

1 A bill to be entitled

2 An act relating to career offender and murderer
3 registration; amending s. 775.13, F.S.; exempting a
4 murderer who has registered under another provision of law
5 from certain registration requirements; amending s.
6 775.26, F.S.; providing legislative intent relating to
7 registration of murderers and public notification;
8 amending s. 775.261, F.S.; providing a short title;
9 revising and providing definitions; providing criteria for
10 the registration of persons convicted of murder; providing
11 exemptions; requiring the clerk of court to secure and
12 distribute fingerprints of a convicted murderer who is not
13 sentenced to prison; requiring a person convicted of
14 murder to register and provide certain information;
15 requiring the sheriff to secure and distribute a photo and
16 fingerprints of a registered murderer; requiring the
17 Department of Highway Safety and Motor Vehicles to forward
18 to the Department of Law Enforcement and the Department of
19 Corrections certain of the information provided by a
20 registered murderer; providing for notice to law
21 enforcement officials of the residence of a registered
22 murderer; providing criminal penalties for a murderer who
23 fails to provide certain information regarding residence;
24 providing for the adoption of guidelines governing
25 registration as a murderer and dissemination of
26 information regarding a murderer; providing for removal of
27 a person from classification as a murderer; authorizing a
28 law enforcement agency to notify the community that a

29 | person convicted of murder is present in the community;
30 | requiring development of a system to verify the address of
31 | persons convicted of murder; providing that a person
32 | convicted of murder commits a felony of the third degree
33 | if he or she fails to register or otherwise violates the
34 | act; specifying the locations in which a person convicted
35 | of murder may be prosecuted for violations of the act;
36 | amending s. 944.608, F.S.; defining the term "murderer";
37 | requiring the clerk of court to collect and distribute to
38 | the Department of Corrections the fingerprints of a
39 | murderer who is not sentenced to prison; providing for
40 | registration of a murderer who is not incarcerated;
41 | requiring a registered murderer to provide certain
42 | information; directing the department to compile
43 | information relating to registered murderers; providing
44 | for distribution of information compiled by the department
45 | to the Department of Law Enforcement; providing that a
46 | murderer who violates the section commits a felony of the
47 | third degree; amending s. 944.609, F.S.; defining the term
48 | "murderer"; providing legislative intent; directing the
49 | Department of Corrections to provide information regarding
50 | a murderer who is being released from incarceration to
51 | certain law enforcement officials and other persons;
52 | authorizing a law enforcement agency to notify the
53 | community that a murderer is present in the community;
54 | providing an effective date.

55 |
56 | Be It Enacted by the Legislature of the State of Florida:

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

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

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

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

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

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

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

775.26 Registration of career offenders and murderers; public notification; legislative findings and intent.--The Legislature finds that certain career offenders and murderers, by virtue of their histories of offenses, present a threat to the public and to communities. The Legislature finds that requiring these career offenders and murderers to register for the purpose of tracking them ~~these career offenders~~ and that providing for notification of ~~notifying~~ the public and a community of the presence of a career offender or murderer are important aids to law enforcement agencies, the public, and communities if a career offender or murderer engages again in criminal conduct. Registration is intended to aid law enforcement agencies in timely apprehending a career offender or murderer. Registration is not a punishment, but merely a status. Notification to the public and communities of the presence of a

85 career offender or murderer aids the public and communities in
 86 avoiding victimization ~~being victimized~~ by a career offender or
 87 murderer. The Legislature intends to require the registration of
 88 career offenders and murderers and to authorize law enforcement
 89 agencies to notify the public and communities of the presence of
 90 a career offender or murderer.

91 Section 3. Section 775.261, Florida Statutes, is amended
 92 to read:

93 775.261 The Florida Career Offender and Murderer
 94 Registration Act.--

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

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

98 (a) "Career offender" means any person who is designated
 99 as a habitual violent felony offender, a violent career
 100 criminal, or a three-time violent felony offender under s.
 101 775.084 or as a prison releasee reoffender under s. 775.082(9).

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

104 (c) "Community" means any county where the career offender
 105 or murderer lives or otherwise establishes or maintains a
 106 temporary or permanent residence.

107 (d) "Conviction" or "convicted" means a determination of
 108 guilt that is the result of a trial or the entry of a plea of
 109 guilty or nolo contendere, regardless of whether adjudication is
 110 withheld. A conviction for a similar offense includes, but is
 111 not limited to, a conviction by a federal or military tribunal,
 112 including a court-martial conducted by the Armed Forces of the

113 United States, and includes a conviction or entry of a plea of
114 guilty or nolo contendere resulting in a sanction in any state
115 of the United States or other jurisdiction.

116 (e)~~(d)~~ "Department" means the Department of Law
117 Enforcement.

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

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

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

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

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

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

137 2. For a career offender or murderer whose permanent
138 residence is not in this state, a place where he or she ~~the~~
139 ~~career offender~~ is employed, practices a vocation, or is
140 enrolled as a student for any period of time in this state; or

141 3. A place where the career offender or murderer routinely
142 abides, lodges, or resides for a period of 4 or more consecutive
143 or nonconsecutive days in any month and ~~which~~ is not his or her
144 ~~the career offender's~~ permanent residence, including any out-of-
145 state address.

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

147 (a) A career offender released on or after January 1,
148 2003, from a sanction imposed in this state for a designation as
149 a habitual violent felony offender, a violent career criminal,
150 or a three-time violent felony offender under s. 775.084 or as a
151 prison releasee reoffender under s. 775.082(9) must register as
152 required under subsection (5)~~(4)~~ and is subject to community and
153 public notification as provided under subsection (6)~~(5)~~. For
154 purposes of this section, a sanction imposed in this state
155 includes, but is not limited to, a fine, probation, community
156 control, parole, conditional release, control release, or
157 incarceration in a state prison, private correctional facility,
158 or local detention facility, and:

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

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

165 (b) This subsection ~~section~~ does not apply to any person
166 who has been designated as a sexual predator and required to
167 register under s. 775.21 or who is required to register as a
168 sexual offender under s. 943.0435 or s. 944.607. However, if a

169 person is no longer required to register as a sexual predator
170 under s. 775.21 or as a sexual offender under s. 943.0435 or s.
171 944.607, the person must register as a career offender under
172 this subsection ~~section~~ if the person is otherwise designated as
173 a career offender as provided in this section.

174 (c) A person subject to registration as a career offender
175 is not subject to registration as a convicted felon under s.
176 775.13. However, if the person is no longer required to register
177 as a career offender under subsection (5) ~~this section~~, the
178 person must register under s. 775.13 if required to do so under
179 that section.

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

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

187 (a) A convicted murderer released on or after January 1,
188 2006, from a sanction imposed in this state or in any other
189 jurisdiction for murder must register as required under
190 subsection (5) and is subject to community and public
191 notification as provided under subsection (6). For purposes of
192 this section, a sanction imposed in this state includes, but is
193 not limited to, a fine, probation, community control, parole,
194 conditional release, control release, or incarceration in a
195 state prison, private correctional facility, or local detention
196 facility, and:

197 1. The murderer has not been granted a pardon for a murder
 198 that is the precondition for the application of this paragraph;
 199 or

200 2. A conviction of the murder that is the precondition for
 201 the application of this paragraph has not been set aside in any
 202 postconviction proceeding.

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

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

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

222 (e) If a murderer is not sentenced to a term of
 223 imprisonment, the clerk of court shall ensure that the
 224 murderer's fingerprints are taken and forwarded to the

225 department within 48 hours after the court renders its finding
 226 that an offender is a murderer. The fingerprint card shall be
 227 clearly marked "Murderer Registration Card."

228 (5)-(4) REGISTRATION.--

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

239 1. Name, social security number, age, race, gender, date
 240 of birth, height, weight, hair and eye color, photograph,
 241 address of legal residence and address of any current temporary
 242 residence within the state or out of state, including a rural
 243 route address or a post office box, date and place of any
 244 employment, date and place of each conviction, fingerprints, and
 245 a brief description of the crime or crimes committed by the
 246 career offender or murderer. A career offender or murderer may
 247 not provide a post office box in lieu of a physical residential
 248 address. If the career offender's or murderer's place of
 249 residence is a motor vehicle, trailer, mobile home, or
 250 manufactured home, as defined in chapter 320, the career
 251 offender or murderer shall also provide to the department
 252 written notice of the vehicle identification number; the license

253 tag number; the registration number; and a description,
 254 including color scheme, of the motor vehicle, trailer, mobile
 255 home, or manufactured home. If a career offender's or murderer's
 256 place of residence is a vessel, live-aboard vessel, or
 257 houseboat, as defined in chapter 327, the career offender or
 258 murderer shall also provide to the department written notice of
 259 the hull identification number; the manufacturer's serial
 260 number; the name of the vessel, live-aboard vessel, or
 261 houseboat; the registration number; and a description, including
 262 color scheme, of the vessel, live-aboard vessel, or houseboat.

263 2. Any other information determined necessary by the
 264 department, including criminal and corrections records;
 265 nonprivileged personnel and treatment records; and evidentiary
 266 genetic markers when available.

267
 268 A career offender or murderer must notify the department or the
 269 sheriff within 2 working days after any change in information
 270 required by this paragraph, including any change of name by
 271 reason of marriage or legal proceeding.

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

278 (c) Within 2 working days after the registration required
 279 under paragraph (a), a career offender or murderer who is not
 280 incarcerated and who resides in the community, including a

281 | career offender or murderer under the supervision of the
282 | Department of Corrections under ~~pursuant to~~ s. 944.608, shall
283 | register in person at a driver's license office of the
284 | Department of Highway Safety and Motor Vehicles and shall
285 | present proof of registration. At the driver's license office,
286 | the career offender or murderer shall:

287 | 1. If otherwise qualified, secure a Florida driver's
288 | license, renew a Florida driver's license, or secure an
289 | identification card. The career offender or murderer shall
290 | identify himself or herself as a career offender or murderer who
291 | is required to comply with this section, provide his or her
292 | place of permanent or temporary residence, including a rural
293 | route address or a post office box, and submit to the taking of
294 | a photograph for use in issuing a driver's license, renewed
295 | license, or identification card, and for use by the department
296 | in maintaining current records of career offenders and
297 | murderers. The career offender or murderer may not provide a
298 | post office box in lieu of a physical residential address. If
299 | the career offender's or murderer's place of residence is a
300 | motor vehicle, trailer, mobile home, or manufactured home, as
301 | defined in chapter 320, the career offender or murderer shall
302 | also provide to the Department of Highway Safety and Motor
303 | Vehicles the vehicle identification number; the license tag
304 | number; the motor vehicle registration number; and a
305 | description, including color scheme, of the motor vehicle,
306 | trailer, mobile home, or manufactured home. If a career
307 | offender's or murderer's place of residence is a vessel, live-
308 | aboard vessel, or houseboat, as defined in chapter 327, the

309 career offender or murderer shall also provide to the Department
 310 of Highway Safety and Motor Vehicles the hull identification
 311 number; the manufacturer's serial number; the name of the
 312 vessel, live-aboard vessel, or houseboat; the registration
 313 number; and a description, including color scheme, of the
 314 vessel, live-aboard vessel, or houseboat.

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

318 3. Provide, upon request, any additional information
 319 necessary to confirm the identity of the career offender or
 320 murderer, including a set of fingerprints.

321 (d) Each time a career offender's or murderer's driver's
 322 license or identification card is subject to renewal, and within
 323 2 working days after any change of the career offender's or
 324 murderer's residence or change in the career offender's or
 325 murderer's name by reason of marriage or other legal process,
 326 the career offender or murderer must report in person to a
 327 driver's license office, and shall be subject to the
 328 requirements specified in paragraph (c). The Department of
 329 Highway Safety and Motor Vehicles shall forward to the
 330 department and to the Department of Corrections all photographs
 331 and information provided by career offenders or murderers.
 332 Notwithstanding the restrictions set forth in s. 322.142, the
 333 Department of Highway Safety and Motor Vehicles may release a
 334 reproduction of a color-photograph or digital-image license to
 335 the department for purposes of public notification of career
 336 offenders or murderers as provided in this section.

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

343 (f) A career offender or murderer who intends to establish
344 residence in another state or jurisdiction other than the State
345 of Florida shall report in person to the sheriff of the county
346 of current residence or the department within 2 working days
347 before the date he or she intends to leave this state to
348 establish residence in another state or jurisdiction other than
349 the State of Florida. If the career offender or murderer is
350 under the supervision of the Department of Corrections, the
351 career offender or murderer shall notify the supervising
352 probation officer of his or her intent to transfer supervision,
353 satisfy all transfer requirements under ~~pursuant to~~ the
354 Interstate Compact for Supervision of Adult Offenders, as
355 provided in s. 949.07, and abide by the decision of the
356 receiving jurisdiction to accept or deny transfer. The career
357 offender or murderer must provide to the sheriff or department
358 the address, municipality, county, and state of intended
359 residence. The sheriff shall promptly provide to the department
360 the information received from the career offender or murderer.
361 The failure of a career offender or murderer to provide his or
362 her intended place of residence is punishable as provided in
363 subsection (9) ~~(8)~~.

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

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

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

404 3. The department shall adopt guidelines as necessary
405 regarding the registration of a career offender or murderer and
406 the dissemination of information regarding a career offender or
407 murderer as required by this section.

408 (i) A career offender or murderer must maintain
409 registration with the department for the duration of his or her
410 life, unless the career offender or murderer has received a full
411 pardon or has had a conviction set aside in a postconviction
412 proceeding for any offense that meets the criteria for
413 classifying the person as a career offender or murderer for
414 purposes of registration. However, a registered career offender
415 who has been lawfully released from confinement, supervision, or
416 sanction, whichever is later, for at least 20 years and has not
417 been arrested for any felony or misdemeanor offense since
418 release may petition the criminal division of the circuit court

419 of the circuit in which the registered career offender resides
420 for the purpose of removing the requirement for registration as
421 a career offender. The court may grant or deny such relief if
422 the registered career offender demonstrates to the court that he
423 or she has not been arrested for any crime since release and the
424 court is otherwise satisfied that the registered career offender
425 is not a current or potential threat to public safety. The state
426 attorney in the circuit in which the petition is filed must be
427 given notice of the petition at least 3 weeks before the hearing
428 on the matter. The state attorney may present evidence in
429 opposition to the requested relief or may otherwise demonstrate
430 the reasons why the petition should be denied. If the court
431 denies the petition, the court may set a future date at which
432 the registered career offender may again petition the court for
433 relief, subject to the standards for relief provided in this
434 paragraph. The department shall remove a person from
435 classification as a career offender or murderer for purposes of
436 registration if the person provides to the department a
437 certified copy of the court's written findings or order that
438 indicates that the person is no longer required to comply with
439 the requirements for registration as a career offender or
440 murderer.

441 ~~(6)~~(5) COMMUNITY AND PUBLIC NOTIFICATION.--

442 (a) Law enforcement agencies may inform the community and
443 the public of the presence of a career offender or murderer in
444 the community. Upon notification of the presence of a career
445 offender or murderer, the sheriff of the county or the chief of
446 police of the municipality where the career offender or murderer

447 establishes or maintains a permanent or temporary residence may
448 notify the community and the public of the presence of the
449 career offender or murderer in a manner deemed appropriate by
450 the sheriff or the chief of police.

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

456 (7)~~(6)~~ VERIFICATION.--The department and the Department of
457 Corrections shall implement a system for verifying the addresses
458 of career offenders and murderers. The sheriff of each county
459 shall annually verify the addresses of career offenders and
460 murderers who are not under the care, custody, control, or
461 supervision of the Department of Corrections. The sheriff shall
462 promptly provide the address verification information to the
463 department in an electronic format. The address verification
464 information must include the verifying person's name, agency,
465 and phone number, the date of verification, and the method of
466 verification, and must specify whether the address information
467 was verified as correct, incorrect, or unconfirmed.

468 (8)~~(7)~~ IMMUNITY.--The department, the Department of
469 Highway Safety and Motor Vehicles, the Department of
470 Corrections, any law enforcement agency in this state, and the
471 personnel of those departments; an elected or appointed
472 official, public employee, or school administrator; or an
473 employee, agency, or any individual or entity acting at the
474 request or upon the direction of any law enforcement agency is

475 | immune from civil liability for damages for good faith
 476 | compliance with the requirements of this section or for the
 477 | release of information under this section and shall be presumed
 478 | to have acted in good faith in compiling, recording, reporting,
 479 | or releasing the information. The presumption of good faith is
 480 | not overcome if a technical or clerical error is made by the
 481 | department, the Department of Highway Safety and Motor Vehicles,
 482 | the Department of Corrections, the personnel of those
 483 | departments, or any individual or entity acting at the request
 484 | or upon the direction of any of those departments in compiling
 485 | or providing information, or if information is incomplete or
 486 | incorrect because a career offender or murderer fails to report
 487 | or falsely reports his or her current place of permanent or
 488 | temporary residence.

489 | (9)~~(8)~~ PENALTIES.--

490 | (a) Except as otherwise specifically provided, a career
 491 | offender or murderer who fails to register; who fails, after
 492 | registration, to maintain, acquire, or renew a driver's license
 493 | or identification card; who fails to provide required location
 494 | information or change-of-name information; or who otherwise
 495 | fails, by act or omission, to comply with the requirements of
 496 | this section, commits a felony of the third degree, punishable
 497 | as provided in s. 775.082 or~~7~~ s. 775.083, ~~or s. 775.084.~~

498 | (b) Any person who misuses public records information
 499 | concerning a career offender or murderer, as defined in this
 500 | section, or a career offender or murderer, as defined in s.
 501 | 944.608 or s. 944.609, to secure a payment from a such career
 502 | offender or murderer; who knowingly distributes or publishes

503 false information concerning ~~such~~ a career offender or murderer
 504 that ~~which~~ the person misrepresents as being public records
 505 information; or who materially alters public records information
 506 with the intent to misrepresent the information, including
 507 documents, summaries of public records information provided by
 508 law enforcement agencies, or public records information
 509 displayed by law enforcement agencies on websites or provided
 510 through other means of communication, commits a misdemeanor of
 511 the first degree, punishable as provided in s. 775.082 or s.
 512 775.083.

513 ~~(10)(9)~~ PROSECUTIONS FOR ACTS OR OMISSIONS.--A career
 514 offender or murderer who commits any act or omission in
 515 violation of this section, s. 944.608, or s. 944.609 may be
 516 prosecuted for the act or omission in the county in which the
 517 act or omission was committed, the county of the last registered
 518 address of the career offender or murderer, the county in which
 519 the conviction occurred for the offense or offenses that meet
 520 the criteria for designating a person as a career offender or
 521 murderer, or in the county in which he or she was designated a
 522 career offender or murderer.

523 Section 4. Section 944.608, Florida Statutes, is amended
 524 to read:

525 944.608 Notification to Department of Law Enforcement of
 526 information on career offenders and murderers.--

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

528 (a) "Career offender" means a person who is in the custody
 529 or control of, or under the supervision of, the department or is
 530 in the custody or control of, or under the supervision of, a

531 private correctional facility, and who is designated as a
532 habitual violent felony offender, a violent career criminal, or
533 a three-time violent felony offender under s. 775.084 or as a
534 prison releasee reoffender under s. 775.082(9).

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

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

546 (3) A career offender or murderer who is under the
547 supervision of the department but is not incarcerated must
548 register with the department and provide his or her name; date
549 of birth; social security number; race; gender; height; weight;
550 hair and eye color; tattoos or other identifying marks; and
551 permanent or legal residence and address of temporary residence
552 within the state or out of state while the career offender or
553 murderer is under supervision in this state, including any rural
554 route address or post office box. The department shall verify
555 the address of each career offender or murderer.

556 (4) In addition to notification and transmittal
557 requirements imposed by any other provision of law, the
558 department shall compile information on any career offender or

559 murderer and provide the information to the Department of Law
560 Enforcement. The information shall be made available
561 electronically to the Department of Law Enforcement as soon as
562 this information is in the department's database and must be in
563 a format that is compatible with the requirements of the Florida
564 Crime Information Center.

565 (5) The information provided to the Department of Law
566 Enforcement must include:

567 (a) The information obtained from the career offender or
568 murderer under subsection (3).~~†~~

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

577 (c) The legal status of the career offender or murderer
578 and the scheduled termination date of that legal status.~~†~~

579 (d) The location of, and local telephone number for, any
580 Department of Corrections' office that is responsible for
581 supervising the career offender or murderer.~~† and~~

582 (e) A digitized photograph of the career offender or
583 murderer, which must have been taken within 60 days before the
584 career offender or murderer is released from the custody of the
585 department or a private correctional facility or within 60 days
586 after the onset of the department's supervision of any career

587 | offender or murderer who is on probation, community control,
 588 | conditional release, parole, provisional release, or control
 589 | release. If the career offender or murderer is in the custody or
 590 | control of, or under the supervision of, a private correctional
 591 | facility, the facility shall take a digitized photograph of the
 592 | career offender or murderer within the time period provided in
 593 | this paragraph and shall provide the photograph to the
 594 | department.

595 | (6) (a) The department shall notify the Department of Law
 596 | Enforcement if the career offender or murderer escapes,
 597 | absconds, or dies while in the custody or control of, or under
 598 | the supervision of, the department.

599 | (b) If any information provided by the department changes
 600 | during the time the career offender or murderer is under the
 601 | department's custody, control, or supervision, including any
 602 | change in the career offender's or murderer's name by reason of
 603 | marriage or other legal process, the department shall, in a
 604 | timely manner, update the information and provide it to the
 605 | Department of Law Enforcement in the manner prescribed in
 606 | subsection (4).

607 | (7) A career offender or murderer who is under the
 608 | supervision of the department but who is not incarcerated shall,
 609 | in addition to the registration requirements provided in
 610 | subsection (3), register in the manner provided in s.
 611 | 775.261(5) ~~(4)~~(c), unless the career offender or murderer is a
 612 | sexual predator, in which case he or she shall register as
 613 | required under s. 775.21; ~~or~~ is a sexual offender, in which
 614 | case he or she shall register as required in s. 944.607; or is a

615 murderer, in which case he or she shall register as required in
 616 s. 775.261. A career offender who fails to comply with the
 617 requirements of s. 775.261(4) is subject to the penalties
 618 provided in that section ~~s. 775.261(8)~~.

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

624 (9) The department, the Department of Highway Safety and
 625 Motor Vehicles, the Department of Law Enforcement, personnel of
 626 those departments, and any individual or entity acting at the
 627 request or upon the direction of those departments are immune
 628 from civil liability for damages for good faith compliance with
 629 this section, and shall be presumed to have acted in good faith
 630 in compiling, recording, reporting, or providing information.
 631 The presumption of good faith is not overcome if technical or
 632 clerical errors are made by the department, the Department of
 633 Highway Safety and Motor Vehicles, the Department of Law
 634 Enforcement, personnel of those departments, or any individual
 635 or entity acting at the request or upon the direction of those
 636 departments in compiling, recording, reporting, or providing
 637 information, or, if the information is incomplete or incorrect
 638 because the information has not been provided by a person or
 639 agency required to provide the information, or because the
 640 information was not reported or was falsely reported.

641 Section 5. Section 944.609, Florida Statutes, is amended
 642 to read:

643 944.609 Career offenders and murderers; notification upon
644 release.--

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

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

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

656 (2) The Legislature finds that certain career offenders
657 and murderers, by virtue of their histories of offenses, present
658 a threat to the public and to communities. The Legislature finds
659 that requiring these career offenders and murderers to register
660 for the purpose of tracking the career offenders and murderers
661 and providing for notifying the public and a community of the
662 presence of a career offender or murderer are important aids to
663 law enforcement agencies, the public, and communities if the
664 career offender or murderer engages again in criminal conduct.
665 Registration is intended to aid law enforcement agencies in
666 timely apprehending a career offender or murderer. Registration
667 is not a punishment, but merely a status. Notification to the
668 public and communities of the presence of a career offender or
669 murderer aids the public and communities in avoiding being
670 victimized by the career offender or murderer. The Legislature

671 | intends to require the registration of career offenders and
672 | murderers and to authorize law enforcement agencies to notify
673 | the public and communities of the presence of a career offender
674 | or murderer.

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

678 | 1. The department must provide the career offender's or
679 | murderer's name, any change in the career offender's or
680 | murderer's name by reason of marriage or other legal process,
681 | and any alias, if known; the correctional facility from which
682 | the career offender or murderer is released; the career
683 | offender's or murderer's social security number, race, gender,
684 | date of birth, height, weight, and hair and eye color; date and
685 | county of sentence and each crime for which the career offender
686 | or murderer was sentenced; a copy of the career offender's or
687 | murderer's fingerprints and a digitized photograph taken within
688 | 60 days before release; the date of release of the career
689 | offender or murderer; and the career offender's or murderer's
690 | intended residence address, if known. The department shall
691 | notify the Department of Law Enforcement if the career offender
692 | or murderer escapes, absconds, or dies. If the career offender
693 | or murderer is in the custody of a private correctional
694 | facility, the facility shall take the digitized photograph of
695 | the career offender or murderer within 60 days before the career
696 | offender's or murderer's release and provide this photograph to
697 | the Department of Corrections and also place it in the career
698 | offender's or murderer's file. If the career offender or

699 murderer is in the custody of a local jail, the custodian of the
700 local jail shall notify the Department of Law Enforcement of the
701 career offender's or murderer's release and provide to the
702 Department of Law Enforcement the information specified in this
703 paragraph and any information specified in subparagraph 2. that
704 ~~which~~ the Department of Law Enforcement requests.

705 2. The department may provide any other information deemed
706 necessary, including criminal and corrections records and
707 nonprivileged personnel and treatment records, when available.

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

710 1. The sheriff of the county where the career offender or
711 murderer was sentenced;

712 2. The sheriff of the county and, if applicable, the
713 police chief of the municipality, where the career offender or
714 murderer plans to reside;

715 3. The Department of Law Enforcement;

716 4. When requested, the victim of the offense, the victim's
717 parent or legal guardian if the victim is a minor, the lawful
718 representative of the victim or of the victim's parent or
719 guardian if the victim is a minor, or the next of kin if the
720 victim is a homicide victim; and

721 5. Any person who requests such information,

722
723 within 6 months prior to the anticipated release of a career
724 offender or murderer or as soon as possible if a career offender
725 or murderer is released earlier than anticipated. All such
726 information provided to the Department of Law Enforcement must

727 | be available electronically as soon as the information is in the
728 | agency's database and must be in a format that is compatible
729 | with the requirements of the Florida Crime Information Center.

730 | (c) Upon request, the department must provide the
731 | information described in subparagraph (a)2. to:

732 | 1. The sheriff of the county where the career offender or
733 | murderer was sentenced; and

734 | 2. The sheriff of the county and, if applicable, the
735 | police chief of the municipality, where the career offender or
736 | murderer plans to reside,

737 |

738 | within 6 months prior to the anticipated release of a career
739 | offender or murderer or as soon as possible if a career offender
740 | or murderer is released earlier than anticipated.

741 | (d) Upon receiving information regarding a career offender
742 | or murderer from the department, the Department of Law
743 | Enforcement, the sheriff, or the chief of police shall provide
744 | the information described in subparagraph (a)1. to any
745 | individual who requests such information and may release the
746 | information to the public in any manner deemed appropriate,
747 | unless the information is confidential or exempt from s.
748 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

749 | (4) The department or any law enforcement agency may
750 | notify the community and the public of the ~~a career offender's~~
751 | presence of a career offender or murderer in the community.
752 | However, with respect to a career offender or murderer who has
753 | been found to be a sexual predator under s. 775.21, the
754 | Department of Law Enforcement or any other law enforcement

755 | agency must inform the community and the public of the career
756 | offender's or murderer's presence in the community, as provided
757 | in s. 775.21.

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

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