

1 A bill to be entitled
 2 An act relating to career offender and murderer
 3 registration; amending s. 775.261, F.S.; providing for
 4 registration of murderers as well career offenders;
 5 defining terms; providing criteria for murderer
 6 registration; specifying registration information that
 7 must be provided by murderers; providing for reporting by
 8 murderers; requiring lifetime registration; providing
 9 exceptions; providing penalties for violations; providing
 10 for prosecution of violations; amending ss. 775.13 and
 11 944.608, F.S.; conforming provisions; providing an
 12 effective date.

13

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

15

16 Section 1. Section 775.261, Florida Statutes, is amended
 17 to read:

18 775.261 The Florida Career Offender and Murderer
 19 Registration Act.--

20 (1) SHORT TITLE.--This section may be cited as "The
 21 Florida Career Offender and Murderer Registration Act."

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

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

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

29 (c) "Community" means any county where the career offender
 30 or murderer lives or otherwise establishes or maintains a
 31 temporary or permanent residence.

32 (d) "Department" means the Department of Law Enforcement.

33 (e) "Entering the county" includes being discharged from a
 34 correctional facility, jail, or secure treatment facility within
 35 the county or being under supervision within the county with a
 36 career-offender designation as specified in paragraph (a).

37 (f) "Murder" means the unlawful killing of a human being
 38 under s. 782.04 or under any comparable law of any other
 39 jurisdiction.

40 (g) "Murderer" means any person who has been convicted of
 41 murder as defined under s. 782.04 or under any comparable law of
 42 any other jurisdiction.

43 (h)~~(f)~~ "Permanent residence" means a place where the
 44 career offender or murderer abides, lodges, or resides for 14 or
 45 more consecutive days.

46 (i)~~(g)~~ "Temporary residence" means:

47 1. A place where the career offender or murderer abides,
 48 lodges, or resides for a period of 14 or more days in the
 49 aggregate during any calendar year and which is not his or her
 50 ~~the career offender's~~ permanent address;

51 2. For a career offender or murderer whose permanent
 52 residence is not in this state, a place where he or she ~~the~~
 53 ~~career-offender~~ is employed, practices a vocation, or is
 54 enrolled as a student for any period of time in this state; or

55 3. A place where the career offender or murderer routinely
 56 abides, lodges, or resides for a period of 4 or more consecutive

57 or nonconsecutive days in any month and which is not his or her
 58 ~~the career offender's~~ permanent residence, including any out-of-
 59 state address.

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

61 (a) A career offender released on or after January 1,
 62 2003, from a sanction imposed in this state for a designation as
 63 a habitual violent felony offender, a violent career criminal,
 64 or a three-time violent felony offender under s. 775.084 or as a
 65 prison releasee reoffender under s. 775.082(9) must register as
 66 required under subsection (5)~~(4)~~ and is subject to community and
 67 public notification as provided under subsection (6)~~(5)~~. For
 68 purposes of this section, a sanction imposed in this state
 69 includes, but is not limited to, a fine, probation, community
 70 control, parole, conditional release, control release, or
 71 incarceration in a state prison, private correctional facility,
 72 or local detention facility, and:

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

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

79 (b) This section does not apply to any person who has been
 80 designated as a sexual predator and required to register under
 81 s. 775.21 or who is required to register as a sexual offender
 82 under s. 943.0435 or s. 944.607. However, if a person is no
 83 longer required to register as a sexual predator under s. 775.21
 84 or as a sexual offender under s. 943.0435 or s. 944.607, the

85 person must register as a career offender under this section if
 86 the person is otherwise designated as a career offender as
 87 provided in this section.

88 (c) A person subject to registration as a career offender
 89 is not subject to registration as a convicted felon under s.
 90 775.13. However, if the person is no longer required to register
 91 as a career offender under this section, the person must
 92 register under s. 775.13 if required to do so under that
 93 section.

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

100 (4) CRITERIA FOR REGISTRATION AS A CONVICTED MURDERER.--A
 101 convicted murderer released on or after January 1, 2006, from a
 102 sanction imposed in this state or in any other jurisdiction for
 103 murder must register as required under subsection (5) and is
 104 subject to community and public notification as provided under
 105 subsection (6). For purposes of this section, a sanction imposed
 106 in this state includes, but is not limited to, a fine,
 107 probation, community control, parole, conditional release,
 108 control release, or incarceration in a state prison, private
 109 correctional facility, or local detention facility, and:

110 (a) The murderer has not received a pardon for a murder
 111 that is necessary for the operation of this paragraph; or

112 (b) A conviction of a murder necessary to the operation of

113 this paragraph has not been set aside in any postconviction
 114 proceeding.

115 (5)(4) REGISTRATION.--

116 (a) A career offender must register with the department by
 117 providing the following information to the department, or to the
 118 sheriff's office in the county in which the career offender
 119 establishes or maintains a permanent or temporary residence,
 120 within 2 working days after establishing permanent or temporary
 121 residence in this state or within 2 working days after being
 122 released from the custody, control, or supervision of the
 123 Department of Corrections or from the custody of a private
 124 correctional facility. A murderer must register with the
 125 department by providing the following information to the
 126 department within 2 working days after establishing permanent or
 127 temporary residence in this state or within 2 working days after
 128 being released from the custody, control, or supervision of the
 129 Department of Corrections, from the custody of a private
 130 correctional facility, or from the custody of any other
 131 jurisdiction:

132 1. Name, social security number, age, race, gender, date
 133 of birth, height, weight, hair and eye color, photograph,
 134 address of legal residence and address of any current temporary
 135 residence within the state or out of state, including a rural
 136 route address or a post office box, date and place of any
 137 employment, date and place of each conviction, fingerprints, and
 138 a brief description of the crime or crimes committed by the
 139 career offender or murderer. A career offender or murderer may
 140 not provide a post office box in lieu of a physical residential

141 address. If the career offender's or murderer's place of
142 residence is a motor vehicle, trailer, mobile home, or
143 manufactured home, as defined in chapter 320, he or she ~~the~~
144 ~~career offender~~ shall also provide to the department written
145 notice of the vehicle identification number; the license tag
146 number; the registration number; and a description, including
147 color scheme, of the motor vehicle, trailer, mobile home, or
148 manufactured home. If a career offender's or murderer's place of
149 residence is a vessel, live-aboard vessel, or houseboat, as
150 defined in chapter 327, he or she ~~the career offender~~ shall also
151 provide to the department written notice of the hull
152 identification number; the manufacturer's serial number; the
153 name of the vessel, live-aboard vessel, or houseboat; the
154 registration number; and a description, including color scheme,
155 of the vessel, live-aboard vessel, or houseboat.

156 2. Any other information determined necessary by the
157 department, including criminal and corrections records;
158 nonprivileged personnel and treatment records; and evidentiary
159 genetic markers when available. A murderer must also provide a
160 photograph and a set of fingerprints to the department. A
161 murderer must also provide the change of address of legal
162 residence or name change by reason of marriage or other legal
163 process within 2 working days after any such change.

164 (b) If a career offender registers with the sheriff's
165 office, the sheriff shall take a photograph and a set of
166 fingerprints of the career offender and forward the photographs
167 and fingerprints to the department, along with the information

168 that the career offender is required to provide pursuant to this
169 section.

170 (c) Within 2 working days after the registration required
171 under paragraph (a), a career offender who is not incarcerated
172 and who resides in the community, including a career offender
173 under the supervision of the Department of Corrections pursuant
174 to s. 944.608, shall register in person at a driver's license
175 office of the Department of Highway Safety and Motor Vehicles
176 and shall present proof of registration. At the driver's license
177 office, the career offender shall:

178 1. If otherwise qualified, secure a Florida driver's
179 license, renew a Florida driver's license, or secure an
180 identification card. The career offender shall identify himself
181 or herself as a career offender who is required to comply with
182 this section, provide his or her place of permanent or temporary
183 residence, including a rural route address or a post office box,
184 and submit to the taking of a photograph for use in issuing a
185 driver's license, renewed license, or identification card, and
186 for use by the department in maintaining current records of
187 career offenders. The career offender may not provide a post
188 office box in lieu of a physical residential address. If the
189 career offender's place of residence is a motor vehicle,
190 trailer, mobile home, or manufactured home, as defined in
191 chapter 320, the career offender shall also provide to the
192 Department of Highway Safety and Motor Vehicles the vehicle
193 identification number; the license tag number; the motor vehicle
194 registration number; and a description, including color scheme,
195 of the motor vehicle, trailer, mobile home, or manufactured

196 home. If a career offender's place of residence is a vessel,
197 live-aboard vessel, or houseboat, as defined in chapter 327, the
198 career offender shall also provide to the Department of Highway
199 Safety and Motor Vehicles the hull identification number; the
200 manufacturer's serial number; the name of the vessel, live-
201 aboard vessel, or houseboat; the registration number; and a
202 description, including color scheme, of the vessel, live-aboard
203 vessel, or houseboat.

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

207 3. Provide, upon request, any additional information
208 necessary to confirm the identity of the career offender,
209 including a set of fingerprints.

210 (d) Each time a career offender's driver's license or
211 identification card is subject to renewal, and within 2 working
212 days after any change of the career offender's residence or
213 change in the career offender's name by reason of marriage or
214 other legal process, the career offender must report in person
215 to a driver's license office, and shall be subject to the
216 requirements specified in paragraph (c). The Department of
217 Highway Safety and Motor Vehicles shall forward to the
218 department and to the Department of Corrections all photographs
219 and information provided by career offenders. Notwithstanding
220 the restrictions set forth in s. 322.142, the Department of
221 Highway Safety and Motor Vehicles may release a reproduction of
222 a color-photograph or digital-image license to the department

223 for purposes of public notification of career offenders as
224 provided in this section.

225 (e) If the career offender or murderer registers at an
226 office of the department, the department must notify the sheriff
227 and, if applicable, the police chief of the municipality, where
228 the career offender or murderer maintains a residence within 48
229 hours after he or she ~~the career offender~~ registers with the
230 department.

231 (f) A career offender who intends to establish residence
232 in another state or jurisdiction other than the State of Florida
233 shall report in person to the sheriff of the county of current
234 residence or the department within 2 working days before the
235 date he or she intends to leave this state to establish
236 residence in another state or jurisdiction other than the State
237 of Florida. A murderer must also comply with the reporting
238 requirements of paragraphs (a)-(e) and this paragraph by
239 providing the required information to the department. If the
240 career offender or murderer is under the supervision of the
241 Department of Corrections, the career offender or murderer shall
242 notify the supervising probation officer of his or her intent to
243 transfer supervision, satisfy all transfer requirements pursuant
244 to the Interstate Compact for Supervision of Adult Offenders, as
245 provided in s. 949.07, and abide by the decision of the
246 receiving jurisdiction to accept or deny transfer. The career
247 offender must provide to the sheriff or department the address,
248 municipality, county, and state of intended residence. The
249 sheriff shall promptly provide to the department the information
250 received from the career offender. The failure of a career

251 offender or murderer to provide his or her intended place of
 252 residence is punishable as provided in subsection (9)(8).

253 (g) A career offender or murderer who indicates his or her
 254 intent to reside in a state or jurisdiction other than the State
 255 of Florida and later decides to remain in this state shall,
 256 within 2 working days after the date upon which the career
 257 offender or murderer indicated he or she would leave this state,
 258 report in person to the sheriff or the department, whichever
 259 agency is the agency to which the career offender or murderer
 260 reported the intended change of residence, of his or her intent
 261 to remain in this state. If the sheriff is notified by the
 262 career offender or murderer that he or she intends to remain in
 263 this state, the sheriff shall promptly report this information
 264 to the department. A career offender or murderer who reports his
 265 or her intent to reside in a state or jurisdiction other than
 266 the State of Florida, but who remains in this state without
 267 reporting to the sheriff or the department in the manner
 268 required by this paragraph, commits a felony of the second
 269 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 270 775.084.

271 (h)1. The department shall maintain on-line computer
 272 access to the current information regarding each registered
 273 career offender or murderer. The department must maintain
 274 hotline access so that state, local, and federal law enforcement
 275 agencies may obtain instantaneous locator file and criminal
 276 characteristics information on release and registration of
 277 career offenders or murderers for purposes of monitoring,

278 tracking, and prosecution. The photograph and fingerprints need
 279 not be stored in a computerized format.

280 2. The department's career offender and murderer
 281 registration lists list, containing the information described in
 282 subparagraph (a)1., are subject to chapter 119 is a public
 283 ~~record~~. The department may disseminate this public information
 284 by any means deemed appropriate, including operating a toll-free
 285 telephone number for this purpose. When the department provides
 286 information regarding a career offender or murderer to the
 287 public, department personnel must advise the person making the
 288 inquiry that positive identification of a person believed to be
 289 a career offender or murderer cannot be established unless a
 290 fingerprint comparison is made, and that it is illegal to use
 291 public information regarding a career offender or murderer to
 292 facilitate the commission of a crime.

293 3. The department shall adopt guidelines as necessary
 294 regarding the registration of a career offender or murderer and
 295 the dissemination of information regarding a career offender or
 296 murderer as required by this section.

297 (i) A career offender must maintain registration with the
 298 department for the duration of his or her life, unless the
 299 career offender has received a full pardon or has had a
 300 conviction set aside in a postconviction proceeding for any
 301 offense that meets the criteria for classifying the person as a
 302 career offender for purposes of registration. However, a
 303 registered career offender who has been lawfully released from
 304 confinement, supervision, or sanction, whichever is later, for
 305 at least 20 years and has not been arrested for any felony or

306 | misdemeanor offense since release may petition the criminal
 307 | division of the circuit court of the circuit in which the
 308 | registered career offender resides for the purpose of removing
 309 | the requirement for registration as a career offender. The court
 310 | may grant or deny such relief if the registered career offender
 311 | demonstrates to the court that he or she has not been arrested
 312 | for any crime since release and the court is otherwise satisfied
 313 | that the registered career offender is not a current or
 314 | potential threat to public safety. The state attorney in the
 315 | circuit in which the petition is filed must be given notice of
 316 | the petition at least 3 weeks before the hearing on the matter.
 317 | The state attorney may present evidence in opposition to the
 318 | requested relief or may otherwise demonstrate the reasons why
 319 | the petition should be denied. If the court denies the petition,
 320 | the court may set a future date at which the registered career
 321 | offender may again petition the court for relief, subject to the
 322 | standards for relief provided in this paragraph. The department
 323 | shall remove a person from classification as a career offender
 324 | for purposes of registration if the person provides to the
 325 | department a certified copy of the court's written findings or
 326 | order that indicates that the person is no longer required to
 327 | comply with the requirements for registration as a career
 328 | offender.

329 | (j) A murderer must maintain registration with the
 330 | department for the duration of his or her life, subject to the
 331 | provisions of paragraph (a).

332 | ~~(6)(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.--

333 (a) Law enforcement agencies may inform the community and
 334 the public of the presence of a career offender or murderer in
 335 the community. Upon notification of the presence of a career
 336 offender or murderer, the sheriff of the county or the chief of
 337 police of the municipality where the career offender or murderer
 338 establishes or maintains a permanent or temporary residence may
 339 notify the community and the public of the presence of the
 340 career offender or murderer in a manner deemed appropriate by
 341 the sheriff or the chief of police.

342 (b) The sheriff or the police chief may coordinate the
 343 community and public notification efforts with the department.
 344 Statewide notification to the public is authorized, as deemed
 345 appropriate by local law enforcement personnel and the
 346 department.

347 ~~(7)(6)~~ VERIFICATION.--The department and the Department of
 348 Corrections shall implement a system for verifying the addresses
 349 of career offenders and murderers. The sheriff of each county
 350 shall annually verify the addresses of career offenders and
 351 murderers who are not under the care, custody, control, or
 352 supervision of the Department of Corrections. The sheriff shall
 353 promptly provide the address verification information to the
 354 department in an electronic format. The address verification
 355 information must include the verifying person's name, agency,
 356 and phone number, the date of verification, and the method of
 357 verification, and must specify whether the address information
 358 was verified as correct, incorrect, or unconfirmed.

359 ~~(8)(7)~~ IMMUNITY.--The department, the Department of
 360 Highway Safety and Motor Vehicles, the Department of

361 Corrections, any law enforcement agency in this state, and the
 362 personnel of those departments; an elected or appointed
 363 official, public employee, or school administrator; or an
 364 employee, agency, or any individual or entity acting at the
 365 request or upon the direction of any law enforcement agency is
 366 immune from civil liability for damages for good faith
 367 compliance with the requirements of this section or for the
 368 release of information under this section and shall be presumed
 369 to have acted in good faith in compiling, recording, reporting,
 370 or releasing the information. The presumption of good faith is
 371 not overcome if a technical or clerical error is made by the
 372 department, the Department of Highway Safety and Motor Vehicles,
 373 the Department of Corrections, the personnel of those
 374 departments, or any individual or entity acting at the request
 375 or upon the direction of any of those departments in compiling
 376 or providing information, or if information is incomplete or
 377 incorrect because a career offender or murderer fails to report
 378 or falsely reports his or her current place of permanent or
 379 temporary residence.

380 (9)~~(8)~~ PENALTIES.--

381 (a) Except as otherwise specifically provided, a career
 382 offender who fails to register; who fails, after registration,
 383 to maintain, acquire, or renew a driver's license or
 384 identification card; who fails to provide required location
 385 information or change-of-name information; or who otherwise
 386 fails, by act or omission, to comply with the requirements of
 387 this section, commits a felony of the third degree, punishable
 388 as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

389 (b) A murderer who fails to register, or who otherwise
 390 fails, by act or omission, to comply with the requirements of
 391 this section, commits a felony of the third degree, punishable
 392 as provided in s. 775.082 or s. 775.083.

393 ~~(c)(b)~~ Any person who misuses public records information
 394 concerning a career offender or murderer, as defined in this
 395 section, or a career offender, as defined in s. 944.608 or s.
 396 944.609, to secure a payment from such career offender or
 397 murderer; who knowingly distributes or publishes false
 398 information concerning such a career offender or murderer which
 399 the person misrepresents as being public records information; or
 400 who materially alters public records information with the intent
 401 to misrepresent the information, including documents, summaries
 402 of public records information provided by law enforcement
 403 agencies, or public records information displayed by law
 404 enforcement agencies on websites or provided through other means
 405 of communication, commits a misdemeanor of the first degree,
 406 punishable as provided in s. 775.082 or s. 775.083.

407 ~~(10)(9)~~ PROSECUTIONS FOR ACTS OR OMISSIONS.--

408 (a) A career offender who commits any act or omission in
 409 violation of this section, s. 944.608, or s. 944.609 may be
 410 prosecuted for the act or omission in the county in which the
 411 act or omission was committed, the county of the last registered
 412 address of the career offender, the county in which the
 413 conviction occurred for the offense or offenses that meet the
 414 criteria for designating a person as a career offender, or in
 415 the county in which he or she was designated a career offender.

416 (b) A murderer who commits any act or omission in
 417 violation of this section may be prosecuted for the act or
 418 omission in the county in which the act or omission was
 419 committed, the county of the last registered address of the
 420 murderer, the county in which the conviction occurred for the
 421 offense or offenses that meet the criteria for designating a
 422 person as a murderer, or in the county in which he or she was
 423 designated a murderer.

424 Section 2. Paragraph (h) is added to subsection (5) of
 425 section 775.13, Florida Statutes, to read:

426 775.13 Registration of convicted felons, exemptions;
 427 penalties.--

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

429 (h) Who is a murderer who has registered as required in s.
 430 775.261.

431 Section 3. Subsection (7) of section 944.608, Florida
 432 Statutes, is amended to read:

433 944.608 Notification to Department of Law Enforcement of
 434 information on career offenders.--

435 (7) A career offender who is under the supervision of the
 436 department but who is not incarcerated shall, in addition to the
 437 registration requirements provided in subsection (3), register
 438 in the manner provided in s. 775.261~~(4)(e)~~, unless the career
 439 offender is a sexual predator, in which case he or she shall
 440 register as required under s. 775.21~~i~~~~;~~~~or~~ is a sexual offender,
 441 in which case he or she shall register as required in s.
 442 944.607; or is a murderer, in which case he or she shall
 443 register as required in s. 775.261. A career offender who fails

HB 1387

2005

444 | to comply with the requirements of s. 775.261~~(4)~~ is subject to
445 | the penalties provided in that section ~~s. 775.261(8)~~.

446 | Section 4. This act shall take effect July 1, 2005.