

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. 415.5018, F.S.;  
6           providing for the sharing of certain criminal  
7           history information; amending s. 415.51, F.S.;  
8           providing for the release of certain  
9           confidential reports to a law enforcement  
10          agency; amending s. 775.13, F.S.; revising  
11          registration requirements for convicted felons;  
12          amending s. 775.21, F.S.; revising requirements  
13          for public notification of the presence of a  
14          sexual predator; revising registration  
15          requirements for sexual predators; requiring a  
16          sexual predator to register at a driver's  
17          license office of the Department of Highway  
18          Safety and Motor Vehicles following a change in  
19          permanent or temporary residence and obtain a  
20          driver's license or identification card;  
21          requiring that a sexual predator renew such  
22          license or identification card; providing a  
23          penalty; creating s. 943.046, F.S.; authorizing  
24          a state or local law enforcement agency to  
25          release to the public criminal offender  
26          information that is not exempt from public  
27          disclosure under the public records law;  
28          providing immunity from civil liability for a  
29          law enforcement agency and its personnel in  
30          releasing such information; creating s.  
31          943.043, F.S.; requiring the Department of Law

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

1 Department of Law Enforcement on sex offenders  
2 who are in the custody or control of, or under  
3 the supervision of, the Department of  
4 Corrections or the custody of a private  
5 correctional facility on or after a specified  
6 date; providing immunity from civil liability  
7 for the Department of Corrections and its  
8 personnel in compiling, recording, and  
9 reporting information regarding sex offenders;  
10 providing that the department and its personnel  
11 are presumed to have acted in good faith;  
12 amending ss. 944.605, 947.177, F.S.; revising  
13 requirements for the Department of Corrections,  
14 the Control Release Authority, and the Parole  
15 Commission with respect to notifying judges and  
16 law enforcement agencies of the anticipated  
17 release of an inmate; requiring that a  
18 digitized photograph be made of the inmate;  
19 requiring that this information be provided to  
20 the Department of Law Enforcement; amending s.  
21 944.606, F.S., relating to the release of  
22 information regarding certain sex offenders by  
23 the Department of Corrections; requiring that  
24 this information be provided to the Department  
25 of Law Enforcement; providing that the release  
26 of such information does not constitute  
27 unauthorized public disclosure under the  
28 Florida Sexual Predators Act; amending s.  
29 948.06, F.S.; requiring state and local law  
30 enforcement agencies to verify if a person  
31 under investigation or under arrest for certain

1 sexual offenses is on probation, community  
2 control, parole, conditional release, or  
3 control release; requiring the law enforcement  
4 agency to notify the person's probation officer  
5 or release supervisor of the investigation or  
6 the arrest; amending s. 921.0012, F.S.; ranking  
7 under the sentencing guidelines the offenses of  
8 failure to register, including failure to renew  
9 a driver's license or identification card, and  
10 failure of sex offenders to comply with  
11 reporting requirements; amending s. 921.0017,  
12 F.S., relating to credit upon recommitment of  
13 an offender serving a split sentence;  
14 conforming a cross-reference to changes made by  
15 the act; requiring the court, at the time of  
16 sentencing, to note on the judgment if the  
17 victim is a minor and provide such information  
18 to the Department of Law Enforcement; providing  
19 appropriations; providing for uses of certain  
20 appropriations; providing an effective date.

21  
22 WHEREAS, the Legislature and law enforcement agencies  
23 recognize that the release of criminal history information or  
24 other information regarding criminal offenders is essential to  
25 the public's safety and welfare, and

26 WHEREAS, the Legislature intends to provide specific  
27 statutory direction whereby a law enforcement agency, of its  
28 own volition or in response to a request for a public record,  
29 may release to the public criminal history information and  
30 other information regarding criminal offenders, including  
31 public notification of this information, and

1           WHEREAS, the Legislature intends that criminal history  
2 information and other information regarding criminal offenders  
3 which is subject to release to the public shall consist only  
4 of information that is subject to public disclosure under  
5 section 119.07(1), Florida Statutes, the state public records  
6 law, and under Section 24(a), Article I of the State  
7 Constitution, and

8           WHEREAS, the Legislature intends that the order of  
9 priority, the methods of dissemination of criminal history  
10 information compiled from intrastate sources by the Department  
11 of Law Enforcement, and the assessment of costs for the  
12 production of this information, as provided in section  
13 943.053, Florida Statutes, shall be maintained, and

14           WHEREAS, the Legislature finds that the public is  
15 especially concerned about certain sex offenders, and

16           WHEREAS, the Legislature intends to enhance public  
17 access to information regarding certain sex offenders by  
18 creating a public-access telephone number for releasing this  
19 information, and

20           WHEREAS, the Legislature intends that information  
21 released through the public-access telephone number shall  
22 consist only of information that is subject to public  
23 disclosure under section 119.07(1), Florida Statutes, the  
24 state public records law, and under Section 24(a), Article I  
25 of the State Constitution, and

26           WHEREAS, the Legislature finds that current law  
27 authorizes law enforcement agencies to release to the public  
28 criminal information on certain sex offenders which is  
29 provided to these agencies by the Department of Corrections,  
30 but prohibits these agencies from providing public or  
31 community notification of this information, and

1           WHEREAS, the Legislature further finds that this  
2 information is subject to public disclosure under section  
3 119.07(1), Florida Statutes, the state public records law, and  
4 under Section 24(a), Article I of the State Constitution, and

5           WHEREAS, the Legislature intends to authorize public or  
6 community notification of this information, and

7           WHEREAS, the Legislature intends that a state or local  
8 law enforcement agency that investigates or arrests a person  
9 for certain sexual offenses shall verify whether the person is  
10 on probation or some form of release supervision, and, if so  
11 verified, shall inform the person's probation officer that the  
12 person is under investigation or arrest for a sexual offense,

13 NOW, THEREFORE,

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. This act may be cited as the "Public Safety  
18 Information Act."

19           Section 2. Subsection (3) of section 415.5018, Florida  
20 Statutes, 1996 Supplement, is amended to read:

21           415.5018 District authority and responsibilities.--

22           (3) CHILD PROTECTIVE INVESTIGATION; COUNTY SHERIFF'S  
23 OFFICE OR LOCAL POLICE DEPARTMENT OPTION.--Within existing  
24 resources, a district, with the approval of the district  
25 health and human services board, and the secretary of the  
26 department shall enter into an agreement with a county  
27 sheriff's office or local police department that is  
28 jurisdictionally responsible to allow such law enforcement  
29 entity to assume a lead in conducting any potential criminal  
30 investigations as well as partial or full responsibility for  
31 conducting certain components of protective investigations

1 under ss. 415.502-415.514 that are related to cases involving  
2 a criminal investigation. The written agreement must specify  
3 how the requirements of ss. 415.502-415.514 will be met. For  
4 the purposes of such agreement, the jurisdictionally  
5 responsible law enforcement entity is authorized to share  
6 Florida criminal history information that is not otherwise  
7 exempt from s. 119.07(1) with the district personnel directly  
8 responsible for child protective investigation and emergency  
9 child placement. The agencies entering into such agreement  
10 must comply with s. 943.0525 to the extent applicable.  
11 Criminal justice information provided by such law enforcement  
12 entity shall be used only for the purposes specified in the  
13 agreement and shall be provided at no charge.

14 (a) The agreement between the district and the county  
15 sheriff's office or local police department must include the  
16 following assurances and information:

17 1. Assurance that the county sheriff's office or local  
18 police department will be in compliance with the procedural  
19 requirements of ss. 415.502-415.514.

20 2. Description of a protocol between the district and  
21 the county sheriff's office or local police department that at  
22 a minimum addresses the following:

- 23 a. Response to reports of abuse and neglect.
- 24 b. Investigations.
- 25 c. Assessment of risk.
- 26 d. Evidence gathering.
- 27 e. Classification of reports.
- 28 f. Appeals of classifications.
- 29 g. Communication and involvement with the state  
30 attorney.

31

1           h. Confidentiality of reports and access to  
2 information.

3           i. Utilization of the child protection team.

4           j. Storage and maintenance of records and other  
5 information.

6           3. Description of the transition of responsibility  
7 that assures the integrity and continuity of protective  
8 investigations.

9           4. Description of any necessary changes to department  
10 rules.

11           (b) County sheriff's office or local police department  
12 personnel assuming responsibility for conducting certain  
13 components of protective investigations shall receive training  
14 from the department relevant to child protective  
15 investigations and services.

16           (c) The secretary of the department shall dispose of a  
17 proposed agreement by approving or disapproving the agreement  
18 between a district and the county sheriff's office or local  
19 police department within 60 days after receipt. The secretary  
20 may negotiate modifications within this 60-day period.

21           Section 3. Subsection (4) of section 415.51, Florida  
22 Statutes, 1996 Supplement, is amended to read:

23           415.51 Confidentiality of reports and records in cases  
24 of child abuse or neglect.--

25           (4) The name of any person reporting child abuse,  
26 abandonment, or neglect may not be released to any person  
27 other than employees of the department responsible for child  
28 protective services or, the central abuse hotline, or the  
29 appropriate state attorney or law enforcement agency, without  
30 the written consent of the person reporting. This does not  
31 prohibit the subpoenaing of a person reporting child abuse,



1 abandonment, or neglect when deemed necessary by the court,  
2 the state attorney, or the department, provided the fact that  
3 such person made the report is not disclosed. Any person who  
4 reports a case of child abuse or neglect may, at the time he  
5 makes the report, request that the department notify him that  
6 a child protective investigation occurred as a result of the  
7 report. The department shall mail such a notice to the  
8 reporter within 10 days after completing the child protective  
9 investigation.

10 Section 4. Section 775.13, Florida Statutes, 1996  
11 Supplement, is amended to read:

12 775.13 Registration of convicted felons, exemptions;  
13 penalties.--

14 (1) Any person who has been convicted of a felony in  
15 any court of this state shall, within 48 hours after entering  
16 any county in this state, register with the sheriff of said  
17 county, be fingerprinted and photographed, and list the crime  
18 for which convicted, place of conviction, sentence imposed, if  
19 any, name, aliases, if any, address, and occupation.

20 (2) Any person who has been convicted of a crime in  
21 any federal court or in any court of a state other than  
22 Florida, or of any foreign state or country, which crime if  
23 committed in Florida would be a felony, shall forthwith within  
24 48 hours after entering any county in this state register with  
25 the sheriff of said county in the same manner as provided for  
26 in subsection (1).

27 (3) Any person who is ~~presently~~ within any county of  
28 the state as of October 1, 1997, ~~the effective date of this~~  
29 ~~section shall likewise be required to~~ register with the  
30 sheriff of such county by December 1, 1997 ~~within 30 days~~  
31 ~~after the effective date of this section~~, if such person would

1 be required to register under the terms of subsection (1) or  
2 subsection (2), if he or she were entering such county.

3 (4) In lieu of registering with the sheriff ~~sheriffs~~  
4 ~~of the several counties of the state~~ as required by this  
5 section, such registration may be made with the Department of  
6 Law Enforcement, and is ~~shall be~~ subject to the same terms and  
7 conditions as required for registration with the sheriff  
8 ~~several sheriffs of the state. Any person so registering with~~  
9 ~~the Department of Law Enforcement shall not be required to~~  
10 ~~make further registration in any county in the state.~~

11 (5) ~~The provisions of This section does law do not~~  
12 apply to an offender:

13 (a) Who has had his or her civil rights restored;

14 (b) Who has received a full pardon for the offense for  
15 which convicted;

16 (c) ~~Whose conviction of a felony was more than 10~~  
17 ~~years prior to the time provided for registration under the~~  
18 ~~provisions of this law and Who has been lawfully released from~~  
19 ~~incarceration or other sentence or supervision for under a~~  
20 ~~felony conviction and sentence for more than 5 years prior to~~  
21 ~~such time for registration, unless the offender is a fugitive~~  
22 ~~from justice on a felony charge or has been convicted of any~~  
23 offense since release from such incarceration or other  
24 sentence or supervision;

25 ~~(d) Who is a parolee or probationer under the~~  
26 ~~supervision of the Department of Corrections or is a~~  
27 ~~probationer under the supervision of any county probation~~  
28 ~~officer of the state or who has been lawfully discharged from~~  
29 ~~such parole or probation;~~

30 (d)(e) Who is a parolee or probationer under the  
31 supervision of the United States Parole Commission if the

1 commission knows of and consents to the presence of the  
2 offender in Florida or is a probationer under the supervision  
3 of any federal probation officer in the state or who has been  
4 lawfully discharged from such parole or probation; or

5 (e)~~(f)~~ Who is a sexual predator and has registered as  
6 required under s. 775.21.

7 (6) Failure of any such convicted felon to comply with  
8 this section constitutes ~~shall constitute~~ a misdemeanor of the  
9 second degree, punishable as provided in s. 775.082 or s.  
10 775.083.

11 (7) All laws and parts of laws in conflict herewith  
12 are hereby repealed, provided that nothing in this section  
13 shall be construed to affect any law of this state relating to  
14 registration of criminals where the penalties are in excess of  
15 those imposed by this section.

16 Section 5. Subsections (4), (6), and (7) and paragraph  
17 (a) of subsection (9) of section 775.21, Florida Statutes,  
18 1996 Supplement, are amended to read:

19 775.21 The Florida Sexual Predators Act; definitions;  
20 legislative findings, purpose, and intent; criteria;  
21 designation; registration; community and public notification;  
22 immunity; penalties.--

23 (4) SEXUAL PREDATOR CRITERIA.--

24 (a) For a current offense committed on or after  
25 October 1, 1993, and before October 1, 1995:

26 1. An offender who was found by the court under former  
27 s. 775.22 or former s. 775.23 to be a sexual predator is a  
28 "sexual predator" if the court made a written finding that the  
29 offender was a sexual predator at the time of sentencing, as  
30 required by former s. 775.23. Such sexual predator must  
31 register or be registered as a sexual predator with the

1 department, and ~~but~~ is ~~not~~ subject to community and public  
2 notification. Upon notification of the presence of a sexual  
3 predator, the sheriff of the county or the chief of police of  
4 the municipality where the sexual predator temporarily or  
5 permanently resides shall notify the community and the public  
6 of the presence of the sexual predator in a manner deemed  
7 appropriate by the sheriff or the chief of police.

8 2. If an offender has been registered as a sexual  
9 predator by the Department of Corrections, the department, or  
10 any other law enforcement agency and:

11 a. The court did not, for whatever reason, make a  
12 written finding at the time of sentencing that the offender  
13 was a sexual predator, or

14 b. The offender was administratively registered as a  
15 sexual predator because the Department of Corrections, the  
16 department, or any other law enforcement agency obtained  
17 information which indicated that the offender met the sexual  
18 predator criteria based on a violation of a similar law in  
19 another jurisdiction,

20  
21 the department shall remove that offender from the  
22 department's sexual predator list, and shall notify the state  
23 attorney who prosecuted the offense that triggered the  
24 administrative sexual predator designation for offenders  
25 described in sub-subparagraph a., or the state attorney of the  
26 county where the offender permanently or temporarily resides  
27 on October 1, 1996, for offenders described in  
28 sub-subparagraph b. The state attorney may bring the matter to  
29 the court's attention in order to establish that the offender  
30 meets the sexual predator criteria. If the court then makes a  
31 written finding that the offender is a sexual predator, the

1 offender is designated as a sexual predator and must register  
2 or be registered as a sexual predator with the department, ~~but~~  
3 ~~is not subject to community and public notification.~~ If the  
4 court does not make a written finding that the offender is a  
5 sexual predator, the offender is not designated as a sexual  
6 predator with respect to that offense, is not required to  
7 register or be registered as a sexual predator with the  
8 department, and is not subject to community and public  
9 notification.

10 (b) For a current offense committed on or after  
11 October 1, 1995, and before October 1, 1996:

12 1. An offender who was found by the court under former  
13 s. 775.22 or former s. 775.23 to be a sexual predator is a  
14 "sexual predator" if the court made a written finding that the  
15 offender was a sexual predator at the time of sentencing, as  
16 required by former s. 775.23. Such sexual predator must  
17 register or be registered with the department, and is subject  
18 to ~~the~~ community and public notification ~~provisions of former~~  
19 ~~s. 775.225.~~ Upon notification of the presence of a sexual  
20 predator, the sheriff of the county or the chief of police of  
21 the municipality where the sexual predator temporarily or  
22 permanently resides shall notify the community and the public  
23 of the presence of the sexual predator in a manner deemed  
24 appropriate by the sheriff or the chief of police.

25 2. If an offender has been registered as a sexual  
26 predator by the Department of Corrections, the department, or  
27 any other law enforcement agency and:

28 a. The court did not, for whatever reason, make a  
29 written finding at the time of sentencing that the offender  
30 was a sexual predator, or  
31

1           b. The offender was administratively registered as a  
2 sexual predator because the Department of Corrections, the  
3 department, or any other law enforcement agency obtained  
4 information which indicated that the offender met the sexual  
5 predator criteria based on a violation of a similar law in  
6 another jurisdiction,

7  
8 the department shall remove that offender from the  
9 department's sexual predator list, and shall notify the state  
10 attorney who prosecuted the offense that triggered the  
11 administrative sexual predator designation for offenders  
12 described in sub-subparagraph a., or the state attorney of the  
13 county where the offender permanently or temporarily resides  
14 on October 1, 1996, for offenders described in  
15 sub-subparagraph b. The state attorney may bring the matter to  
16 the court's attention in order to establish that the offender  
17 meets the sexual predator criteria. If the court makes a  
18 written finding that the offender is a sexual predator, the  
19 offender is designated as a sexual predator, must register or  
20 be registered as a sexual predator with the department, and is  
21 subject to the community and public notification provisions  
22 under former s. 775.225. If the court does not make a written  
23 finding that the offender is a sexual predator, the offender  
24 is not designated as a sexual predator with respect to that  
25 offense and is not required to register or be registered as a  
26 sexual predator with the department, ~~and is not subject to the~~  
27 ~~community and public notification provisions under former s.~~  
28 ~~775.225.~~

29           (c) For a current offense committed on or after  
30 October 1, 1996, upon conviction, an offender shall be  
31 designated as a "sexual predator" under subsection (5), and

1 subject to registration under subsection (6) and community and  
2 public notification under subsection (7) if:

3 1. The felony meets the criteria of former ss.  
4 775.22(2) and 775.23(2), specifically, the felony is:

5 a. A capital, life, or first degree felony violation  
6 of chapter 794 or s. 847.0145, or of a similar law of another  
7 jurisdiction; or

8 b. Any second degree or greater felony violation of  
9 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a  
10 similar law of another jurisdiction, and the offender has  
11 previously been convicted of or found to have committed, or  
12 has pled nolo contendere or guilty to, regardless of  
13 adjudication, any violation of s. 794.011(2), (3), (4), (5),  
14 or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s.  
15 847.0145, or of a similar law of another jurisdiction;

16 2. The offender has not received a pardon for any  
17 felony or similar law of another jurisdiction that is  
18 necessary for the operation of this paragraph; and

19 3. A conviction of a felony or similar law of another  
20 jurisdiction necessary to the operation of this paragraph has  
21 not been set aside in any postconviction proceeding.

22 (d) In order to be counted as a prior felony for  
23 purposes of this subsection, the felony must have resulted in  
24 a conviction sentenced separately, or an adjudication of  
25 delinquency entered separately, prior to the current offense  
26 and sentenced or adjudicated separately from any other felony  
27 conviction that is to be counted as a prior felony. If the  
28 offender's prior enumerated felony was committed more than 10  
29 years before the primary offense, it shall not be considered a  
30 prior felony under this subsection if the offender has not  
31 been convicted of any other crime for a period of 10

1 consecutive years from the most recent date of release from  
2 confinement, supervision, or sanction, whichever is later.

3 (e) "Conviction" means a determination of guilt that  
4 is the result of a plea or a trial, regardless of whether  
5 adjudication is withheld.

6 (6) REGISTRATION.--

7 (a) A sexual predator must register with the  
8 department by providing the following information to the  
9 department:

10 1. Name, social security number, age, race, sex, date  
11 of birth, height, weight, hair and eye color, photograph,  
12 address of legal residence, address of any current temporary  
13 residence, date and place of any employment, date and place of  
14 each conviction, fingerprints, and a brief description of the  
15 crime or crimes committed by the offender.

16 2. Any other information determined necessary by the  
17 department, including criminal and corrections records,  
18 nonprivileged personnel, treatment, and abuse registry  
19 records, and evidentiary genetic markers when available.

20  
21 If the sexual predator is in the custody or control of, or  
22 under the supervision of, the Department of Corrections, or is  
23 in the custody of a private correctional facility, the sexual  
24 predator must ~~may register directly with the department, or~~  
25 ~~the Department of Corrections or any law enforcement agency~~  
26 ~~may register the sexual predator with the department. The~~  
27 ~~sexual predator is not required to make any further~~  
28 ~~registration as a convicted felony offender in any county.~~

29 (b) If the ~~Each~~ sexual predator is not in the custody  
30 or control of, or under the supervision of, the Department of  
31 Corrections, or is not in the custody of a private



1 correctional facility, and ~~who is residing~~ permanently or  
2 temporarily resides in the state, the sexual predator shall  
3 initially register in person at an office of the department,  
4 or at the sheriff's office in the county in which the predator  
5 permanently or temporarily resides, within 48 hours after  
6 establishing permanent or temporary residence in this state.  
7 If a sexual predator registers with the sheriff's office, the  
8 sheriff shall take a photograph and a set of fingerprints of  
9 the predator and forward the photographs and fingerprints to  
10 the department, along with the information that the predator  
11 is required to provide pursuant to this section.~~outside of a~~  
12 ~~correctional facility, jail, or secure treatment facility must~~  
13 ~~register or be registered with the department within 48 hours~~  
14 ~~after entering the county of permanent or temporary residence.~~  
15 ~~A sexual predator who is registered with the department must~~  
16 ~~provide written notification to the department of any change~~  
17 ~~in permanent or temporary residence within 48 hours after~~  
18 ~~arrival at the new place of permanent or temporary residence.~~  
19 (c) Subsequent to the initial registration required  
20 under paragraph (b), a sexual predator shall register in  
21 person at a driver's license office of the Department of  
22 Highway Safety and Motor Vehicles within 48 hours after any  
23 change in the predator's permanent or temporary residence. At  
24 the driver's license office the sexual predator shall:  
25 1. If otherwise qualified, secure a Florida driver's  
26 license, renew a Florida driver's license, or secure an  
27 identification card. The sexual predator shall identify  
28 himself or herself as a sexual predator who is required to  
29 comply with this section, provide his or her place of  
30 permanent or temporary residence, and submit to the taking of  
31 a photograph for use in issuing a driver's license, renewed

1 license, or identification card, and for use by the department  
2 in maintaining current records of sexual predators.

3 2. Pay the costs assessed by the Department of Highway  
4 Safety and Motor Vehicles for issuing or renewing a driver's  
5 license or identification card as required by this section.

6 3. Provide, upon request, any additional information  
7 necessary to confirm the identity of the sexual predator,  
8 including a set of fingerprints.

9 (d) Each time a sexual predator's driver's license or  
10 identification card is subject to renewal, the predator shall  
11 report in person to a driver's license office, regardless of  
12 whether the predator's residence has changed, and shall be  
13 subject to the requirements specified in paragraph (c). The  
14 Department of Highway Safety and Motor Vehicles shall forward  
15 to the department and to the Department of Corrections all  
16 photographs and information provided by sexual predators.  
17 Notwithstanding the restrictions set forth in s. 322.142, the  
18 Department of Highway Safety and Motor Vehicles is authorized  
19 to release a reproduction of a color-photograph or  
20 digital-image license to the Department of Law Enforcement for  
21 purposes of public notification of sexual predators as  
22 provided in this section.

23 (e)(c) If the sexual predator initially registers at  
24 an office of the department, the department must notify the  
25 sheriff and the state attorney of the county and, if  
26 applicable, the police chief of the municipality, where the  
27 sexual predator permanently or temporarily resides within 48  
28 hours after the sexual predator registers with the department  
29 or provides change of location information to the department.

30 (f)(d)1. The department is responsible for the on-line  
31 maintenance of current information regarding each registered

1 sexual predator. The department must maintain hotline access  
2 for state, local, and federal law enforcement agencies to  
3 obtain instantaneous locator file and offender characteristics  
4 information on all released registered sexual predators for  
5 purposes of monitoring, tracking, and prosecution. The  
6 photograph and fingerprints do not have to be stored in a  
7 computerized format.

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

21           3. The department shall adopt guidelines as necessary  
22 regarding the registration of sexual predators and the  
23 dissemination of information regarding sexual predators as  
24 required by this section.

25           (g)~~(e)~~ A sexual predator must maintain registration  
26 with the department for the duration of his or her life,  
27 unless the sexual predator has had his or her civil rights  
28 restored, or has received a full pardon or has had a  
29 conviction set aside in a postconviction proceeding for any  
30 felony sex offense that ~~which~~ met the criteria for the sexual  
31 predator designation. ~~However,~~ a sexual predator who has been

1 lawfully released from confinement, supervision, or sanction,  
2 whichever is later, for at least 10 years and has not been  
3 arrested for any felony or misdemeanor offense since release,  
4 may petition the criminal division of the circuit court for  
5 the purpose of removing the sexual predator designation. The  
6 court has the discretion to grant or deny such relief.

7 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

8 (a) Law enforcement agencies must inform the community  
9 and the public of a sexual predator's presence. Upon  
10 notification of the presence of a sexual predator, the sheriff  
11 of the county or the chief of police of the municipality where  
12 the sexual predator temporarily or permanently resides shall  
13 notify the community and the public of the presence of the  
14 sexual predator in a manner deemed appropriate by the sheriff  
15 or the chief of police. Information provided to the community  
16 and the public regarding a sexual predator must include:

- 17 1. The name of the sexual predator;
- 18 2. A description of the sexual predator, including a  
19 photograph;
- 20 3. The sexual predator's current address, including  
21 the name of the county or municipality if known;
- 22 4. The circumstances of the sexual predator's offense  
23 or offenses; and
- 24 5. Whether ~~The age of~~ the victim of the sexual  
25 predator's offense or offenses was, at the time of the  
26 offense, a minor or an adult.

27  
28 This paragraph does not authorize the release of the name of  
29 any victim of the sexual predator.

30 (b) The sheriff or the police chief may coordinate the  
31 community and public notification efforts with the department.

1 Statewide notification to the public is authorized, as deemed  
2 appropriate by local law enforcement personnel and the  
3 department.

4 (c) The department shall notify the public of all  
5 designated sexual predators through the Internet. The  
6 Internet notice shall include the information required by  
7 paragraph (a).

8 (d)(c) The department shall adopt a protocol to assist  
9 law enforcement agencies in their efforts to notify the  
10 community and the public of the presence of sexual predators.  
11 The department, in consultation and cooperation with the  
12 Department of Highway Safety and Motor Vehicles, shall  
13 determine the feasibility of requiring sexual predators to  
14 have a special designation on any drivers license,  
15 identification card, or license tag issued in this state.

16 (9) PENALTIES.--

17 (a) A sexual predator who fails to register ~~or be~~  
18 ~~registered~~ or who fails, after registration, to renew a  
19 driver's license or identification card or provide required  
20 location information, commits a felony of the third degree,  
21 punishable as provided in s. 775.082, s. 775.083, or s.  
22 775.084.

23 Section 6. Section 943.046, Florida Statutes, is  
24 created to read:

25 943.046 Notification of criminal offender  
26 information.--

27 (1) Any state or local law enforcement agency may  
28 release to the public any criminal history information and  
29 other information regarding a criminal offender, including,  
30 but not limited to, public notification by the agency of the  
31 information, unless the information is confidential and exempt

1 from s. 119.07(1) and s. 24(a), Art. I of the State  
2 Constitution. However, this section does not contravene any  
3 provision of s. 943.053 which relates to the method by which  
4 an agency or individual may obtain a copy of an offender's  
5 criminal history record.

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

10 Section 7. Section 943.043, Florida Statutes, is  
11 created to read:

12 943.043 Toll-free telephone number; sex-offender  
13 information.--

14 (1) The department shall provide, through a toll-free  
15 telephone number, public access to information regarding sex  
16 offenders which is not confidential or exempt from public  
17 disclosure and which is reported to the department by the  
18 Department of Corrections as provided in s. 944.607 or by a  
19 sex offender as provided in s. 943.0435.</U

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

26 (3) The department and its personnel are immune from  
27 civil liability for damages for good-faith compliance with  
28 this section and shall be presumed to have acted in good faith,  
29 by reporting information. The presumption of good faith is not  
30 overcome if technical or clerical errors are made by the  
31 department and its personnel in reporting the information, if

1 the department and its personnel are unable to report  
2 information because the information has not been provided or  
3 reported by a person or agency required to provide or report  
4 the information to the department, or if the department and  
5 its personnel report information that was falsely reported  
6 without the knowledge of the department and its personnel.

7 Section 8. Section 943.0435, Florida Statutes, is  
8 created to read:

9 943.0435 Sex offenders required to report to the  
10 department; penalty.--

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

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

13 1. Convicted of committing, or attempting, soliciting,  
14 or conspiring to commit, any of the criminal offenses  
15 proscribed in the following statutes in this state or  
16 analogous offenses in another jurisdiction: s. 787.025,  
17 chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.  
18 847.0135, s. 847.0145, or any similar offense committed in  
19 this state which has been redesignated from a former statute  
20 number to one of those listed in this subparagraph.

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

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

1           (2) A sex offender shall initially report in person at  
2 an office of the department, or at the sheriff's office in the  
3 county in which the offender permanently or temporarily  
4 resides, within 48 hours after establishing permanent or  
5 temporary residence in this state. A sex offender permanently  
6 resides in this state if the offender abides, lodges, or  
7 resides in a place for more than 2 consecutive weeks. A sex  
8 offender temporarily resides in this state if the offender  
9 abides, lodges, or resides in a place for 2 consecutive weeks  
10 or less, excluding a stay of 2 consecutive weeks or less at a  
11 different residence due to a vacation or an emergency or  
12 special circumstance that requires the sex offender to leave  
13 his or her place of permanent or temporary residence for 2  
14 weeks or less. The sex offender shall provide his or her name,  
15 date of birth, race, sex, height, weight, hair and eye color,  
16 tattoos or other identifying marks, address of permanent or  
17 legal residence, or address of any current temporary  
18 residence, date and place of each conviction, and a brief  
19 description of the crime or crimes committed by the offender.  
20 If a sex offender reports at the sheriff's office, the sheriff  
21 shall take a photograph and a set of fingerprints of the  
22 offender and forward the photographs and fingerprints to the  
23 department, along with the information provided by the sex  
24 offender.

25           (3) Subsequent to the initial report required under  
26 subsection (2), a sex offender shall report in person at a  
27 driver's license office of the Department of Highway Safety  
28 and Motor Vehicles within 48 hours after any change in the  
29 offender's permanent or temporary residence. At the driver's  
30 license office the sex offender shall:  
31



1        (a) If otherwise qualified, secure a Florida driver's  
2 license, renew a Florida driver's license, or secure an  
3 identification card. The sex offender shall identify himself  
4 or herself as a sex offender who is required to comply with  
5 this section. The sex offender shall provide any of the  
6 information specified in subsection (2), if requested. The sex  
7 offender shall submit to the taking of a photograph for use in  
8 issuing a driver's license, renewed license, or identification  
9 card, and for use by the department in maintaining current  
10 records of sex offenders.

11        (b) Pay the costs assessed by the Department of  
12 Highway Safety and Motor Vehicles for issuing or renewing a  
13 driver's license or identification card as required by this  
14 section.

15        (c) Provide, upon request, any additional information  
16 necessary to confirm the identity of the sex offender,  
17 including a set of fingerprints.

18        (4) Each time a sex offender's driver's license or  
19 identification card is subject to renewal, the offender shall  
20 report in person to a driver's license office, regardless of  
21 whether the offender's residence has changed, and shall be  
22 subject to the requirements specified in subsection (3). The  
23 Department of Highway Safety and Motor Vehicles shall forward  
24 to the department all photographs and information provided by  
25 sex offenders. Notwithstanding the restrictions set forth in  
26 s. 322.142, the Department of Highway Safety and Motor  
27 Vehicles is authorized to release a reproduction of a  
28 color-photograph or digital-image license to the Department of  
29 Law Enforcement for purposes of public notification of sexual  
30 offenders as provided in ss. 943.043, 943.0435, and 944.606.  
31

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

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

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

22       Section 9. Section 944.607, Florida Statutes, is  
23 created to read:

24       944.607 Notification to Department of Law Enforcement  
25 of information on sex offenders.--

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

27       (a) "Sex offender" means a person who is in the  
28 custody or control of, or under the supervision of, the  
29 department or is in the custody of a private correctional  
30 facility on or after October 1, 1997, as a result of a  
31 conviction for committing, or attempting, soliciting, or

1 conspiring to commit, any of the criminal offenses proscribed  
2 in the following statutes in this state or analogous offenses  
3 in another jurisdiction: s. 787.025, chapter 794, s. 796.03,  
4 s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0145,  
5 or any similar offense committed in this state which has been  
6 redesignated from a former statute number to one of those  
7 listed in this paragraph.

8 (b) "Conviction" means a determination of guilt as a  
9 result of a plea or trial, regardless of whether adjudication  
10 is withheld.

11 (2) In addition to notification and transmittal  
12 requirements imposed by any other provision of law, the  
13 department shall compile information on any sex offender and  
14 provide the information to the Department of Law Enforcement.  
15 The information shall be made available electronically to the  
16 Department of Law Enforcement as soon as this information is  
17 in the department's database and must be in a format that is  
18 compatible with the requirements of the Florida Crime  
19 Information Center.

20 (3) The information provided to the Department of Law  
21 Enforcement must include:

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

24 (b) The sex offender's most current address and place  
25 of permanent or temporary residence, including the name of the  
26 county or municipality in which the offender permanently or  
27 temporarily resides and, if known, the intended place of  
28 permanent or temporary residence upon satisfaction of all  
29 sanctions;

30 (c) The legal status of the sex offender and the  
31 scheduled termination date of that legal status;

1           (d) The location of, and local telephone number for,  
2 any office of probation, community control, parole,  
3 conditional release, or control release which is responsible  
4 for supervising the sex offender;

5           (e) An indication of whether the victim of the offense  
6 that resulted in the offender's status as a sex offender was a  
7 minor;

8           (f) A physical description of the sex offender;

9           (g) The offense or offenses at conviction which  
10 resulted in the determination of the offender's status as a  
11 sex offender; and

12           (h) A digitized photograph of the sex offender which  
13 must have been taken within 60 days before the offender is  
14 released from the custody of the department or a private  
15 correctional facility by expiration of sentence under s.  
16 944.275 or must have been taken by January 1, 1998, or within  
17 60 days after the onset of the department's supervision of any  
18 sex offender who is on probation, community control,  
19 conditional release, parole, provisional release, or control  
20 release or who is supervised by the department under the  
21 Interstate Compact Agreement for Probationers and Parolees. If  
22 the sex offender is in the custody of a private correctional  
23 facility, the facility shall take a digitized photograph of  
24 the sex offender within the time period provided in this  
25 paragraph and shall provide the photograph to the department.

26  
27 If any information provided by the department changes during  
28 the time the sex offender is under the department's control,  
29 custody, or supervision, the department shall update the  
30 information and provide it to the Department of Law  
31 Enforcement in the manner prescribed in subsection (2).

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

15           Section 10. Section 944.605, Florida Statutes, 1996  
16 Supplement, is amended to read:

17           944.605 Inmate release; notice by Department of  
18 Corrections, Control Release Authority, or Parole  
19 Commission.--

20           (1) Within 6 months before the release of an inmate  
21 from the custody of the Department of Corrections or a private  
22 correctional facility by expiration of sentence under s.  
23 944.275, any release program provided by law, or parole under  
24 chapter 947, or as soon as possible if the offender is  
25 released earlier than anticipated, notification of such  
26 anticipated release date shall be made known by the  
27 appropriate agency to the chief ~~original sentencing~~ judge of  
28 the circuit in which the offender was sentenced, the  
29 appropriate state attorney, the original arresting law  
30 enforcement agency, the Department of Law Enforcement, and the  
31 sheriff as chief law enforcement officer of the county in

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

22 (2) Within 60 ~~120~~ days before the anticipated release  
23 of an inmate under subsection (1), a digitized photograph  
24 ~~except for an inmate for which notification is required under~~  
25 ~~subsection (3) or s. 944.606, an exit photo~~ of the inmate to  
26 be released shall be made by the Department of Corrections or  
27 a private correctional facility, whichever has custody of the  
28 inmate. If a private correctional facility makes the digitized  
29 photograph, this photograph shall be provided to the  
30 Department of Corrections. Additionally, the digitized  
31 photograph, whether made by the Department of Corrections or a

1 private correctional facility, shall be ~~taken and~~ placed in  
2 the inmate's file. The Department of Corrections shall make  
3 the digitized photograph available electronically to the  
4 Department of Law Enforcement as soon as the digitized  
5 photograph is in the department's database and must be in a  
6 format that is compatible with the requirements of the Florida  
7 Crime Information Center. The department shall provide a copy  
8 of the digitized photograph to a local law enforcement agency  
9 upon request.

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

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

1           (k) A digitized photograph as provided in subsection  
2 ~~(2) taken not more than 90 days before the date of the~~  
3 ~~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 11. 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 sexual offender; and the offender's intended residence  
17 address, if known. If the sexual offender is in the custody of  
18 a private correctional facility, the facility shall take the  
19 digitized photograph of the sexual offender within 60 days  
20 before the sexual offender's release and provide this  
21 photograph to the Department of Corrections and also place it  
22 in the sexual offender's file.

23 2. The department may provide any other information  
24 deemed necessary, including criminal and corrections records,  
25 nonprivileged personnel and treatment records, when available.

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

28 1. The sheriff of the county from where the sexual  
29 offender was sentenced;

30  
31

1           2. The sheriff of the county and, if applicable, the  
2 police chief of the municipality, where the sexual offender  
3 plans to reside; ~~and~~

4           3. The Florida Department of Law Enforcement; and

5           ~~4.3-~~ Any person who requests such information,

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

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

16           1. The sheriff of the county from where the sexual  
17 offender was sentenced; and

18           2. The sheriff of the county and, if applicable, the  
19 police chief of the municipality, where the sexual offender  
20 plans to reside,

21  
22 either within 6 months prior to the anticipated release of a  
23 sexual offender, or as soon as possible if an offender is  
24 released earlier than anticipated.

25           (d) Upon receiving information regarding a sexual  
26 offender from the department, the Department of Law  
27 Enforcement, the sheriff or the chief of police shall provide  
28 the information described in subparagraph (a)1. to any  
29 individual who requests such information and may release the  
30 information to the public in any manner deemed appropriate,  
31 unless the information so received is confidential or exempt

1 from s. 119.07(1) and s. 24(a), Art. I of the State  
2 Constitution.

3 (4) This section authorizes ~~does not authorize~~ the  
4 department or any law enforcement agency to notify the  
5 community and the public of a sexual offender's presence in  
6 the community. However, with respect to a sexual offender who  
7 has been found to be a "sexual predator" under chapter 775,  
8 the Florida Department of Law Enforcement or any other law  
9 enforcement agency must inform the community and the public of  
10 the sexual predator's presence in the community, as provided  
11 in chapter 775. Release of information pursuant to this  
12 section does not constitute unauthorized public disclosure of  
13 information that relates to sexual predators under chapter  
14 775.

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

18 Section 12. Section 947.177, Florida Statutes, 1996  
19 Supplement, is amended to read:

20 947.177 Inmate release; notice by Department of  
21 Corrections, Control Release Authority, or Parole  
22 Commission.--

23 (1) Within 6 months before the release of an inmate  
24 from the custody of the Department of Corrections or a private  
25 correctional facility by expiration of sentence under s.  
26 944.275, control release under s. 947.146, or parole under  
27 this chapter, or as soon as possible if the offender is  
28 released earlier than anticipated, notification of such  
29 release date shall be made known by the appropriate agency to  
30 the chief original sentencing judge of the circuit in which  
31 the offender was sentenced, the appropriate state attorney,

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

24 (2) Within 60 ~~120~~ days before the anticipated release  
25 of an inmate, a digitized photograph ~~except for an inmate for~~  
26 ~~which notification is required under subsection (3) or s.~~  
27 ~~944.606, an exit photo~~ of the inmate to be released shall be  
28 made by the Department of Corrections or a private  
29 correctional facility, whichever has custody of the inmate. If  
30 a private correctional facility makes the digitized  
31 photograph, this photograph shall be provided to the

1 Department of Corrections. Additionally, the digitized  
2 photograph, whether made by the Department of Corrections or a  
3 private correctional facility, shall be ~~taken~~ and placed in  
4 the inmate's file. The Department of Corrections shall make  
5 the digitized photograph available electronically to the  
6 Department of Law Enforcement as soon as the digitized  
7 photograph is in the agency's database and must be in a format  
8 that is compatible with the requirements of the Florida Crime  
9 Information Center.

10 (3) If an inmate is to be released after having served  
11 one or more sentences for a conviction of robbery, sexual  
12 battery, home-invasion robbery, or carjacking, or an inmate to  
13 be released has a prior conviction for robbery, sexual  
14 battery, home-invasion robbery, or carjacking or similar  
15 offense, in this state or in another jurisdiction, and if such  
16 prior conviction information is contained in records of the  
17 Department of Corrections, the appropriate releasing agency  
18 shall release to the sheriff of the county in which the inmate  
19 plans to reside, and, if the inmate plans to reside within a  
20 municipality, to the chief of police of that municipality, the  
21 following information, which must include, but need not be  
22 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 as provided in subsection  
3 ~~(2) taken not more than 90 days before the date of the~~  
4 ~~inmate's release.~~

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

11 Section 13. Present subsections (2), (3), (4), (5),  
12 and (6) of section 948.06, Florida Statutes, are redesignated  
13 as subsections (3), (4), (5), (6), and (7), respectively, and  
14 a new subsection (2) is added to that section, to read:

15 948.06 Violation of probation or community control;  
16 revocation; modification; continuance; failure to pay  
17 restitution or cost of supervision.--

18 (2)(a) When any state or local law enforcement agency  
19 investigates or arrests a person for committing, or  
20 attempting, soliciting, or conspiring to commit, a violation  
21 of: s. 787.025, chapter 794, s. 796.03, s. 800.04, s.  
22 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law  
23 enforcement agency shall contact the Department of Corrections  
24 to verify whether the person under investigation or under  
25 arrest is on probation, community control, parole, conditional  
26 release, or control release.

27 (b) If the law enforcement agency finds that the  
28 person under investigation or under arrest is on probation,  
29 community control, parole, conditional release, or control  
30 release, the law enforcement agency shall immediately notify  
31

1 the person's probation officer or release supervisor of the  
 2 investigation or the arrest.

3 Section 14. Paragraph (f) of subsection (3) of section  
 4 921.0012, Florida Statutes, 1996 Supplement, is amended to  
 5 read:

6 921.0012 Sentencing guidelines offense levels; offense  
 7 severity ranking chart.--

8 (3) OFFENSE SEVERITY RANKING CHART

9 Florida	Felony	
10 Statute	Degree	Description
		(f) LEVEL 6
14 316.027(1)(b)	2nd	Accident involving death, failure 15 to stop; leaving scene.
16 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent 17 conviction.
18 <u>775.21(9)</u>	<u>3rd</u>	<u>Failure to register; failure to</u> 19 <u>renew driver's license or</u> 20 <u>identification card.</u>
21 775.0875(1)	3rd	Taking firearm from law 22 enforcement officer.
23 784.021(1)(a)	3rd	Aggravated assault; deadly weapon 24 without intent to kill.
25 784.021(1)(b)	3rd	Aggravated assault; intent to 26 commit felony.
27 784.048(3)	3rd	Aggravated stalking; credible 28 threat.
29 784.07(2)(c)	2nd	Aggravated assault on law 30 enforcement officer.
31		

1	784.08(2)(b)	2nd	Aggravated assault on a person 65
2			years of age or older.
3	784.081(2)	2nd	Aggravated assault on specified
4			official or employee.
5	784.082(2)	2nd	Aggravated assault by detained
6			person on visitor or other
7			detainee.
8	787.02(2)	3rd	False imprisonment; restraining
9			with purpose other than those in
10			s. 787.01.
11	790.115(2)(d)	2nd	Discharging firearm or weapon on
12			school property.
13	790.161(2)	2nd	Make, possess, or throw
14			destructive device with intent to
15			do bodily harm or damage
16			property.
17	790.164(1)	2nd	False report of deadly explosive
18			or act of arson or violence to
19			state property.
20	790.19	2nd	Shooting or throwing deadly
21			missiles into dwellings, vessels,
22			or vehicles.
23	794.011(8)(a)	3rd	Solicitation of minor to
24			participate in sexual activity by
25			custodial adult.
26	794.05(1)	2nd	Unlawful sexual activity with
27			specified minor.
28	806.031(2)	2nd	Arson resulting in great bodily
29			harm to firefighter or any other
30			person.
31			



1	810.02(3)(c)	2nd	Burglary of occupied structure;
2			unarmed; no assault or battery.
3	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
4			but less than \$100,000, grand
5			theft in 2nd degree.
6	812.13(2)(c)	2nd	Robbery, no firearm or other
7			weapon (strong-arm robbery).
8	817.034(4)(a)1.	1st	Communications fraud, value
9			greater than \$50,000.
10	817.4821(5)	2nd	Possess cloning paraphernalia
11			with intent to create cloned
12			cellular telephones.
13	825.102(1)	3rd	Abuse of an elderly person or
14			disabled adult.
15	825.102(3)(c)	3rd	Neglect of an elderly person or
16			disabled adult.
17	825.1025(3)	3rd	Lewd or lascivious molestation of
18			an elderly person or disabled
19			adult.
20	825.103(2)(c)	3rd	Exploiting an elderly person or
21			disabled adult and property is
22			valued at \$100 or more, but less
23			than \$20,000.
24	827.03(1)	3rd	Abuse of a child.
25	827.03(3)(c)	3rd	Neglect of a child.
26	827.071(2)&(3)	2nd	Use or induce a child in a sexual
27			performance, or promote or direct
28			such performance.
29	836.05	2nd	Threats; extortion.
30	836.10	2nd	Written threats to kill or do
31			bodily injury.

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

22           Section 15. Section 921.0017, Florida Statutes, is  
 23 amended to read:

24           921.0017 Credit upon recommitment of offender serving  
 25 split sentence.--Effective for offenses committed on or after  
 26 January 1, 1994, if an offender's probation or community  
 27 control is revoked and the offender is serving a split  
 28 sentence pursuant to s. 948.01, upon recommitment to the  
 29 Department of Corrections, the court shall order credit for  
 30 time served only, without considering any type of gain-time  
 31 earned before release to supervision, or any type of sentence

1 reduction granted to avoid prison overcrowding, including, but  
2 not limited to, any sentence reduction resulting from  
3 administrative gain-time, provisional credits, or control  
4 release. The court shall determine the amount of jail-time  
5 credit to be awarded for time served between the date of  
6 arrest as a violator and the date of recommitment, and shall  
7 direct the Department of Corrections to compute and apply  
8 credit for all other time served previously on the prior  
9 sentence for the offense for which the offender is being  
10 recommitted. This section does not affect or limit the  
11 department's authority to forfeit gain-time under ss.  
12 944.28(1) and 948.06(7)~~948.06(6)~~.

13 Section 16. At the time of sentencing of any offender  
14 for an offense involving a victim who, at the time the offense  
15 was committed, was a minor, the court shall stamp on the face  
16 of the judgment "VICTIM IS A MINOR" and shall note this fact  
17 on any document or information sent to the Department of Law  
18 Enforcement for its incorporation into the criminal justice  
19 information system of the Department of Law Enforcement.

20 Section 17. (1) There is appropriated to the Florida  
21 Department of Law Enforcement the sum of \$311,680 from the  
22 General Revenue Fund, and five positions are allocated to the  
23 department, for fiscal year 1997-1998. Of the funds  
24 appropriated to the Department of Law Enforcement, the sum of  
25 \$209,750 may be expended for recurring costs.

26 (2) There is appropriated to the Department of  
27 Corrections the sum of \$141,160 from the General Revenue Fund  
28 for fiscal year 1997-1998. Of the funds appropriated to the  
29 Department of Corrections, the sum of \$31,200 may be expended  
30 for recurring costs.

31

1           (3) There is appropriated to the Department of Highway  
2 Safety and Motor Vehicles the sum of \$31,748 from the Highway  
3 Safety Operating Trust Fund for fiscal year 1997-1998.

4           Section 18. This act shall take effect October 1,  
5 1997.

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