residence, date and place of any employment, date and place of
24 each conviction, fingerprints, and a brief description of the
25 crime or crimes committed by the offender.

26 2. Any other information determined necessary by the
27 department, including criminal and corrections records,
28 nonprivileged personnel, treatment, and abuse registry
29 records, and evidentiary genetic markers when available.

30
31

1 If the sexual predator is in the custody or control of, or
2 under the supervision of, the Department of Corrections, the
3 sexual predator must ~~may~~ register directly with the
4 ~~department, or the Department of Corrections or any law~~
5 ~~enforcement agency may register the sexual predator with the~~
6 ~~department. The sexual predator is not required to make any~~
7 ~~further registration as a convicted felony offender in any~~
8 ~~county.~~

9 (b) If the ~~Each~~ sexual predator is not in the custody
10 or control of, or under the supervision of, the Department of
11 Corrections, and who is residing permanently or temporarily
12 resides in the state, the sexual predator shall initially
13 register in person at an office of the department, or at the
14 sheriff's office in the county in which the predator
15 permanently or temporarily resides, within 48 hours after
16 establishing permanent or temporary residence in this state.
17 If a sexual predator registers with the sheriff's office, the
18 sheriff shall take a photograph and a set of fingerprints of
19 the predator and forward the photographs and fingerprints to
20 the department, along with the information that the predator
21 is required to provide pursuant to this section. ~~outside of a~~
22 ~~correctional facility, jail, or secure treatment facility must~~
23 ~~register or be registered with the department within 48 hours~~
24 ~~after entering the county of permanent or temporary residence.~~
25 ~~A sexual predator who is registered with the department must~~
26 ~~provide written notification to the department of any change~~
27 ~~in permanent or temporary residence within 48 hours after~~
28 ~~arrival at the new place of permanent or temporary residence.~~
29 (c) Subsequent to the initial registration required
30 under paragraph (b), a sexual predator shall register in
31 person at a driver's license office of the Department of

1 Highway Safety and Motor Vehicles within 48 hours after any
2 change in the predator's permanent or temporary residence. At
3 the driver's license office the sexual predator shall:
4 1. If otherwise qualified, secure a Florida driver's
5 license, renew a Florida driver's license, or secure an
6 identification card. The sexual predator shall identify
7 himself or herself as a sexual predator who is required to
8 comply with this section, provide his or her place of
9 permanent or temporary residence, and submit to the taking of
10 a photograph for use in issuing a driver's license, renewed
11 license, or identification card, and for use by the department
12 in maintaining current records of sexual predators.
13 2. Pay the costs assessed by the Department of Highway
14 Safety and Motor Vehicles for issuing or renewing a driver's
15 license or identification card as required by this section.
16 3. Provide, upon request, any additional information
17 necessary to confirm the identity of the sexual predator,
18 including a set of fingerprints.
19 (d) Each time a sexual predator's driver's license or
20 identification card is subject to renewal, the predator shall
21 report in person to a driver's license office, regardless of
22 whether the predator's residence has changed, and shall be
23 subject to the requirements specified in paragraph (c). The
24 Department of Highway Safety and Motor Vehicles shall forward
25 to the department and to the Department of Corrections all
26 photographs and information provided by sexual predators.
27 (e)(c) If the sexual predator initially registers at
28 an office of the department, the department must notify the
29 sheriff and the state attorney of the county and, if
30 applicable, the police chief of the municipality, where the
31 sexual predator permanently or temporarily resides within 48

1 hours after the sexual predator registers with the department
2 ~~or provides change of location information to the department.~~

3 (f)~~(d)~~1. The department is responsible for the on-line
4 maintenance of current information regarding each registered
5 sexual predator. The department must maintain hotline access
6 for state, local, and federal law enforcement agencies to
7 obtain instantaneous locator file and offender characteristics
8 information on all released registered sexual predators for
9 purposes of monitoring, tracking, and prosecution. The
10 photograph and fingerprints do not have to be stored in a
11 computerized format.

12 2. The department's sexual predator registration list,
13 containing the information described in subparagraph (a)1., is
14 a public record. The department is authorized to disseminate
15 this public information by any means deemed appropriate,
16 including operating a "900" telephone number for this purpose.
17 When the department provides information regarding a
18 registered sexual predator to the public, department personnel
19 must advise the person making the inquiry that positive
20 identification of a person believed to be a sexual predator
21 cannot be established unless a fingerprint comparison is made,
22 and that it is illegal to use public information regarding a
23 registered sexual predator to facilitate the commission of a
24 crime.

25 3. The department shall adopt guidelines as necessary
26 regarding the registration of sexual predators and the
27 dissemination of information regarding sexual predators as
28 required by this section.

29 (g)~~(e)~~ A sexual predator must maintain registration
30 with the department for the duration of his or her life,
31 unless the sexual predator has had his or her civil rights

1 restored, or has received a full pardon or has had a
2 conviction set aside in a postconviction proceeding for any
3 felony sex offense that ~~which~~ met the criteria for the sexual
4 predator designation. ~~However,~~ a sexual predator who has been
5 lawfully released from confinement, supervision, or sanction,
6 whichever is later, for at least 10 years and has not been
7 arrested for any felony or misdemeanor offense since release,
8 may petition the criminal division of the circuit court for
9 the purpose of removing the sexual predator designation. The
10 court has the discretion to grant or deny such relief.

11 (9) PENALTIES.--

12 (a) A sexual predator who fails to register ~~or be~~
13 ~~registered~~ or who fails, after registration, to renew a
14 driver's license or identification card or provide required
15 location information, commits a felony of the third degree,
16 punishable as provided in s. 775.082, s. 775.083, or s.
17 775.084.

18 Section 3. Section 943.046, Florida Statutes, is
19 created to read:

20 943.046 Notification of criminal offender
21 information.--

22 (1) Any state or local law enforcement agency may
23 release to the public any criminal history information and
24 other information regarding a criminal offender, including,
25 but not limited to, public notification by the agency of the
26 information, unless the information is confidential and exempt
27 from s. 119.07(1) and s. 24(a), Art. I of the State
28 Constitution. However, this section does not contravene any
29 provision of s. 943.053 which relates to the method by which
30 an agency or individual may obtain a copy of an offender's
31 criminal history record.

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

5 Section 4. Section 943.043, Florida Statutes, is
6 created to read:

7 943.043 Toll-free telephone number; sex-offender
8 information.--

9 (1) The department shall provide, through a toll-free
10 telephone number, public access to information regarding sex
11 offenders which is not confidential or exempt from public
12 disclosure and which is reported to the department by the
13 Department of Corrections as provided in s. 944.607 or by a
14 sex offender as provided in s. 943.0435.

15 (2) The department shall provide to any person, upon
16 request and at a reasonable cost determined by the department,
17 a copy of the photograph of any sex offender or sexual
18 predator which the department maintains in its files and a
19 printed summary of the information that is available to the
20 public under this section.

21 (3) The department and its personnel are immune from
22 civil liability for damages for good-faith compliance with
23 this section and shall be presumed to have acted in good faith
24 by reporting information. The presumption of good faith is not
25 overcome if technical or clerical errors are made by the
26 department and its personnel in reporting the information, if
27 the department and its personnel are unable to report
28 information because the information has not been provided or
29 reported by a person or agency required to provide or report
30 the information to the department, or if the department and

31

1 its personnel report information that was falsely reported
2 without the knowledge of the department and its personnel.

3 Section 5. Section 943.0435, Florida Statutes, is
4 created to read:

5 943.0435 Sex offenders required to report to the
6 department; penalty.--

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

8 (a) "Sex offender" means a person who has been:

9 1. Convicted of committing, or attempting, soliciting,
10 or conspiring to commit, any of the criminal offenses
11 proscribed in the following statutes in this state or
12 analogous offenses in another jurisdiction: s. 787.025,
13 chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.
14 847.0135, s. 847.0145, or any similar offense committed in
15 this state which has been redesignated from a former statute
16 number to one of those listed in this subparagraph.

17 2. Released on or after October 1, 1997, from the
18 sanction imposed for any conviction of an offense described in
19 subparagraph 1. For purposes of subparagraph 1., a sanction
20 imposed in this state or in any other jurisdiction includes,
21 but is not limited to, a fine, probation, community control,
22 parole, conditional release, control release, or incarceration
23 in a state or federal prison or local detention facility.

24 (b) "Convicted" means the person has been determined
25 guilty as a result of a plea or a trial, regardless of whether
26 adjudication is withheld.

27 (2) A sex offender shall initially report in person at
28 an office of the department, or at the sheriff's office in the
29 county in which the offender permanently or temporarily
30 resides, within 48 hours after establishing permanent or
31 temporary residence in this state. The sex offender shall

1 provide his or her name, date of birth, race, sex, height,
2 weight, hair and eye color, tattoos or other identifying
3 marks, address of permanent or legal residence, or address of
4 any current temporary residence, date and place of each
5 conviction, and a brief description of the crime or crimes
6 committed by the offender. If a sex offender reports at the
7 sheriff's office, the sheriff shall take a photograph and a
8 set of fingerprints of the offender and forward the
9 photographs and fingerprints to the department, along with the
10 information provided by the sex offender.

11 (3) Subsequent to the initial report required under
12 subsection (2), a sex offender shall report in person at a
13 driver's license office of the Department of Highway Safety
14 and Motor Vehicles within 48 hours after any change in the
15 offender's permanent or temporary residence. At the driver's
16 license office the sex offender shall:

17 (a) If otherwise qualified, secure a Florida driver's
18 license, renew a Florida driver's license, or secure an
19 identification card. The sex offender shall identify himself
20 or herself as a sex offender who is required to comply with
21 this section. The sex offender shall provide any of the
22 information specified in subsection (2), if requested. The sex
23 offender shall submit to the taking of a photograph for use in
24 issuing a driver's license, renewed license, or identification
25 card, and for use by the department in maintaining current
26 records of sex offenders.

27 (b) Pay the costs assessed by the Department of
28 Highway Safety and Motor Vehicles for issuing or renewing a
29 driver's license or identification card as required by this
30 section.

31

1 (c) Provide, upon request, any additional information
2 necessary to confirm the identity of the sexual predator,
3 including a set of fingerprints.

4 (4) Each time a sex offender's driver's license or
5 identification card is subject to renewal, the offender shall
6 report in person to a driver's license office, regardless of
7 whether the offender's residence has changed, and shall be
8 subject to the requirements specified in subsection (3). The
9 Department of Highway Safety and Motor Vehicles shall forward
10 to the department all photographs and information provided by
11 sex offenders.

12 (5) This section does not apply to a sex offender who
13 is also a sexual predator, as defined in s. 775.21. A sexual
14 predator must register as required under s. 775.21.

15 (6) A sex offender who does not comply with the
16 requirements of this section commits a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or
18 s. 775.084.

19 (7) The department, the Department of Highway Safety
20 and Motor Vehicles, the Department of Corrections, and the
21 personnel of those departments are immune from civil liability
22 for damages for good-faith compliance with the requirements of
23 this section, and shall be presumed to have acted in good
24 faith in compiling, recording, and reporting information. The
25 presumption of good faith is not overcome if a technical or
26 clerical error is made by the department, the Department of
27 Highway Safety and Motor Vehicles, the Department of
28 Corrections, or the personnel of those departments in
29 compiling or providing information, or if information is
30 incomplete or incorrect because a sex offender fails to report
31

1 or falsely reports his or her current place of permanent or
2 temporary residence.

3 Section 6. Section 944.607, Florida Statutes, is
4 created to read:

5 944.607 Notification to Department of Law Enforcement
6 of information on sex offenders.--

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

8 (a) "Sex offender" means a person who is in the
9 custody or control of, or under the supervision of, the
10 department on or after October 1, 1997, as a result of a
11 conviction for committing, or attempting, soliciting, or
12 conspiring to commit, any of the criminal offenses proscribed
13 in the following statutes in this state or analogous offenses
14 in another jurisdiction: s. 787.025, chapter 794, s. 796.03,
15 s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0145,
16 or any similar offense committed in this state which has been
17 redesignated from a former statute number to one of those
18 listed in this paragraph.

19 (b) "Conviction" means a determination of guilt as a
20 result of a plea or trial, regardless of whether adjudication
21 is withheld.

22 (2) In addition to notification and transmittal
23 requirements imposed by any other provision of law, the
24 department shall compile information on any sex offender and
25 provide the information to the Department of Law Enforcement.
26 The information shall be made available electronically to the
27 Department of Law Enforcement as soon as this information is
28 in the department's database and must be in a format that is
29 compatible with the requirements of the Florida Crime
30 Information Center.

31

1 (3) The information provided to the Department of Law
2 Enforcement must include:
3 (a) The name of the sex offender and any alias, if
4 known;
5 (b) The sex offender's most current address and place
6 of permanent or temporary residence, including the name of the
7 county or municipality in which the offender permanently or
8 temporarily resides and, if known, the intended place of
9 permanent or temporary residence upon satisfaction of all
10 sanctions;
11 (c) The legal status of the sex offender and the
12 scheduled termination date of that legal status;
13 (d) The location of, and local telephone number for,
14 any office of probation, community control, parole,
15 conditional release, or control release which is responsible
16 for supervising the sex offender;
17 (e) An indication of any offense for which the
18 offender was convicted which involved a victim who was a minor
19 at the time the offense was committed, if this information is
20 known;
21 (f) A physical description of the sex offender;
22 (g) The offense or offenses for which the sex offender
23 was convicted; and
24 (h) A digitized photograph of the sex offender which
25 must have been taken within 60 days before the offender is
26 released from the custody of the department by expiration of
27 sentence under s. 944.275 or must have been taken by October
28 1, 1997, or within 60 days after the onset of the department's
29 supervision of any sex offender who is on probation, community
30 control, conditional release, parole, provisional release, or
31 control release or who is supervised by the department under

1 the Interstate Compact Agreement for Probationers and
2 Parolees.

3
4 If any information provided by the department changes during
5 the time the sex offender is under the department's control,
6 custody, or supervision, the department shall update the
7 information and provide it to the Department of Law
8 Enforcement in the manner prescribed in subsection (2).

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

23 Section 7. Section 944.605, Florida Statutes, 1996
24 Supplement, is amended to read:

25 944.605 Inmate release; notice by Department of
26 Corrections, Control Release Authority, or Parole
27 Commission.--

28 (1) Within 6 months before the release of an inmate
29 from the custody of the Department of Corrections by
30 expiration of sentence under s. 944.275, any release program
31 provided by law, or parole under chapter 947, or as soon as

1 possible if the offender is released earlier than anticipated,
2 notification of such anticipated release date shall be made
3 known by the appropriate agency to the chief ~~original~~
4 ~~sentencing judge of the circuit in which the offender was~~
5 sentenced, the appropriate state attorney, the original
6 arresting law enforcement agency, the Department of Law
7 Enforcement, and the sheriff as chief law enforcement officer
8 of the county in which the inmate plans to reside. ~~if the~~
9 ~~original sentencing judge is no longer available, such notice~~
10 ~~shall be sent to the chief judge of the circuit in which the~~
11 ~~offender was sentenced.~~ In addition, unless otherwise
12 requested by the victim or the personal representative of the
13 victim, the state attorney, the Department of Corrections, the
14 Control Release Authority, or the Parole Commission, whichever
15 is appropriate, shall notify such person within 6 months
16 before the inmate's release, or as soon as possible if the
17 offender is released earlier than anticipated, when ~~if~~ the
18 name and address of such victim or representative of the
19 victim has been furnished to the agency. The state attorney
20 shall provide the latest address documented for the victim to
21 the sheriff with the other documents required by law for the
22 delivery of inmates to those agencies for service of sentence.
23 For the purposes of this section, the Parole Commission or the
24 Control Release Authority is the appropriate agency for any
25 type of release it grants, and the Department of Corrections
26 is the appropriate agency for any type of release it
27 authorizes. This section does not imply any repeal or
28 modification of any provision of law relating to notification
29 of victims.

30 (2) Within 60 ~~120~~ days before the anticipated release
31 of an inmate under subsection (1), a digitized photograph

1 ~~except for an inmate for which notification is required under~~
2 ~~subsection (3) or s. 944.606, an exit photo of the inmate to~~
3 be released shall be made ~~taken~~ and placed in the inmate's
4 file and shall also be made available electronically to the
5 Department of Law Enforcement as soon as the digitized
6 photograph is in the department's database and must be in a
7 format that is compatible with the requirements of the Florida
8 Crime Information Center. The department shall provide a copy
9 of the digitized photograph to a local law enforcement agency
10 upon request.

11 (3) If an inmate is to be released after having served
12 one or more sentences for a conviction of robbery, sexual
13 battery, home-invasion robbery, or carjacking, or an inmate to
14 be released has a prior conviction for robbery, sexual
15 battery, home-invasion robbery, or carjacking or similar
16 offense, in this state or in another jurisdiction, and if such
17 prior conviction information is contained in department
18 records, the appropriate releasing agency shall release to the
19 sheriff of the county in which the inmate plans to reside,
20 and, if the inmate plans to reside within a municipality, to
21 the chief of police of that municipality, the following
22 information, which must include, but need not be limited to:

- 23 (a) Name;
24 (b) Social security number;
25 (c) Date of birth;
26 (d) Race;
27 (e) Sex;
28 (f) Height;
29 (g) Weight;
30 (h) Hair and eye color;
31 (i) Tattoos or other identifying marks;

1 (j) Fingerprints; and
2 (k) A digitized photograph ~~taken not more than 90 days~~
3 ~~before the date of the inmate's release.~~

4
5 The department, the Parole Commission, or the Control Release
6 Authority shall release the information specified in this
7 subsection within 6 months prior to the discharge of the
8 inmate from the custody of the department.

9 Section 8. Section 944.606, Florida Statutes, 1996
10 Supplement, is amended to read:

11 944.606 Sexual offenders; notification upon release.--

12 (1) As used in this section:

13 (a) "Conviction" means a determination of guilt that
14 is the result of a plea or a trial, regardless of whether
15 adjudication is withheld.

16 (b) "Sexual offender" means a person who has been
17 convicted of a felony violation of chapter 794, s. 800.04, s.
18 827.071, or s. 847.0145, or a violation of a similar law of
19 another jurisdiction, when the department has received
20 verified information regarding such conviction; an offender's
21 computerized criminal history record is not, in and of itself,
22 verified information.

23 (2) The Legislature finds that sexual offenders,
24 especially those who have committed their offenses against
25 minors, often pose a high risk of engaging in sexual offenses
26 even after being released from incarceration or commitment and
27 that protection of the public from sexual offenders is a
28 paramount governmental interest. Sexual offenders have a
29 reduced expectation of privacy because of the public's
30 interest in public safety and in the effective operation of
31 government. Releasing sexual offender information to law

1 enforcement agencies and to persons who request such
2 information, and releasing such information to the public by a
3 law enforcement agency or public agency, will further the
4 governmental interests of public safety.

5 (3)(a) The department must provide information
6 regarding any sexual offender who is being released after
7 serving a period of incarceration for any offense, as follows:

8 1. The department must provide: the sexual offender's
9 name and any alias, if known; the correctional facility from
10 which the sexual offender is released; the sexual offender's
11 social security number, race, sex, date of birth, height,
12 weight, and hair and eye color; date and county of sentence
13 and each crime for which the offender was sentenced; a copy of
14 the offender's fingerprints and a digitized photograph taken
15 within 60 ~~90~~ days before ~~of~~ release; the date of release of
16 the sex offender; and the offender's intended residence
17 address, if known.

18 2. The department may provide any other information
19 deemed necessary, including criminal and corrections records,
20 nonprivileged personnel and treatment records, when available.

21 (b) The department must provide the information
22 described in subparagraph (a)1. to:

23 1. The sheriff of the county from where the sexual
24 offender was sentenced;

25 2. The sheriff of the county and, if applicable, the
26 police chief of the municipality, where the sexual offender
27 plans to reside; and

28 3. The Florida Department of Law Enforcement; and

29 4.3. Any person who requests such information,
30
31

1 either within 6 months prior to the anticipated release of a
2 sexual offender, or as soon as possible if an offender is
3 released earlier than anticipated. All such information
4 provided to the Department of Law Enforcement must be
5 available electronically as soon as the information is in the
6 agency's database and must be in a format that is compatible
7 with the requirements of the Florida Crime Information Center.

8 (c) Upon request, the department must provide the
9 information described in subparagraph (a)2. to:

10 1. The sheriff of the county from where the sexual
11 offender was sentenced; and

12 2. The sheriff of the county and, if applicable, the
13 police chief of the municipality, where the sexual offender
14 plans to reside,

15
16 either within 6 months prior to the anticipated release of a
17 sexual offender, or as soon as possible if an offender is
18 released earlier than anticipated.

19 (d) Upon receiving information regarding a sexual
20 offender from the department, the Department of Law
21 Enforcement, the sheriff or the chief of police shall provide
22 the information described in subparagraph (a)1. to any
23 individual who requests such information and may release the
24 information to the public in any manner deemed appropriate,
25 unless the information so received is confidential or exempt
26 from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution.

28 (4) This section authorizes ~~does not authorize~~ the
29 department or any law enforcement agency to notify the
30 community and the public of a sexual offender's presence in
31 the community. However, with respect to a sexual offender who

1 has been found to be a "sexual predator" under chapter 775,
2 the Florida Department of Law Enforcement or any other law
3 enforcement agency must inform the community and the public of
4 the sexual predator's presence in the community, as provided
5 in chapter 775. Release of information pursuant to this
6 section does not constitute unauthorized public disclosure of
7 information that relates to sexual predators under chapter
8 775.

9 (5) An elected or appointed official, public employee,
10 or agency is immune from civil liability for damages resulting
11 from the release of information under this section.

12 Section 9. Section 947.177, Florida Statutes, 1996
13 Supplement, is amended to read:

14 947.177 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, control release under
20 s. 947.146, or parole under this chapter, or as soon as
21 possible if the offender is released earlier than anticipated,
22 notification of such release date shall be made known by the
23 appropriate agency to the chief ~~original sentencing judge of~~
24 the circuit in which the offender was sentenced, the
25 appropriate state attorney, ~~the original arresting law~~
26 ~~enforcement agency,~~ and the sheriff as chief law enforcement
27 officer of the county in which the inmate plans to reside. ~~If~~
28 ~~the original sentencing judge is no longer available, such~~
29 ~~notice shall be sent to the chief judge of the circuit in~~
30 ~~which the offender was sentenced.~~ In addition, unless
31 otherwise requested by the victim or the personal

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

18 (2) Within 60 ~~120~~ days before the anticipated release
19 of an inmate, a digitized photograph ~~except for an inmate for~~
20 ~~which notification is required under subsection (3) or s.~~
21 ~~944.606, an exit photo~~ of the inmate to be released shall be
22 made taken and placed in the inmate's file and shall also be
23 available electronically to the Department of Law Enforcement
24 as soon as the digitized photograph is in the agency's
25 database and must be in a format that is compatible with the
26 requirements of the Florida Crime Information Center.

27 (3) If an inmate is to be released after having served
28 one or more sentences for a conviction of robbery, sexual
29 battery, home-invasion robbery, or carjacking, or an inmate to
30 be released has a prior conviction for robbery, sexual
31 battery, home-invasion robbery, or carjacking or similar

1 offense, in this state or in another jurisdiction, and if such
2 prior conviction information is contained in records of the
3 Department of Corrections, the appropriate releasing agency
4 shall release to the sheriff of the county in which the inmate
5 plans to reside, and, if the inmate plans to reside within a
6 municipality, to the chief of police of that municipality, the
7 following information, which must include, but need not be
8 limited to:

- 9 (a) Name;
10 (b) Social security number;
11 (c) Date of birth;
12 (d) Race;
13 (e) Sex;
14 (f) Height;
15 (g) Weight;
16 (h) Hair and eye color;
17 (i) Tattoos or other identifying marks;
18 (j) Fingerprints; and
19 (k) A digitized photograph ~~taken not more than 90 days~~
20 ~~before the date of the inmate's release.~~

21
22 The Department of Corrections, the Parole Commission, or the
23 Control Release Authority shall release the information
24 specified in this subsection within 6 months prior to the
25 discharge of the inmate from the custody of the Department of
26 Corrections.

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

31

1 948.06 Violation of probation or community control;
2 revocation; modification; continuance; failure to pay
3 restitution or cost of supervision.--
4 (2)(a) When any state or local law enforcement agency
5 investigates or arrests a person for committing, or
6 attempting, soliciting, or conspiring to commit, a violation
7 of: s. 787.025, chapter 794, s. 796.03, s. 800.04, s.
8 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law
9 enforcement agency shall contact the Department of Corrections
10 to verify whether the person under investigation or under
11 arrest is on probation, community control, parole, conditional
12 release, or control release.

13 (b) If the law enforcement agency finds that the
14 person under investigation or under arrest is on probation,
15 community control, parole, conditional release, or control
16 release, the law enforcement agency shall immediately notify
17 the person's probation officer or release supervisor of the
18 investigation or the arrest.

19 Section 11. Paragraph (f) of subsection (3) of section
20 921.0012, Florida Statutes, 1996 Supplement, is amended to
21 read:

22 921.0012 Sentencing guidelines offense levels; offense
23 severity ranking chart.--

24 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.

31

1	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
2			
3	<u>775.21(9)</u>	<u>3rd</u>	<u>Failure to register; failure to</u>
4			<u>renew driver's license or</u>
5			<u>identification card.</u>
6	775.0875(1)	3rd	Taking firearm from law enforcement officer.
7			
8	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
9			
10	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
11			
12	784.048(3)	3rd	Aggravated stalking; credible threat.
13			
14	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
15			
16	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
17			
18	784.081(2)	2nd	Aggravated assault on specified official or employee.
19			
20	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
21			
22			
23	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
24			
25			
26	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
27			
28	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
29			
30			
31			

1	790.164(1)	2nd	False report of deadly explosive
2			or act of arson or violence to
3			state property.
4	790.19	2nd	Shooting or throwing deadly
5			missiles into dwellings, vessels,
6			or vehicles.
7	794.011(8)(a)	3rd	Solicitation of minor to
8			participate in sexual activity by
9			custodial adult.
10	794.05(1)	2nd	Unlawful sexual activity with
11			specified minor.
12	806.031(2)	2nd	Arson resulting in great bodily
13			harm to firefighter or any other
14			person.
15	810.02(3)(c)	2nd	Burglary of occupied structure;
16			unarmed; no assault or battery.
17	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
18			but less than \$100,000, grand
19			theft in 2nd degree.
20	812.13(2)(c)	2nd	Robbery, no firearm or other
21			weapon (strong-arm robbery).
22	817.034(4)(a)1.	1st	Communications fraud, value
23			greater than \$50,000.
24	817.4821(5)	2nd	Possess cloning paraphernalia
25			with intent to create cloned
26			cellular telephones.
27	825.102(1)	3rd	Abuse of an elderly person or
28			disabled adult.
29	825.102(3)(c)	3rd	Neglect of an elderly person or
30			disabled adult.
31			

1	825.1025(3)	3rd	Lewd or lascivious molestation of
2			an elderly person or disabled
3			adult.
4	825.103(2)(c)	3rd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$100 or more, but less
7			than \$20,000.
8	827.03(1)	3rd	Abuse of a child.
9	827.03(3)(c)	3rd	Neglect of a child.
10	827.071(2)&(3)	2nd	Use or induce a child in a sexual
11			performance, or promote or direct
12			such performance.
13	836.05	2nd	Threats; extortion.
14	836.10	2nd	Written threats to kill or do
15			bodily injury.
16	843.12	3rd	Aids or assists person to escape.
17	914.23	2nd	Retaliation against a witness,
18			victim, or informant, with bodily
19			injury.
20	<u>943.0435(6)</u>	<u>3rd</u>	<u>Sex offenders; failure to comply</u>
21			<u>with reporting requirements.</u>
22	944.35(3)(a)2.	3rd	Committing malicious battery upon
23			or inflicting cruel or inhuman
24			treatment on an inmate or
25			offender on community
26			supervision, resulting in great
27			bodily harm.
28	944.40	2nd	Escapes.
29	944.46	3rd	Harboring, concealing, aiding
30			escaped prisoners.
31			

1 944.47(1)(a)5. 2nd Introduction of contraband
2 (firearm, weapon, or explosive)
3 into correctional facility.

4 951.22(1) 3rd Intoxicating drug, firearm, or
5 weapon introduced into county
6 facility.

7 Section 12. Section 921.0017, Florida Statutes, is
8 amended to read:

9 921.0017 Credit upon recommitment of offender serving
10 split sentence.--Effective for offenses committed on or after
11 January 1, 1994, if an offender's probation or community
12 control is revoked and the offender is serving a split
13 sentence pursuant to s. 948.01, upon recommitment to the
14 Department of Corrections, the court shall order credit for
15 time served only, without considering any type of gain-time
16 earned before release to supervision, or any type of sentence
17 reduction granted to avoid prison overcrowding, including, but
18 not limited to, any sentence reduction resulting from
19 administrative gain-time, provisional credits, or control
20 release. The court shall determine the amount of jail-time
21 credit to be awarded for time served between the date of
22 arrest as a violator and the date of recommitment, and shall
23 direct the Department of Corrections to compute and apply
24 credit for all other time served previously on the prior
25 sentence for the offense for which the offender is being
26 recommitted. This section does not affect or limit the
27 department's authority to forfeit gain-time under ss.
28 944.28(1) and 948.06(7)~~948.06(6)~~.

29 Section 13. At the time of sentencing of any offender
30 for an offense involving a victim who at the time the offense
31 was committed, was a minor, the court shall stamp on the face

1 of the judgment "VICTIM IS A MINOR" and shall note this fact
2 on any document or information sent to the Department of Law
3 Enforcement for its incorporation into the criminal justice
4 information system of the Department of Law Enforcement.

5 Section 14. This act shall take effect October 1,
6 1997.

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