

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to career offender and murderer  
7 registration; amending s. 775.13, F.S.; exempting a  
8 murderer who has registered under another provision of law  
9 from certain registration requirements; amending s.  
10 775.26, F.S.; providing legislative intent relating to  
11 registration of murderers and public notification;  
12 amending s. 775.261, F.S.; providing a short title;  
13 revising and providing definitions; providing criteria for  
14 the registration of persons convicted of murder; providing  
15 exemptions; requiring the clerk of court to secure and  
16 distribute fingerprints of a convicted murderer who is not  
17 sentenced to prison; requiring a person convicted of  
18 murder to register and provide certain information;  
19 requiring the sheriff to secure and distribute a photo and  
20 fingerprints of a registered murderer; requiring the  
21 Department of Highway Safety and Motor Vehicles to forward  
22 to the Department of Law Enforcement and the Department of  
23 Corrections certain of the information provided by a

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24 registered murderer; providing for notice to law  
25 enforcement officials of the residence of a registered  
26 murderer; providing criminal penalties for a murderer who  
27 fails to provide certain information regarding residence;  
28 providing for the adoption of guidelines governing  
29 registration as a murderer and dissemination of  
30 information regarding a murderer; providing for removal of  
31 a person from classification as a murderer; authorizing a  
32 law enforcement agency to notify the community that a  
33 person convicted of murder is present in the community;  
34 requiring development of a system to verify the address of  
35 persons convicted of murder; providing that a person  
36 convicted of murder commits a felony of the third degree  
37 if he or she fails to register or otherwise violates the  
38 act; specifying the locations in which a person convicted  
39 of murder may be prosecuted for violations of the act;  
40 amending s. 944.608, F.S.; defining the term "murderer";  
41 requiring the clerk of court to collect and distribute to  
42 the Department of Corrections the fingerprints of a  
43 murderer who is not sentenced to prison; providing for  
44 registration of a murderer who is not incarcerated;  
45 requiring a registered murderer to provide certain  
46 information; directing the department to compile  
47 information relating to registered murderers; providing  
48 for distribution of information compiled by the department  
49 to the Department of Law Enforcement; providing that a  
50 murderer who violates the section commits a felony of the  
51 third degree; amending s. 944.609, F.S.; defining the term

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 "murderer"; providing legislative intent; directing the  
 53 Department of Corrections to provide information regarding  
 54 a murderer who is being released from incarceration to  
 55 certain law enforcement officials and other persons;  
 56 authorizing a law enforcement agency to notify the  
 57 community that a murderer is present in the community;  
 58 providing an effective date.  
 59

60 Be It Enacted by the Legislature of the State of Florida:  
 61

62 Section 1. Paragraphs (f) and (g) of subsection (5) of  
 63 section 775.13, Florida Statutes, are amended, and paragraph (h)  
 64 is added to said subsection, to read:

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

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

68 (g) Who is a career offender who has registered as  
 69 required in s. 775.261 or s. 944.609; or

70 (h) Who is a murderer who has registered as required in s.  
 71 775.261.

72 Section 2. Section 775.26, Florida Statutes, is amended to  
 73 read:

74 775.26 Registration of career offenders and murderers;  
 75 public notification; legislative findings and intent.--The  
 76 Legislature finds that certain career offenders and murderers,  
 77 by virtue of their histories of offenses, present a threat to  
 78 the public and to communities. The Legislature finds that  
 79 requiring these career offenders and murderers to register for

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80 | the purpose of tracking them ~~these career offenders~~ and that  
 81 | providing for notification of ~~notifying~~ the public and a  
 82 | community of the presence of a career offender or murderer are  
 83 | important aids to law enforcement agencies, the public, and  
 84 | communities if a career offender or murderer engages again in  
 85 | criminal conduct. Registration is intended to aid law  
 86 | enforcement agencies in timely apprehending a career offender or  
 87 | murderer. Registration is not a punishment, but merely a status.  
 88 | Notification to the public and communities of the presence of a  
 89 | career offender or murderer aids the public and communities in  
 90 | avoiding victimization ~~being victimized~~ by a career offender or  
 91 | murderer. The Legislature intends to require the registration of  
 92 | career offenders and murderers and to authorize law enforcement  
 93 | agencies to notify the public and communities of the presence of  
 94 | a career offender or murderer.

95 | Section 3. Section 775.261, Florida Statutes, is amended  
 96 | to read:

97 | 775.261 The Florida Career Offender and Murderer  
 98 | Registration Act.--

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

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

102 | (a) "Career offender" means any person who is designated  
 103 | as a habitual violent felony offender, a violent career  
 104 | criminal, or a three-time violent felony offender under s.  
 105 | 775.084 or as a prison releasee reoffender under s. 775.082(9).

106 | (b) "Chief of police" means the chief law enforcement  
 107 | officer of a municipality.

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108 (c) "Community" means any county where the career offender  
109 or murderer lives or otherwise establishes or maintains a  
110 temporary or permanent residence.

111 (d) "Conviction" or "convicted" means a determination of  
112 guilt that is the result of a trial or the entry of a plea of  
113 guilty or nolo contendere, regardless of whether adjudication is  
114 withheld. A conviction for a similar offense includes, but is  
115 not limited to, a conviction by a federal or military tribunal,  
116 including a court-martial conducted by the Armed Forces of the  
117 United States, and includes a conviction or entry of a plea of  
118 guilty or nolo contendere resulting in a sanction in any state  
119 of the United States or other jurisdiction.

120 (e)~~(d)~~ "Department" means the Department of Law  
121 Enforcement.

122 (f)~~(e)~~ "Entering the county" includes being discharged  
123 from a correctional facility, jail, or secure treatment facility  
124 within the county or being under supervision within the county  
125 with a career-offender designation as specified in paragraph  
126 (a).

127 (g) "Murder" means the unlawful killing of a human being  
128 as described in s. 782.04 or in any comparable law of any other  
129 jurisdiction.

130 (h) "Murderer" means any person who has been convicted of  
131 murder as described in s. 782.04 or under any comparable law of  
132 any other jurisdiction.

133 (i)~~(f)~~ "Permanent residence" means a place where the  
134 career offender or murderer abides, lodges, or resides for 14 or  
135 more consecutive days.

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136        (j)~~(g)~~ "Temporary residence" means:

137            1. A place where the career offender or murderer abides,

138 lodges, or resides for a period of 14 or more days in the

139 aggregate during any calendar year and ~~which~~ is not his or her

140 ~~the career offender's~~ permanent address;

141            2. For a career offender or murderer whose permanent

142 residence is not in this state, a place where he or she ~~the~~

143 ~~career offender~~ is employed, practices a vocation, or is

144 enrolled as a student for any period of time in this state; or

145            3. A place where the career offender or murderer routinely

146 abides, lodges, or resides for a period of 4 or more consecutive

147 or nonconsecutive days in any month and ~~which~~ is not his or her

148 ~~the career offender's~~ permanent residence, including any out-of-

149 state address.

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

151            (a) A career offender released on or after January 1,

152 2003, from a sanction imposed in this state for a designation as

153 a habitual violent felony offender, a violent career criminal,

154 or a three-time violent felony offender under s. 775.084 or as a

155 prison releasee reoffender under s. 775.082(9) must register as

156 required under subsection (5)~~(4)~~ and is subject to community and

157 public notification as provided under subsection (6)~~(5)~~. For

158 purposes of this section, a sanction imposed in this state

159 includes, but is not limited to, a fine, probation, community

160 control, parole, conditional release, control release, or

161 incarceration in a state prison, private correctional facility,

162 or local detention facility, and:

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

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

169 (b) This subsection ~~section~~ does not apply to any person  
 170 who has been designated as a sexual predator and required to  
 171 register under s. 775.21 or who is required to register as a  
 172 sexual offender under s. 943.0435 or s. 944.607. However, if a  
 173 person is no longer required to register as a sexual predator  
 174 under s. 775.21 or as a sexual offender under s. 943.0435 or s.  
 175 944.607, the person must register as a career offender under  
 176 this subsection ~~section~~ if the person is otherwise designated as  
 177 a career offender as provided in this section.

178 (c) A person subject to registration as a career offender  
 179 is not subject to registration as a convicted felon under s.  
 180 775.13. However, if the person is no longer required to register  
 181 as a career offender under subsection (5) ~~this section~~, the  
 182 person must register under s. 775.13 if required to do so under  
 183 that section.

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

190 (4) CRITERIA FOR REGISTRATION AS A CONVICTED MURDERER.--

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191 (a) A convicted murderer released on or after January 1,  
 192 2006, from a sanction imposed in this state or in any other  
 193 jurisdiction for murder must register as required under  
 194 subsection (5) and is subject to community and public  
 195 notification as provided under subsection (6). For purposes of  
 196 this section, a sanction imposed in this state includes, but is  
 197 not limited to, a fine, probation, community control, parole,  
 198 conditional release, control release, or incarceration in a  
 199 state prison, private correctional facility, or local detention  
 200 facility, and:

201 1. The murderer has not been granted a pardon for a murder  
 202 that is the precondition for the application of this paragraph;  
 203 or

204 2. A conviction of the murder that is the precondition for  
 205 the application of this paragraph has not been set aside in any  
 206 postconviction proceeding.

207 (b) This subsection does not apply to a person who has  
 208 been designated as a sexual predator and is required to register  
 209 under s. 775.21 or who is required to register as a sexual  
 210 offender under s. 943.0435 or s. 944.607. However, if a person  
 211 is no longer required to register as a sexual predator under s.  
 212 775.21 or as a sexual offender under s. 943.607, the person must  
 213 register as a murderer under this subsection if the person is  
 214 otherwise designated as a murderer as provided in this section.

215 (c) A person subject to registration as a murderer is not  
 216 subject to registration as a career offender under subsection  
 217 (3). However, if the person is no longer required to register as  
 218 a murderer under subsection (5) and meets the criteria for



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219 registration as a career offender, the person must register as a  
 220 career offender.

221 (d) A person subject to registration as a murderer is not  
 222 subject to registration as a convicted felon under s. 775.13.  
 223 However, if the person is no longer required to register as a  
 224 murderer under subsection (5), the person must register under s.  
 225 775.13 if required to do so under that section.

226 (e) If a murderer is not sentenced to a term of  
 227 imprisonment, the clerk of court shall ensure that the  
 228 murderer's fingerprints are taken and forwarded to the  
 229 department within 48 hours after the court renders its finding  
 230 that an offender is a murderer. The fingerprint card shall be  
 231 clearly marked "Murderer Registration Card."

232 (5)(4) REGISTRATION.--

233 (a) A career offender or murderer must register with the  
 234 department by providing the following information to the  
 235 department, or to the sheriff's office in the county in which  
 236 the career offender or murderer establishes or maintains a  
 237 permanent or temporary residence, within 2 working days after  
 238 establishing permanent or temporary residence in this state or  
 239 within 2 working days after being released from the custody,  
 240 control, or supervision of the Department of Corrections, ~~or~~  
 241 from the custody of a private correctional facility, or from the  
 242 custody of any other jurisdiction:

243 1. Name, social security number, age, race, gender, date  
 244 of birth, height, weight, hair and eye color, photograph,  
 245 address of legal residence and address of any current temporary  
 246 residence within the state or out of state, including a rural

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247 route address or a post office box, date and place of any  
 248 employment, date and place of each conviction, fingerprints, and  
 249 a brief description of the crime or crimes committed by the  
 250 career offender or murderer. A career offender or murderer may  
 251 not provide a post office box in lieu of a physical residential  
 252 address. If the career offender's or murderer's place of  
 253 residence is a motor vehicle, trailer, mobile home, or  
 254 manufactured home, as defined in chapter 320, the career  
 255 offender or murderer shall also provide to the department  
 256 written notice of the vehicle identification number; the license  
 257 tag number; the registration number; and a description,  
 258 including color scheme, of the motor vehicle, trailer, mobile  
 259 home, or manufactured home. If a career offender's or murderer's  
 260 place of residence is a vessel, live-aboard vessel, or  
 261 houseboat, as defined in chapter 327, the career offender or  
 262 murderer shall also provide to the department written notice of  
 263 the hull identification number; the manufacturer's serial  
 264 number; the name of the vessel, live-aboard vessel, or  
 265 houseboat; the registration number; and a description, including  
 266 color scheme, of the vessel, live-aboard vessel, or houseboat.

267 2. Any other information determined necessary by the  
 268 department, including criminal and corrections records;  
 269 nonprivileged personnel and treatment records; and evidentiary  
 270 genetic markers when available.

271  
 272 A career offender or murderer must notify the department or the  
 273 sheriff within 2 working days after any change in information

274 required by this paragraph, including any change of name by  
 275 reason of marriage or legal proceeding.

276 (b) If a career offender or murderer registers with the  
 277 sheriff's office, the sheriff shall take a photograph and a set  
 278 of fingerprints of the career offender or murderer and forward  
 279 the photographs and fingerprints to the department, along with  
 280 the information that the career offender or murderer is required  
 281 to provide under ~~pursuant to~~ this section.

282 (c) Within 2 working days after the registration required  
 283 under paragraph (a), a career offender or murderer who is not  
 284 incarcerated and who resides in the community, including a  
 285 career offender or murderer under the supervision of the  
 286 Department of Corrections under ~~pursuant to~~ s. 944.608, shall  
 287 register in person at a driver's license office of the  
 288 Department of Highway Safety and Motor Vehicles and shall  
 289 present proof of registration. At the driver's license office,  
 290 the career offender or murderer shall:

291 1. If otherwise qualified, secure a Florida driver's  
 292 license, renew a Florida driver's license, or secure an  
 293 identification card. The career offender or murderer shall  
 294 identify himself or herself as a career offender or murderer who  
 295 is required to comply with this section, provide his or her  
 296 place of permanent or temporary residence, including a rural  
 297 route address or a post office box, and submit to the taking of  
 298 a photograph for use in issuing a driver's license, renewed  
 299 license, or identification card, and for use by the department  
 300 in maintaining current records of career offenders and  
 301 murderers. The career offender or murderer may not provide a

302 | post office box in lieu of a physical residential address. If  
 303 | the career offender's or murderer's place of residence is a  
 304 | motor vehicle, trailer, mobile home, or manufactured home, as  
 305 | defined in chapter 320, the career offender or murderer shall  
 306 | also provide to the Department of Highway Safety and Motor  
 307 | Vehicles the vehicle identification number; the license tag  
 308 | number; the motor vehicle registration number; and a  
 309 | description, including color scheme, of the motor vehicle,  
 310 | trailer, mobile home, or manufactured home. If a career  
 311 | offender's or murderer's place of residence is a vessel, live-  
 312 | aboard vessel, or houseboat, as defined in chapter 327, the  
 313 | career offender or murderer shall also provide to the Department  
 314 | of Highway Safety and Motor Vehicles the hull identification  
 315 | number; the manufacturer's serial number; the name of the  
 316 | vessel, live-aboard vessel, or houseboat; the registration  
 317 | number; and a description, including color scheme, of the  
 318 | vessel, live-aboard vessel, or houseboat.

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

322 |         3. Provide, upon request, any additional information  
 323 | necessary to confirm the identity of the career offender or  
 324 | murderer, including a set of fingerprints.

325 |         (d) Each time a career offender's or murderer's driver's  
 326 | license or identification card is subject to renewal, and within  
 327 | 2 working days after any change of the career offender's or  
 328 | murderer's residence or change in the career offender's or  
 329 | murderer's name by reason of marriage or other legal process,

330 the career offender or murderer must report in person to a  
 331 driver's license office, and shall be subject to the  
 332 requirements specified in paragraph (c). The Department of  
 333 Highway Safety and Motor Vehicles shall forward to the  
 334 department and to the Department of Corrections all photographs  
 335 and information provided by career offenders or murderers.  
 336 Notwithstanding the restrictions set forth in s. 322.142, the  
 337 Department of Highway Safety and Motor Vehicles may release a  
 338 reproduction of a color-photograph or digital-image license to  
 339 the department for purposes of public notification of career  
 340 offenders or murderers as provided in this section.

341 (e) If the career offender or murderer registers at an  
 342 office of the department, the department must notify the sheriff  
 343 and, if applicable, the police chief of the municipality, where  
 344 the career offender or murderer maintains a residence within 48  
 345 hours after he or she ~~the career offender~~ registers with the  
 346 department.

347 (f) A career offender or murderer who intends to establish  
 348 residence in another state or jurisdiction other than the State  
 349 of Florida shall report in person to the sheriff of the county  
 350 of current residence or the department within 2 working days  
 351 before the date he or she intends to leave this state to  
 352 establish residence in another state or jurisdiction other than  
 353 the State of Florida. If the career offender or murderer is  
 354 under the supervision of the Department of Corrections, the  
 355 career offender or murderer shall notify the supervising  
 356 probation officer of his or her intent to transfer supervision,  
 357 satisfy all transfer requirements under ~~pursuant to~~ the

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358 Interstate Compact for Supervision of Adult Offenders, as  
 359 provided in s. 949.07, and abide by the decision of the  
 360 receiving jurisdiction to accept or deny transfer. The career  
 361 offender or murderer must provide to the sheriff or department  
 362 the address, municipality, county, and state of intended  
 363 residence. The sheriff shall promptly provide to the department  
 364 the information received from the career offender or murderer.  
 365 The failure of a career offender or murderer to provide his or  
 366 her intended place of residence is punishable as provided in  
 367 subsection (9)~~(8)~~.

368 (g) A career offender or murderer who indicates his or her  
 369 intent to reside in a state or jurisdiction other than the State  
 370 of Florida and later decides to remain in this state shall,  
 371 within 2 working days after the date upon which the career  
 372 offender or murderer indicated he or she would leave this state,  
 373 report in person to the sheriff or the department, whichever  
 374 agency is the agency to which the career offender or murderer  
 375 reported the intended change of residence, of his or her intent  
 376 to remain in this state. If the sheriff is notified by the  
 377 career offender or murderer that he or she intends to remain in  
 378 this state, the sheriff shall promptly report this information  
 379 to the department. A career offender or murderer who reports his  
 380 or her intent to reside in a state or jurisdiction other than  
 381 the State of Florida, but who remains in this state without  
 382 reporting to the sheriff or the department in the manner  
 383 required by this paragraph, commits a felony of the second  
 384 degree, punishable as provided in s. 775.082 or ~~s. 775.083, or~~  
 385 ~~s. 775.084.~~

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386 (h)1. The department shall maintain on-line computer  
387 access to the current information regarding each registered  
388 career offender and murderer. The department must maintain  
389 hotline access so that state, local, and federal law enforcement  
390 agencies may obtain instantaneous locator file and criminal  
391 characteristics information on release and registration of  
392 career offenders and murderers for purposes of monitoring,  
393 tracking, and prosecution. The photograph and fingerprints need  
394 not be stored in a computerized format.

395 2. The department's career offender and murderer  
396 registration lists ~~list~~, containing the information described in  
397 subparagraph (a)1., are subject to chapter 119 ~~is a public~~  
398 ~~record~~. The department may disseminate this public information  
399 by any means deemed appropriate, including operating a toll-free  
400 telephone number for this purpose. When the department provides  
401 information regarding a career offender or murderer to the  
402 public, department personnel must advise the person making the  
403 inquiry that positive identification of a person believed to be  
404 a career offender or murderer cannot be established unless a  
405 fingerprint comparison is made, and that it is illegal to use  
406 public information regarding a career offender or murderer to  
407 facilitate the commission of a crime.

408 3. The department shall adopt guidelines as necessary  
409 regarding the registration of a career offender or murderer and  
410 the dissemination of information regarding a career offender or  
411 murderer as required by this section.

412 (i) A career offender or murderer must maintain  
413 registration with the department for the duration of his or her

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414 | life, unless the career offender or murderer has received a full  
415 | pardon or has had a conviction set aside in a postconviction  
416 | proceeding for any offense that meets the criteria for  
417 | classifying the person as a career offender or murderer for  
418 | purposes of registration. However, a registered career offender  
419 | who has been lawfully released from confinement, supervision, or  
420 | sanction, whichever is later, for at least 20 years and has not  
421 | been arrested for any felony or misdemeanor offense since  
422 | release may petition the criminal division of the circuit court  
423 | of the circuit in which the registered career offender resides  
424 | for the purpose of removing the requirement for registration as  
425 | a career offender. The court may grant or deny such relief if  
426 | the registered career offender demonstrates to the court that he  
427 | or she has not been arrested for any crime since release and the  
428 | court is otherwise satisfied that the registered career offender  
429 | is not a current or potential threat to public safety. The state  
430 | attorney in the circuit in which the petition is filed must be  
431 | given notice of the petition at least 3 weeks before the hearing  
432 | on the matter. The state attorney may present evidence in  
433 | opposition to the requested relief or may otherwise demonstrate  
434 | the reasons why the petition should be denied. If the court  
435 | denies the petition, the court may set a future date at which  
436 | the registered career offender may again petition the court for  
437 | relief, subject to the standards for relief provided in this  
438 | paragraph. The department shall remove a person from  
439 | classification as a career offender or murderer for purposes of  
440 | registration if the person provides to the department a  
441 | certified copy of the court's written findings or order that



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442 indicates that the person is no longer required to comply with  
 443 the requirements for registration as a career offender or  
 444 murderer.

445 ~~(6)~~~~(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.--

446 (a) Law enforcement agencies may inform the community and  
 447 the public of the presence of a career offender or murderer in  
 448 the community. Upon notification of the presence of a career  
 449 offender or murderer, the sheriff of the county or the chief of  
 450 police of the municipality where the career offender or murderer  
 451 establishes or maintains a permanent or temporary residence may  
 452 notify the community and the public of the presence of the  
 453 career offender or murderer in a manner deemed appropriate by  
 454 the sheriff or the chief of police.

455 (b) The sheriff or the police chief may coordinate the  
 456 community and public notification efforts with the department.  
 457 Statewide notification to the public is authorized, as deemed  
 458 appropriate by local law enforcement personnel and the  
 459 department.

460 ~~(7)~~~~(6)~~ VERIFICATION.--The department and the Department of  
 461 Corrections shall implement a system for verifying the addresses  
 462 of career offenders and murderers. The sheriff of each county  
 463 shall annually verify the addresses of career offenders and  
 464 murderers who are not under the care, custody, control, or  
 465 supervision of the Department of Corrections. The sheriff shall  
 466 promptly provide the address verification information to the  
 467 department in an electronic format. The address verification  
 468 information must include the verifying person's name, agency,  
 469 and phone number, the date of verification, and the method of

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470 verification, and must specify whether the address information  
471 was verified as correct, incorrect, or unconfirmed.

472 (8)~~(7)~~ IMMUNITY.--The department, the Department of  
473 Highway Safety and Motor Vehicles, the Department of  
474 Corrections, any law enforcement agency in this state, and the  
475 personnel of those departments; an elected or appointed  
476 official, public employee, or school administrator; or an  
477 employee, agency, or any individual or entity acting at the  
478 request or upon the direction of any law enforcement agency is  
479 immune from civil liability for damages for good faith  
480 compliance with the requirements of this section or for the  
481 release of information under this section and shall be presumed  
482 to have acted in good faith in compiling, recording, reporting,  
483 or releasing the information. The presumption of good faith is  
484 not overcome if a technical or clerical error is made by the  
485 department, the Department of Highway Safety and Motor Vehicles,  
486 the Department of Corrections, the personnel of those  
487 departments, or any individual or entity acting at the request  
488 or upon the direction of any of those departments in compiling  
489 or providing information, or if information is incomplete or  
490 incorrect because a career offender or murderer fails to report  
491 or falsely reports his or her current place of permanent or  
492 temporary residence.

493 (9)~~(8)~~ PENALTIES.--

494 (a) Except as otherwise specifically provided, a career  
495 offender or murderer who fails to register; who fails, after  
496 registration, to maintain, acquire, or renew a driver's license  
497 or identification card; who fails to provide required location

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498 information or change-of-name information; or who otherwise  
 499 fails, by act or omission, to comply with the requirements of  
 500 this section, commits a felony of the third degree, punishable  
 501 as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

502 (b) Any person who misuses public records information  
 503 concerning a career offender or murderer, as defined in this  
 504 section, or a career offender or murderer, as defined in s.  
 505 944.608 or s. 944.609, to secure a payment from a ~~such~~ career  
 506 offender or murderer; who knowingly distributes or publishes  
 507 false information concerning ~~such~~ a career offender or murderer  
 508 that ~~which~~ the person misrepresents as being public records  
 509 information; or who materially alters public records information  
 510 with the intent to misrepresent the information, including  
 511 documents, summaries of public records information provided by  
 512 law enforcement agencies, or public records information  
 513 displayed by law enforcement agencies on websites or provided  
 514 through other means of communication, commits a misdemeanor of  
 515 the first degree, punishable as provided in s. 775.082 or s.  
 516 775.083.

517 ~~(10)~~<sup>(9)</sup> PROSECUTIONS FOR ACTS OR OMISSIONS.--A career  
 518 offender or murderer who commits any act or omission in  
 519 violation of this section, s. 944.608, or s. 944.609 may be  
 520 prosecuted for the act or omission in the county in which the  
 521 act or omission was committed, the county of the last registered  
 522 address of the career offender or murderer, the county in which  
 523 the conviction occurred for the offense or offenses that meet  
 524 the criteria for designating a person as a career offender or

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525 | murderer, or in the county in which he or she was designated a  
526 | career offender or murderer.

527 | Section 4. Section 944.608, Florida Statutes, is amended  
528 | to read:

529 | 944.608 Notification to Department of Law Enforcement of  
530 | information on career offenders and murderers.--

531 | (1) As used in this section, the term:

532 | (a) "Career offender" means a person who is in the custody  
533 | or control of, or under the supervision of, the department or is  
534 | in the custody or control of, or under the supervision of, a  
535 | private correctional facility, and who is designated as a  
536 | habitual violent felony offender, a violent career criminal, or  
537 | a three-time violent felony offender under s. 775.084 or as a  
538 | prison releasee reoffender under s. 775.082(9).

539 | (b) "Murderer" means any person who has been convicted of  
540 | murder as described in s. 782.04 or in any comparable law of any  
541 | other jurisdiction.

542 | (2) If a career offender or murderer is not sentenced to a  
543 | term of imprisonment, the clerk of the court shall ensure that  
544 | the ~~career offender's~~ fingerprints of the career offender or  
545 | murderer are taken and forwarded to the Department of Law  
546 | Enforcement within 48 hours after the court sentences the career  
547 | offender or murderer. The fingerprint card shall be clearly  
548 | marked "Career Offender Registration Card-" or "Murderer  
549 | Registration Card."

550 | (3) A career offender or murderer who is under the  
551 | supervision of the department but is not incarcerated must  
552 | register with the department and provide his or her name; date

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553 | of birth; social security number; race; gender; height; weight;  
 554 | hair and eye color; tattoos or other identifying marks; and  
 555 | permanent or legal residence and address of temporary residence  
 556 | within the state or out of state while the career offender or  
 557 | murderer is under supervision in this state, including any rural  
 558 | route address or post office box. The department shall verify  
 559 | the address of each career offender or murderer.

560 |         (4) In addition to notification and transmittal  
 561 | requirements imposed by any other provision of law, the  
 562 | department shall compile information on any career offender or  
 563 | murderer and provide the information to the Department of Law  
 564 | Enforcement. The information shall be made available  
 565 | electronically to the Department of Law Enforcement as soon as  
 566 | this information is in the department's database and must be in  
 567 | a format that is compatible with the requirements of the Florida  
 568 | Crime Information Center.

569 |         (5) The information provided to the Department of Law  
 570 | Enforcement must include:

571 |             (a) The information obtained from the career offender or  
 572 | murderer under subsection (3).‡

573 |             (b) The career offender's or murderer's most current  
 574 | address and place of permanent and temporary residence within  
 575 | the state or out of state while the career offender or murderer  
 576 | is under supervision in this state, including the name of the  
 577 | county or municipality in which the career offender or murderer  
 578 | permanently or temporarily resides and, if known, the intended  
 579 | place of permanent or temporary residence upon satisfaction of  
 580 | all sanctions.‡

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581 (c) The legal status of the career offender or murderer  
582 and the scheduled termination date of that legal status. ~~;~~

583 (d) The location of, and local telephone number for, any  
584 Department of Corrections' office that is responsible for  
585 supervising the career offender or murderer. ~~;~~ ~~and~~

586 (e) A digitized photograph of the career offender or  
587 murderer, which must have been taken within 60 days before the  
588 career offender or murderer is released from the custody of the  
589 department or a private correctional facility or within 60 days  
590 after the onset of the department's supervision of any career  
591 offender or murderer who is on probation, community control,  
592 conditional release, parole, provisional release, or control  
593 release. If the career offender or murderer is in the custody or  
594 control of, or under the supervision of, a private correctional  
595 facility, the facility shall take a digitized photograph of the  
596 career offender or murderer within the time period provided in  
597 this paragraph and shall provide the photograph to the  
598 department.

599 (6)(a) The department shall notify the Department of Law  
600 Enforcement if the career offender or murderer escapes,  
601 absconds, or dies while in the custody or control of, or under  
602 the supervision of, the department.

603 (b) If any information provided by the department changes  
604 during the time the career offender or murderer is under the  
605 department's custody, control, or supervision, including any  
606 change in the career offender's or murderer's name by reason of  
607 marriage or other legal process, the department shall, in a  
608 timely manner, update the information and provide it to the

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609 Department of Law Enforcement in the manner prescribed in  
610 subsection (4).

611 (7) A career offender or murderer who is under the  
612 supervision of the department but who is not incarcerated shall,  
613 in addition to the registration requirements provided in  
614 subsection (3), register in the manner provided in s.  
615 775.261(5)(4)(c), unless the career offender or murderer is a  
616 sexual predator, in which case he or she shall register as  
617 required under s. 775.21; ~~or~~ is a sexual offender, in which  
618 case he or she shall register as required in s. 944.607; or is a  
619 murderer, in which case he or she shall register as required in  
620 s. 775.261. A career offender who fails to comply with the  
621 requirements of s. 775.261(4) is subject to the penalties  
622 provided in that section ~~s. 775.261(8)~~.

623 (8) The failure of a career offender or murderer to submit  
624 to the taking of a digitized photograph, or to otherwise comply  
625 with the requirements of this section, is a felony of the third  
626 degree, punishable as provided in s. 775.082 or s. 775.083, ~~or~~  
627 ~~s. 775.084~~.

628 (9) The department, the Department of Highway Safety and  
629 Motor Vehicles, the Department of Law Enforcement, personnel of  
630 those departments, and any individual or entity acting at the  
631 request or upon the direction of those departments are immune  
632 from civil liability for damages for good faith compliance with  
633 this section, and shall be presumed to have acted in good faith  
634 in compiling, recording, reporting, or providing information.  
635 The presumption of good faith is not overcome if technical or  
636 clerical errors are made by the department, the Department of

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637 Highway Safety and Motor Vehicles, the Department of Law  
 638 Enforcement, personnel of those departments, or any individual  
 639 or entity acting at the request or upon the direction of those  
 640 departments in compiling, recording, reporting, or providing  
 641 information, or, if the information is incomplete or incorrect  
 642 because the information has not been provided by a person or  
 643 agency required to provide the information, or because the  
 644 information was not reported or was falsely reported.

645 Section 5. Section 944.609, Florida Statutes, is amended  
 646 to read:

647 944.609 Career offenders and murderers; notification upon  
 648 release.--

649 (1) As used in this section, the term:

650 (a) "Career offender" means a person who is in the custody  
 651 or control of, or under the supervision of, the department or is  
 652 in the custody or control of, or under the supervision of a  
 653 private correctional facility, who is designated as a habitual  
 654 violent felony offender, a violent career criminal, or a three-  
 655 time violent felony offender under s. 775.084 or as a prison  
 656 releasee reoffender under s. 775.082(9).

657 (b) "Murderer" means any person who has been convicted of  
 658 murder as described in s. 782.04 or any comparable law of any  
 659 other jurisdiction.

660 (2) The Legislature finds that certain career offenders  
 661 and murderers, by virtue of their histories of offenses, present  
 662 a threat to the public and to communities. The Legislature finds  
 663 that requiring these career offenders and murderers to register  
 664 for the purpose of tracking the career offenders and murderers



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665 and providing for notifying the public and a community of the  
666 presence of a career offender or murderer are important aids to  
667 law enforcement agencies, the public, and communities if the  
668 career offender or murderer engages again in criminal conduct.  
669 Registration is intended to aid law enforcement agencies in  
670 timely apprehending a career offender or murderer. Registration  
671 is not a punishment, but merely a status. Notification to the  
672 public and communities of the presence of a career offender or  
673 murderer aids the public and communities in avoiding being  
674 victimized by the career offender or murderer. The Legislature  
675 intends to require the registration of career offenders and  
676 murderers and to authorize law enforcement agencies to notify  
677 the public and communities of the presence of a career offender  
678 or murderer.

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

682 1. The department must provide the career offender's or  
683 murderer's name, any change in the career offender's or  
684 murderer's name by reason of marriage or other legal process,  
685 and any alias, if known; the correctional facility from which  
686 the career offender or murderer is released; the career  
687 offender's or murderer's social security number, race, gender,  
688 date of birth, height, weight, and hair and eye color; date and  
689 county of sentence and each crime for which the career offender  
690 or murderer was sentenced; a copy of the career offender's or  
691 murderer's fingerprints and a digitized photograph taken within  
692 60 days before release; the date of release of the career

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693 | offender or murderer; and the career offender's or murderer's  
 694 | intended residence address, if known. The department shall  
 695 | notify the Department of Law Enforcement if the career offender  
 696 | or murderer escapes, absconds, or dies. If the career offender  
 697 | or murderer is in the custody of a private correctional  
 698 | facility, the facility shall take the digitized photograph of  
 699 | the career offender or murderer within 60 days before the career  
 700 | offender's or murderer's release and provide this photograph to  
 701 | the Department of Corrections and also place it in the career  
 702 | offender's or murderer's file. If the career offender or  
 703 | murderer is in the custody of a local jail, the custodian of the  
 704 | local jail shall notify the Department of Law Enforcement of the  
 705 | career offender's or murderer's release and provide to the  
 706 | Department of Law Enforcement the information specified in this  
 707 | paragraph and any information specified in subparagraph 2. that  
 708 | ~~which~~ the Department of Law Enforcement requests.

709 |         2. The department may provide any other information deemed  
 710 | necessary, including criminal and corrections records and  
 711 | nonprivileged personnel and treatment records, when available.

712 |         (b) The department must provide the information described  
 713 | in subparagraph (a)1. to:

714 |             1. The sheriff of the county where the career offender or  
 715 | murderer was sentenced;

716 |             2. The sheriff of the county and, if applicable, the  
 717 | police chief of the municipality, where the career offender or  
 718 | murderer plans to reside;

719 |             3. The Department of Law Enforcement;

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720 4. When requested, the victim of the offense, the victim's  
721 parent or legal guardian if the victim is a minor, the lawful  
722 representative of the victim or of the victim's parent or  
723 guardian if the victim is a minor, or the next of kin if the  
724 victim is a homicide victim; and

725 5. Any person who requests such information,  
726  
727 within 6 months prior to the anticipated release of a career  
728 offender or murderer or as soon as possible if a career offender  
729 or murderer is released earlier than anticipated. All such  
730 information provided to the Department of Law Enforcement must  
731 be available electronically as soon as the information is in the  
732 agency's database and must be in a format that is compatible  
733 with the requirements of the Florida Crime Information Center.

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

736 1. The sheriff of the county where the career offender or  
737 murderer was sentenced; and

738 2. The sheriff of the county and, if applicable, the  
739 police chief of the municipality, where the career offender or  
740 murderer plans to reside,

741  
742 within 6 months prior to the anticipated release of a career  
743 offender or murderer or as soon as possible if a career offender  
744 or murderer is released earlier than anticipated.

745 (d) Upon receiving information regarding a career offender  
746 or murderer from the department, the Department of Law  
747 Enforcement, the sheriff, or the chief of police shall provide

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748 | the information described in subparagraph (a)1. to any  
 749 | individual who requests such information and may release the  
 750 | information to the public in any manner deemed appropriate,  
 751 | unless the information is confidential or exempt from s.  
 752 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

753 |       (4) The department or any law enforcement agency may  
 754 | notify the community and the public of the ~~a career offender's~~  
 755 | presence of a career offender or murderer in the community.  
 756 | However, with respect to a career offender or murderer who has  
 757 | been found to be a sexual predator under s. 775.21, the  
 758 | Department of Law Enforcement or any other law enforcement  
 759 | agency must inform the community and the public of the career  
 760 | offender's or murderer's presence in the community, as provided  
 761 | in s. 775.21.

762 |       (5) An elected or appointed official, public employee,  
 763 | school administrator or employee, or agency, or any individual  
 764 | or entity acting at the request or upon the direction of any law  
 765 | enforcement agency, is immune from civil liability for damages  
 766 | resulting from the good faith compliance with the requirements  
 767 | of this section or the release of information under this  
 768 | section.

769 |       Section 6. This act shall take effect July 1, 2005.