

By the Committee on Criminal Justice; and Senator Baker

591-1960-05

1                                   A bill to be entitled  
2           An act relating to career offender and murderer  
3           registration; amending s. 775.13, F.S.;  
4           exempting a murderer who has registered under  
5           another provision of law from certain  
6           registration requirements; amending s. 775.26,  
7           F.S.; providing legislative intent relating to  
8           registration of murderers and public  
9           notification; amending s. 775.261, F.S.;  
10          providing a short title; defining the terms  
11          "murder" and "murderer" for purposes of the  
12          registration of persons convicted of murder;  
13          providing criteria for the registration of  
14          persons convicted of murder; providing  
15          exemptions; requiring the clerk of court to  
16          secure and distribute fingerprints of a  
17          convicted murderer who is not sentenced to  
18          prison; requiring a person convicted of murder  
19          to register with the Department of Corrections;  
20          requiring the person to provide certain  
21          information; requiring the sheriff to secure  
22          and distribute a photo and fingerprints of a  
23          registered murderer; requiring the Department  
24          of Highway Safety and Motor Vehicles to forward  
25          certain of the information provided by a  
26          registered murderer to the Department of  
27          Corrections; providing for notice, to law  
28          enforcement officials, of the residence of a  
29          registered murderer by the Department of  
30          Corrections; providing criminal penalties for a  
31          murderer who fails to provide certain

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

1           944.609, F.S.; defining the term "murderer";  
2           providing legislative intent; directing the  
3           Department of Corrections to provide  
4           information regarding a murderer who is being  
5           released from incarceration to certain law  
6           enforcement officials and other persons;  
7           authorizing a law enforcement agency to notify  
8           the community that a murderer is present in the  
9           community; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

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

15           775.13 Registration of convicted felons, exemptions;  
16 penalties.--

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

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

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

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

27           (d) Who is a parolee or probationer under the  
28 supervision of the United States Parole Commission if the  
29 commission knows of and consents to the presence of the  
30 offender in Florida or is a probationer under the supervision

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1 of any federal probation officer in the state or who has been  
2 lawfully discharged from such parole or probation;

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

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

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

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

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

13 775.26 Registration of career offenders and murderers;  
14 ~~and~~ public notification; legislative findings and intent.--The  
15 Legislature finds that certain career offenders and murderers,  
16 by virtue of their histories of offenses, present a threat to  
17 the public and to communities. The Legislature finds that  
18 requiring these career offenders and murderers to register for  
19 the purpose of tracking them ~~these career offenders~~ and that  
20 providing for notification of ~~notifying~~ the public and a  
21 community of the presence of a career offender or murderer are  
22 important aids to law enforcement agencies, the public, and  
23 communities if a career offender or murderer engages again in  
24 criminal conduct. Registration is intended to aid law  
25 enforcement agencies in timely apprehending a career offender  
26 or murderer. Registration is not a punishment, but merely a  
27 status. Notification to the public and communities of the  
28 presence of a career offender or murderer aids the public and  
29 communities in avoiding victimization ~~being victimized~~ by a  
30 career offender or murderer. The Legislature intends to  
31 require the registration of career offenders and murderers and

1 to authorize law enforcement agencies to notify the public and  
2 communities of the presence of a career offender or murderer.

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

5 775.261 The Florida Career Offender and Murderer  
6 Registration Act.--

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

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

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

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

17 (c) "Community" means any county where the career  
18 offender or murderer lives or otherwise establishes or  
19 maintains a temporary or permanent residence.

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

30 (e)~~(d)~~ "Department" means the Department of Law  
31 Enforcement.

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

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

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

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

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

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

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

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

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

30           (a) A career offender released on or after January 1,  
31 2003, from a sanction imposed in this state for a designation

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

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

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

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

27 (c) A person subject to registration as a career  
28 offender is not subject to registration as a convicted felon  
29 under s. 775.13. However, if the person is no longer required  
30 to register as a career offender under subsection (5) ~~this~~  
31

1 ~~section~~, the person must register under s. 775.13 if required  
2 to do so under that section.

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

9 (4) CRITERIA FOR REGISTRATION AS A CONVICTED

10 MURDERER.--

11 (a) A convicted murderer released on or after January  
12 1, 2006, from a sanction imposed in this state for a violation  
13 under s. 782.04 or a comparable law in this state or any other  
14 jurisdiction, must register as required under subsection (5)  
15 and is subject to community and public notification as  
16 provided under subsection (6). For purposes of this section, a  
17 sanction imposed in this state includes, but is not limited  
18 to, a fine, probation, community control, parole, conditional  
19 release, control release, or incarceration in a state prison,  
20 private correctional facility, or local detention facility,  
21 and:

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

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

28 (b) This subsection does not apply to a person who has  
29 been designated as sexual predator and is required to register  
30 under s. 775.21 or who is required to register as a sexual  
31 offender under s. 943.0435 or s. 944.607. However, if a



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

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

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

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

24 (5)(4) REGISTRATION.--

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

1 control, or supervision of the Department of Corrections, ~~or~~  
2 from the custody of a private correctional facility, or from  
3 the custody of any other jurisdiction:

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

29 2. Any other information determined necessary by the  
30 department, including criminal and corrections records;  
31

1 nonprivileged personnel and treatment records; and evidentiary  
2 genetic markers when available.

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

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

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

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

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

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

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

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

1 from the career offender or murderer. The failure of a career  
2 offender or murderer to provide his or her intended place of  
3 residence is punishable as provided in subsection(9)(8).

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

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

31

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

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

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

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

21 |       ~~(6)~~(5) COMMUNITY AND PUBLIC NOTIFICATION.--

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

31 |



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

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, s. 775.083, or  
18 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

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

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

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

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, 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,

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

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



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

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.

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.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2056

- 4 - Section 775.13, F.S., pertaining to the registration of  
5 convicted felons, is added to the committee substitute  
6 and amended to provide that a murderer who registers  
7 under the Career Offender statute, s. 775.261, F.S., is  
8 exempt from registering under s. 775.13, F.S.
- 9 - Section 775.26, F.S., pertaining to the registration of  
10 career offenders, is also added to the committee  
11 substitute and murderers are required to register as  
12 career offenders.
- 13 - Language is added to s. 775.261(4), F.S., to track the  
14 language for career offenders earlier in that section. It  
15 establishes that a person who is required to register as  
16 a sexual predator or a sexual offender does not need to  
17 register as a murderer unless otherwise required to do  
18 so. However, if a person is no longer required to  
19 register as a murderer he or she might still be required  
20 to register as a career offender or convicted felon under  
21 special circumstances.
- 22 - Larger portions of s. 944.608, F.S., which address the  
23 responsibilities of career offenders to notify FDLE, are  
24 included in the bill and amended to define and include  
25 murderers in those reporting provisions.
- 26 - Section 944.609, F.S., is added to the committee  
27 substitute to provide that the public has a right to know  
28 when murderers, like career offenders, are present in  
29 their communities. The section requires the Department of  
30 Corrections to notify and provide information to FDLE,  
31 sheriffs, and police chiefs, when appropriate, and other  
interested people, when the murderer intends to reside in  
that community.