

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Crime Prevention, Corrections & Safety offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Subsection (5) of section 775.13, Florida Statutes, is amended to read:

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

(5) This section does not apply to an offender:

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

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

(c) Who has been lawfully released from incarceration or other sentence or supervision for a felony conviction for more than 5 years prior to such time for registration, unless the offender is a fugitive from justice on a felony charge or has been convicted of any offense since release from such incarceration or other sentence or supervision;

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1 (d) Who is a parolee or probationer under the
2 supervision of the United States Parole Commission if the
3 commission knows of and consents to the presence of the
4 offender in Florida or is a probationer under the supervision
5 of any federal probation officer in the state or who has been
6 lawfully discharged from such parole or probation;

7 (e) Who is a sexual predator and has registered as
8 required under s. 775.21; ~~or~~

9 (f) Who is a sexual offender and has registered as
10 required in s. 943.0435 or s. 944.607; ~~or~~

11 (g) Who is a career offender who has registered as
12 required in s. 775.261 or s. 944.609.

13 Section 2. Section 775.26, Florida Statutes, is
14 created to read:

15 775.26 Registration of career offenders and public
16 notification; legislative findings and intent.--The
17 Legislature finds that certain career offenders, by virtue of
18 their histories of offenses, present a threat to the public
19 and to communities. The Legislature finds that requiring these
20 career offenders to register for the purpose of tracking these
21 career offenders and that providing for notifying the public
22 and a community of the presence of a career offender are
23 important aids to law enforcement agencies, the public, and
24 communities if a career offender engages again in criminal
25 conduct. Registration is intended to aid law enforcement
26 agencies in timely apprehending a career offender.

27 Registration is not a punishment, but merely a status.

28 Notification to the public and communities of the presence of
29 a career offender aids the public and communities in avoiding
30 being victimized by a career offender. The Legislature intends
31 to require the registration of career offenders and to

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1 authorize law enforcement agencies to notify the public and
2 communities of the presence of a career offender.

3 Section 3. Section 775.261, Florida Statutes, is
4 created to read:

5 775.261 The Florida Career Offender Registration Act;
6 definitions; criteria; designation; registration; community
7 notification; immunity; penalties.--

8 (1) SHORT TITLE.--This section may be cited as "The
9 Florida Career Offender Registration Act."

10 (2) DEFINITIONS.--As used in this section, the term:

11 (a) "Career offender" means any person who is
12 designated as a habitual violent felony offender, a violent
13 career criminal, or a three-time violent felony offender under
14 s. 775.084 or as a prison release reoffender under s.
15 775.082(9).

16 (b) "Chief of police" means the chief law enforcement
17 officer of a municipality.

18 (c) "Community" means any county where the career
19 offender lives or otherwise establishes or maintains a
20 temporary or permanent residence.

21 (d) "Department" means the Department of Law
22 Enforcement.

23 (e) "Entering the county" includes being discharged
24 from a correctional facility, jail, or secure treatment
25 facility within the county or being under supervision within
26 the county with a career-offender designation as specified in
27 paragraph (a).

28 (f) "Permanent residence" means a place where the
29 career offender abides, lodges, or resides for 14 or more
30 consecutive days.

31 (g) "Temporary residence" means:

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1 1. A place where the career offender abides, lodges,
2 or resides for a period of 14 or more days in the aggregate
3 during any calendar year and which is not the career
4 offender's permanent address;

5 2. For a career offender whose permanent residence is
6 not in this state, a place where the career offender is
7 employed, practices a vocation, or is enrolled as a student
8 for any period of time in this state; or

9 3. A place where the career offender routinely abides,
10 lodges, or resides for a period of 4 or more consecutive or
11 nonconsecutive days in any month and which is not the career
12 offender's permanent residence, including any out-of-state
13 address.

14 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.--

15 (a) A career offender released on or after January 1,
16 2004, from a sanction imposed in this state for a designation
17 as a habitual violent felony offender, a violent career
18 criminal, or a three-time violent felony offender under s.
19 775.084 or as a prison releasee reoffender under s. 775.082(9)
20 must register as required under subsection (4) and is subject
21 to community and public notification as provided under
22 subsection (7). For purposes of this section, a sanction
23 imposed in this state includes, but is not limited to, a fine,
24 probation, community control, parole, conditional release,
25 control release, or incarceration in a state prison, private
26 correctional facility, or local detention facility, and:

27 1. The career offender has not received a pardon for
28 any felony or other qualified offense that is necessary for
29 the operation of this paragraph; or

30 2. A conviction of a felony or other qualified offense
31 necessary to the operation of this paragraph has not been set

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1 aside in any postconviction proceeding.

2 (b) This section does not apply to any person who has
3 been designated as a sexual predator and required to register
4 under s. 775.21 or who is required to register as a sexual
5 offender under s. 943.0435 or s. 944.607. However, if a person
6 is no longer required to register as a sexual predator under
7 s. 775.21 or as a sexual offender under s. 943.0435 or s.
8 944.607, the person must register as a career offender under
9 this section if the person is otherwise designated as a career
10 offender as provided in this section.

11 (c) A person subject to registration as a career
12 offender is not subject to registration as a convicted felon
13 under s. 775.13. However, if the person is no longer required
14 to register as a career offender under this section, the
15 person must register under s. 775.13 if required to do so
16 under that section.

17 (d) If a career offender is not sentenced to a term of
18 imprisonment, the clerk of the court shall ensure that the
19 career offender's fingerprints are taken and forwarded to the
20 department within 48 hours after the court renders its finding
21 that an offender is a career offender. The fingerprint card
22 shall be clearly marked, "Career Offender Registration Card."

23 (4) REGISTRATION.--

24 (a) A career offender must register with the
25 department by providing the following information to the
26 department, or to the sheriff's office in the county in which
27 the career offender establishes or maintains a permanent or
28 temporary residence, within 48 hours after establishing
29 permanent or temporary residence in this state or within 48
30 hours after being released from the custody, control, or
31 supervision of the Department of Corrections or from the

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1 custody of a private correctional facility:

2 1. Name, social security number, age, race, gender,
3 date of birth, height, weight, hair and eye color, photograph,
4 address of legal residence and address of any current
5 temporary residence within the state or out of state,
6 including a rural route address or a post office box, date and
7 place of any employment, date and place of each conviction,
8 fingerprints, and a brief description of the crime or crimes
9 committed by the career offender. A career offender may not
10 provide a post office box in lieu of a physical residential
11 address. If the career offender's place of residence is a
12 motor vehicle, trailer, mobile home, or manufactured home, as
13 defined in chapter 320, the career offender shall also provide
14 to the department written notice of the vehicle identification
15 number; the license tag number; the registration number; and a
16 description, including color scheme, of the motor vehicle,
17 trailer, mobile home, or manufactured home. If a career
18 offender's place of residence is a vessel, live-aboard vessel,
19 or houseboat, as defined in chapter 327, the career offender
20 shall also provide to the department written notice of the
21 hull identification number; the manufacturer's serial number;
22 the name of the vessel, live-aboard vessel, or houseboat; the
23 registration number; and a description, including color
24 scheme, of the vessel, live-aboard vessel, or houseboat.

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

29 (b) If a career offender registers with the sheriff's
30 office, the sheriff shall take a photograph and a set of
31 fingerprints of the career offender and forward the

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1 photographs and fingerprints to the department, along with the
2 information that the career offender is required to provide
3 pursuant to this section.

4 (c) Within 48 hours after the registration required
5 under paragraph (a), a career offender who is not incarcerated
6 and who resides in the community, including a career offender
7 under the supervision of the Department of Corrections
8 pursuant to s. 944.608, shall register in person at a driver's
9 license office of the Department of Highway Safety and Motor
10 Vehicles and shall present proof of registration. At the
11 driver's license office, the career offender shall:

12 1. If otherwise qualified, secure a Florida driver's
13 license, renew a Florida driver's license, or secure an
14 identification card. The career offender shall identify
15 himself or herself as a career offender who is required to
16 comply with this section, provide his or her place of
17 permanent or temporary residence, including a rural route
18 address or a post office box, and submit to the taking of a
19 photograph for use in issuing a driver's license, renewed
20 license, or identification card, and for use by the department
21 in maintaining current records of career offenders. The career
22 offender may not provide a post office box in lieu of a
23 physical residential address. If the career offender's place
24 of residence is a motor vehicle, trailer, mobile home, or
25 manufactured home, as defined in chapter 320, the career
26 offender shall also provide to the Department of Highway
27 Safety and Motor Vehicles the vehicle identification number;
28 the license tag number; the motor vehicle registration number;
29 and a description, including color scheme, of the motor
30 vehicle, trailer, mobile home, or manufactured home. If a
31 career offender's place of residence is a vessel, live-aboard

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1 vessel, or houseboat, as defined in chapter 327, the career
2 offender shall also provide to the Department of Highway
3 Safety and Motor Vehicles the hull identification number; the
4 manufacturer's serial number; the name of the vessel,
5 live-aboard vessel, or houseboat; the registration number; and
6 a description, including color scheme, of the vessel,
7 live-aboard vessel, or houseboat.

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

11 3. Provide, upon request, any additional information
12 necessary to confirm the identity of the career offender,
13 including a set of fingerprints.

14 (d) Each time a career offender's driver's license or
15 identification card is subject to renewal, and within 48 hours
16 after any change of the career offender's residence or change
17 in the career offender's name by reason of marriage or other
18 legal process, the career offender must report in person to a
19 driver's license office, and shall be subject to the
20 requirements specified in paragraph (c). The Department of
21 Highway Safety and Motor Vehicles shall forward to the
22 department and to the Department of Corrections all
23 photographs and information provided by career offenders.
24 Notwithstanding the restrictions set forth in s. 322.142, the
25 Department of Highway Safety and Motor Vehicles may release a
26 reproduction of a color-photograph or digital-image license to
27 the department for purposes of public notification of career
28 offenders as provided in this section.

29 (e) If the career offender registers at an office of
30 the department, the department must notify the sheriff and, if
31 applicable, the police chief of the municipality, where the

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1 career offender maintains a residence within 48 hours after
2 the career offender registers with the department.

3 (f) A career offender who intends to establish
4 residence in another state or jurisdiction other than the
5 state of Florida shall report in person to the sheriff of the
6 county of current residence or the department within 48 hours
7 before the date he or she intends to leave this state to
8 establish residence in another state or jurisdiction other
9 than the state of Florida. If under the supervision of the
10 Department of Corrections, the career offender shall notify
11 the supervising probation officer of his or her intent to
12 transfer supervision, satisfy all transfer requirements
13 pursuant to the Interstate Compact for Supervision of Adult
14 Offenders, as provided in s. 949.07, and abide by the decision
15 of the receiving jurisdiction to accept or deny transfer. The
16 career offender must provide to the sheriff or department the
17 address, municipality, county, and state of intended
18 residence. The sheriff shall promptly provide to the
19 department the information received from the career offender.
20 The failure of a career offender to provide his or her
21 intended place of residence is punishable as provided in
22 subsection (9).

23 (g) A career offender who indicates his or her intent
24 to reside in a state or jurisdiction other than the state of
25 Florida and later decides to remain in this state shall,
26 within 48 hours after the date upon which the career offender
27 indicated he or she would leave this state, report in person
28 to the sheriff or the department, whichever agency is the
29 agency to which the career offender reported the intended
30 change of residence, of his or her intent to remain in this
31 state. If the sheriff is notified by the career offender that

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1 he or she intends to remain in this state, the sheriff shall
2 promptly report this information to the department. A career
3 offender who reports his or her intent to reside in a state or
4 jurisdiction other than the state of Florida, but who remains
5 in this state without reporting to the sheriff or the
6 department in the manner required by this paragraph, commits a
7 felony of the second degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084.

9 (h)1. The department shall maintain on-line computer
10 access to the current information regarding each registered
11 career offender. The department must maintain hotline access
12 so that state, local, and federal law enforcement agencies may
13 obtain instantaneous locator file and criminal characteristics
14 information on release and registration of career offenders
15 for purposes of monitoring, tracking, and prosecution. The
16 photograph and fingerprints need not be stored in a
17 computerized format.

18 2. The department's career offender registration list,
19 containing the information described in subparagraph (a)1., is
20 a public record. The department may disseminate this public
21 information by any means deemed appropriate, including
22 operating a toll-free telephone number for this purpose. When
23 the department provides information regarding a career
24 offender to the public, department personnel must advise the
25 person making the inquiry that positive identification of a
26 person believed to be a career offender cannot be established
27 unless a fingerprint comparison is made, and that it is
28 illegal to use public information regarding a career offender
29 to facilitate the commission of a crime.

30 3. The department shall adopt guidelines as necessary
31 regarding the registration of a career offender and the

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1 dissemination of information regarding a career offender as
2 required by this section.

3 (i) A career offender must maintain registration with
4 the department for the duration of his or her life, unless the
5 career offender has received a full pardon or has had a
6 conviction set aside in a postconviction proceeding for any
7 offense that meets the criteria for classifying the person as
8 a career offender for purposes of registration. However, a
9 registered career offender who has been lawfully released from
10 confinement, supervision, or sanction, whichever is later, for
11 at least 20 years and has not been arrested for any felony or
12 misdemeanor offense since release may petition the criminal
13 division of the circuit court of the circuit in which the
14 registered career offender resides for the purpose of removing
15 the requirement for registration as a career offender. The
16 court may grant or deny such relief if the registered career
17 offender demonstrates to the court that he or she has not been
18 arrested for any crime since release and the court is
19 otherwise satisfied that the registered career offender is not
20 a current or potential threat to public safety. The state
21 attorney in the circuit in which the petition is filed must be
22 given notice of the petition at least 3 weeks before the
23 hearing on the matter. The state attorney may present evidence
24 in opposition to the requested relief or may otherwise
25 demonstrate the reasons why the petition should be denied. If
26 the court denies the petition, the court may set a future date
27 at which the registered career offender may again petition the
28 court for relief, subject to the standards for relief provided
29 in this paragraph. The department shall remove a person from
30 classification as a career offender for purposes of
31 registration if the person provides to the department a

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1 certified copy of the court's written findings or order that
2 indicates that the person is no longer required to comply with
3 the requirements for registration as a career offender.

4 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

5 (a) Law enforcement agencies may inform the community
6 and the public of the presence of a career offender in the
7 community. Upon notification of the presence of a career
8 offender, the sheriff of the county or the chief of police of
9 the municipality where the career offender establishes or
10 maintains a permanent or temporary residence may notify the
11 community and the public of the presence of the career
12 offender in a manner deemed appropriate by the sheriff or the
13 chief of police.

14 (b) The sheriff or the police chief may coordinate the
15 community and public-notification efforts with the department.
16 Statewide notification to the public is authorized, as deemed
17 appropriate by local law enforcement personnel and the
18 department.

19 (8) IMMUNITY.--The department, the Department of
20 Highway Safety and Motor Vehicles, the Department of
21 Corrections, any law enforcement agency in this state, and the
22 personnel of those departments; an elected or appointed
23 official, public employee, or school administrator; or an
24 employee, agency, or any individual or entity acting at the
25 request or upon the direction of any law enforcement agency is
26 immune from civil liability for damages for good-faith
27 compliance with the requirements of this section or for the
28 release of information under this section and shall be
29 presumed to have acted in good faith in compiling, recording,
30 reporting, or releasing the information. The presumption of
31 good faith is not overcome if a technical or clerical error is

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1 made by the department, the Department of Highway Safety and
2 Motor Vehicles, the Department of Corrections, the personnel
3 of those departments, or any individual or entity acting at
4 the request or upon the direction of any of those departments
5 in compiling or providing information, or if information is
6 incomplete or incorrect because a career offender fails to
7 report or falsely reports his or her current place of
8 permanent or temporary residence.

9 (9) PENALTIES.--

10 (a) Except as otherwise specifically provided, a
11 career offender who fails to register; who fails, after
12 registration, to maintain, acquire, or renew a driver's
13 license or identification card; who fails to provide required
14 location information or change-of-name information; or who
15 otherwise fails, by act or omission, to 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 (b) Any person who misuses public records information
20 concerning a career offender, as defined in this section, or a
21 career offender, as defined in s. 944.608 or s. 944.609, to
22 secure a payment from such career offender; who knowingly
23 distributes or publishes false information concerning such a
24 career offender which the person misrepresents as being public
25 records information; or who materially alters public records
26 information with the intent to misrepresent the information,
27 including documents, summaries of public records information
28 provided by law enforcement agencies, or public records
29 information displayed by law enforcement agencies on websites
30 or provided through other means of communication, commits a
31 misdemeanor of the first degree, punishable as provided in s.

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1 775.082 or s. 775.083.

2 (10) PROSECUTIONS FOR ACTS OR OMISSIONS.--A career
3 offender who commits any act or omission in violation of this
4 section, s. 944.608, or s. 944.609 may be prosecuted for the
5 act or omission in the county in which the act or omission was
6 committed, the county of the last registered address of the
7 career offender, the county in which the conviction occurred
8 for the offense or offenses that meet the criteria for
9 designating a person as a career offender, or in the county in
10 which he or she was designated a career offender.

11 Section 4. Section 944.608, Florida Statutes, is
12 created to read:

13 944.608 Notification to Department of Law Enforcement
14 of information on career offenders.--

15 (1) As used in this section, the term "career
16 offender" means a person who is in the custody or control of,
17 or under the supervision of, the department or is in the
18 custody or control of, or under the supervision of, a private
19 correctional facility, and who is designated as a habitual
20 violent felony offender, a violent career criminal, or a
21 three-time violent felony offender under s. 775.084 or as a
22 prison releasee reoffender under s. 775.082(9).

23 (2) If a career offender is not sentenced to a term of
24 imprisonment, the clerk of the court shall ensure that the
25 career offender's fingerprints are taken and forwarded to the
26 Department of Law Enforcement within 48 hours after the court
27 sentences the career offender. The fingerprint card shall be
28 clearly marked "Career Offender Registration Card."

29 (3) A career offender who is under the supervision of
30 the department but is not incarcerated must register with the
31 department and provide his or her name; date of birth; social

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1 security number; race; gender; height; weight; hair and eye
2 color; tattoos or other identifying marks; and permanent or
3 legal residence and address of temporary residence within the
4 state or out of state while the career offender is under
5 supervision in this state, including any rural route address
6 or post office box. The department shall verify the address of
7 each career offender.

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

17 (5) The information provided to the Department of Law
18 Enforcement must include:

19 (a) The information obtained from the career offender
20 under subsection (3);

21 (b) The career offender's most current address and
22 place of permanent and temporary residence within the state or
23 out of state while the career offender is under supervision in
24 this state, including the name of the county or municipality
25 in which the career offender permanently or temporarily
26 resides and, if known, the intended place of permanent or
27 temporary residence upon satisfaction of all sanctions;

28 (c) The legal status of the career offender and the
29 scheduled termination date of that legal status;

30 (d) The location of, and local telephone number for,
31 any Department of Corrections' office that is responsible for

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1 supervising the career offender; and

2 (e) A digitized photograph of the career offender,
3 which must have been taken within 60 days before the career
4 offender is released from the custody of the department or a
5 private correctional facility or within 60 days after the
6 onset of the department's supervision of any career offender
7 who is on probation, community control, conditional release,
8 parole, provisional release, or control release. If the career
9 offender is in the custody or control of, or under the
10 supervision of, a private correctional facility, the facility
11 shall take a digitized photograph of the career offender
12 within the time period provided in this paragraph and shall
13 provide the photograph to the department.

14 (6)(a) The department shall notify the Department of
15 Law Enforcement if the career offender escapes, absconds, or
16 dies while in the custody or control of, or under the
17 supervision of, the department.

18 (b) If any information provided by the department
19 changes during the time the career offender is under the
20 department's custody, control, or supervision, including any
21 change in the career offender's name by reason of marriage or
22 other legal process, the department shall, in a timely manner,
23 update the information and provide it to the Department of Law
24 Enforcement in the manner prescribed in subsection (4).

25 (7) A career offender who is under the supervision of
26 the department but who is not incarcerated shall, in addition
27 to the registration requirements provided in subsection (3),
28 register in the manner provided in s. 775.261(4)(c), unless
29 the career offender is a sexual predator, in which case he or
30 she shall register as required under s. 775.21, or is a sexual
31 offender, in which case he or she shall register as required

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1 in s. 944.607. A career offender who fails to comply with the
2 requirements of s. 775.261(4) is subject to the penalties
3 provided in s. 775.261(9).

4 (8) The failure of a career offender to submit to the
5 taking of a digitized photograph, or to otherwise comply with
6 the requirements of this section, is a felony of the third
7 degree, punishable as provided in s. 775.082, s. 775.083, or
8 s. 775.084.

9 (9) The department, the Department of Highway Safety
10 and Motor Vehicles, the Department of Law Enforcement,
11 personnel of those departments, and any individual or entity
12 acting at the request or upon the direction of those
13 departments are immune from civil liability for damages for
14 good-faith compliance with this section, and shall be presumed
15 to have acted in good faith in compiling, recording,
16 reporting, or providing information. The presumption of good
17 faith is not overcome if technical or clerical errors are made
18 by the department, the Department of Highway Safety and Motor
19 Vehicles, the Department of Law Enforcement, personnel of
20 those departments, or any individual or entity acting at the
21 request or upon the direction of those departments in
22 compiling, recording, reporting, or providing information, or,
23 if the information is incomplete or incorrect because the
24 information has not been provided by a person or agency
25 required to provide the information, or because the
26 information was not reported or was falsely reported.

27 Section 5. Section 944.609, Florida Statutes, is
28 created to read:

29 944.609 Career offenders; notification upon release.--

30 (1) As used in this section, the term "career
31 offender" means a person who is in the custody or control of,

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1 or under the supervision of, the department or is in the
2 custody or control of, or under the supervision of a private
3 correctional facility, who is designated as a habitual violent
4 felony offender, a violent career criminal, or a three-time
5 violent felony offender under s. 775.084 or as a prison
6 releasee reoffender under s. 775.082(9).

7 (2) The Legislature finds that certain career
8 offenders, by virtue of their histories of offenses, present a
9 threat to the public and to communities. The Legislature finds
10 that requiring these career offenders to register for the
11 purpose of tracking the career offenders and providing for
12 notifying the public and a community of the presence of a
13 career offender are important aids to law enforcement
14 agencies, the public, and communities if the career offender
15 engages again in criminal conduct. Registration is intended to
16 aid law enforcement agencies in timely apprehending a career
17 offender. Registration is not a punishment, but merely a
18 status. Notification to the public and communities of the
19 presence of a career offender aids the public and communities
20 in avoiding being victimized by the career offender. The
21 Legislature intends to require the registration of career
22 offenders and to authorize law enforcement agencies to notify
23 the public and communities of the presence of a career
24 offender.

25 (3)(a) The department must provide information
26 regarding any career offender who is being released after
27 -serving a period of incarceration for any offense, as follows:

28 1. The department must provide the career offender's
29 name, any change in the career offender's name by reason of
30 marriage or other legal process, and any alias, if known; the
31 correctional facility from which the career offender is

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1 released; the career offender's social security number, race,
2 gender, date of birth, height, weight, and hair and eye color;
3 date and county of sentence and each crime for which the
4 career offender was sentenced; a copy of the career offender's
5 fingerprints and a digitized photograph taken within 60 days
6 before release; the date of release of the career offender;
7 and the career offender's intended residence address, if
8 known. The department shall notify the Department of Law
9 Enforcement if the career offender escapes, absconds, or dies.
10 If the career offender is in the custody of a private
11 correctional facility, the facility shall take the digitized
12 photograph of the career offender within 60 days before the
13 career offender's release and provide this photograph to the
14 Department of Corrections and also place it in the career
15 offender's file. If the career offender is in the custody of a
16 local jail, the custodian of the local jail shall notify the
17 Department of Law Enforcement of the career offender's release
18 and provide to the Department of Law Enforcement the
19 information specified in this paragraph and any information
20 specified in subparagraph 2. which the Department of Law
21 Enforcement requests.

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

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

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

30 2. The sheriff of the county and, if applicable, the
31 police chief of the municipality, where the career offender

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1 plans to reside;

2 3. The Department of Law Enforcement;

3 4. When requested, the victim of the offense, the
4 victim's parent or legal guardian if the victim is a minor,
5 the lawful representative of the victim or of the victim's
6 parent or guardian if the victim is a minor, or the next of
7 kin if the victim is a homicide victim; and

8 5. Any person who requests such information,

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

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

19 1. The sheriff of the county where the career offender
20 was sentenced; and

21 2. The sheriff of the county and, if applicable, the
22 police chief of the municipality, where the career offender
23 plans to reside,

24
25 within 6 months prior to the anticipated release of a career
26 offender or as soon as possible if a career offender is
27 released earlier than anticipated.

28 (d) Upon receiving information regarding a career
29 offender from the department, the Department of Law
30 Enforcement, the sheriff, or the chief of police shall provide
31 the information described in subparagraph (a)1. to any

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1 individual who requests such information and may release the
2 information to the public in any manner deemed appropriate,
3 unless the information is confidential or exempt from s.
4 119.07(1) and s. 24(a), Art. I of the State Constitution.

5 (4) The department or any law enforcement agency may
6 notify the community and the public of a career offender's
7 presence in the community. However, with respect to a career
8 offender who has been found to be a sexual predator under s.
9 775.21, the Department of Law Enforcement or any other law
10 enforcement agency must inform the community and the public of
11 the career offender's presence in the community, as provided
12 in s. 775.21.

13 (5) An elected or appointed official, public employee,
14 school administrator or employee, or agency, or any individual
15 or entity acting at the request or upon the direction of any
16 law enforcement agency, is immune from civil liability for
17 damages resulting from the release of information under this
18 section.

19 Section 6. This act shall take effect October 1, 2003.

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21

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, line 2,

25 remove: entire title

26

27 and insert:

28 An act relating to career offenders; amending
29 s. 775.13, F.S.; exempting a career offender
30 from the requirement to register as a convicted
31 felon; creating s. 775.26, F.S.; providing

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1 legislative findings and intent with respect to
2 the registration of career offenders and public
3 notification of the presence of career
4 offenders; creating s. 775.261, F.S.; creating
5 the Florida Career Offender Registration Act;
6 providing definitions; requiring a criminal who
7 is classified as a career offender and who is
8 released on or after a specified date to
9 register with the Department of Law
10 Enforcement; providing an exception for an
11 offender who registers as a sexual predator or
12 sexual offender; providing procedures for
13 registration; requiring that a photograph and
14 fingerprints be taken of a career offender;
15 providing procedures for notifying the
16 Department of Law Enforcement if a career
17 offender intends to establish residence in
18 another state or jurisdiction; requiring the
19 Department of Law Enforcement to provide for
20 computer access to information on career
21 offenders; providing that the registration list
22 is a public record; providing a procedure by
23 which a registered career offender may petition
24 the court to remove the requirement that he or
25 she maintain registration; authorizing law
26 enforcement agencies to notify the public of
27 the presence of a career offender; providing
28 that specified state agencies and employees are
29 immune from liability for good-faith compliance
30 with the requirements of the act; providing
31 penalties; specifying venues for prosecuting a

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1 violation of the act; creating s. 944.608,
2 F.S.; requiring a career offender who is not
3 sentenced to a term of imprisonment or who is
4 under the supervision of the Department of
5 Corrections to register with the Department of
6 Law Enforcement; providing procedures for
7 registration; providing penalties; providing
8 that specified state agencies and certain
9 employees are immune from liability for
10 good-faith compliance with the requirements of
11 the act; creating s. 944.609, F.S.; requiring
12 the Department of Corrections to provide
13 information concerning a career offender to the
14 sheriff, police chief, Department of Law
15 Enforcement, and victim, if requested, before
16 the career offender is released from
17 incarceration; authorizing the Department of
18 Corrections or any law enforcement agency to
19 notify the public of the presence of a career
20 offender; providing for immunity from liability
21 for good-faith compliance with the requirements
22 of the act; providing an effective date.

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