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February 26, 2018

Representative Mike La Rosa
317 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

RE: CS/HB 773: Vacation Rentals

Dear Representative La Rosa:

The Florida Action Committee (FAC) is a not-for-profit organization which advocates for the civil rights of all individuals, including those who are registered as sexual offenders. FAC does not condone sexual abuse in any form. In fact, our mission is to prevent the cycle of abuse by reforming current ineffective “feel good” legislation, in favor of policies that are based on empirical evidence.

We are writing concerning the above-referenced Bill, which you sponsored. The Bill would impose an additional registration requirement on any registrant who stays at a vacation rental (regardless of the duration of their stay) and would also impose a requirement on the owner of that property to “notify” property owners within 1000 feet when leasing to a registrant.

Setting aside our general objections to your Bill (which would be numerous), we have some logistical questions which we are hoping you can answer.

Among other requirements, the bill requires a sexual offender staying in a vacation rental to register with the sheriff’s office in the county where the vacation rental is located 48 hours *prior* to arrival at the vacation rental.

Being that, by it being a “vacation rental”, most impacted registrants will be vacationing from another County or State, how do you propose this requirement be met? Is the registrant expected to travel to the County 48 hours in advance of their stay to register and then return home? Alternatively, are they expected to arrive and register 48 hours in advance of their stay and then find someplace else to stay for those 48 hours?

Further, F.S. 943.0435, requires a registrant to “report in person at the sheriff’s office in the county in which the offender establishes or maintains a permanent, temporary, or transient residence within 48 hours *after*...” Since your bill requires a registrant report at that same sheriff’s office 48 hours, *before*, does your Bill propose to replace that provision or will a registrant need to register the same information twice, both *before* and *after*?

Another component of your bill is that it places the onus on the property owner to investigate the background of proposed individuals who will stay at their property. Will the State provide property owners access to the tools necessary to perform background checks? As mentioned previously, many “vacationers” will be visiting from other States. Some states do not publicly list lower level sex offenders or remove individuals from their registries after a period offense free in the community. Since the Bill imposes a substantial penalty on property owners who do not comply, shouldn’t they be provided the tools to be able to enforce the registration requirement?

Your bill also requires, the vacation rental operator who rents a vacation rental to a sexual offender must “notify” property owners within 1,000 feet of the rented property 24 hours prior to the sexual offender’s arrival at the vacation rental.

Since a one-thousand foot radius around a property comprises 72 acres of land ($3.14 \times 1000^2 : 43,560 \text{ ft}^2$ in an acre) and there is an average of 5 single family lots on an acre, the property owner would conservatively have to notify 360 households within a 24 hour period. That does not account for potential multi-family dwellings or apartment buildings, which could easily require the property owner to notify thousands of households.

How do you propose the property owner fulfil this notification obligation? Are they expected to go door to door? Should they be posting flyers within 1000 feet of their property or would it be adequate to utilize a bullhorn? Also, is there a required format for the notice or what information is contained thereon? Will it contain information about their offense or how long ago it was committed or is it sufficient to just say “FYI sex offender will be staying at my place”? Will it contain a picture of the registrant, so neighbors can identify the target, or should they just be apprehensive of everyone during that period?

Finally, considering sex offenders have among the lowest recidivism rates among all offenses, presumably of greater importance will be to address the more probable concerns, such as drug offenders staying in the community, those who have committed burglary and naturally (especially considering recent events in our State), gun offenders! Will your bill be amended to include those offenses?

Being that your Bill was reviewed by the Government Accountability Committee and has progressed towards becoming a law, undoubtedly these logistical concerns have been addressed. Kindly let us know how they have been resolved.

Sincerely,

s/

Gail Colletta, President

The Florida Action Committee, Inc.

Cc: All Florida Senators and Representatives