

Bill No. SB 2056

Barcode 350712

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Haridopolos) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

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

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

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1 (d) Who is a parolee or probationer under the
 2 supervision of the United States Parole Commission if the
 3 commission knows of and consents to the presence of the
 4 offender in Florida or is a probationer under the supervision
 5 of any federal probation officer in the state or who has been
 6 lawfully discharged from such parole or probation;

7 (e) Who is a sexual predator and has registered as
 8 required under s. 775.21;

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

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

13 (h) Who is a murderer who has registered as required
 14 under s. 775.261.

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

17 775.26 Registration of career offenders and murderers;
 18 ~~and~~ public notification; legislative findings and intent.--The
 19 Legislature finds that certain career offenders and murderers,
 20 by virtue of their histories of offenses, present a threat to
 21 the public and to communities. The Legislature finds that
 22 requiring these career offenders and murderers to register for
 23 the purpose of tracking them ~~these career offenders~~ and that
 24 providing for notification of ~~notifying~~ the public and a
 25 community of the presence of a career offender or murderer are
 26 important aids to law enforcement agencies, the public, and
 27 communities if a career offender or murderer engages again in
 28 criminal conduct. Registration is intended to aid law
 29 enforcement agencies in timely apprehending a career offender
 30 or murderer. Registration is not a punishment, but merely a
 31 status. Notification to the public and communities of the

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1 presence of a career offender or murderer aids the public and
2 communities in avoiding victimization ~~being victimized~~ by a
3 career offender or murderer. The Legislature intends to
4 require the registration of career offenders and murderers and
5 to authorize law enforcement agencies to notify the public and
6 communities of the presence of a career offender or murderer.

7 Section 3. Section 775.261, Florida Statutes, is
8 amended to read:

9 775.261 The Florida Career Offender and Murderer
10 Registration Act.--

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

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

14 (a) "Career offender" means any person who is
15 designated as a habitual violent felony offender, a violent
16 career criminal, or a three-time violent felony offender under
17 s. 775.084 or as a prison releasee reoffender under s.
18 775.082(9).

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

21 (c) "Community" means any county where the career
22 offender or murderer lives or otherwise establishes or
23 maintains a temporary or permanent residence.

24 (d) "Conviction" or "convicted" means a determination
25 of guilt which is the result of a trial or the entry of a plea
26 of guilty or nolo contendere, regardless of whether
27 adjudication is withheld. A conviction for a similar offense
28 includes, but is not limited to, a conviction by a federal or
29 military tribunal, including a court-martial conducted by the
30 Armed Forces of the United States, and includes a conviction
31 or entry of a plea of guilty or nolo contendere resulting in a

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1 sanction in any state of the United States or other
2 jurisdiction.

3 ~~(e)(d)~~ "Department" means the Department of Law
4 Enforcement.

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

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

13 (h) "Murderer" means any person who has been convicted
14 of murder as described in s. 782.04 or in any comparable law
15 of any other jurisdiction.

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

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

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

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

28 3. A place where the career offender or murderer
29 routinely abides, lodges, or resides for a period of 4 or more
30 consecutive or nonconsecutive days in any month and which is
31 not his or her ~~the career offender's~~ permanent residence,

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1 including any out-of-state address.

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

3 (a) A career offender released on or after January 1,
4 2003, from a sanction imposed in this state for a designation
5 as a habitual violent felony offender, a violent career
6 criminal, or a three-time violent felony offender under s.
7 775.084 or as a prison releasee reoffender under s. 775.082(9)
8 must register as required under subsection(5)(4) and is
9 subject to community and public notification as provided under
10 subsection(6)(5). For purposes of this section, a sanction
11 imposed in this state includes, but is not limited to, a fine,
12 probation, community control, parole, conditional release,
13 control release, or incarceration in a state prison, private
14 correctional facility, or local detention facility, and:

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

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

21 (b) This subsection ~~section~~ does not apply to any
22 person who has been designated as a sexual predator and
23 required to register under s. 775.21 or who is required to
24 register as a sexual offender under s. 943.0435 or s. 944.607.
25 However, if a person is no longer required to register as a
26 sexual predator under s. 775.21 or as a sexual offender under
27 s. 943.0435 or s. 944.607, the person must register as a
28 career offender under this subsection ~~section~~ if the person is
29 otherwise designated as a career offender as provided in this
30 section.

31 (c) A person subject to registration as a career

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1 offender is not subject to registration as a convicted felon
 2 under s. 775.13. However, if the person is no longer required
 3 to register as a career offender under subsection (5) ~~this~~
 4 ~~section~~, the person must register under s. 775.13 if required
 5 to do so under that section.

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

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

14 (a) A convicted murderer released on or after January
 15 1, 2006, from a sanction imposed in this state or in any other
 16 jurisdiction must register as required under subsection (5)
 17 and is subject to community and public notification as
 18 provided under subsection (6). For purposes of this section, a
 19 sanction imposed in this state includes, but is not limited
 20 to, a fine, probation, community control, parole, conditional
 21 release, control release, or incarceration in a state prison,
 22 private correctional facility, or local detention facility,
 23 and:

24 1. The murderer has not been granted a pardon for the
 25 murder which is the precondition for the application of this
 26 paragraph; or

27 2. A conviction of the murder that is the precondition
 28 for the application of this paragraph has not been set aside
 29 in any postconviction proceeding.

30 (b) This subsection does not apply to a person who has
 31 been designated as as sexual predator and is required to

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1 register under s. 775.21 or who is required to register as a
2 sexual offender under s. 943.0435 or s. 944.607. However, if
3 a person is no longer required to register as a sexual
4 predator under s. 775.21 or as a sexual offender under s.
5 943.607, the person must register as a murderer under this
6 subsection if the person is otherwise designated as a murderer
7 as provided in this section.

8 (c) A person subject to registration as a murderer is
9 not subject to registration as a career offender under
10 subsection (3). However, if the person is no longer required
11 to register as a murderer under subsection (5) and meets the
12 criteria for registration as a career offender the person must
13 register as a career offender.

14 (d) A person subject to registration as a murderer is
15 not subject to registration as a convicted felon under s.
16 775.13. However, if the person is no longer required to
17 register as a murderer under subsection (5), the person must
18 register under s. 775.13 if required to do so under that
19 section.

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

26 (5)(4) REGISTRATION.--

27 (a) A career offender or murderer must register with
28 the department by providing the following information to the
29 department, or to the sheriff's office in the county in which
30 the career offender or murderer establishes or maintains a
31 permanent or temporary residence, within 2 working days after

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1 establishing permanent or temporary residence in this state or
 2 within 2 working days after being released from the custody,
 3 control, or supervision of the Department of Corrections, ~~or~~
 4 from the custody of a private correctional facility, or from
 5 the custody of any other jurisdiction:

6 1. Name, social security number, age, race, gender,
 7 date of birth, height, weight, hair and eye color, photograph,
 8 address of legal residence and address of any current
 9 temporary residence within the state or out of state,
 10 including a rural route address or a post office box, date and
 11 place of any employment, date and place of each conviction,
 12 fingerprints, and a brief description of the crime or crimes
 13 committed by the career offender or murderer. A career
 14 offender or murderer may not provide a post office box in lieu
 15 of a physical residential address. If the career offender's or
 16 murderer's place of residence is a motor vehicle, trailer,
 17 mobile home, or manufactured home, as defined in chapter 320,
 18 the career offender or murderer shall also provide to the
 19 department written notice of the vehicle identification
 20 number; the license tag number; the registration number; and a
 21 description, including color scheme, of the motor vehicle,
 22 trailer, mobile home, or manufactured home. If a career
 23 offender's or murderer's place of residence is a vessel,
 24 live-aboard vessel, or houseboat, as defined in chapter 327,
 25 the career offender or murderer shall also provide to the
 26 department written notice of the hull identification number;
 27 the manufacturer's serial number; the name of the vessel,
 28 live-aboard vessel, or houseboat; the registration number; and
 29 a description, including color scheme, of the vessel,
 30 live-aboard vessel, or houseboat.

31 2. Any other information determined necessary by the

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1 department, including criminal and corrections records;
2 nonprivileged personnel and treatment records; and evidentiary
3 genetic markers when available.

4
5 A career offender or murderer must notify the department or
6 the sheriff within 2 working days after any change in
7 information required by this paragraph, including any change
8 of name by reason of marriage or legal proceeding.

9 (b) If a career offender or murderer registers with
10 the sheriff's office, the sheriff shall take a photograph and
11 a set of fingerprints of the career offender or murderer and
12 forward the photographs and fingerprints to the department,
13 along with the information that the career offender or
14 murderer is required to provide under ~~pursuant to~~ this
15 section.

16 (c) Within 2 working days after the registration
17 required under paragraph (a), a career offender or murderer
18 who is not incarcerated and who resides in the community,
19 including a career offender or murderer under the supervision
20 of the Department of Corrections under ~~pursuant to~~ s. 944.608,
21 shall register in person at a driver's license office of the
22 Department of Highway Safety and Motor Vehicles and shall
23 present proof of registration. At the driver's license office,
24 the career offender or murderer shall:

25 1. If otherwise qualified, secure a Florida driver's
26 license, renew a Florida driver's license, or secure an
27 identification card. The career offender or murderer shall
28 identify himself or herself as a career offender or murderer
29 who is required to comply with this section, provide his or
30 her place of permanent or temporary residence, including a
31 rural route address or a post office box, and submit to the

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

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

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

28 (d) Each time a career offender's or murderer's
29 driver's license or identification card is subject to renewal,
30 and within 2 working days after any change of the career
31 offender's or murderer's residence or change in the career

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

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

20 (f) A career offender or murderer who intends to
21 establish residence in another state or jurisdiction other
22 than the State of Florida shall report in person to the
23 sheriff of the county of current residence or the department
24 within 2 working days before the date he or she intends to
25 leave this state to establish residence in another state or
26 jurisdiction other than the State of Florida. If the career
27 offender or murderer is under the supervision of the
28 Department of Corrections, the career offender or murderer
29 shall notify the supervising probation officer of his or her
30 intent to transfer supervision, satisfy all transfer
31 requirements under ~~pursuant to~~ the Interstate Compact for

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1 Supervision of Adult Offenders, as provided in s. 949.07, and
2 abide by the decision of the receiving jurisdiction to accept
3 or deny transfer. The career offender or murderer must provide
4 to the sheriff or department the address, municipality,
5 county, and state of intended residence. The sheriff shall
6 promptly provide to the department the information received
7 from the career offender or murderer. The failure of a career
8 offender or murderer to provide his or her intended place of
9 residence is punishable as provided in subsection(9)(~~8~~).

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

28 (h)1. The department shall maintain on-line computer
29 access to the current information regarding each registered
30 career offender and murderer. The department must maintain
31 hotline access so that state, local, and federal law

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1 enforcement agencies may obtain instantaneous locator file and
2 criminal characteristics information on release and
3 registration of career offenders and murderers for purposes of
4 monitoring, tracking, and prosecution. The photograph and
5 fingerprints need not be stored in a computerized format.

6 2. The department's career offender and murderer
7 registration lists list, containing the information described
8 in subparagraph (a)1., are subject to chapter 119 is a public
9 record. The department may disseminate this public information
10 by any means deemed appropriate, including operating a
11 toll-free telephone number for this purpose. When the
12 department provides information regarding a career offender or
13 murderer to the public, department personnel must advise the
14 person making the inquiry that positive identification of a
15 person believed to be a career offender or murderer cannot be
16 established unless a fingerprint comparison is made, and that
17 it is illegal to use public information regarding a career
18 offender or murderer to facilitate the commission of a crime.

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

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

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

26 ~~(6)(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.--

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

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1 offender or murderer establishes or maintains a permanent or
2 temporary residence may notify the community and the public of
3 the presence of the career offender or murderer in a manner
4 deemed appropriate by the sheriff or the chief of police.

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

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

23 ~~(8)(7)~~ IMMUNITY.--The department, the Department of
24 Highway Safety and Motor Vehicles, the Department of
25 Corrections, any law enforcement agency in this state, and the
26 personnel of those departments; an elected or appointed
27 official, public employee, or school administrator; or an
28 employee, agency, or any individual or entity acting at the
29 request or upon the direction of any law enforcement agency is
30 immune from civil liability for damages for good faith
31 compliance with the requirements of this section or for the

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

13 ~~(9)(8)~~ PENALTIES.--

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

23 (b) Any person who misuses public records information
 24 concerning a career offender or murderer, as defined in this
 25 section, or a career offender or murderer, as defined in s.
 26 944.608 or s. 944.609, to secure a payment from a ~~such~~ career
 27 offender or murderer; who knowingly distributes or publishes
 28 false information concerning ~~such~~ a career offender or
 29 murderer which the person misrepresents as being public
 30 records information; or who materially alters public records
 31 information with the intent to misrepresent the information,

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1 including documents, summaries of public records information
 2 provided by law enforcement agencies, or public records
 3 information displayed by law enforcement agencies on websites
 4 or provided through other means of communication, commits a
 5 misdemeanor of the first degree, punishable as provided in s.
 6 775.082 or s. 775.083.

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

17 Section 4. Section 944.608, Florida Statutes, is
 18 amended to read:

19 944.608 Notification to Department of Law Enforcement
 20 of information on career offenders and murderers.--

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

22 (a) "Career offender" means a person who is in the
 23 custody or control of, or under the supervision of, the
 24 department or is in the custody or control of, or under the
 25 supervision of, a private correctional facility, and who is
 26 designated as a habitual violent felony offender, a violent
 27 career criminal, or a three-time violent felony offender under
 28 s. 775.084 or as a prison releasee reoffender under s.
 29 775.082(9).

30 (b) "Murderer" means any person who has been convicted
 31 of murder as described in s. 782.04 or in any comparable law

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1 of any other jurisdiction.

2 (2) If a career offender or murderer is not sentenced
3 to a term of imprisonment, the clerk of the court shall ensure
4 that the ~~career offender's~~ fingerprints of the career offender
5 or murderer are taken and forwarded to the Department of Law
6 Enforcement within 48 hours after the court sentences the
7 career offender or murderer. The fingerprint card shall be
8 clearly marked "Career Offender Registration Card" or
9 "Murderer Registration Card."

10 (3) A career offender or murderer who is under the
11 supervision of the department but is not incarcerated must
12 register with the department and provide his or her name; date
13 of birth; social security number; race; gender; height;
14 weight; hair and eye color; tattoos or other identifying
15 marks; and permanent or legal residence and address of
16 temporary residence within the state or out of state while the
17 career offender or murderer is under supervision in this
18 state, including any rural route address or post office box.
19 The department shall verify the address of each career
20 offender or murderer.

21 (4) In addition to notification and transmittal
22 requirements imposed by any other provision of law, the
23 department shall compile information on any career offender or
24 murderer and provide the information to the Department of Law
25 Enforcement. The information shall be made available
26 electronically to the Department of Law Enforcement as soon as
27 this information is in the department's database and must be
28 in a format that is compatible with the requirements of the
29 Florida Crime Information Center.

30 (5) The information provided to the Department of Law
31 Enforcement must include:

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1 (a) The information obtained from the career offender
 2 or murderer under subsection (3);

3 (b) The career offender's or murderer's most current
 4 address and place of permanent and temporary residence within
 5 the state or out of state while the career offender or
 6 murderer is under supervision in this state, including the
 7 name of the county or municipality in which the career
 8 offender or murderer permanently or temporarily resides and,
 9 if known, the intended place of permanent or temporary
 10 residence upon satisfaction of all sanctions;

11 (c) The legal status of the career offender or
 12 murderer and the scheduled termination date of that legal
 13 status;

14 (d) The location of, and local telephone number for,
 15 any Department of Corrections' office that is responsible for
 16 supervising the career offender or murderer; and

17 (e) A digitized photograph of the career offender or
 18 murderer, which must have been taken within 60 days before the
 19 career offender or murderer is released from the custody of
 20 the department or a private correctional facility or within 60
 21 days after the onset of the department's supervision of any
 22 career offender or murderer who is on probation, community
 23 control, conditional release, parole, provisional release, or
 24 control release. If the career offender or murderer is in the
 25 custody or control of, or under the supervision of, a private
 26 correctional facility, the facility shall take a digitized
 27 photograph of the career offender or murderer within the time
 28 period provided in this paragraph and shall provide the
 29 photograph to the department.

30 (6)(a) The department shall notify the Department of
 31 Law Enforcement if the career offender or murderer escapes,

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1 absconds, or dies while in the custody or control of, or under
 2 the supervision of, the department.

3 (b) If any information provided by the department
 4 changes during the time the career offender or murderer is
 5 under the department's custody, control, or supervision,
 6 including any change in the career offender's or murderer's
 7 name by reason of marriage or other legal process, the
 8 department shall, in a timely manner, update the information
 9 and provide it to the Department of Law Enforcement in the
 10 manner prescribed in subsection (4).

11 (7) A career offender or murderer who is under the
 12 supervision of the department but who is not incarcerated
 13 shall, in addition to the registration requirements provided
 14 in subsection (3), register in the manner provided in s.
 15 775.261(5)(c) ~~s. 775.261(4)(c)~~, unless the career offender or
 16 murderer is a sexual predator, in which case he or she shall
 17 register as required under s. 775.21, ~~or~~ is a sexual offender,
 18 in which case he or she shall register as required in s.
 19 944.607, or is a murderer, in which case he or she shall
 20 register as required in s. 775.261. A career offender or
 21 murderer who fails to comply with the requirements of s.
 22 775.261 ~~s. 775.261(4)~~ is subject to the penalties provided in
 23 s. 775.261 ~~s. 775.261(8)~~.

24 (8) The failure of a career offender or murderer to
 25 submit to the taking of a digitized photograph, or to
 26 otherwise comply with the requirements of this section, is a
 27 felony of the third degree, punishable as provided in s.
 28 775.082 ~~or~~ s. 775.083, ~~or s. 775.084.~~

29 (9) The department, the Department of Highway Safety
 30 and Motor Vehicles, the Department of Law Enforcement,
 31 personnel of those departments, and any individual or entity

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

16 Section 5. Section 944.609, Florida Statutes, is
 17 amended to read:

18 944.609 Career offenders and murderers; notification
 19 upon release.--

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

21 (a) "Career offender" means a person who is in the
 22 custody or control of, or under the supervision of, the
 23 department or is in the custody or control of, or under the
 24 supervision of a private correctional facility, who is
 25 designated as a habitual violent felony offender, a violent
 26 career criminal, or a three-time violent felony offender under
 27 s. 775.084 or as a prison releasee reoffender under s.
 28 775.082(9).

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

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

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

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

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

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

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

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

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

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1 3. The Department of Law Enforcement;

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

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

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

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

21 2. The sheriff of the county and, if applicable, the
22 police chief of the municipality, where the career offender or
23 murderer plans to reside,

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

28 (d) Upon receiving information regarding a career
29 offender or murderer from the department, the Department of
30 Law Enforcement, the sheriff, or the chief of police shall
31 provide the information described in subparagraph (a)1. to any

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1 individual who requests such information and may release the
 2 information to the public in any manner deemed appropriate,
 3 unless the information is confidential or exempt from s.
 4 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

22
 23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27

28 and insert:

29 A bill to be entitled
 30 An act relating to career offender and murderer
 31 registration; amending s. 775.13, F.S.;

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1 exempting a murderer who has registered under
2 another provision of law from certain
3 registration requirements; amending s. 775.26,
4 F.S.; providing legislative intent relating to
5 registration of murderers and public
6 notification; amending s. 775.261, F.S.;

7 providing a short title; defining the terms
8 "murder" and "murderer" for purposes of the
9 registration of persons convicted of murder;
10 providing criteria for the registration of
11 persons convicted of murder; providing
12 exemptions; requiring the clerk of court to
13 secure and distribute fingerprints of a
14 convicted murderer who is not sentenced to
15 prison; requiring a person convicted of murder
16 to register with the Department of Corrections;
17 requiring the person to provide certain
18 information; requiring the sheriff to secure
19 and distribute a photo and fingerprints of a
20 registered murderer; requiring the Department
21 of Highway Safety and Motor Vehicles to forward
22 certain of the information provided by a
23 registered murderer to the Department of
24 Corrections; providing for notice, to law
25 enforcement officials, of the residence of a
26 registered murderer by the Department of
27 Corrections; providing criminal penalties for a
28 murderer who fails to provide certain
29 information regarding residence; providing for
30 the Department of Corrections to adopt
31 guidelines governing registration as a murderer

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1 and dissemination of information regarding a
2 murderer; providing for removal of a person
3 from classification as a murderer; authorizing
4 a law enforcement agency to notify the
5 community that a person convicted of murder is
6 present in the community; requiring the
7 department to develop a system to verify the
8 address of persons convicted of murder;
9 providing that a person convicted of murder
10 commits a felony of the third degree if he or
11 she fails to register or otherwise violates the
12 act; specifying the locations in which a person
13 convicted of murder may be prosecuted for
14 violations of the act; amending s. 944.608,
15 F.S.; defining the term "murderer"; requiring
16 the clerk of court to collect, and distribute
17 to the Department of Corrections, the
18 fingerprints of a murderer who is not sentenced
19 to prison; providing for registration of a
20 murderer who is not incarcerated; requiring a
21 registered murderer to provide certain
22 information; directing the department to
23 compile information relating to registered
24 murderers; providing for distribution of
25 information compiled by the department to the
26 Department of Law Enforcement; providing that a
27 murderer who violates the section commits a
28 felony of the third degree; amending s.
29 944.609, F.S.; defining the term "murderer";
30 providing legislative intent; directing the
31 Department of Corrections to provide

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1 information regarding a murderer who is being
2 released from incarceration to certain law
3 enforcement officials and other persons;
4 authorizing a law enforcement agency to notify
5 the community that a murderer is present in the
6 community; providing an effective date.

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