

By Senator Baker

20-1192A-05

1 A bill to be entitled
2 An act relating to career offender and murderer
3 registration; amending s. 775.261, F.S.;
4 providing a short title; defining the terms
5 "murder" and "murderer" for purposes of the
6 registration of persons convicted of murder;
7 providing criteria for the registration of
8 persons convicted of murder; requiring a person
9 convicted of murder to register with the
10 Department of Corrections; requiring the person
11 to provide certain information; authorizing a
12 law enforcement agency to notify the community
13 that a person convicted of murder is present in
14 the community; requiring the department to
15 develop a system to verify the address of
16 persons convicted of murder; providing that a
17 person convicted of murder commits a felony of
18 the third degree if he or she fails to register
19 or otherwise violates the act; specifying the
20 locations in which a person convicted of murder
21 may be prosecuted for violations of the act;
22 amending s. 944.608, F.S.; correcting
23 cross-references; providing an effective date.
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25 Be It Enacted by the Legislature of the State of Florida:
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27 Section 1. Section 775.261, Florida Statutes, is
28 amended to read:
29 775.261 The Florida Career Offender and Murderer
30 Registration Act.--
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1 (1) SHORT TITLE.--This section may be cited as "The
2 Florida Career Offender and Murderer Registration Act."

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

4 (a) "Career offender" means any person who is
5 designated as a habitual violent felony offender, a violent
6 career criminal, or a three-time violent felony offender under
7 s. 775.084 or as a prison releasee reoffender under s.
8 775.082(9).

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

11 (c) "Community" means any county where the career
12 offender or murderer lives or otherwise establishes or
13 maintains a temporary or permanent residence.

14 (d) "Conviction" or "convicted" means a determination
15 of guilt which is the result of a trial or the entry of a plea
16 of guilty or nolo contendere, regardless of whether
17 adjudication is withheld. A conviction for a similar offense
18 includes, but is not limited to, a conviction by a federal or
19 military tribunal, including a court-martial conducted by the
20 Armed Forces of the United States, and includes a conviction
21 or entry of a plea of guilty or nolo contendere resulting in a
22 sanction in any state of the United States or other
23 jurisdiction.

24 ~~(e)~~(d) "Department" means the Department of Law
25 Enforcement.

26 ~~(f)~~(e) "Entering the county" includes being discharged
27 from a correctional facility, jail, or secure treatment
28 facility within the county or being under supervision within
29 the county with a career-offender designation as specified in
30 paragraph (a).
31

1 ~~(g)~~ "Murder" means the unlawful killing of a human
2 being as described in s. 782.04 or in any comparable law of
3 any other jurisdiction.

4 ~~(h)~~ "Murderer" means any person who has been convicted
5 of murder as described in s. 782.04 or in any comparable law
6 of any other jurisdiction.

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

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

11 1. A place where the career offender or murderer
12 abides, lodges, or resides for a period of 14 or more days in
13 the aggregate during any calendar year and which is not the
14 career offender's or murderer's permanent address;

15 2. For a career offender or murderer whose permanent
16 residence is not in this state, a place where the career
17 offender or murderer is employed, practices a vocation, or is
18 enrolled as a student for any period of time in this state; or

19 3. A place where the career offender or murderer
20 routinely abides, lodges, or resides for a period of 4 or more
21 consecutive or nonconsecutive days in any month and which is
22 not the career offender's or murderer's permanent residence,
23 including any out-of-state address.

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

25 (a) A career offender released on or after January 1,
26 2003, from a sanction imposed in this state for a designation
27 as a habitual violent felony offender, a violent career
28 criminal, or a three-time violent felony offender under s.
29 775.084 or as a prison releasee reoffender under s. 775.082(9)
30 must register as required under subsection~~(5)(4)~~ and is
31 subject to community and public notification as provided under

1 subsection~~(6)~~~~(5)~~. For purposes of this section, a sanction
2 imposed in this state includes, but is not limited to, a fine,
3 probation, community control, parole, conditional release,
4 control release, or incarceration in a state prison, private
5 correctional facility, or local detention facility, and:

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

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

12 (b) This section does not apply to any person who has
13 been designated as a sexual predator and required to register
14 under s. 775.21 or who is required to register as a sexual
15 offender under s. 943.0435 or s. 944.607. However, if a person
16 is no longer required to register as a sexual predator under
17 s. 775.21 or as a sexual offender under s. 943.0435 or s.
18 944.607, the person must register as a career offender under
19 this section if the person is otherwise designated as a career
20 offender as provided in this section.

21 (c) A person subject to registration as a career
22 offender is not subject to registration as a convicted felon
23 under s. 775.13. However, if the person is no longer required
24 to register as a career offender under this section, the
25 person must register under s. 775.13 if required to do so
26 under that section.

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

3 (4) CRITERIA FOR REGISTRATION AS A CONVICTED

4 MURDERER.--A convicted murderer released on or after January
5 1, 2006, from a sanction imposed in this state or in any other
6 jurisdiction must register as required under subsection (5)
7 and is subject to community and public notification as
8 provided under subsection (6). For purposes of this section, a
9 sanction imposed in this state includes, but is not limited
10 to, a fine, probation, community control, parole, conditional
11 release, control release, or incarceration in a state prison,
12 private correctional facility, or local detention facility,
13 and:

14 1. The murderer has not been granted a pardon for the
15 murder which is the precondition for the application of this
16 subsection; or

17 2. A conviction of the murder that is the precondition
18 for the application of this subsection has not been set aside
19 in any postconviction proceeding.

20 (5)(4) REGISTRATION.--

21 (a) A career offender or murderer must register with
22 the department by providing the following information to the
23 department, or to the sheriff's office in the county in which
24 the career offender or murderer establishes or maintains a
25 permanent or temporary residence, within 2 working days after
26 establishing permanent or temporary residence in this state or
27 within 2 working days after being released from the custody,
28 control, or supervision of the Department of Corrections, ~~or~~
29 from the custody of a private correctional facility, or from
30 the custody of any other jurisdiction:

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

26 2. Any other information determined necessary by the
27 department, including criminal and corrections records;
28 nonprivileged personnel and treatment records; and evidentiary
29 genetic markers when available.
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1 A career offender or murderer must notify the department or
2 the sheriff within 2 working days after any change in
3 information required by this paragraph, including any change
4 of name by reason of marriage or legal proceeding.

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

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

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

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

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

19 3. Provide, upon request, any additional information
20 necessary to confirm the identity of the career offender,
21 including a set of fingerprints.

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

1 Notwithstanding the restrictions set forth in s. 322.142, the
2 Department of Highway Safety and Motor Vehicles may release a
3 reproduction of a color-photograph or digital-image license to
4 the department for purposes of public notification of career
5 offenders as provided in this section.

6 (e) If the career offender or murderer registers at an
7 office of the department, the department must notify the
8 sheriff and, if applicable, the police chief of the
9 municipality, where the career offender or murderer maintains
10 a residence within 48 hours after the career offender or
11 murderer registers with the department.

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

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

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

21 (h)1. The department shall maintain on-line computer
22 access to the current information regarding each registered
23 career offender and murderer. The department must maintain
24 hotline access so that state, local, and federal law
25 enforcement agencies may obtain instantaneous locator file and
26 criminal characteristics information on release and
27 registration of career offenders and murderers for purposes of
28 monitoring, tracking, and prosecution. The photograph and
29 fingerprints need not be stored in a computerized format.

30 2. The department's career offender and murderer
31 registration lists list, containing the information described

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

12 | 3. The department shall adopt guidelines as necessary
13 | regarding the registration of a career offender or murderer
14 | and the dissemination of information regarding a career
15 | offender or murderer as required by this section.

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

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

17 (j) A murderer must maintain registration with the
18 department for the duration of his or her life, subject to
19 paragraph (a).

20 ~~(6)(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.--

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

30 (b) The sheriff or the police chief may coordinate the
31 community and public notification efforts with the department.

1 Statewide notification to the public is authorized, as deemed
2 appropriate by local law enforcement personnel and the
3 department.

4 ~~(7)(6)~~ VERIFICATION.--The department and the
5 Department of Corrections shall implement a system for
6 verifying the addresses of career offenders and murderers. The
7 sheriff of each county shall annually verify the addresses of
8 career offenders and murderers who are not under the care,
9 custody, control, or supervision of the Department of
10 Corrections. The sheriff shall promptly provide the address
11 verification information to the department in an electronic
12 format. The address verification information must include the
13 verifying person's name, agency, and phone number, the date of
14 verification, and the method of verification, and must specify
15 whether the address information was verified as correct,
16 incorrect, or unconfirmed.

17 ~~(8)(7)~~ IMMUNITY.--The department, the Department of
18 Highway Safety and Motor Vehicles, the Department of
19 Corrections, any law enforcement agency in this state, and the
20 personnel of those departments; an elected or appointed
21 official, public employee, or school administrator; or an
22 employee, agency, or any individual or entity acting at the
23 request or upon the direction of any law enforcement agency is
24 immune from civil liability for damages for good faith
25 compliance with the requirements of this section or for the
26 release of information under this section and shall be
27 presumed to have acted in good faith in compiling, recording,
28 reporting, or releasing the information. The presumption of
29 good faith is not overcome if a technical or clerical error is
30 made by the department, the Department of Highway Safety and
31 Motor Vehicles, the Department of Corrections, the personnel

1 of those departments, or any individual or entity acting at
2 the request or upon the direction of any of those departments
3 in compiling or providing information, or if information is
4 incomplete or incorrect because a career offender or murderer
5 fails to report or falsely reports his or her current place of
6 permanent or temporary residence.

7 ~~(9)(8)~~ PENALTIES.--

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

17 (b) A murderer who fails to register or who otherwise
18 fails, by act or omission, to comply with the requirements of
19 this section, commits a felony of the third degree, punishable
20 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

5 ~~(10)~~~~(9)~~ PROSECUTIONS FOR ACTS OR OMISSIONS.--

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

15 (b) A murderer who commits any act or omission in
16 violation of this section may be prosecuted for the act or
17 omission in the county in which the act or omission was
18 committed, the county of the last registered address of the
19 murderer, the county in which the conviction occurred for the
20 offense or offenses that meet the criteria for designating a
21 person as a murderer, or in the county in which he or she was
22 designated a murderer.

23 Section 2. Subsection (7) of section 944.608, Florida
24 Statutes, is amended to read:

25 944.608 Notification to Department of Law Enforcement
26 of information on career offenders.--

27 (7) A career offender who is under the supervision of
28 the department but who is not incarcerated shall, in addition
29 to the registration requirements provided in subsection (3),
30 register in the manner provided in s. 775.261(5)(c) ~~s.~~
31 ~~775.261(4)(c)~~, unless the career offender is a sexual

1 predator, in which case he or she shall register as required
2 under s. 775.21, or is a sexual offender, in which case he or
3 she shall register as required in s. 944.607. A career
4 offender who fails to comply with the requirements of s.
5 775.261(5) ~~s. 775.261(4)~~ is subject to the penalties provided
6 in s. 775.261(9) ~~s. 775.261(8)~~.

7 Section 3. This act shall take effect July 1, 2005.

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10 SENATE SUMMARY

11 Provides criteria for the registration of persons
12 convicted of murder. Requires a person convicted of
13 murder to register with the Department of Corrections.
14 Requires the person to provide certain information.
15 Authorizes a law enforcement agency to notify the
16 community that a person convicted of murder is present in
17 the community. Requires the department to develop a
18 system to verify the address of persons convicted of
19 murder. Provides that a person convicted of murder
20 commits a felony of the third degree if he or she fails
21 to register or otherwise violates the act. Specifies the
22 locations in which a person convicted of murder may be
23 prosecuted for violations of the act.
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