

By Senator Laurent

17-1-02

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; requiring that the
30 sheriff maintain information concerning career
31 criminals; providing that information

1 concerning career criminals is a public record;
2 authorizing the sheriff to disseminate such
3 information; providing a penalty for failure to
4 register as required and for failure to
5 maintain such registration; providing an
6 effective date.

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

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10 Section 1. Registration of career criminals;
11 penalty.--

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

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

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

26 (a) Name, social security number, age, race, sex, date
27 of birth, height, weight, hair and eye color, photograph,
28 address of legal residence and address of any current
29 temporary residence, within the state or out of state,
30 including a rural route address or a post office box, date and
31 place of any employment, date and place of each conviction,

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

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

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

1 the Department of Corrections shall notify the sheriff if the
2 career criminal escapes or absconds from custody or
3 supervision or if the career criminal dies.

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

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

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

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

9 (a) If otherwise qualified, secure a Florida driver's
10 license, renew a Florida driver's license, or secure an
11 identification card. The career criminal shall identify
12 himself or herself as a career criminal who is required to
13 comply with this section, provide his or her place of
14 permanent or temporary residence, including a rural route
15 address or a post office box, and submit to the taking of a
16 photograph for use in issuing a driver's license, renewed
17 license, or identification card, and for use by the sheriff in
18 maintaining current records of the career criminal. A post
19 office box may not be provided in lieu of a physical
20 residential address. If the career criminal's place of
21 residence is a motor vehicle, trailer, mobile home, or
22 manufactured home, as defined in chapter 320, Florida
23 Statutes, the career criminal shall also provide to the
24 Department of Highway Safety and Motor Vehicles the vehicle
25 identification number; the license tag number; the
26 registration number; and a description, including color
27 scheme, of the motor vehicle, trailer, mobile home, or
28 manufactured home. If a career criminal's place of residence
29 is a vessel, live-aboard vessel, or houseboat, as defined in
30 chapter 327, Florida Statutes, the career criminal shall also
31 provide to the Department of Highway Safety and Motor Vehicles

1 the hull identification number; the manufacturer's serial
2 number; the name of the vessel, live-aboard vessel, or
3 houseboat; the registration number; and a description,
4 including color scheme, of the vessel, live-aboard vessel, or
5 houseboat.

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

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

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

28 (10) If a career criminal registers with the sheriff,
29 the sheriff must, within 48 hours, notify the state attorney
30 of the county and, if applicable, the police chief of the
31 municipality where the career criminal maintains a residence.

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

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

25 (13) The sheriff's registration list of career
26 criminals is a public record. The sheriff may disseminate this
27 public information by any means considered appropriate,
28 including operating a toll-free telephone number for this
29 purpose. When the sheriff provides information regarding a
30 registered career criminal to the public, the sheriff must
31 advise the person making the inquiry that positive

1 identification of a person believed to be a career criminal
2 cannot be established unless a fingerprint comparison is made.
3 (14) Except as otherwise specifically provided, a
4 career criminal who fails to register; who fails, after
5 registration, to maintain, acquire, or renew a driver's
6 license or identification card; who fails to provide required
7 location information or change-of-name information; or who
8 otherwise fails, by act or omission, to comply with the
9 requirements of this section commits a felony of the third
10 degree, punishable as provided in section 775.082, section
11 775.083, or section 775.084, Florida Statutes.

12 Section 2. This act shall take effect October 1, 2002.

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15 SENATE SUMMARY

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

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