

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1634

INTRODUCER: Senator Collins

SUBJECT: Career Offenders

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			FP	

I. Summary:

SB 1634 amends ss. 322.141, 944.608 and 944.609, F.S., to make changes to registration requirements for career offenders. Many of the changes to these sections increase registration requirements, and create similar requirements contained in the sexual predator and sexual offender registry. Requirements under the bill include, in part:

- Adding a “CAREER OFFENDER” marking on Florida driver licenses and identification cards.
- Requiring career offenders to report in person within a specified time frame, to specified agencies.
- Requiring career offenders to register and report additional information.
- Redefining and clarifying definitions of “permanent residence” and “temporary residence.”
- Require the custodian of the local jail to notify the Florida Department of Law Enforcement (FDLE) within 3 business days after intake or release of a career offender.

The Legislature’s Office of Economic and Demographic Research (EDR) preliminary review provided that there may be a positive indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill provides an effective date of October 1, 2024.

II. Present Situation:

Florida Career Offender Registration

The Florida Career Offender Registration Act, s. 775.261, F.S., was signed into law in 2002, and as of January 1, 2003, a select group of convicted felons who present a threat to the public and to communities, are required to register their residences with law enforcement and a state registry maintained by FDLE, the Career Offender Application for Statewide Tracking (COAST). These

offenders, by virtue of their histories of offenses, present a threat to the public and to communities. Registration is not a punishment, but merely a status.¹ Currently, there are over 19,000 Florida career offenders, with approximately 9,400 not incarcerated and 950 offenders that have absconded or have an unknown location.²

Residency

“Permanent Residence” means a place where the career offender abides, lodges, or resides for 14 or more consecutive days.³

“Temporary residence⁴” means:

- A place where the career offender abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the career offender’s permanent address;
- For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state; or
- A place where the career offender routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the career offender’s permanent residence, including any out-of-state address.

Registration

Career offenders are required to complete an initial registration with the FDLE or the sheriff’s office in the county in which they maintain a permanent or temporary residence within two working days after establishing a residence or within two working days after release from custody or supervision. There is no subsequent reporting requirement except to report name changes and permanent or temporary address changes to either FDLE, the local sheriff’s office, or the DHSMV, depending on the change. Failure of a career offender to register their residence is a third degree felony.

Career offenders are individuals who have been designated by a court as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084, F.S., or as a prison releasee reoffender under s. 775.082(9), F.S., and who are serving or have been released from sanction in the State of Florida on or after July 1, 2002. Sanctions as listed in s. 775.261(3), F.S., currently include but are not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, private correctional facility, or local detention facility.

III. Effect of Proposed Changes:

The bill makes multiple changes to the Florida Career Offender Registration Act, to make registration similar to registration requirements for sexual offenders and sexual predators.

¹ Florida Department of Law Enforcement, *Career Offender Search*, <https://www.fdle.state.fl.us/coflyer/home.asp> (last visited January 26, 2024).

² 2024 FDLE Legislative Bill Analysis SB 1364, January 31, 2024 (on file with the Senate Committee on Criminal Justice).

³ Section 775.261(1)(f), F.S.

⁴ Section 775.261(1)(g), F.S.

License Designation – Section 322.141, F.S.

The bill amends s. 322.141, F.S., to provide that career offenders who are subject to registration under s. 775.261 or s. 944.608, F.S., have a marking on the front of their driver license or identification card notating “CAREER OFFENDER.”

Unless previously secured or updated, each career offender shall report in person within 48 hours to the driver license office of the Department of Highway Safety and Motor Vehicles during the month of his or her birth in order to obtain an updated or renewed driver license or identification card as required by subsection (3).

The Florida Career Offender Registration Act – Section 775.261, F.S.***Definitions***

The bill amends s. 775.261(2), F.S., by revising and clarifying definitions of “permanent residence⁵” and “temporary residence.⁶” Under the bill, the definitions specify how days are calculated for each type of residence. For each of the definitions for residence, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day. The bill changes the definition of career offender residences by reducing the length of time to establish a residence (permanent or temporary) from 14 days to 5 days.

“Permanent residence” means a place where the person abides, lodges, or resides for 5 or more consecutive days. For the purpose of calculating a permanent residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 5 or more days in the aggregate during a calendar year and which is not the career offender’s permanent residence or for a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state. For the purpose of calculating a temporary residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The bill creates s. 775.261(2)(h), F.S., to provide the definition for “Vehicles owned” to mean any motor vehicle as defined in s. 320.01, F.S., which is registered, co-registered, leased, titled, or rented by a career offender; a rented vehicle that a career offender is authorized to drive; or a vehicle for which a career offender is insured as a driver. The term also includes any motor vehicle as defined in s. 320.01, F.S., which is registered, co-registered, leased, titled, or rented by a person or persons residing at a career offender’s permanent residence for 5 or more consecutive days.

⁵ Section 322.141(2)(f), F.S.

⁶ Section 322.141(2)(g), F.S.

Criteria for Registration

The bill amends s. 775.261(3), F.S., to clarify that a career offender released on or after July 1, 2002, if no sanction is imposed, the person is deemed to be released upon conviction. The bill adds “federal prison” and removes “a fine” to the list of sanctions.

Registration

The bill amends s. 775.261(4), F.S., to provide that upon registration, a career offender must report in person to the sheriff’s office. The bill removes the ability of a career offender to register with the FDLE. The bill specifies that registrations are to occur within 48 hours of establishing residency, or being released from custody, control, or supervision of the Florida Department of Corrections (DOC) or a *private local detention facility*. The bill specifies that the registrations must occur in person.

The bill adds to the list of information that a career offender must provide upon registration, and requires that a career offender provide:

- Sex;
- Fingerprints;
- Palm prints;
- Employment information;
- Address of *permanent* or legal residence and address of any current temporary residence within the state or out of state;
- The address, location or description, and dates of any current or known future temporary residence within Florida or out of state;
- The make, model, color, VIN, and license tag number of all vehicles owned; and
- Home telephone and cellular telephone numbers.

The bill specifies that a post office box may not be provided in lieu of a physical address. Once the information is received by the sheriff, the information will be provided to the FDLE.

The bill amends s. 775.261, F.S., to specify if the career offender’s place of residence is a vessel, live aboard vessel, or house boat, he or she must provide the registration number for the vessel, live-aboard vessel, or houseboat.

If a career offender registers with the sheriff’s office, the sheriff’s office must promptly provide the FDLE with:

- A photograph;
- A set of fingerprints; and
- Palm prints.

The bill provides that a career offender is required to report within 48 hours of reporting as a career offender, and must report in person at a driver license office of the DHSMV unless they previously have a driver license previously secured or updated under s. 944.608, F.S. The career offender shall provide proof information as requested and submit to taking a photograph for the use in issuing a driver license, renewed license, or state issued identification card.

The bill also provides that a career offender who is unable to secure or update a driver license or an identification card with the DHSMV must report any change in the career offender's name within 48 hours after the change to the sheriff's office in the county where he or she resides or is located.

If a career offender is in the custody of the local jail, the custodian of the local jail must notify the FDLE within 3 business days after intake and upon release. The custodian must provide the FDLE with a digitized photograph of the career offender and notify the FDLE if the career offender dies or escapes from custody.

Establishing A Residence in This State After Registration

The bill amends s. 775.261(5), F.S., to specify that a career offender report in person to a driver license office:

- Each time a career offender's driver license or identification card is subject to renewal; and
- Without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent or temporary residence.

The DHSMV will forward to the FDLE and to the DOC all photographs and information provided by career offenders.

A career offender who is unable to secure or update a driver license or an identification card with the DHSMV shall also report any change in the career offender's permanent or temporary residence within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the DHSMV. The career offender still must obtain a Florida driver license or an identification card as required in this section.

A career offender who vacates a permanent or temporary residence and fails to establish or maintain another permanent or temporary residence shall, within 48 hours after vacating the permanent or temporary residence, report in person to the sheriff's office of the county in which he or she is located to provide specified information.

A career offender who remains at a permanent or temporary residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report notifying the sheriff's office that they are unable to locate residency, but fails to vacate the permanent or temporary residence as indicated commits a second degree felony,⁷ punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

⁷ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

Establishing a Non-Florida Residence

The bill amends s. 775.261(6)(a), F.S., to specify that any career offender that intends to establish a permanent or temporary residence in another state or jurisdiction other than Florida shall report in person to the sheriff of the county of current residence at least 48 hours before the date he or she intends to leave the state.

The bill amends s. 775.261(6)(a), F.S., to specify that any travel that is not known by the career offender 48 hours before he or she intends to establish a residence in another state or jurisdiction must be reported in person to the sheriff's office as soon as possible before departure.

The bill provides clarifying language to reflect 48 hours in lieu of 2 working days and also reflects the addition of jurisdiction to state.

Verification

The bill creates s. 775.261(7), F.S., to specify that county and local law enforcement agencies, in conjunction with the FDLE, shall, at a minimum, verify annually the addresses of career offenders who are not under the care, custody, control, or supervision of the DOC, and may verify the addresses of career offenders who are under the care, custody, control, or supervision of the DOC. Local law enforcement agencies shall report to the FDLE any failure by a career offender to comply with registration requirements.

Relief from Registration

The bill amends s. 775.261, F.S., to specify that a career offender be considered for removal of the requirement to register only if he or she has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since that release. If the career offender meets the criteria in this section the career offender may petition the criminal division of the circuit court of the circuit in which the registered career offender resides for the purpose of removing the requirement for registration as a career offender.

The *FDLE* and the state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The *FDLE* and the state attorney may present evidence in opposition to the relief.

Community and Public Notification

The bill provides that the FDLE may maintain online computer access to the current information regarding each registered career offender. The FDLE must maintain hotline access so that state, local, and federal law enforcement agencies may obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for the purposes of monitoring, tracking, and prosecution. The photograph and fingerprints need not be stored in a computerized format.

The bill specifies that the career offender registration list is a public record and the FDLE may disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. The department shall adopt guidelines as necessary

regarding the registration of a career offender and the dissemination of information regarding a career offender as required by this section.

Penalties

The bill provides additional career offender registration violations to include: failure to make a required report in connection with vacating a permanent residence, and failure to respond to address verification correspondence or knowingly providing false registration information. The bill specifies that each instance of failure to register or report changes to the required information specified constitutes a separate offense.

A career offender who violates this section, s. 944.608, or s. 944.609, F.S., may be prosecuted in the following counties:

- The county where the act or omission was committed.
- The county of the last registered address of the career offender.
- The county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender.
- The county in which he or she was designated a career offender.
- The county where the career offender was released from incarceration.
- The county of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

Penalties for Assisting Career Offender in Noncompliance

The bill increases the offense for assisting a career offender in noncompliance from a first degree misdemeanor to a third degree felony.⁸

Notification on Career Offenders – Section 944.608, F.S.

The bill amends s. 944.608, F.S., to provide that the terms “Permanent residence,” “Temporary residence,” and “vehicles owned,” have the same meaning as provided in s. 775.261, F.S.

Offenders Who are Not Incarcerated

The bill amends s. 944.608, F.S., to provide that registrations for career offenders who are not incarcerated are to occur within 3 business days *after sentencing*. Once the information is received by the sheriff, the information will be provided to the FDLE. The bill adds the following information to the list of information that must be reported:

- Sex;
- Employment information required to be provided pursuant to s. 775.261, F.S.;
- All home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 775.261, F.S.;

⁸ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

- The make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned;
- Address, location or description, and dates of any current or known future temporary residence within this state or out of state.

The DOC verifies the address of each career offender in the manner described in s. 775.261, F.S., and reports to the FDLE any failure by a career offender to comply with any registration requirements.

Career Offenders In Custody

The bill amends s. 944.608(7), F.S., to specify that if a career offender is in the custody of a local jail, the custodian of the local jail shall notify the FDLE within 3 business days after intake of the offender for any reason and upon release of the offender. The custodian of the local jail shall also take a digitized photograph of the career offender while the offender remains in custody and shall provide the digitized photograph to the FDLE.

If the career offender is under federal supervision, the federal agency responsible for supervising the career offender may forward to the FDLE any information regarding the career offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the FDLE for purposes of public notification.

Penalties

The bill amends s. 944.608(10)(b), F.S., to specify that a career offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the following counties:

- The county where the act or omission was committed.
- The county of the last registered address of the career offender.
- The county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender.
- The county in which he or she was designated a career offender.
- The county where the career offender was released from incarceration.
- The county of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

The bill amends s. 944.608(12), F.S., to provide that it is a third degree felony⁹ for any person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender

⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

about, or to arrest the career offender for, his or her noncompliance with the requirements of this section. The following are the prohibited acts that can lead to such a felony charge:

- Withholding information from, or failing to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the career offender.
- Harboring or attempting to harbor, or assisting another person in harboring or attempting to harbor, the career offender.
- Concealing or attempting to conceal, or assisting another person in concealing or attempting to conceal, the career offender.
- Providing information to the law enforcement agency regarding the career offender which the person knows to be false information

The bill amends s. 944.609, F.S., to provide that career offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

The bill adds the following information that the DOC must provide on any career offender who is being released from incarceration:

- The address of any planned permanent residence or temporary residence;
- The address, location or description, and dates of any current or known future temporary residence;
- Palm prints;
- Employment information; and
- All home and cellular telephone numbers.

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) preliminary review provided that there may be a positive indeterminate fiscal impact.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.141, 775.261, 944.608, 944.609, 320.02, 322.19, and 775.13.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁰ Office of Economic and Demographic Research *SB 1634 Preliminary Estimate*, (on file with the Senate Committee on Criminal Justice).