

By Senator Burt

16-572-02

1 A bill to be entitled
2 An act relating to career criminals; amending
3 s. 775.13, F.S.; exempting a registered career
4 criminal from the requirement to register as a
5 convicted felon; creating s. 775.26, F.S.;
6 providing legislative findings and intent with
7 respect to the registration of career criminals
8 and public notification of the presence of
9 career criminals; creating s. 775.261, F.S.;
10 creating the Florida Career Criminal
11 Registration Act; providing definitions;
12 requiring a criminal who is classified as a
13 career criminal and who is released on or after
14 a specified date to register with the
15 Department of Law Enforcement; providing an
16 exception for an offender who registers as a
17 sexual predator or sexual offender; providing
18 procedures for registration; requiring that a
19 photograph and fingerprints be taken of a
20 career criminal; providing procedures for
21 notifying the Department of Law Enforcement if
22 a career criminal intends to establish
23 residence in another state or jurisdiction;
24 requiring the Department of Law Enforcement to
25 provide for computer access to information on
26 career criminals; providing that the
27 registration list is a public record; providing
28 a procedure by which a career criminal may
29 petition the court to remove the requirement
30 that he or she maintain registration;
31 authorizing law enforcement agencies to notify

1 the public of the presence of a career
2 criminal; providing that specified state
3 agencies and employees are immune from
4 liability for good-faith compliance with the
5 requirements of the act; providing penalties;
6 specifying venues for prosecuting a violation
7 of the act; creating s. 944.608, F.S.;
8 requiring a career criminal who is not
9 sentenced to a term of imprisonment or who is
10 under the supervision of the Department of
11 Corrections to register with the Department of
12 Law Enforcement; providing procedures for
13 registration; providing penalties; providing
14 that specified state agencies and certain
15 employees are immune from liability for
16 good-faith compliance with the requirements of
17 the act; creating s. 944.609, F.S.; requiring
18 the Department of Corrections to provide
19 information concerning a career criminal to the
20 sheriff, police chief, Department of Law
21 Enforcement, and victim, if requested, before
22 the career criminal is released from
23 incarceration; authorizing the Department of
24 Corrections or any law enforcement agency to
25 notify the public of the presence of a career
26 criminal; providing for immunity from liability
27 for good-faith compliance with the requirements
28 of the act; providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

3 775.13 Registration of convicted felons, exemptions;
4 penalties.--

- 5 (5) This section does not apply to an offender:
- 6 (a) Who has had his or her civil rights restored;
- 7 (b) Who has received a full pardon for the offense for
8 which convicted;
- 9 (c) Who has been lawfully released from incarceration
10 or other sentence or supervision for a felony conviction for
11 more than 5 years prior to such time for registration, unless
12 the offender is a fugitive from justice on a felony charge or
13 has been convicted of any offense since release from such
14 incarceration or other sentence or supervision;
- 15 (d) Who is a parolee or probationer under the
16 supervision of the United States Parole Commission if the
17 commission knows of and consents to the presence of the
18 offender in Florida or is a probationer under the supervision
19 of any federal probation officer in the state or who has been
20 lawfully discharged from such parole or probation;
- 21 (e) Who is a sexual predator and has registered as
22 required under s. 775.21; ~~or~~
- 23 (f) Who is a sexual offender and has registered as
24 required in s. 943.0435 or s. 944.607; ~~or~~
- 25 (g) Who is a career criminal and has registered as
26 required in s. 775.261 or s. 944.609.

27 Section 2. Section 775.26, Florida Statutes, is
28 created to read:

29 775.26 Registration of career criminals and public
30 notification; legislative findings and intent.--The
31 Legislature finds that career criminals, by virtue of their

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

17 Section 3. Section 775.261, Florida Statutes, is
18 created to read:

19 775.261 The Florida Career Criminal Registration Act;
20 definitions; criteria; designation; registration; community
21 notification; immunity; penalties.--

22 (1) SHORT TITLE.--This section may be cited as "The
23 Florida Career Criminal Registration Act."

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

25 (a) "Career criminal" means any person who is
26 designated as a habitual violent felony offender, a violent
27 career criminal, or a three-time violent felony offender under
28 s. 775.084 or as a prison releasee reoffender under s.
29 775.082(9).

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

1 (c) "Community" means any county where the career
2 criminal lives or otherwise establishes or maintains a
3 temporary or permanent residence.

4 (d) "Department" means the Department of Law
5 Enforcement.

6 (e) "Entering the county" includes being discharged
7 from a correctional facility, jail, or secure treatment
8 facility within the county or being under supervision within
9 the county for committing a violation enumerated in paragraph

10 (a).

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

14 (g) "Temporary residence" means:

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

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

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

28 (3) CRITERIA FOR REGISTRATION AS A CAREER CRIMINAL.--

29 (a) A career criminal released on or after January 1,
30 2004, from a sanction imposed in this state for a designation
31 as a habitual violent felony offender, a violent career

1 criminal, or a three-time violent felony offender under s.
2 775.084 or as a prison releasee reoffender under s. 775.082(9)
3 must register as required under subsection (4) and is subject
4 to community and public notification as provided under
5 subsection (7). For purposes of this section, a sanction
6 imposed in this state includes, but is not limited to, a fine,
7 probation, community control, parole, conditional release,
8 control release, or incarceration in a state prison, private
9 correctional facility, or local detention facility, and:
10 1. The career criminal has not received a pardon for
11 any felony or other qualified offense that is necessary for
12 the operation of this paragraph; or
13 2. A conviction of a felony or other qualified offense
14 necessary to the operation of this paragraph has not been set
15 aside in any postconviction proceeding.
16 (b) This section does not apply to any person who has
17 been designated as a sexual predator and required to register
18 under s. 775.21 or who is required to register as a sexual
19 offender under s. 943.0435 or s. 944.607. However, if a person
20 is no longer required to register as a sexual predator under
21 s. 775.21 or as a sexual offender under s. 943.0435 or s.
22 944.607, the person must register as a career criminal under
23 this section if the person is otherwise designated as a career
24 criminal as provided in this section.
25 (c) A person subject to registration as a career
26 criminal is not subject to registration as a convicted felon
27 under s. 775.13. However, if the person is no longer required
28 to register as a career criminal under this section, the
29 person must register under s. 775.13 if required to do so
30 under that section.
31

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

7 (4) REGISTRATION.--

8 (a) A career criminal must register with the
9 department by providing the following information to the
10 department, or to the sheriff's office in the county in which
11 the career criminal establishes or maintains a permanent or
12 temporary residence, within 48 hours after establishing
13 permanent or temporary residence in this state or within 48
14 hours after being released from the custody, control, or
15 supervision of the Department of Corrections or from the
16 custody of a private correctional facility:

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

1 trailer, mobile home, or manufactured home. If a career
2 criminal's place of residence is a vessel, live-aboard vessel,
3 or houseboat, as defined in chapter 327, the career criminal
4 shall also provide to the department written notice of the
5 hull identification number; the manufacturer's serial number;
6 the name of the vessel, live-aboard vessel, or houseboat; the
7 registration number; and a description, including color
8 scheme, of the vessel, live-aboard vessel, or houseboat.

9 2. Any other information determined necessary by the
10 department, including criminal and corrections records;
11 nonprivileged personnel and treatment records; and evidentiary
12 genetic markers when available.

13 (b) If a career criminal registers with the sheriff's
14 office, the sheriff shall take a photograph and a set of
15 fingerprints of the career criminal and forward the
16 photographs and fingerprints to the department, along with the
17 information that the career criminal is required to provide
18 pursuant to this section.

19 (c) Within 48 hours after the registration required
20 under paragraph (a), a career criminal who is not incarcerated
21 and who resides in the community, including a career criminal
22 under the supervision of the Department of Corrections
23 pursuant to s. 944.608, shall register in person at a driver's
24 license office of the Department of Highway Safety and Motor
25 Vehicles and shall present proof of registration. At the
26 driver's license office the career criminal shall:

27 1. If otherwise qualified, secure a Florida driver's
28 license, renew a Florida driver's license, or secure an
29 identification card. The career criminal shall identify
30 himself or herself as a career criminal who is required to
31 comply with this section, provide his or her place of

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

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

26 3. Provide, upon request, any additional information
27 necessary to confirm the identity of the career criminal,
28 including a set of fingerprints.

29 (d) Each time a career criminal's driver's license or
30 identification card is subject to renewal, and within 48 hours
31 after any change of the career criminal's residence or change

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

13 (e) If the career criminal registers at an office of
14 the department, the department must notify the sheriff and, if
15 applicable, the police chief of the municipality, where the
16 career criminal maintains a residence within 48 hours after
17 the career criminal registers with the department.

18 (f) A career criminal who intends to establish
19 residence in another state or jurisdiction other than the
20 state of Florida shall report in person to the sheriff of the
21 county of current residence or the department within 48 hours
22 before the date he or she intends to leave this state to
23 establish residence in another state or jurisdiction other
24 than the state of Florida. The career criminal must provide to
25 the sheriff or department the address, municipality, county,
26 and state of intended residence. The sheriff shall promptly
27 provide to the department the information received from the
28 career criminal. The failure of a career criminal to provide
29 his or her intended place of residence is punishable as
30 provided in subsection (9).

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1 (g) A career criminal who indicates his or her intent
2 to reside in another state or jurisdiction other than the
3 state of Florida and later decides to remain in this state
4 shall, within 48 hours after the date upon which the career
5 criminal indicated he or she would leave this state, report in
6 person to the sheriff or the department, whichever agency is
7 the agency to which the career criminal reported the intended
8 change of residence, of his or her intent to remain in this
9 state. If the sheriff is notified by the career criminal that
10 he or she intends to remain in this state, the sheriff shall
11 promptly report this information to the department. A career
12 criminal who reports his or her intent to reside in another
13 state or jurisdiction other than the state of Florida, but who
14 remains in this state without reporting to the sheriff or the
15 department in the manner required by this paragraph, commits a
16 felony of the second degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

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

27 2. The department's career criminal registration list,
28 containing the information described in subparagraph (a)1., is
29 a public record. The department may disseminate this public
30 information by any means deemed appropriate, including
31 operating a toll-free telephone number for this purpose. When

1 the department provides information regarding a registered
2 career criminal to the public, department personnel must
3 advise the person making the inquiry that positive
4 identification of a person believed to be a career criminal
5 cannot be established unless a fingerprint comparison is made,
6 and that it is illegal to use public information regarding a
7 registered career criminal to facilitate the commission of a
8 crime.

9 3. The department shall adopt guidelines as necessary
10 regarding the registration of a career criminal and the
11 dissemination of information regarding a career criminal as
12 required by this section.

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

1 the petition at least 3 weeks before the hearing on the
2 matter. The state attorney may present evidence in opposition
3 to the requested relief or may otherwise demonstrate the
4 reasons why the petition should be denied. If the court denies
5 the petition, the court may set a future date at which the
6 career criminal may again petition the court for relief,
7 subject to the standards for relief provided in this
8 paragraph. The department shall remove a person from
9 classification as a career criminal for purposes of
10 registration if the person provides to the department a
11 certified copy of the court's written findings or order that
12 indicates that the person is no longer required to comply with
13 the requirements for registration as a career criminal.

14 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

15 (a) Law enforcement agencies may inform the community
16 and the public of the presence of a career criminal in the
17 community. Upon notification of the presence of a career
18 criminal, the sheriff of the county or the chief of police of
19 the municipality where the career criminal establishes or
20 maintains a permanent or temporary residence may notify the
21 community and the public of the presence of the career
22 criminal in a manner deemed appropriate by the sheriff or the
23 chief of police.

24 (b) The sheriff or the police chief may coordinate the
25 community and public-notification efforts with the department.
26 Statewide notification to the public is authorized, as deemed
27 appropriate by local law enforcement personnel and the
28 department.

29 (8) IMMUNITY.--The department, the Department of
30 Highway Safety and Motor Vehicles, the Department of
31 Corrections, any law enforcement agency in this state, and the

1 personnel of those departments; an elected or appointed
2 official, public employee, or school administrator; or an
3 employee, agency, or any individual or entity acting at the
4 request or upon the direction of any law enforcement agency is
5 immune from civil liability for damages for good-faith
6 compliance with the requirements of this section or for the
7 release of information under this section and shall be
8 presumed to have acted in good faith in compiling, recording,
9 reporting, or releasing the information. The presumption of
10 good faith is not overcome if a technical or clerical error is
11 made by the department, the Department of Highway Safety and
12 Motor Vehicles, the Department of Corrections, the personnel
13 of those departments, or any individual or entity acting at
14 the request or upon the direction of any of those departments
15 in compiling or providing information, or if information is
16 incomplete or incorrect because a career criminal fails to
17 report or falsely reports his or her current place of
18 permanent or temporary residence.

19 (9) PENALTIES.--

20 (a) Except as otherwise specifically provided, a
21 career criminal who fails to register; who fails, after
22 registration, to maintain, acquire, or renew a driver's
23 license or identification card; who fails to provide required
24 location information or change-of-name information; or who
25 otherwise fails, by act or omission, to comply with the
26 requirements of this section, commits a felony of the third
27 degree, punishable as provided in s. 775.082, s. 775.083, or
28 s. 775.084.

29 (b) Any person who misuses public records information
30 concerning a career criminal, as defined in this section, or a
31 career criminal, as defined in s. 944.608 or s. 944.609, to

1 secure a payment from such career criminal; who knowingly
2 distributes or publishes false information concerning such a
3 career criminal which the person misrepresents as being public
4 records information; or who materially alters public records
5 information with the intent to misrepresent the information,
6 including documents, summaries of public records information
7 provided by law enforcement agencies, or public records
8 information displayed by law enforcement agencies on websites
9 or provided through other means of communication, commits a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083.

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

21 Section 4. Section 944.608, Florida Statutes, is
22 created to read:

23 944.608 Notification to Department of Law Enforcement
24 of information on career criminals.--

25 (1) As used in this section, the term "career
26 criminal" means a person who is in the custody or control of,
27 or under the supervision of, the department or is in the
28 custody or control of, or under the supervision of, a private
29 correctional facility, and who is designated as a habitual
30 violent felony offender, a violent career criminal, or a

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1 three-time violent felony offender under s. 775.084 or as a
2 prison releasee reoffender under s. 775.082(9).

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

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

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

28 (5) The information provided to the Department of Law
29 Enforcement must include:

30 (a) The information obtained from the career criminal
31 under subsection (3);

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

8 (c) The legal status of the career criminal and the
9 scheduled termination date of that legal 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 criminal; and

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

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

29 (b) If any information provided by the department
30 changes during the time the career criminal is under the
31 department's custody, control, or supervision, including any

1 change in the career criminal's name by reason of marriage or
2 other legal process, the department shall, in a timely manner,
3 update the information and provide it to the Department of Law
4 Enforcement in the manner prescribed in subsection (4).

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

15 (8) The failure of a career criminal to submit to the
16 taking of a digitized photograph, or to otherwise comply with
17 the requirements of this section, is a felony of the third
18 degree, punishable as provided in s. 775.082, s. 775.083, or
19 s. 775.084.

20 (9) The department, the Department of Highway Safety
21 and Motor Vehicles, the Department of Law Enforcement,
22 personnel of those departments, and any individual or entity
23 acting at the request or upon the direction of those
24 departments are immune from civil liability for damages for
25 good-faith compliance with this section, and shall be presumed
26 to have acted in good faith in compiling, recording,
27 reporting, or providing information. The presumption of good
28 faith is not overcome if technical or clerical errors are made
29 by the department, the Department of Highway Safety and Motor
30 Vehicles, the Department of Law Enforcement, personnel of
31 those departments, or any individual or entity acting at the

1 request or upon the direction of those departments in
2 compiling, recording, reporting, or providing information, or,
3 if the information is incomplete or incorrect because the
4 information has not been provided by a person or agency
5 required to provide the information, or because the
6 information was not reported or was falsely reported.

7 Section 5. Section 944.609, Florida Statutes, is
8 created to read:

9 944.609 Career criminals; notification upon release.--

10 (1) As used in this section, the term "career
11 criminal" means a person who is in the custody or control of,
12 or under the supervision of, the department or is in the
13 custody or control of, or under the supervision of a private
14 correctional facility, who is designated as a habitual violent
15 felony offender, a violent career criminal, or a three-time
16 violent felony offender under s. 775.084 or as a prison
17 releasee reoffender under s. 775.082(9).

18 (2) The Legislature finds that career criminals, by
19 virtue of their histories of offenses, present a threat to the
20 public and to communities. The Legislature finds that
21 requiring a career criminal to register for the purpose of
22 tracking the career criminal and that providing for notifying
23 the public and a community of the presence of the career
24 criminal are important aids to law enforcement agencies, the
25 public, and communities if the career criminal engages again
26 in criminal conduct. Registration is intended to aid law
27 enforcement agencies in timely apprehending a career criminal.
28 Registration is not a punishment, but merely a status.
29 Notification to the public and communities of the presence of
30 a registered career criminal aids the public and communities
31 in avoiding being victimized by the career criminal. The

1 Legislature intends to require the registration of career
2 criminals and to authorize law enforcement agencies to notify
3 the public and communities of the presence of a career
4 criminal.

5 (3)(a) The department must provide information
6 regarding any career criminal who is being released after
7 serving a period of incarceration for any offense, as follows:

8 1. The department must provide the career criminal's
9 name, any change in the career criminal's name by reason of
10 marriage or other legal process, and any alias, if known; the
11 correctional facility from which the career criminal is
12 released; the career criminal's social security number, race,
13 gender, date of birth, height, weight, and hair and eye color;
14 date and county of sentence and each crime for which the
15 career criminal was sentenced; a copy of the career criminal's
16 fingerprints and a digitized photograph taken within 60 days
17 before release; the date of release of the career criminal;
18 and the career criminal's intended residence address, if
19 known. The department shall notify the Department of Law
20 Enforcement if the career criminal escapes, absconds, or dies.
21 If the career criminal is in the custody of a private
22 correctional facility, the facility shall take the digitized
23 photograph of the career criminal within 60 days before the
24 career criminal's release and provide this photograph to the
25 Department of Corrections and also place it in the career
26 criminal's file. If the career criminal is in the custody of a
27 local jail, the custodian of the local jail shall notify the
28 Department of Law Enforcement of the career criminal's release
29 and provide to the Department of Law Enforcement the
30 information specified in this paragraph and any information
31

1 specified in subparagraph 2. which the Department of Law
2 Enforcement requests.

3 2. The department may provide any other information
4 deemed necessary, including criminal and corrections records
5 and nonprivileged personnel and treatment records, when
6 available.

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

9 1. The sheriff of the county where the career criminal
10 was sentenced;

11 2. The sheriff of the county and, if applicable, the
12 police chief of the municipality, where the career criminal
13 plans to reside;

14 3. The Department of Law Enforcement;

15 4. When requested, the victim of the offense, the
16 victim's parent or legal guardian if the victim is a minor,
17 the lawful representative of the victim or of the victim's
18 parent or guardian if the victim is a minor, or the next of
19 kin if the victim is a homicide victim; and

20 5. Any person who requests such information,
21
22 within 6 months prior to the anticipated release of a career
23 criminal or as soon as possible, if a career criminal is
24 released earlier than anticipated. All such information
25 provided to the Department of Law Enforcement must be
26 available electronically as soon as the information is in the
27 agency's database and must be in a format that is compatible
28 with the requirements of the Florida Crime Information Center.

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

31

1 1. The sheriff of the county where the career criminal
2 was sentenced; and

3 2. The sheriff of the county and, if applicable, the
4 police chief of the municipality, where the career criminal
5 plans to reside,

6
7 within 6 months prior to the anticipated release of a career
8 criminal or as soon as possible, if a career criminal is
9 released earlier than anticipated.

10 (d) Upon receiving information regarding a career
11 criminal from the department, the Department of Law
12 Enforcement, the sheriff, or the chief of police shall provide
13 the information described in subparagraph (a)1. to any
14 individual who requests such information and may release the
15 information to the public in any manner deemed appropriate,
16 unless the information is confidential or exempt from s.
17 119.07(1) and s. 24(a), Art. I of the State Constitution.

18 (4) The department or any law enforcement agency may
19 notify the community and the public of a career criminal's
20 presence in the community. However, with respect to a career
21 criminal who has been found to be a sexual predator under s.
22 775.21, the Department of Law Enforcement or any other law
23 enforcement agency must inform the community and the public of
24 the career criminal's presence in the community, as provided
25 in s. 775.21.

26 (5) An elected or appointed official, public employee,
27 school administrator or employee, or agency, or any individual
28 or entity acting at the request or upon the direction of any
29 law enforcement agency, is immune from civil liability for
30 damages resulting from the release of information under this
31 section.

