

By the Committees on Judiciary; Criminal Justice; and Senators
Laurent and Burt

308-1839A-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; requiring
2 address verification for career offenders;
3 providing that specified state agencies and
4 employees are immune from liability for
5 good-faith compliance with the requirements of
6 the act; providing penalties; specifying venues
7 for prosecuting a violation of the act;
8 creating s. 944.608, F.S.; requiring a career
9 offender who is not sentenced to a term of
10 imprisonment or who is under the supervision of
11 the Department of Corrections to register with
12 the Department of Law Enforcement; providing
13 procedures for registration; providing
14 penalties; providing that specified state
15 agencies and certain employees are immune from
16 liability for good-faith compliance with the
17 requirements of the act; creating s. 944.609,
18 F.S.; requiring the Department of Corrections
19 to provide information concerning a career
20 offender to the sheriff, police chief,
21 Department of Law Enforcement, and victim, if
22 requested, before the career offender is
23 released from incarceration; authorizing the
24 Department of Corrections or any law
25 enforcement agency to notify the public of the
26 presence of a career offender; providing for
27 immunity from liability for good-faith
28 compliance with the requirements of the act;
29 providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

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 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 career offender. The Legislature intends
14 to require the registration of career offenders and to
15 authorize law enforcement agencies to notify the public and
16 communities of the presence of a career offender.

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

19 775.261 The Florida Career Offender Registration Act;
20 definitions; criteria; designation; registration; community
21 notification; immunity; penalties.--

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

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

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

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

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

4 (d) "Department" means the Department of Law
5 Enforcement.

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

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

14 (g) "Temporary residence" means:

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

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

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

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

29 (a) A career offender released on or after January 1,
30 2003, from a sanction imposed in this state for a designation
31 as a habitual violent felony offender, a violent career

1 criminal, or a three-time violent felony offender under s.
2 775.084 or as a prison releasee reoffender under s. 775.082(9)
3 must register as required under subsection (4) and is subject
4 to community and public notification as provided under
5 subsection (7). For purposes of this section, a sanction
6 imposed in this state includes, but is not limited to, a fine,
7 probation, community control, parole, conditional release,
8 control release, or incarceration in a state prison, private
9 correctional facility, or local detention facility, and:
10 1. The career offender has not received a pardon for
11 any felony or other qualified offense that is necessary for
12 the operation of this paragraph; or
13 2. A conviction of a felony or other qualified offense
14 necessary to the operation of this paragraph has not been set
15 aside in any postconviction proceeding.
16 (b) This section does not apply to any person who has
17 been designated as a sexual predator and required to register
18 under s. 775.21 or who is required to register as a sexual
19 offender under s. 943.0435 or s. 944.607. However, if a person
20 is no longer required to register as a sexual predator under
21 s. 775.21 or as a sexual offender under s. 943.0435 or s.
22 944.607, the person must register as a career offender under
23 this section if the person is otherwise designated as a career
24 offender as provided in this section.
25 (c) A person subject to registration as a career
26 offender is not subject to registration as a convicted felon
27 under s. 775.13. However, if the person is no longer required
28 to register as a career offender under this section, the
29 person must register under s. 775.13 if required to do so
30 under that section.
31

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

7 (4) REGISTRATION.--

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

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

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

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

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

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

27 1. If otherwise qualified, secure a Florida driver's
28 license, renew a Florida driver's license, or secure an
29 identification card. The career offender shall identify
30 himself or herself as a career offender who is required to
31 comply with this section, provide his or her place of

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

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

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

29 (d) Each time a career offender's driver's license or
30 identification card is subject to renewal, and within 48 hours
31 after any change of the career offender's residence or change

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

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

18 (f) A career offender who intends to establish
19 residence in another state or jurisdiction other than the
20 state of Florida shall report in person to the sheriff of the
21 county of current residence or the department within 48 hours
22 before the date he or she intends to leave this state to
23 establish residence in another state or jurisdiction other
24 than the state of Florida. If the career offender is under the
25 supervision of the Department of Corrections, the career
26 offender shall notify the supervising probation officer of his
27 or her intent to transfer supervision, satisfy all transfer
28 requirements pursuant to the Interstate Compact for
29 Supervision of Adult Offenders, as provided in s. 949.07, and
30 abide by the decision of the receiving jurisdiction to accept
31 or deny transfer. The career offender must provide to the

1 sheriff or department the address, municipality, county, and
2 state of intended residence. The sheriff shall promptly
3 provide to the department the information received from the
4 career offender. The failure of a career offender to provide
5 his or her intended place of residence is punishable as
6 provided in subsection (10).

7 (g) A career offender who indicates his or her intent
8 to reside in a state or jurisdiction other than the state of
9 Florida and later decides to remain in this state shall,
10 within 48 hours after the date upon which the career offender
11 indicated he or she would leave this state, report in person
12 to the sheriff or the department, whichever agency is the
13 agency to which the career offender reported the intended
14 change of residence, of his or her intent to remain in this
15 state. If the sheriff is notified by the career offender that
16 he or she intends to remain in this state, the sheriff shall
17 promptly report this information to the department. A career
18 offender who reports his or her intent to reside in a state or
19 jurisdiction other than the state of Florida, but who remains
20 in this state without reporting to the sheriff or the
21 department in the manner required by this paragraph, commits a
22 felony of the second degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

24 (h)1. The department shall maintain on-line computer
25 access to the current information regarding each registered
26 career offender. The department must maintain hotline access
27 so that state, local, and federal law enforcement agencies may
28 obtain instantaneous locator file and criminal characteristics
29 information on release and registration of career offenders
30 for purposes of monitoring, tracking, and prosecution. The
31

1 photograph and fingerprints need not be stored in a
2 computerized format.

3 2. The department's career offender registration list,
4 containing the information described in subparagraph (a)1., is
5 a public record. The department may disseminate this public
6 information by any means deemed appropriate, including
7 operating a toll-free telephone number for this purpose. When
8 the department provides information regarding a career
9 offender to the public, department personnel must advise the
10 person making the inquiry that positive identification of a
11 person believed to be a career offender cannot be established
12 unless a fingerprint comparison is made, and that it is
13 illegal to use public information regarding a career offender
14 to facilitate the commission of a crime.

15 3. The department shall adopt guidelines as necessary
16 regarding the registration of a career offender and the
17 dissemination of information regarding a career offender as
18 required by this section.

19 (i) A career offender must maintain registration with
20 the department for the duration of his or her life, unless the
21 career offender has received a full pardon or has had a
22 conviction set aside in a postconviction proceeding for any
23 offense that meets the criteria for classifying the person as
24 a career offender for purposes of registration. However, a
25 registered career offender who has been lawfully released from
26 confinement, supervision, or sanction, whichever is later, for
27 at least 20 years and has not been arrested for any felony or
28 misdemeanor offense since release may petition the criminal
29 division of the circuit court of the circuit in which the
30 registered career offender resides for the purpose of removing
31 the requirement for registration as a career offender. The

1 court may grant or deny such relief if the registered career
2 offender demonstrates to the court that he or she has not been
3 arrested for any crime since release and the court is
4 otherwise satisfied that the registered career offender is not
5 a current or potential threat to public safety. The state
6 attorney in the circuit in which the petition is filed must be
7 given notice of the petition at least 3 weeks before the
8 hearing on the matter. The state attorney may present evidence
9 in opposition to the requested relief or may otherwise
10 demonstrate the reasons why the petition should be denied. If
11 the court denies the petition, the court may set a future date
12 at which the registered career offender may again petition the
13 court for relief, subject to the standards for relief provided
14 in this paragraph. The department shall remove a person from
15 classification as a career offender for purposes of
16 registration if the person provides to the department a
17 certified copy of the court's written findings or order that
18 indicates that the person is no longer required to comply with
19 the requirements for registration as a career offender.

20 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

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

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 (8) VERIFICATION.--The department and the Department
5 of Corrections shall implement a system for verifying the
6 addresses of career offenders. The sheriff of each county
7 shall annually verify the addresses of career offenders who
8 are not under the care, custody, control, or supervision of
9 the Department of Corrections. The sheriff shall promptly
10 provide the address-verification information to the department
11 in an electronic format. The address-verification information
12 must include the verifying person's name, agency, and phone
13 number, the date of verification, and the method of
14 verification, and must specify whether the address information
15 was verified as correct, incorrect, or unconfirmed.

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

1 the request or upon the direction of any of those departments
2 in compiling or providing information, or if information is
3 incomplete or incorrect because a career offender fails to
4 report or falsely reports his or her current place of
5 permanent or temporary residence.

6 (10) PENALTIES.--

7 (a) Except as otherwise specifically provided, a
8 career offender who fails to register; who fails, after
9 registration, to maintain, acquire, or renew a driver's
10 license or identification card; who fails to provide required
11 location information or change-of-name information; or who
12 otherwise fails, by act or omission, to comply with the
13 requirements of this section, commits a felony of the third
14 degree, punishable as provided in s. 775.082, s. 775.083, or
15 s. 775.084.

16 (b) Any person who misuses public records information
17 concerning a career offender, as defined in this section, or a
18 career offender, as defined in s. 944.608 or s. 944.609, to
19 secure a payment from such career offender; who knowingly
20 distributes or publishes false information concerning such a
21 career offender which the person misrepresents as being public
22 records information; or who materially alters public records
23 information with the intent to misrepresent the information,
24 including documents, summaries of public records information
25 provided by law enforcement agencies, or public records
26 information displayed by law enforcement agencies on websites
27 or provided through other means of communication, commits a
28 misdemeanor of the first degree, punishable as provided in s.
29 775.082 or s. 775.083.

30 (11) PROSECUTIONS FOR ACTS OR OMISSIONS.--A career
31 offender who commits any act or omission in violation of this

1 section, s. 944.608, or s. 944.609 may be prosecuted for the
2 act or omission in the county in which the act or omission was
3 committed, the county of the last registered address of the
4 career offender, the county in which the conviction occurred
5 for the offense or offenses that meet the criteria for
6 designating a person as a career offender, or in the county in
7 which he or she was designated a career offender.

8 Section 4. Section 944.608, Florida Statutes, is
9 created to read:

10 944.608 Notification to Department of Law Enforcement
11 of information on career offenders.--

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

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

26 (3) A career offender who is under the supervision of
27 the department but is not incarcerated must register with the
28 department and provide his or her name; date of birth; social
29 security number; race; gender; height; weight; hair and eye
30 color; tattoos or other identifying marks; and permanent or
31 legal residence and address of temporary residence within the

1 state or out of state while the career offender is under
2 supervision in this state, including any rural route address
3 or post office box. The department shall verify the address of
4 each career offender.

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

14 (5) The information provided to the Department of Law
15 Enforcement must include:

16 (a) The information obtained from the career offender
17 under subsection (3);

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

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

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

30 (e) A digitized photograph of the career offender,
31 which must have been taken within 60 days before the career

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

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

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

22 (7) A career offender who is under the supervision of
23 the department but who is not incarcerated shall, in addition
24 to the registration requirements provided in subsection (3),
25 register in the manner provided in s. 775.261(4)(c), unless
26 the career offender is a sexual predator, in which case he or
27 she shall register as required under s. 775.21, or is a sexual
28 offender, in which case he or she shall register as required
29 in s. 944.607. A career offender who fails to comply with the
30 requirements of s. 775.261(4) is subject to the penalties
31 provided in s. 775.261(10).

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

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

24 Section 5. Section 944.609, Florida Statutes, is
25 created to read:

26 944.609 Career offenders; notification upon release.--

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

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

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

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

25 1. The department must provide the career offender's
26 name, any change in the career offender's name by reason of
27 marriage or other legal process, and any alias, if known; the
28 correctional facility from which the career offender is
29 released; the career offender's social security number, race,
30 gender, date of birth, height, weight, and hair and eye color;
31 date and county of sentence and each crime for which the

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

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

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

25 1. The sheriff of the county where the career offender
26 was sentenced;

27 2. The sheriff of the county and, if applicable, the
28 police chief of the municipality, where the career offender
29 plans to reside;

30 3. The Department of Law Enforcement;
31

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

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

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

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

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

22
23 within 6 months prior to the anticipated release of a career
24 offender or as soon as possible if a career offender is
25 released earlier than anticipated.

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

1 unless the information is confidential or exempt from s.
2 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

18 Section 6. This act shall take effect July 1, 2002.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bills 90 & 554
4 -- Changes the implementation date from January 1, 2004, to
5 January 1, 2003, so that career offenders released from
6 custody on or after January 1, 2003, must register as
7 required in the bill.
8 -- Clarifies that a career offender who intends to transfer
9 to another state or jurisdiction, and who is under the
10 supervision of the Department of Corrections, must
11 notify the supervising probation officer of the career
12 offender's intent to transfer supervision, satisfy all
13 transfer requirements of the Interstate Compact for
14 Supervision of Adult Offenders as provided in s. 949.07,
15 F.S., and abide by the decisions of the receiving
16 jurisdiction to accept or deny transfer.
17 -- Adds a provision requiring the Department of Law
18 Enforcement and the Department of Corrections to
19 implement an address verification system. The sheriff of
20 each county is required to annually verify the addresses
21 of career offenders who are not under the care, custody,
22 control, or supervision of the Department of Corrections
23 and provide address-verification information to the
24 Department of Law Enforcement in an electronic format.
25 -- Specifies that any individual or entity acting at the
26 request or upon the direction of any law enforcement
27 agency is immune from civil liability for damages
28 resulting from the good-faith compliance with the
29 requirements of s. 944.609, F.S., which pertains to the
30 release of information about career offenders.
31 -- Changes the effective date of the act from October 1,
 2003, to July 1, 2002.