

Bill No. SB 2056

Barcode 580530

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 for a violation
16 under s. 782.04 or a comparable law in this state or any other
17 jurisdiction, must register as required under subsection (5)
18 and is subject to community and public notification as
19 provided under subsection (6). For purposes of this section, a
20 sanction imposed in this state includes, but is not limited
21 to, a fine, probation, community control, parole, conditional
22 release, control release, or incarceration in a state prison,
23 private correctional facility, or local detention facility,
24 and:

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

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

31 (b) This subsection does not apply to a person who has

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

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

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

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

27 (5)(4) REGISTRATION.--

28 (a) A career offender or murderer must register with
29 the department by providing the following information to the
30 department, or to the sheriff's office in the county in which
31 the career offender or murderer establishes or maintains a

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

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

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1 2. Any other information determined necessary by the
2 department, including criminal and corrections records;
3 nonprivileged personnel and treatment records; and evidentiary
4 genetic markers when available.

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

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

21 1. If otherwise qualified, secure a Florida driver's
22 license, renew a Florida driver's license, or secure an
23 identification card. The career offender or murderer shall
24 identify himself or herself as a career offender or murderer
25 who is required to comply with this section, provide his or
26 her place of permanent or temporary residence, including a
27 rural route address or a post office box, and submit to the
28 taking of a photograph for use in issuing a driver's license,
29 renewed license, or identification card, and for use by the
30 department in maintaining current records of career offenders.
31 The career offender or murderer may not provide a post office

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1 box in lieu of a physical residential address. If the career
2 offender's or murderer's place of residence is a motor
3 vehicle, trailer, mobile home, or manufactured home, as
4 defined in chapter 320, the career offender or murderer shall
5 also provide to the Department of Highway Safety and Motor
6 Vehicles the vehicle identification number; the license tag
7 number; the motor vehicle registration number; and a
8 description, including color scheme, of the motor vehicle,
9 trailer, mobile home, or manufactured home. If a career
10 offender's or murderer's place of residence is a vessel,
11 live-aboard vessel, or houseboat, as defined in chapter 327,
12 the career offender or murderer shall also provide to the
13 Department of Highway Safety and Motor Vehicles the hull
14 identification number; the manufacturer's serial number; the
15 name of the vessel, live-aboard vessel, or houseboat; the
16 registration number; and a description, including color
17 scheme, of the vessel, live-aboard vessel, or houseboat.

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

21 3. Provide, upon request, any additional information
22 necessary to confirm the identity of the career offender or
23 murderer, including a set of fingerprints.

24 (d) Each time a career offender's or murderer's
25 driver's license or identification card is subject to renewal,
26 and within 2 working days after any change of the career
27 offender's or murderer's residence or change in the career
28 offender's or murderer's name by reason of marriage or other
29 legal process, the career offender or murderer must report in
30 person to a driver's license office, and shall be subject to
31 the requirements specified in paragraph (c). The Department of

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1 Highway Safety and Motor Vehicles shall forward to the
2 department and to the Department of Corrections all
3 photographs and information provided by career offenders or
4 murderers. Notwithstanding the restrictions set forth in s.
5 322.142, the Department of Highway Safety and Motor Vehicles
6 may release a reproduction of a color-photograph or
7 digital-image license to the department for purposes of public
8 notification of career offenders or murderers as provided in
9 this section.

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

16 (f) A career offender or murderer who intends to
17 establish residence in another state or jurisdiction other
18 than the State of Florida shall report in person to the
19 sheriff of the county of current residence or the department
20 within 2 working days before the date he or she intends to
21 leave this state to establish residence in another state or
22 jurisdiction other than the State of Florida. If the career
23 offender or murderer is under the supervision of the
24 Department of Corrections, the career offender or murderer
25 shall notify the supervising probation officer of his or her
26 intent to transfer supervision, satisfy all transfer
27 requirements under ~~pursuant to~~ the Interstate Compact for
28 Supervision of Adult Offenders, as provided in s. 949.07, and
29 abide by the decision of the receiving jurisdiction to accept
30 or deny transfer. The career offender or murderer must provide
31 to the sheriff or department the address, municipality,

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1 county, and state of intended residence. The sheriff shall
 2 promptly provide to the department the information received
 3 from the career offender or murderer. The failure of a career
 4 offender or murderer to provide his or her intended place of
 5 residence is punishable as provided in subsection ~~(9)~~(8).

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

24 (h)1. The department shall maintain on-line computer
 25 access to the current information regarding each registered
 26 career offender and murderer. The department must maintain
 27 hotline access so that state, local, and federal law
 28 enforcement agencies may obtain instantaneous locator file and
 29 criminal characteristics information on release and
 30 registration of career offenders and murderers for purposes of
 31 monitoring, tracking, and prosecution. The photograph and

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1 fingerprints need not be stored in a computerized format.

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

15 3. The department shall adopt guidelines as necessary
16 regarding the registration of a career offender or murderer
17 and the dissemination of information regarding a career
18 offender or murderer as required by this section.

19 (i) A career offender or murderer must maintain
20 registration with the department for the duration of his or
21 her life, unless the career offender or murderer has received
22 a full pardon or has had a conviction set aside in a
23 postconviction proceeding for any offense that meets the
24 criteria for classifying the person as a career offender or
25 murderer for purposes of registration. However, a registered
26 career offender who has been lawfully released from
27 confinement, supervision, or sanction, whichever is later, for
28 at least 20 years and has not been arrested for any felony or
29 misdemeanor offense since release may petition the criminal
30 division of the circuit court of the circuit in which the
31 registered career offender resides for the purpose of removing

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

22 ~~(6)(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.--

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

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

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

19 ~~(8)(7)~~ IMMUNITY.--The department, the Department of
20 Highway Safety and Motor Vehicles, the Department of
21 Corrections, any law enforcement agency in this state, and the
22 personnel of those departments; an elected or appointed
23 official, public employee, or school administrator; or an
24 employee, agency, or any individual or entity acting at the
25 request or upon the direction of any law enforcement agency is
26 immune from civil liability for damages for good faith
27 compliance with the requirements of this section or for the
28 release of information under this section and shall be
29 presumed to have acted in good faith in compiling, recording,
30 reporting, or releasing the information. The presumption of
31 good faith is not overcome if a technical or clerical error is

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1 made by the department, the Department of Highway Safety and
 2 Motor Vehicles, the Department of Corrections, the personnel
 3 of those departments, or any individual or entity acting at
 4 the request or upon the direction of any of those departments
 5 in compiling or providing information, or if information is
 6 incomplete or incorrect because a career offender or murderer
 7 fails to report or falsely reports his or her current place of
 8 permanent or temporary residence.

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

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

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

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1 misdemeanor of the first degree, punishable as provided in s.
2 775.082 or s. 775.083.

3 ~~(10)(9)~~ PROSECUTIONS FOR ACTS OR OMISSIONS.--A career
4 offender or murderer who commits any act or omission in
5 violation of this section, s. 944.608, or s. 944.609 may be
6 prosecuted for the act or omission in the county in which the
7 act or omission was committed, the county of the last
8 registered address of the career offender, the county in which
9 the conviction occurred for the offense or offenses that meet
10 the criteria for designating a person as a career offender or
11 murderer, or in the county in which he or she was designated a
12 career offender or murderer.

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

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

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

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

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

29 (2) If a career offender or murderer is not sentenced
30 to a term of imprisonment, the clerk of the court shall ensure
31 that the ~~career offender's~~ fingerprints of the career offender

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1 or murderer are taken and forwarded to the Department of Law
2 Enforcement within 48 hours after the court sentences the
3 career offender or murderer. The fingerprint card shall be
4 clearly marked "Career Offender Registration Card" or
5 "Murderer Registration Card."

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

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

26 (5) The information provided to the Department of Law
27 Enforcement must include:

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

30 (b) The career offender's or murderer's most current
31 address and place of permanent and temporary residence within

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1 the state or out of state while the career offender or
 2 murderer is under supervision in this state, including the
 3 name of the county or municipality in which the career
 4 offender or murderer permanently or temporarily resides and,
 5 if known, the intended place of permanent or temporary
 6 residence upon satisfaction of all sanctions;

7 (c) The legal status of the career offender or
 8 murderer and the scheduled termination date of that legal
 9 status;

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

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

26 (6)(a) The department shall notify the Department of
 27 Law Enforcement if the career offender or murderer escapes,
 28 absconds, or dies while in the custody or control of, or under
 29 the supervision of, the department.

30 (b) If any information provided by the department
 31 changes during the time the career offender or murderer is

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1 under the department's custody, control, or supervision,
 2 including any change in the career offender's or murderer's
 3 name by reason of marriage or other legal process, the
 4 department shall, in a timely manner, update the information
 5 and provide it to the Department of Law Enforcement in the
 6 manner prescribed in subsection (4).

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

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

25 (9) The department, the Department of Highway Safety
 26 and Motor Vehicles, the Department of Law Enforcement,
 27 personnel of those departments, and any individual or entity
 28 acting at the request or upon the direction of those
 29 departments are immune from civil liability for damages for
 30 good faith compliance with this section, and shall be presumed
 31 to have acted in good faith in compiling, recording,

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1 reporting, or providing information. The presumption of good
 2 faith is not overcome if technical or clerical errors are made
 3 by the department, the Department of Highway Safety and Motor
 4 Vehicles, the Department of Law Enforcement, personnel of
 5 those departments, or any individual or entity acting at the
 6 request or upon the direction of those departments in
 7 compiling, recording, reporting, or providing information, or,
 8 if the information is incomplete or incorrect because the
 9 information has not been provided by a person or agency
 10 required to provide the information, or because the
 11 information was not reported or was falsely reported.

12 Section 5. Section 944.609, Florida Statutes, is
 13 amended to read:

14 944.609 Career offenders and murderers; notification
 15 upon release.--

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

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

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

28 (2) The Legislature finds that certain career
 29 offenders and murderers, by virtue of their histories of
 30 offenses, present a threat to the public and to communities.
 31 The Legislature finds that requiring these career offenders

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

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

20 1. The department must provide the career offender's
21 or murderer's name, any change in the career offender's or
22 murderer's name by reason of marriage or other legal process,
23 and any alias, if known; the correctional facility from which
24 the career offender or murderer is released; the career
25 offender's or murderer's social security number, race, gender,
26 date of birth, height, weight, and hair and eye color; date
27 and county of sentence and each crime for which the career
28 offender or murderer was sentenced; a copy of the career
29 offender's or murderer's fingerprints and a digitized
30 photograph taken within 60 days before release; the date of
31 release of the career offender or murderer; and the career

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

17 2. The department may provide any other information
18 deemed necessary, including criminal and corrections records
19 and nonprivileged personnel and treatment records, when
20 available.

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

23 1. The sheriff of the county where the career offender
24 or murderer was sentenced;

25 2. The sheriff of the county and, if applicable, the
26 police chief of the municipality, where the career offender or
27 murderer plans to reside;

28 3. The Department of Law Enforcement;

29 4. When requested, the victim of the offense, the
30 victim's parent or legal guardian if the victim is a minor,
31 the lawful representative of the victim or of the victim's

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1 parent or guardian if the victim is a minor, or the next of
2 kin if the victim is a homicide victim; and

3 5. Any person who requests such information,
4
5 within 6 months prior to the anticipated release of a career
6 offender or murderer or as soon as possible if a career
7 offender or murderer is released earlier than anticipated. All
8 such information provided to the Department of Law Enforcement
9 must be available electronically as soon as the information is
10 in the agency's database and must be in a format that is
11 compatible with the requirements of the Florida Crime
12 Information Center.

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

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

17 2. The sheriff of the county and, if applicable, the
18 police chief of the municipality, where the career offender or
19 murderer plans to reside,

20
21 within 6 months prior to the anticipated release of a career
22 offender or murderer or as soon as possible if a career
23 offender or murderer is released earlier than anticipated.

24 (d) Upon receiving information regarding a career
25 offender or murderer from the department, the Department of
26 Law Enforcement, the sheriff, or the chief of police shall
27 provide the information described in subparagraph (a)1. to any
28 individual who requests such information and may release the
29 information to the public in any manner deemed appropriate,
30 unless the information is confidential or exempt from s.
31 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

18
 19

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

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled
 26 An act relating to career offender and murderer
 27 registration; amending s. 775.13, F.S.;
 28 exempting a murderer who has registered under
 29 another provision of law from certain
 30 registration requirements; amending s. 775.26,
 31 F.S.; providing legislative intent relating to

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1 registration of murderers and public
2 notification; amending s. 775.261, F.S.;
3 providing a short title; defining the terms
4 "murder" and "murderer" for purposes of the
5 registration of persons convicted of murder;
6 providing criteria for the registration of
7 persons convicted of murder; providing
8 exemptions; requiring the clerk of court to
9 secure and distribute fingerprints of a
10 convicted murderer who is not sentenced to
11 prison; requiring a person convicted of murder
12 to register with the Department of Corrections;
13 requiring the person to provide certain
14 information; requiring the sheriff to secure
15 and distribute a photo and fingerprints of a
16 registered murderer; requiring the Department
17 of Highway Safety and Motor Vehicles to forward
18 certain of the information provided by a
19 registered murderer to the Department of
20 Corrections; providing for notice, to law
21 enforcement officials, of the residence of a
22 registered murderer by the Department of
23 Corrections; providing criminal penalties for a
24 murderer who fails to provide certain
25 information regarding residence; providing for
26 the Department of Corrections to adopt
27 guidelines governing registration as a murderer
28 and dissemination of information regarding a
29 murderer; providing for removal of a person
30 from classification as a murderer; authorizing
31 a law enforcement agency to notify the

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

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the community that a murderer is present in the
community; providing an effective date.