

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

309-2172-02

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 appropriations; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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

5 775.13 Registration of convicted felons, exemptions;
6 penalties.--

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

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

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

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

17 (d) Who is a parolee or probationer under the
18 supervision of the United States Parole Commission if the
19 commission knows of and consents to the presence of the
20 offender in Florida or is a probationer under the supervision
21 of any federal probation officer in the state or who has been
22 lawfully discharged from such parole or probation;

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

25 (f) Who is a sexual offender and has registered as
26 required in s. 943.0435 or s. 944.607; or-

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

29 Section 2. Section 775.26, Florida Statutes, is
30 created to read:

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1 775.26 Registration of career offenders and public
2 notification; legislative findings and intent.--The
3 Legislature finds that certain career offenders, by virtue of
4 their histories of offenses, present a threat to the public
5 and to communities. The Legislature finds that requiring these
6 career offenders to register for the purpose of tracking these
7 career offenders and that providing for notifying the public
8 and a community of the presence of a career offender are
9 important aids to law enforcement agencies, the public, and
10 communities if a career offender engages again in criminal
11 conduct. Registration is intended to aid law enforcement
12 agencies in timely apprehending a career offender.
13 Registration is not a punishment, but merely a status.
14 Notification to the public and communities of the presence of
15 a career offender aids the public and communities in avoiding
16 being victimized by a career offender. The Legislature intends
17 to require the registration of career offenders and to
18 authorize law enforcement agencies to notify the public and
19 communities of the presence of a career offender.

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

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

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

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

28 (a) "Career offender" means any person who is
29 designated as a habitual violent felony offender, a violent
30 career criminal, or a three-time violent felony offender under
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1 s. 775.084 or as a prison releasee reoffender under s.
2 775.082(9).

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

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

8 (d) "Department" means the Department of Law
9 Enforcement.

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

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

18 (g) "Temporary residence" means:

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

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

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

1 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.--
2 (a) A career offender released on or after January 1,
3 2003, from a sanction imposed in this state for a designation
4 as a habitual violent felony offender, a violent career
5 criminal, or a three-time violent felony offender under s.
6 775.084 or as a prison releasee reoffender under s. 775.082(9)
7 must register as required under subsection (4) and is subject
8 to community and public notification as provided under
9 subsection (7). For purposes of this section, a sanction
10 imposed in this state includes, but is not limited to, a fine,
11 probation, community control, parole, conditional release,
12 control release, or incarceration in a state prison, private
13 correctional facility, or local detention facility, and:
14 1. The career offender has not received a pardon for
15 any felony or other qualified offense that is necessary for
16 the operation of this paragraph; or
17 2. A conviction of a felony or other qualified offense
18 necessary to the operation of this paragraph has not been set
19 aside in any postconviction proceeding.
20 (b) This section does not apply to any person who has
21 been designated as a sexual predator and required to register
22 under s. 775.21 or who is required to register as a sexual
23 offender under s. 943.0435 or s. 944.607. However, if a person
24 is no longer required to register as a sexual predator under
25 s. 775.21 or as a sexual offender under s. 943.0435 or s.
26 944.607, the person must register as a career offender under
27 this section if the person is otherwise designated as a career
28 offender as provided in this section.
29 (c) A person subject to registration as a career
30 offender is not subject to registration as a convicted felon
31 under s. 775.13. However, if the person is no longer required

1 to register as a career offender under this section, the
2 person must register under s. 775.13 if required to do so
3 under that section.

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

10 (4) REGISTRATION.--

11 (a) A career offender must register with the
12 department by providing the following information to the
13 department, or to the sheriff's office in the county in which
14 the career offender establishes or maintains a permanent or
15 temporary residence, within 2 working days after establishing
16 permanent or temporary residence in this state or within 2
17 working days after being released from the custody, control,
18 or supervision of the Department of Corrections or from the
19 custody of a private correctional facility:

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

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

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

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

22 (c) Within 2 working days after the registration
23 required under paragraph (a), a career offender who is not
24 incarcerated and who resides in the community, including a
25 career offender under the supervision of the Department of
26 Corrections pursuant to s. 944.608, shall register in person
27 at a driver's license office of the Department of Highway
28 Safety and Motor Vehicles and shall present proof of
29 registration. At the driver's license office, the career
30 offender shall:

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

28 2. Pay the costs assessed by the Department of Highway
29 Safety and Motor Vehicles for issuing or renewing a driver's
30 license or identification card as required by this section.
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1 3. Provide, upon request, any additional information
2 necessary to confirm the identity of the career offender,
3 including a set of fingerprints.

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

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

24 (f) A career offender who intends to establish
25 residence in another state or jurisdiction other than the
26 state of Florida shall report in person to the sheriff of the
27 county of current residence or the department within 2 working
28 days before the date he or she intends to leave this state to
29 establish residence in another state or jurisdiction other
30 than the state of Florida. If the career offender is under the
31 supervision of the Department of Corrections, the career

1 offender shall notify the supervising probation officer of his
2 or her intent to transfer supervision, satisfy all transfer
3 requirements pursuant to the Interstate Compact for
4 Supervision of Adult Offenders, as provided in s. 949.07, and
5 abide by the decision of the receiving jurisdiction to accept
6 or deny transfer. The career offender must provide to the
7 sheriff or department the address, municipality, county, and
8 state of intended residence. The sheriff shall promptly
9 provide to the department the information received from the
10 career offender. The failure of a career offender to provide
11 his or her intended place of residence is punishable as
12 provided in subsection (10).

13 (g) A career offender who indicates his or her intent
14 to reside in a state or jurisdiction other than the state of
15 Florida and later decides to remain in this state shall,
16 within 2 working days after the date upon which the career
17 offender indicated he or she would leave this state, report in
18 person to the sheriff or the department, whichever agency is
19 the agency to which the career offender reported the intended
20 change of residence, of his or her intent to remain in this
21 state. If the sheriff is notified by the career offender that
22 he or she intends to remain in this state, the sheriff shall
23 promptly report this information to the department. A career
24 offender who reports his or her intent to reside in a state or
25 jurisdiction other than the state of Florida, but who remains
26 in this state without reporting to the sheriff or the
27 department in the manner required by this paragraph, commits a
28 felony of the second degree, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084.

30 (h)1. The department shall maintain on-line computer
31 access to the current information regarding each registered

1 career offender. The department must maintain hotline access
2 so that state, local, and federal law enforcement agencies may
3 obtain instantaneous locator file and criminal characteristics
4 information on release and registration of career offenders
5 for purposes of monitoring, tracking, and prosecution. The
6 photograph and fingerprints need not be stored in a
7 computerized format.

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

20 3. The department shall adopt guidelines as necessary
21 regarding the registration of a career offender and the
22 dissemination of information regarding a career offender as
23 required by this section.

24 (i) A career offender must maintain registration with
25 the department for the duration of his or her life, unless the
26 career offender has received a full pardon or has had a
27 conviction set aside in a postconviction proceeding for any
28 offense that meets the criteria for classifying the person as
29 a career offender for purposes of registration. However, a
30 registered career offender who has been lawfully released from
31 confinement, supervision, or sanction, whichever is later, for

1 at least 20 years and has not been arrested for any felony or
2 misdemeanor offense since release may petition the criminal
3 division of the circuit court of the circuit in which the
4 registered career offender resides for the purpose of removing
5 the requirement for registration as a career offender. The
6 court may grant or deny such relief if the registered career
7 offender demonstrates to the court that he or she has not been
8 arrested for any crime since release and the court is
9 otherwise satisfied that the registered career offender is not
10 a current or potential threat to public safety. The state
11 attorney in the circuit in which the petition is filed must be
12 given notice of the petition at least 3 weeks before the
13 hearing on the matter. The state attorney may present evidence
14 in opposition to the requested relief or may otherwise
15 demonstrate the reasons why the petition should be denied. If
16 the court denies the petition, the court may set a future date
17 at which the registered career offender may again petition the
18 court for relief, subject to the standards for relief provided
19 in this paragraph. The department shall remove a person from
20 classification as a career offender for purposes of
21 registration if the person provides to the department a
22 certified copy of the court's written findings or order that
23 indicates that the person is no longer required to comply with
24 the requirements for registration as a career offender.

25 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

26 (a) Law enforcement agencies may inform the community
27 and the public of the presence of a career offender in the
28 community. Upon notification of the presence of a career
29 offender, the sheriff of the county or the chief of police of
30 the municipality where the career offender establishes or
31 maintains a permanent or temporary residence may notify the

1 community and the public of the presence of the career
2 offender in a manner deemed appropriate by the sheriff or the
3 chief of police.

4 (b) The sheriff or the police chief may coordinate the
5 community and public-notification efforts with the department.
6 Statewide notification to the public is authorized, as deemed
7 appropriate by local law enforcement personnel and the
8 department.

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

21 (9) IMMUNITY.--The department, the Department of
22 Highway Safety and Motor Vehicles, the Department of
23 Corrections, any law enforcement agency in this state, and the
24 personnel of those departments; an elected or appointed
25 official, public employee, or school administrator; or an
26 employee, agency, or any individual or entity acting at the
27 request or upon the direction of any law enforcement agency is
28 immune from civil liability for damages for good-faith
29 compliance with the requirements of this section or for the
30 release of information under this section and shall be
31 presumed to have acted in good faith in compiling, recording,

1 reporting, or releasing the information. The presumption of
2 good faith is not overcome if a technical or clerical error is
3 made by the department, the Department of Highway Safety and
4 Motor Vehicles, the Department of Corrections, the personnel
5 of those departments, or any individual or entity acting at
6 the request or upon the direction of any of those departments
7 in compiling or providing information, or if information is
8 incomplete or incorrect because a career offender fails to
9 report or falsely reports his or her current place of
10 permanent or temporary residence.

11 (10) PENALTIES.--

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

21 (b) Any person who misuses public records information
22 concerning a career offender, as defined in this section, or a
23 career offender, as defined in s. 944.608 or s. 944.609, to
24 secure a payment from such career offender; who knowingly
25 distributes or publishes false information concerning such a
26 career offender which the person misrepresents as being public
27 records information; or who materially alters public records
28 information with the intent to misrepresent the information,
29 including documents, summaries of public records information
30 provided by law enforcement agencies, or public records
31 information displayed by law enforcement agencies on websites

1 or provided through other means of communication, commits a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082 or s. 775.083.

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

13 Section 4. Section 944.608, Florida Statutes, is
14 created to read:

15 944.608 Notification to Department of Law Enforcement
16 of information on career offenders.--

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

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

31

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

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

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

22 (a) The information obtained from the career offender
23 under subsection (3);

24 (b) The career offender's most current address and
25 place of permanent and temporary residence within the state or
26 out of state while the career offender is under supervision in
27 this state, including the name of the county or municipality
28 in which the career offender permanently or temporarily
29 resides and, if known, the intended place of permanent or
30 temporary residence upon satisfaction of all sanctions;
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1 (c) The legal status of the career offender and the
2 scheduled termination date of that legal status;

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

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

18 (6)(a) The department shall notify the Department of
19 Law Enforcement if the career offender escapes, absconds, or
20 dies while in the custody or control of, or under the
21 supervision of, the department.

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

29 (7) A career offender who is under the supervision of
30 the department but who is not incarcerated shall, in addition
31 to the registration requirements provided in subsection (3),

1 register in the manner provided in s. 775.261(4)(c), unless
2 the career offender is a sexual predator, in which case he or
3 she shall register as required under s. 775.21, or is a sexual
4 offender, in which case he or she shall register as required
5 in s. 944.607. A career offender who fails to comply with the
6 requirements of s. 775.261(4) is subject to the penalties
7 provided in s. 775.261(10).

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

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

31

1 Section 5. Section 944.609, Florida Statutes, is
2 created to read:

3 944.609 Career offenders; notification upon release.--

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

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

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

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

29 2. The department may provide any other information
30 deemed necessary, including criminal and corrections records
31

1 and nonprivileged personnel and treatment records, when
2 available.

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

5 1. The sheriff of the county where the career offender
6 was sentenced;

7 2. The sheriff of the county and, if applicable, the
8 police chief of the municipality, where the career offender
9 plans to reside;

10 3. The Department of Law Enforcement;

11 4. When requested, the victim of the offense, the
12 victim's parent or legal guardian if the victim is a minor,
13 the lawful representative of the victim or of the victim's
14 parent or guardian if the victim is a minor, or the next of
15 kin if the victim is a homicide victim; and

16 5. Any person who requests such information,
17
18 within 6 months prior to the anticipated release of a career
19 offender or as soon as possible if a career offender is
20 released earlier than anticipated. All such information
21 provided to the Department of Law Enforcement must be
22 available electronically as soon as the information is in the
23 agency's database and must be in a format that is compatible
24 with the requirements of the Florida Crime Information Center.

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

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

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

1
2 within 6 months prior to the anticipated release of a career
3 offender or as soon as possible if a career offender is
4 released earlier than anticipated.

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

13 (4) The department or any law enforcement agency may
14 notify the community and the public of a career offender's
15 presence in the community. However, with respect to a career
16 offender who has been found to be a sexual predator under s.
17 775.21, the Department of Law Enforcement or any other law
18 enforcement agency must inform the community and the public of
19 the career offender's presence in the community, as provided
20 in s. 775.21.

21 (5) An elected or appointed official, public employee,
22 school administrator or employee, or agency, or any individual
23 or entity acting at the request or upon the direction of any
24 law enforcement agency, is immune from civil liability for
25 damages resulting from the good-faith compliance with the
26 requirements of this section or the release of information
27 under this section.

28 Section 6. For fiscal year 2002-2003, the sum of
29 \$172,800 from nonrecurring general revenue is appropriated to
30 the Department of Highway Safety and Motor Vehicles, and five
31 full-time-equivalent positions and \$338,134 from recurring

1 general revenue and \$244,100 from nonrecurring general revenue
2 is appropriated to the Department of Law Enforcement for the
3 purpose of implementing this act.

4 Section 7. This act shall take effect July 1, 2002.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS/CS/SB 90 & 554

9 Provides \$172,800 to the Department of Highway Safety and
10 Motor Vehicles for computer programming modifications.

11 Provides \$582,234 to the Department of Law Enforcement for
12 hardware and software purchases, programming services, and
13 staffing to maintain the statewide registration system.

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