

By Representative Bowen

1 A bill to be entitled
2 An act relating to career criminals; defining
3 the term "career criminal" for purposes of the
4 act; requiring that an offender who is
5 convicted as a habitual felony offender, a
6 habitual violent felony offender, a violent
7 career criminal, a three-time violent felony
8 offender, or a prison releasee reoffender
9 register with the sheriff of the county in
10 which the offender resides; specifying the
11 information to be provided to the sheriff;
12 providing for the registration of a career
13 criminal who is in the custody or control of,
14 or under the supervision of, the Department of
15 Corrections; providing for the registration of
16 a career criminal who is in the custody of a
17 local jail; requiring that a career criminal
18 register within a specified period with the
19 sheriff following the establishment of
20 permanent or temporary residence in the state;
21 requiring that the career criminal also
22 register in person at a driver's license office
23 of the Department of Highway Safety and Motor
24 Vehicles; requiring the sheriff to notify the
25 state attorney and police chief of the county
26 where the career criminal maintains a
27 residence; requiring that the career criminal
28 notify the sheriff before he or she establishes
29 residence in another state; providing a penalty
30 for providing false location information;
31 requiring that the sheriff maintain information

1 concerning career criminals; providing that
2 information concerning career criminals is a
3 public record; authorizing the sheriff to
4 disseminate such information; providing a
5 penalty for failure to register as required,
6 maintain such registration, provide location
7 information, or comply with certain
8 requirements; providing an effective date.
9

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

11
12 Section 1. Registration of career criminals;
13 penalty.--

14 (1) As used in this section, the term "career
15 criminal" means any offender who is convicted as a habitual
16 felony offender, a habitual violent felony offender, a violent
17 career criminal, a three-time violent felony offender under
18 section 775.084, Florida Statutes, or a prison releasee
19 reoffender under section 775.082(9), Florida Statutes.

20 (2) This section does not apply to any person who has
21 been designated as a sexual predator under section 775.21,
22 Florida Statutes, or who is required to register as a sexual
23 offender under section 943.0435 or section 944.607, Florida
24 Statutes.

25 (3) Each career criminal in this state shall register
26 with the sheriff of the county in which the career criminal
27 resides by providing the following information to the sheriff:

28 (a) Name, social security number, age, race, sex, date
29 of birth, height, weight, hair and eye color, photograph,
30 address of legal residence and address of any current
31 temporary residence, within the state or out of state,

1 including a rural route address or a post office box, date and
2 place of any employment, date and place of each conviction,
3 fingerprints, and a brief description of the crime or crimes
4 committed by the offender. A post office box may not be
5 provided in lieu of a physical residential address. If the
6 place of residence of the career criminal is a motor vehicle,
7 trailer, mobile home, or manufactured home, as defined in
8 chapter 320, Florida Statutes, the career criminal shall also
9 provide to the sheriff written notice of: the vehicle
10 identification number; the license tag number; the
11 registration number; and a description, including color
12 scheme, of the motor vehicle, trailer, mobile home, or
13 manufactured home. If a career criminal's place of residence
14 is a vessel, live-aboard vessel, or houseboat, as defined in
15 chapter 327, Florida Statutes, the career criminal shall also
16 provide to the sheriff written notice of: the hull
17 identification number; the manufacturer's serial number; the
18 name of the vessel, live-aboard vessel, or houseboat; the
19 registration number; and a description, including color
20 scheme, of the vessel, live-aboard vessel, or houseboat.

21 (b) Any other information determined necessary by the
22 sheriff, including criminal and corrections records,
23 nonprivileged personnel records, and evidentiary genetic
24 markers when available.

25 (4) If the career criminal is in the custody or
26 control of, or under the supervision of, the Department of
27 Corrections, or is in the custody of a private correctional
28 facility, the career criminal shall register with the sheriff
29 of the county in which the facility is located. The Department
30 of Corrections shall provide to the sheriff registration
31 information and the location of, and local telephone number

1 for, any office of the Department of Corrections which is
2 responsible for supervising the career criminal. In addition,
3 the Department of Corrections shall notify the sheriff if the
4 career criminal escapes or absconds from custody or
5 supervision or if the career criminal dies.

6 (5) If the career criminal is in the custody of a
7 local jail, the custodian of the local jail shall register the
8 career criminal and forward the registration information to
9 the sheriff. The custodian of the local jail shall also take a
10 digitized photograph of the career criminal while the career
11 criminal remains in custody and shall provide the digitized
12 photograph to the sheriff. The custodian shall notify the
13 sheriff if the career criminal escapes from custody or dies.

14 (6) If the career criminal is under federal
15 supervision, the federal agency responsible for supervising
16 the career criminal may forward to the sheriff any information
17 regarding the career criminal which is consistent with the
18 information provided by the Department of Corrections under
19 this section, and may indicate whether use of the information
20 is restricted to law enforcement purposes only or may be used
21 by the sheriff for purposes of public notification.

22 (7) If the career criminal is not in the custody or
23 control of, or under the supervision of, the Department of
24 Corrections, or is not in the custody of a private
25 correctional facility, and establishes or maintains a
26 residence in this state, the career criminal shall register in
27 person at the sheriff's office in the county in which the
28 career criminal establishes or maintains a residence, within
29 48 hours after establishing permanent or temporary residence
30 in this state. If a career criminal registers with the
31

1 sheriff's office, the sheriff shall take a photograph and a
2 set of fingerprints of the career criminal.

3 (8) Within 48 hours after the registration required
4 under subsection (3) or subsection (7), a career criminal who
5 is not incarcerated and who resides in the community,
6 including a career criminal under the supervision of the
7 Department of Corrections, shall register in person at a
8 driver's license office of the Department of Highway Safety
9 and Motor Vehicles and shall present proof of registration. At
10 the driver's license office the career criminal shall:

11 (a) If otherwise qualified, secure a Florida driver's
12 license, renew a Florida driver's license, or secure an
13 identification card. The career criminal shall identify
14 himself or herself as a career criminal who is required to
15 comply with this section, provide the address of his or her
16 place of permanent or temporary residence, including a rural
17 route address or a post office box, and submit to the taking
18 of a photograph for use in issuing a driver's license, renewed
19 license, or identification card and for use by the sheriff in
20 maintaining current records of the career criminal. A post
21 office box may not be provided in lieu of a physical
22 residential address. If the career criminal's place of
23 residence is a motor vehicle, trailer, mobile home, or
24 manufactured home, as defined in chapter 320, Florida
25 Statutes, the career criminal shall also provide to the
26 Department of Highway Safety and Motor Vehicles the vehicle
27 identification number, the license tag number, the
28 registration number, and a description, including color
29 scheme, of the motor vehicle, trailer, mobile home, or
30 manufactured home. If a career criminal's place of residence
31 is a vessel, live-aboard vessel, or houseboat, as defined in

1 chapter 327, Florida Statutes, the career criminal shall also
2 provide to the Department of Highway Safety and Motor
3 Vehicles: the hull identification number; the manufacturer's
4 serial number; the name of the vessel, live-aboard vessel, or
5 houseboat; the registration number; and a description,
6 including color scheme, of the vessel, live-aboard vessel, or
7 houseboat.

8 (b) Pay the costs assessed by the Department of
9 Highway Safety and Motor Vehicles for issuing or renewing a
10 driver's license or identification card as required by this
11 section.

12 (c) Provide, upon request, any additional information
13 necessary to confirm the identity of the career criminal,
14 including a set of fingerprints.

15 (9) Each time a career criminal's driver's license or
16 identification card is subject to renewal, and within 48 hours
17 after any change of the career criminal's residence or change
18 in the career criminal's name by reason of marriage or other
19 legal process, the career criminal shall report in person to a
20 driver's license office and is subject to the requirements
21 specified in subsection (8). The Department of Highway Safety
22 and Motor Vehicles shall forward to the sheriff and to the
23 Department of Corrections all photographs and information
24 provided by career criminals. Notwithstanding the restrictions
25 set forth in section 322.142, Florida Statutes, the Department
26 of Highway Safety and Motor Vehicles may release a
27 reproduction of a color photograph or digital image license to
28 the sheriff for purposes of public notification concerning
29 career criminals.

30 (10) If a career criminal registers with the sheriff,
31 the sheriff shall, within 48 hours, notify the state attorney

1 of the county and, if applicable, the police chief of the
2 municipality where the career criminal maintains a residence.

3 (11) A career criminal who intends to establish
4 residence in another state or jurisdiction shall report in
5 person to the sheriff of the county of current residence
6 within 48 hours before the date he or she intends to leave
7 this state to establish residence in another state or
8 jurisdiction. The career criminal shall provide to the sheriff
9 the address, municipality, county, and state of intended
10 residence. The sheriff shall notify the statewide law
11 enforcement agency, or a comparable agency, in the intended
12 state or jurisdiction of residence of the career criminal's
13 intended residence. The failure of a career criminal to
14 provide his or her intended place of residence is punishable
15 as provided in subsection (14).

16 (12) A career criminal who indicates his or her intent
17 to reside in another state or jurisdiction and later decides
18 to remain in this state shall, within 48 hours after the date
19 upon which the career criminal indicated he or she would leave
20 this state, report in person to the sheriff of his or her
21 intent to remain in this state. A career criminal who reports
22 his or her intent to reside in another state or jurisdiction,
23 but who remains in this state without reporting to the sheriff
24 in the manner required by this subsection, commits a felony of
25 the second degree, punishable as provided in section 775.082,
26 section 775.083, or section 775.084, Florida Statutes.

27 (13) The sheriff's registration list of career
28 criminals is a public record. The sheriff may disseminate this
29 public information by any means considered appropriate,
30 including operating a toll-free telephone number for this
31 purpose. When the sheriff provides information regarding a

1 registered career criminal to the public, the sheriff shall
2 advise the person making the inquiry that positive
3 identification of a person believed to be a career criminal
4 cannot be established unless a fingerprint comparison is made.

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

14 Section 2. This act shall take effect October 1, 2001.

15 *****

16
17 LEGISLATIVE SUMMARY

18 Provides that an offender convicted as a habitual felony
19 offender, a habitual violent felony offender, a violent
20 career criminal, a three-time violent felony offender, or
21 a prison releasee reoffender is a career criminal, and
22 requires such offender to register with the sheriff of
23 the county in which the offender resides. Requires each
24 local sheriff to provide for the registration of career
25 criminals who are in the custody or control of, or under
26 the supervision of, the Department of Corrections.
27 Requires that a career criminal also register in person
28 at a driver's license office of the Department of Highway
29 Safety and Motor Vehicles. Requires the sheriff to notify
30 the state attorney and police chief of the county where
31 the career criminal maintains a residence. Provide a
second degree penalty for reporting false location
information. Specifies that information concerning a
career criminal is a public record and authorizes the
sheriff to disseminate such information. Provides a
third-degree felony for failing to register as required
maintain such registration, provide location information,
or comply with specified requirements. See bill for
details.