

By the Committee on Criminal Justice; and Senators Laurent and Burt

307-1279B-02

1                                   A bill to be entitled  
2           An act relating to career offenders; amending  
3           s. 775.13, F.S.; exempting a career offender  
4           from the requirement to register as a convicted  
5           felon; creating s. 775.26, F.S.; providing  
6           legislative findings and intent with respect to  
7           the registration of career offenders and public  
8           notification of the presence of career  
9           offenders; creating s. 775.261, F.S.; creating  
10          the Florida Career Offender Registration Act;  
11          providing definitions; requiring a criminal who  
12          is classified as a career offender and who is  
13          released on or after a specified date to  
14          register with the Department of Law  
15          Enforcement; providing an exception for an  
16          offender who registers as a sexual predator or  
17          sexual offender; providing procedures for  
18          registration; requiring that a photograph and  
19          fingerprints be taken of a career offender;  
20          providing procedures for notifying the  
21          Department of Law Enforcement if a career  
22          offender intends to establish residence in  
23          another state or jurisdiction; requiring the  
24          Department of Law Enforcement to provide for  
25          computer access to information on career  
26          offenders; providing that the registration list  
27          is a public record; providing a procedure by  
28          which a registered career offender may petition  
29          the court to remove the requirement that he or  
30          she maintain registration; authorizing law  
31          enforcement agencies to notify the public of

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

28  
29 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Subsection (5) of section 775.13, Florida  
2 Statutes, is amended to read:

3           775.13 Registration of convicted felons, exemptions;  
4 penalties.--

- 5           (5) This section does not apply to an offender:  
6           (a) Who has had his or her civil rights restored;  
7           (b) Who has received a full pardon for the offense for  
8 which convicted;  
9           (c) Who has been lawfully released from incarceration  
10 or other sentence or supervision for a felony conviction for  
11 more than 5 years prior to such time for registration, unless  
12 the offender is a fugitive from justice on a felony charge or  
13 has been convicted of any offense since release from such  
14 incarceration or other sentence or supervision;  
15           (d) Who is a parolee or probationer under the  
16 supervision of the United States Parole Commission if the  
17 commission knows of and consents to the presence of the  
18 offender in Florida or is a probationer under the supervision  
19 of any federal probation officer in the state or who has been  
20 lawfully discharged from such parole or probation;  
21           (e) Who is a sexual predator and has registered as  
22 required under s. 775.21; ~~or~~  
23           (f) Who is a sexual offender and has registered as  
24 required in s. 943.0435 or s. 944.607; ~~or~~  
25           (g) Who is a career offender who has registered as  
26 required in s. 775.261 or s. 944.609.

27           Section 2. Section 775.26, Florida Statutes, is  
28 created to read:

29           775.26 Registration of career offenders and public  
30 notification; legislative findings and intent.--The  
31 Legislature finds that certain career offenders, by virtue of

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

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

20 775.261 The Florida Career Offender Registration Act;  
21 definitions; criteria; designation; registration; community  
22 notification; immunity; penalties.--

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

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

26 (a) "Career offender" means any person who is  
27 designated as a habitual violent felony offender, a violent  
28 career criminal, or a three-time violent felony offender under  
29 s. 775.084 or as a prison releasee reoffender under s.  
30 775.082(9).

31

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

3           (c) "Community" means any county where the career  
4 offender lives or otherwise establishes or maintains a  
5 temporary or permanent residence.

6           (d) "Department" means the Department of Law  
7 Enforcement.

8           (e) "Entering the county" includes being discharged  
9 from a correctional facility, jail, or secure treatment  
10 facility within the county or being under supervision within  
11 the county with a career-offender designation as specified in  
12 paragraph (a).

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

16           (g) "Temporary residence" means:

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

21           2. For a career offender whose permanent residence is  
22 not in this state, a place where the career offender is  
23 employed, practices a vocation, or is enrolled as a student  
24 for any period of time in this state; or

25           3. A place where the career offender routinely abides,  
26 lodges, or resides for a period of 4 or more consecutive or  
27 nonconsecutive days in any month and which is not the career  
28 offender's permanent residence, including any out-of-state  
29 address.

30           (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.--  
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1           (a) A career offender released on or after January 1,  
2 2004, from a sanction imposed in this state for a designation  
3 as a habitual violent felony offender, a violent career  
4 criminal, or a three-time violent felony offender under s.  
5 775.084 or as a prison releasee reoffender under s. 775.082(9)  
6 must register as required under subsection (4) and is subject  
7 to community and public notification as provided under  
8 subsection (7). For purposes of this section, a sanction  
9 imposed in this state includes, but is not limited to, a fine,  
10 probation, community control, parole, conditional release,  
11 control release, or incarceration in a state prison, private  
12 correctional facility, or local detention facility, and:

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

16           2. A conviction of a felony or other qualified offense  
17 necessary to the operation of this paragraph has not been set  
18 aside in any postconviction proceeding.

19           (b) This section does not apply to any person who has  
20 been designated as a sexual predator and required to register  
21 under s. 775.21 or who is required to register as a sexual  
22 offender under s. 943.0435 or s. 944.607. However, if a person  
23 is no longer required to register as a sexual predator under  
24 s. 775.21 or as a sexual offender under s. 943.0435 or s.  
25 944.607, the person must register as a career offender under  
26 this section if the person is otherwise designated as a career  
27 offender as provided in this section.

28           (c) A person subject to registration as a career  
29 offender is not subject to registration as a convicted felon  
30 under s. 775.13. However, if the person is no longer required  
31 to register as a career offender under this section, the

1 person must register under s. 775.13 if required to do so  
2 under that section.

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

9 (4) REGISTRATION.--

10 (a) A career offender must register with the  
11 department by providing the following information to the  
12 department, or to the sheriff's office in the county in which  
13 the career offender establishes or maintains a permanent or  
14 temporary residence, within 48 hours after establishing  
15 permanent or temporary residence in this state or within 48  
16 hours after being released from the custody, control, or  
17 supervision of the Department of Corrections or from the  
18 custody of a private correctional facility:

19 1. Name, social security number, age, race, gender,  
20 date of birth, height, weight, hair and eye color, photograph,  
21 address of legal residence and address of any current  
22 temporary residence within the state or out of state,  
23 including a rural route address or a post office box, date and  
24 place of any employment, date and place of each conviction,  
25 fingerprints, and a brief description of the crime or crimes  
26 committed by the career offender. A career offender may not  
27 provide a post office box in lieu of a physical residential  
28 address. If the career offender's place of residence is a  
29 motor vehicle, trailer, mobile home, or manufactured home, as  
30 defined in chapter 320, the career offender shall also provide  
31 to the department written notice of the vehicle identification

1 number; the license tag number; the registration number; and a  
2 description, including color scheme, of the motor vehicle,  
3 trailer, mobile home, or manufactured home. If a career  
4 offender's place of residence is a vessel, live-aboard vessel,  
5 or houseboat, as defined in chapter 327, the career offender  
6 shall also provide to the department written notice of the  
7 hull identification number; the manufacturer's serial number;  
8 the name of the vessel, live-aboard vessel, or houseboat; the  
9 registration number; and a description, including color  
10 scheme, of the vessel, live-aboard vessel, or houseboat.

11 2. Any other information determined necessary by the  
12 department, including criminal and corrections records;  
13 nonprivileged personnel and treatment records; and evidentiary  
14 genetic markers when available.

15 (b) If a career offender registers with the sheriff's  
16 office, the sheriff shall take a photograph and a set of  
17 fingerprints of the career offender and forward the  
18 photographs and fingerprints to the department, along with the  
19 information that the career offender is required to provide  
20 pursuant to this section.

21 (c) Within 48 hours after the registration required  
22 under paragraph (a), a career offender who is not incarcerated  
23 and who resides in the community, including a career offender  
24 under the supervision of the Department of Corrections  
25 pursuant to s. 944.608, shall register in person at a driver's  
26 license office of the Department of Highway Safety and Motor  
27 Vehicles and shall present proof of registration. At the  
28 driver's license office, the career offender shall:

29 1. If otherwise qualified, secure a Florida driver's  
30 license, renew a Florida driver's license, or secure an  
31 identification card. The career offender shall identify



1 himself or herself as a career offender who is required to  
2 comply with this section, provide his or her place of  
3 permanent or temporary residence, including a rural route  
4 address or a post office box, and submit to the taking of a  
5 photograph for use in issuing a driver's license, renewed  
6 license, or identification card, and for use by the department  
7 in maintaining current records of career offenders. The career  
8 offender may not provide a post office box in lieu of a  
9 physical residential address. If the career offender's place  
10 of residence is a motor vehicle, trailer, mobile home, or  
11 manufactured home, as defined in chapter 320, the career  
12 offender shall also provide to the Department of Highway  
13 Safety and Motor Vehicles the vehicle identification number;  
14 the license tag number; the motor vehicle registration number;  
15 and a description, including color scheme, of the motor  
16 vehicle, trailer, mobile home, or manufactured home. If a  
17 career offender's place of residence is a vessel, live-aboard  
18 vessel, or houseboat, as defined in chapter 327, the career  
19 offender shall also provide to the Department of Highway  
20 Safety and Motor Vehicles the hull identification number; the  
21 manufacturer's serial number; the name of the vessel,  
22 live-aboard vessel, or houseboat; the registration number; and  
23 a description, including color scheme, of the vessel,  
24 live-aboard vessel, or houseboat.

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

28 3. Provide, upon request, any additional information  
29 necessary to confirm the identity of the career offender,  
30 including a set of fingerprints.

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1       (d) Each time a career offender's driver's license or  
2 identification card is subject to renewal, and within 48 hours  
3 after any change of the career offender's residence or change  
4 in the career offender's name by reason of marriage or other  
5 legal process, the career offender must report in person to a  
6 driver's license office, and shall be subject to the  
7 requirements specified in paragraph (c). The Department of  
8 Highway Safety and Motor Vehicles shall forward to the  
9 department and to the Department of Corrections all  
10 photographs and information provided by career offenders.  
11 Notwithstanding the restrictions set forth in s. 322.142, the  
12 Department of Highway Safety and Motor Vehicles may release a  
13 reproduction of a color-photograph or digital-image license to  
14 the department for purposes of public notification of career  
15 offenders as provided in this section.

16       (e) If the career offender registers at an office of  
17 the department, the department must notify the sheriff and, if  
18 applicable, the police chief of the municipality, where the  
19 career offender maintains a residence within 48 hours after  
20 the career offender registers with the department.

21       (f) A career offender who intends to establish  
22 residence in another state or jurisdiction other than the  
23 state of Florida shall report in person to the sheriff of the  
24 county of current residence or the department within 48 hours  
25 before the date he or she intends to leave this state to  
26 establish residence in another state or jurisdiction other  
27 than the state of Florida. The career offender must provide to  
28 the sheriff or department the address, municipality, county,  
29 and state of intended residence. The sheriff shall promptly  
30 provide to the department the information received from the  
31 career offender. The failure of a career offender to provide

1 his or her intended place of residence is punishable as  
2 provided in subsection (9).

3 (g) A career offender who indicates his or her intent  
4 to reside in a state or jurisdiction other than the state of  
5 Florida and later decides to remain in this state shall,  
6 within 48 hours after the date upon which the career offender  
7 indicated he or she would leave this state, report in person  
8 to the sheriff or the department, whichever agency is the  
9 agency to which the career offender reported the intended  
10 change of residence, of his or her intent to remain in this  
11 state. If the sheriff is notified by the career offender that  
12 he or she intends to remain in this state, the sheriff shall  
13 promptly report this information to the department. A career  
14 offender who reports his or her intent to reside in a state or  
15 jurisdiction other than the state of Florida, but who remains  
16 in this state without reporting to the sheriff or the  
17 department in the manner required by this paragraph, commits a  
18 felony of the second degree, punishable as provided in s.  
19 775.082, s. 775.083, or s. 775.084.

20 (h)1. The department shall maintain on-line computer  
21 access to the current information regarding each registered  
22 career offender. The department must maintain hotline access  
23 so that state, local, and federal law enforcement agencies may  
24 obtain instantaneous locator file and criminal characteristics  
25 information on release and registration of career offenders  
26 for purposes of monitoring, tracking, and prosecution. The  
27 photograph and fingerprints need not be stored in a  
28 computerized format.

29 2. The department's career offender registration list,  
30 containing the information described in subparagraph (a)1., is  
31 a public record. The department may disseminate this public

1 information by any means deemed appropriate, including  
2 operating a toll-free telephone number for this purpose. When  
3 the department provides information regarding a career  
4 offender to the public, department personnel must advise the  
5 person making the inquiry that positive identification of a  
6 person believed to be a career offender cannot be established  
7 unless a fingerprint comparison is made, and that it is  
8 illegal to use public information regarding a registered  
9 career offender to facilitate the commission of a crime.

10 3. The department shall adopt guidelines as necessary  
11 regarding the registration of a career offender and the  
12 dissemination of information regarding a career offender as  
13 required by this section.

14 (i) A career offender must maintain registration with  
15 the department for the duration of his or her life, unless the  
16 career offender has received a full pardon or has had a  
17 conviction set aside in a postconviction proceeding for any  
18 offense that meets the criteria for classifying the person as  
19 a career offender for purposes of registration. However, a  
20 registered career offender who has been lawfully released from  
21 confinement, supervision, or sanction, whichever is later, for  
22 at least 20 years and has not been arrested for any felony or  
23 misdemeanor offense since release may petition the criminal  
24 division of the circuit court of the circuit in which the  
25 registered career offender resides for the purpose of removing  
26 the requirement for registration as a career offender. The  
27 court may grant or deny such relief if the registered career  
28 offender demonstrates to the court that he or she has not been  
29 arrested for any crime since release and the court is  
30 otherwise satisfied that the registered career offender is not  
31 a current or potential threat to public safety. The state

1 attorney in the circuit in which the petition is filed must be  
2 given notice of the petition at least 3 weeks before the  
3 hearing on the matter. The state attorney may present evidence  
4 in opposition to the requested relief or may otherwise  
5 demonstrate the reasons why the petition should be denied. If  
6 the court denies the petition, the court may set a future date  
7 at which the registered career offender may again petition the  
8 court for relief, subject to the standards for relief provided  
9 in this paragraph. The department shall remove a person from  
10 classification as a career offender for purposes of  
11 registration if the person provides to the department a  
12 certified copy of the court's written findings or order that  
13 indicates that the person is no longer required to comply with  
14 the requirements for registration as a career offender.

15 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

16 (a) Law enforcement agencies may inform the community  
17 and the public of the presence of a career offender in the  
18 community. Upon notification of the presence of a career  
19 offender, the sheriff of the county or the chief of police of  
20 the municipality where the career offender establishes or  
21 maintains a permanent or temporary residence may notify the  
22 community and the public of the presence of the career  
23 offender in a manner deemed appropriate by the sheriff or the  
24 chief of police.

25 (b) The sheriff or the police chief may coordinate the  
26 community and public-notification efforts with the department.  
27 Statewide notification to the public is authorized, as deemed  
28 appropriate by local law enforcement personnel and the  
29 department.

30 (8) IMMUNITY.--The department, the Department of  
31 Highway Safety and Motor Vehicles, the Department of

1 Corrections, any law enforcement agency in this state, and the  
2 personnel of those departments; an elected or appointed  
3 official, public employee, or school administrator; or an  
4 employee, agency, or any individual or entity acting at the  
5 request or upon the direction of any law enforcement agency is  
6 immune from civil liability for damages for good-faith  
7 compliance with the requirements of this section or for the  
8 release of information under this section and shall be  
9 presumed to have acted in good faith in compiling, recording,  
10 reporting, or releasing the information. The presumption of  
11 good faith is not overcome if a technical or clerical error is  
12 made by the department, the Department of Highway Safety and  
13 Motor Vehicles, the Department of Corrections, the personnel  
14 of those departments, or any individual or entity acting at  
15 the request or upon the direction of any of those departments  
16 in compiling or providing information, or if information is  
17 incomplete or incorrect because a career offender fails to  
18 report or falsely reports his or her current place of  
19 permanent or temporary residence.

20 (9) PENALTIES.--

21 (a) Except as otherwise specifically provided, a  
22 career offender who fails to register; who fails, after  
23 registration, to maintain, acquire, or renew a driver's  
24 license or identification card; who fails to provide required  
25 location information or change-of-name information; or who  
26 otherwise fails, by act or omission, to comply with the  
27 requirements of this section, commits a felony of the third  
28 degree, punishable as provided in s. 775.082, s. 775.083, or  
29 s. 775.084.

30 (b) Any person who misuses public records information  
31 concerning a career offender, as defined in this section, or a

1 career offender, as defined in s. 944.608 or s. 944.609, to  
2 secure a payment from such career offender; who knowingly  
3 distributes or publishes false information concerning such a  
4 career offender which the person misrepresents as being public  
5 records information; or who materially alters public records  
6 information with the intent to misrepresent the information,  
7 including documents, summaries of public records information  
8 provided by law enforcement agencies, or public records  
9 information displayed by law enforcement agencies on websites  
10 or provided through other means of communication, commits a  
11 misdemeanor of the first degree, punishable as provided in s.  
12 775.082 or s. 775.083.

13 (10) PROSECUTIONS FOR ACTS OR OMISSIONS.--A career  
14 offender who commits any act or omission in violation of this  
15 section, s. 944.608, or s. 944.609 may be prosecuted for the  
16 act or omission in the county in which the act or omission was  
17 committed, the county of the last registered address of the  
18 career offender, the county in which the conviction occurred  
19 for the offense or offenses that meet the criteria for  
20 designating a person as a career offender, or in the county in  
21 which he or she was designated a career offender.

22 Section 4. Section 944.608, Florida Statutes, is  
23 created to read:

24 944.608 Notification to Department of Law Enforcement  
25 of information on career offenders.--

26 (1) As used in this section, the term "career  
27 offender" means a person who is in the custody or control of,  
28 or under the supervision of, the department or is in the  
29 custody or control of, or under the supervision of, a private  
30 correctional facility, and who is designated as a habitual  
31 violent felony offender, a violent career criminal, or a

1 three-time violent felony offender under s. 775.084 or as a  
2 prison releasee reoffender under s. 775.082(9).

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

9 (3) A career offender who is under the supervision of  
10 the department but is not incarcerated must register with the  
11 department and provide his or her name; date of birth; social  
12 security number; race; gender; height; weight; hair and eye  
13 color; tattoos or other identifying marks; and permanent or  
14 legal residence and address of temporary residence within the  
15 state or out of state while the career offender is under  
16 supervision in this state, including any rural route address  
17 or post office box. The department shall verify the address of  
18 each career offender.

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

28 (5) The information provided to the Department of Law  
29 Enforcement must include:

30 (a) The information obtained from the registered  
31 career offender under subsection (3);



1           (b) The career offender's most current address and  
2 place of permanent and temporary residence within the state or  
3 out of state while the career offender is under supervision in  
4 this state, including the name of the county or municipality  
5 in which the career offender permanently or temporarily  
6 resides and, if known, the intended place of permanent or  
7 temporary residence upon satisfaction of all sanctions;

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

10           (d) The location of, and local telephone number for,  
11 any Department of Corrections' office that is responsible for  
12 supervising the career offender; and

13           (e) A digitized photograph of the career offender,  
14 which must have been taken within 60 days before the career  
15 offender is released from the custody of the department or a  
16 private correctional facility or within 60 days after the  
17 onset of the department's supervision of any career offender  
18 who is on probation, community control, conditional release,  
19 parole, provisional release, or control release. If the career  
20 offender is in the custody or control of, or under the  
21 supervision of, a private correctional facility, the facility  
22 shall take a digitized photograph of the career offender  
23 within the time period provided in this paragraph and shall  
24 provide the photograph to the department.

25           (6)(a) The department shall notify the Department of  
26 Law Enforcement if the career offender escapes, absconds, or  
27 dies while in the custody or control of, or under the  
28 supervision of, the department.

29           (b) If any information provided by the department  
30 changes during the time the career offender is under the  
31 department's custody, control, or supervision, including any

1 change in the career offender's name by reason of marriage or  
2 other legal process, the department shall, in a timely manner,  
3 update the information and provide it to the Department of Law  
4 Enforcement in the manner prescribed in subsection (4).

5 (7) A career offender who is under the supervision of  
6 the department but who is not incarcerated shall, in addition  
7 to the registration requirements provided in subsection (3),  
8 register in the manner provided in s. 775.261(4)(c), unless  
9 the career offender is a sexual predator, in which case he or  
10 she shall register as required under s. 775.21, or is a sexual  
11 offender, in which case he or she shall register as required  
12 in s. 944.607. A career offender who fails to comply with the  
13 requirements of s. 775.261(4) is subject to the penalties  
14 provided in s. 775.261(9).

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

20 (9) The department, the Department of Highway Safety  
21 and Motor Vehicles, the Department of Law Enforcement,  
22 personnel of those departments, and any individual or entity  
23 acting at the request or upon the direction of those  
24 departments are immune from civil liability for damages for  
25 good-faith compliance with this section, and shall be presumed  
26 to have acted in good faith in compiling, recording,  
27 reporting, or providing information. The presumption of good  
28 faith is not overcome if technical or clerical errors are made  
29 by the department, the Department of Highway Safety and Motor  
30 Vehicles, the Department of Law Enforcement, personnel of  
31 those departments, or any individual or entity acting at the

1 request or upon the direction of those departments in  
2 compiling, recording, reporting, or providing information, or,  
3 if the information is incomplete or incorrect because the  
4 information has not been provided by a person or agency  
5 required to provide the information, or because the  
6 information was not reported or was falsely reported.

7 Section 5. Section 944.609, Florida Statutes, is  
8 created to read:

9 944.609 Career offenders; notification upon release.--

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

18 (2) The Legislature finds that certain career  
19 offenders, by virtue of their histories of offenses, present a  
20 threat to the public and to communities. The Legislature finds  
21 that requiring these career offenders to register for the  
22 purpose of tracking the career offenders and providing for  
23 notifying the public and a community of the presence of a  
24 career offender are important aids to law enforcement  
25 agencies, the public, and communities if the career offender  
26 engages again in criminal conduct. Registration is intended to  
27 aid law enforcement agencies in timely apprehending a career  
28 offender. Registration is not a punishment, but merely a  
29 status. Notification to the public and communities of the  
30 presence of a career offender aids the public and communities  
31 in avoiding being victimized by the career offender. The

1 Legislature intends to require the registration of career  
2 offenders and to authorize law enforcement agencies to notify  
3 the public and communities of the presence of a career  
4 offender.

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

8 1. The department must provide the career offender's  
9 name, any change in the career offender's name by reason of  
10 marriage or other legal process, and any alias, if known; the  
11 correctional facility from which the career offender is  
12 released; the career offender's social security number, race,  
13 gender, date of birth, height, weight, and hair and eye color;  
14 date and county of sentence and each crime for which the  
15 career offender was sentenced; a copy of the career offender's  
16 fingerprints and a digitized photograph taken within 60 days  
17 before release; the date of release of the career offender;  
18 and the career offender's intended residence address, if  
19 known. The department shall notify the Department of Law  
20 Enforcement if the career offender escapes, absconds, or dies.  
21 If the career offender is in the custody of a private  
22 correctional facility, the facility shall take the digitized  
23 photograph of the career offender within 60 days before the  
24 career offender's release and provide this photograph to the  
25 Department of Corrections and also place it in the career  
26 offender's file. If the career offender is in the custody of a  
27 local jail, the custodian of the local jail shall notify the  
28 Department of Law Enforcement of the career offender's release  
29 and provide to the Department of Law Enforcement the  
30 information specified in this paragraph and any information  
31

1 specified in subparagraph 2. which the Department of Law  
2 Enforcement requests.

3 2. The department may provide any other information  
4 deemed necessary, including criminal and corrections records  
5 and nonprivileged personnel and treatment records, when  
6 available.

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

9 1. The sheriff of the county where the career offender  
10 was sentenced;

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

14 3. The Department of Law Enforcement;

15 4. When requested, the victim of the offense, the  
16 victim's parent or legal guardian if the victim is a minor,  
17 the lawful representative of the victim or of the victim's  
18 parent or guardian if the victim is a minor, or the next of  
19 kin if the victim is a homicide victim; and

20 5. Any person who requests such information,  
21  
22 within 6 months prior to the anticipated release of a career  
23 offender or as soon as possible if a career offender is  
24 released earlier than anticipated. All such information  
25 provided to the Department of Law Enforcement must be  
26 available electronically as soon as the information is in the  
27 agency's database and must be in a format that is compatible  
28 with the requirements of the Florida Crime Information Center.

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

31

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

3           2. The sheriff of the county and, if applicable, the  
4 police chief of the municipality, where the career offender  
5 plans to reside,

6  
7 within 6 months prior to the anticipated release of a career  
8 offender or as soon as possible if a career offender is  
9 released earlier than anticipated.

10           (d) Upon receiving information regarding a career  
11 offender from the department, the Department of Law  
12 Enforcement, the sheriff, or the chief of police shall provide  
13 the information described in subparagraph (a)1. to any  
14 individual who requests such information and may release the  
15 information to the public in any manner deemed appropriate,  
16 unless the information is confidential or exempt from s.  
17 119.07(1) and s. 24(a), Art. I of the State Constitution.

18           (4) The department or any law enforcement agency may  
19 notify the community and the public of a career offender's  
20 presence in the community. However, with respect to a career  
21 offender who has been found to be a sexual predator under s.  
22 775.21, the Department of Law Enforcement or any other law  
23 enforcement agency must inform the community and the public of  
24 the career offender's presence in the community, as provided  
25 in s. 775.21.

26           (5) An elected or appointed official, public employee,  
27 school administrator or employee, or agency, or any individual  
28 or entity acting at the request or upon the direction of any  
29 law enforcement agency, is immune from civil liability for  
30 damages resulting from the release of information under this  
31 section.

1           Section 6. This act shall take effect October 1, 2003.  
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- 1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bills 90 and 554
- 4 - Provides legislative findings and intent regarding the  
5 need for registration of career offenders and the  
6 dissemination of information regarding career offenders.
- 7 - Defines "career offenders."
- 8 - Requires a career offender released on or after January  
9 1, 2004, from a sanction imposed in this state for one  
10 of the repeat offender designations statutorily  
11 specified to register with the Florida Department of Law  
12 Enforcement (FDLE) or the sheriff's office in the county  
13 where the career offender resides.
- 14 - Requires a career offender who is not incarcerated and  
15 who resides in the community, including a career  
16 offender under Department of Corrections (DOC)  
17 supervision, to register in person at a driver's license  
18 office of the Department of Highway Safety and Motor  
19 Vehicles.
- 20 - Requires a career offender who intends to establish  
21 residence in another state or jurisdiction other than  
22 this state, to report in person to the sheriff of the  
23 county of current residence or FDLE.
- 24 - Requires a career offender who indicates his or her  
25 intent to reside in another state or jurisdiction other  
26 than Florida and later decides to remain in this state  
27 to report in person to the sheriff or FDLE.
- 28 - Requires FDLE to maintain on-line computer access to  
29 current information regarding each registered career  
30 offender, and to maintain hotline access for law  
31 enforcement agencies.
- Provides that FDLE's career offender registration list  
is a public record, and authorizes FDLE to disseminate  
this information by any means deemed appropriate.
- Requires a career offender to maintain registration for  
the duration of his or her life, except as provided.
- Authorizes the registered career offender to petition in  
a circuit court, as specified, for removal of his or her  
career offender designation after a specified period in  
which the person is not arrested.
- Authorizes specified agencies and law enforcement  
agencies to inform the community and the public of the  
presence of a career offender in the community.
- Provides for criminal penalties for a career offender's  
failure to comply with registration requirements and for  
misuses of public records information.
- Requires a non-incarcerated career offender under DOC



- 1 supervision to register with DOC.
- 2 - Requires DOC to notify FDLE if a career offender
- 3 escapes, absconds, or dies while in its custody or
- 4 control, or under its supervision.
- 5 - Requires DOC to provide certain information regarding a
- 6 career offender who is being released after serving a
- 7 period of incarceration for any offense.
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