

Sex Offender Registration and Monitoring Triennial Review - 2021

Report 21-10

December 2021



OPPAGA

Office of Program Policy Analysis and Government Accountability

Sex Offender Registration and Monitoring Triennial Review - 2021

EXECUTIVE SUMMARY

As directed by s. 943.04353, *Florida Statutes*, the Office of Program Policy Analysis and Government Accountability (OPPAGA) studied the effectiveness of Florida’s sex offender registration process and public notification provisions. Both federal and Florida law facilitate oversight of sex offenders and predators living in Florida communities, with state agencies and local law enforcement monitoring, registering, verifying, and providing information about sex offenders. Florida is one of 18 states that is substantially compliant with federal sex offender registry requirements.

REPORT SCOPE

As directed by Section 943.04353, *Florida Statutes*, OPPAGA studied the effectiveness of Florida’s sexual offender registration process and public notification provisions.

The Florida Department of Law Enforcement’s (FDLE) sex offender registry lists more than 78,000 offenders and predators, of which, just over 30,000 reside in Florida communities, a number that has grown 62% since 2005. Approximately 6% of registered sex offenders living in Florida communities are homeless or transient, with rates varying by county and ranging from 0% to over 25%. Sheriffs’ offices reported that homelessness among sex offenders presents challenges to verifying offenders’ locations and determining compliance with residency requirements.

In 2020, FDLE completed a multi-year redesign of the sex offender registry, improving functionality for both law enforcement and public interfaces, including separate mobile applications. While federal law establishes baseline requirements for state laws, registries vary in areas such as sex offender categorization, public availability of offender information, and registration duration.

Sheriffs’ offices reported adopting various strategies for registration, address verification, and public notification to meet statutory obligations. Additionally, during the COVID-19 pandemic, sheriffs’ offices and state agencies reported making modifications to processes in response to statewide office closures and local conditions.

Federal and state laws require sex offenders to report if they are enrolled, volunteering, or employed at institutions of higher education. FDLE, Florida Department of Corrections, Department of Juvenile Justice, sheriffs’ offices, and institutions of higher education have responsibilities regarding campus notification when a sex offender attends, is employed by, or volunteers at such institutions. OPPAGA found that institutions of higher education are taking steps beyond the statutory requirements when sex offenders are present on campuses. However, OPPAGA’s analyses found differences between FDLE and institution records on the presence of sex offenders on campuses.

INTRODUCTION

Florida law facilitates oversight of sex offenders and sexual predators living in Florida communities

Beginning in 1994, the federal government passed multiple laws to establish guidelines and requirements for states to track sex offenders and inform the public of their presence. Over time, the Florida Legislature has passed laws that meet, and in some cases exceed, federal requirements to register and monitor sex offenders. (See Appendix A for more information on these laws.) Sex offenders who are required to register have been convicted of certain qualifying felonies set forth in Florida statutes.^{1,2,3} The court designates some sex offenders as sexual predators because they are deemed to present an extreme threat to public safety as demonstrated through repeated sex offenses, the use of physical violence, or preying on child victims.

Several entities have a role in monitoring sex offenders in Florida. These entities include the Florida Department of Law Enforcement (FDLE), Department of Highway Safety and Motor Vehicles (DHSMV), Florida Department of Corrections (FDC), and local law enforcement. The agencies' various activities include registering, verifying, and providing information about sex offenders. (See Exhibit 1.) FDLE maintains Florida's sex offender registry, a statewide system for collecting and disseminating sex offender information to both the public and law enforcement agencies.





¹ Sexual offenders as defined in s. [943.0435, F.S.](#); sexual offenders under the custody, control, or supervision of FDC as defined in s. [944.607, F.S.](#); sexual predators as defined in s. [775.21, F.S.](#); and juvenile sex offenders adjudicated delinquent as described in s. [943.0435, F.S.](#)

² See Appendix B for registration steps for sex offenders released from a correctional institution.

³ Additionally, there are some out of state offenders who were convicted of misdemeanors as classified by that state which do not equate to a Florida felony offense. These individuals are required to register in Florida solely on the basis of their requirement to register in another state or jurisdiction.

Exhibit 1

Florida's Monitoring of Sex Offenders Consists of Four Main Activities

	<h4>Registration</h4> <p>Certain sex offenders must register in person with the sheriff in the county where they live within 48 hours of establishing a residence or experiencing any change of information required by statute. These offenders must also re-register two or four times a year based on their conviction(s) and status. The offender must provide information such as their physical description, addresses, and vehicle descriptions. The Florida Department of Law Enforcement maintains this information on the sex offender registry.</p>
	<h4>Identification</h4> <p>All sex offenders required to register must also obtain a driver license or identification card from the Department of Highway Safety and Motor Vehicles within 48 hours of registration and notify the department within 48 hours of any change in address. Per Florida statute, driver licenses and identification cards issued to registered sex offenders display distinctive information identifying their registration status.</p>
	<h4>Address Verification</h4> <p>The Florida Department of Corrections and local law enforcement entities are responsible for verifying sex offender addresses in a manner that is consistent with federal laws and standards to ensure that sex offenders can be found at the address they register.</p>
	<h4>Community Notification</h4> <p>The Florida Department of Law Enforcement is responsible for statewide notification efforts. The department informs the public of the location of sex offenders and provides information via the online sex offender registry and toll-free nationwide hotline. Local law enforcement agencies are also required to notify the public of the presence of sexual predators living in their communities. Within 48 hours, law enforcement agencies must notify licensed child care centers and schools within a one-mile radius of the predator's residence.</p> <p>If an offender is on community supervision, local law enforcement agencies, Florida Department of Corrections, or the Department of Juvenile Justice are also required to notify institutions of higher education when a sex offender enrolls, is employed, or volunteers.</p>

Source: Florida Department of Law Enforcement.

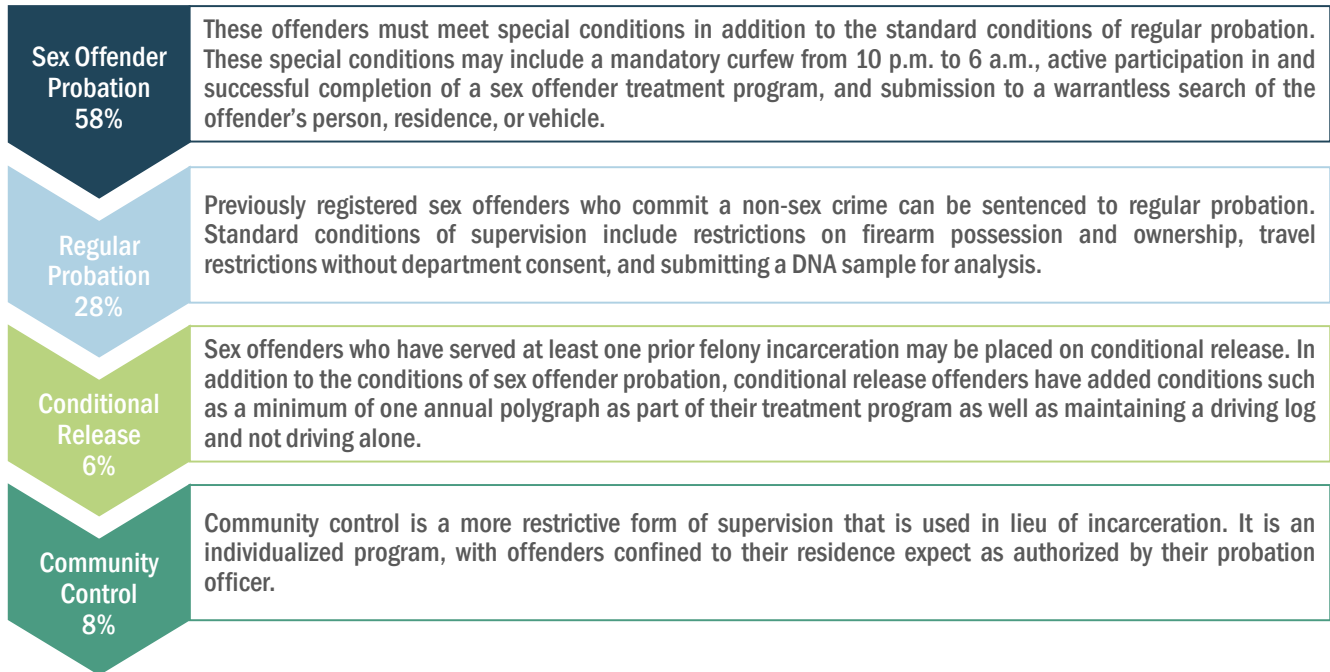
Some sex offenders are supervised in the community, most by the Department of Corrections

Some sex offenders living in Florida communities are under court-imposed supervision or probation. Offenders can be sentenced to probation by state or federal court in lieu of or after a sentence of incarceration.⁴ While on probation, offenders are required to adhere to specified conditions for an established period or they can be punished by receiving a sanction such as incarceration. As of October 2021, FDC supervised over 9,000 sex offenders living in Florida. The majority of these offenders are monitored on sex offender probation, an intensive form of supervision that requires sex offender treatment and close monitoring to ensure compliance with special conditions and sex offender registration requirements. (See Exhibit 2.) Other forms of community supervision include regular probation, conditional release, and community control. In addition, some supervised offenders are placed on electronic monitoring for enhanced monitoring and supervision.

⁴ Federal sex crimes include sexual abuse, transporting or distributing child pornography, and travel involving illicit sexual activity with a child. As of September 2021, the U.S. Probation and Pretrial Services supervised 672 offenders in Florida communities.

Exhibit 2

The Florida Department of Corrections Supervises Sex Offenders in Different Ways



Source: Florida Department of Corrections.

In addition to community supervision, some offenders and predators may also be required to be under electronic monitoring. Electronic monitoring affords FDC and law enforcement the ability to actively monitor and identify an offender's location and provide timely records of an offender's presence in a prohibited area such as a school, their departure from specified geographic limitations, or near or within a crime scene. Florida law requires that the court impose electronic monitoring as a condition of probation or community control for certain sex offenders.⁵ As of August 2021, 42% (3,889) of sex offenders on FDC community supervision were on active electronic monitoring. In addition, the court is required to impose lifetime electronic monitoring, following their term of imprisonment, for offenders who committed specified offenses against children.⁶ Lastly, offenders who commit a felony violation of the registry laws receive mandatory terms of community control with electronic monitoring if the court does not impose a prison sentence.⁷ Some sex offenders are conditionally released into the community from the Sexually Violent Predator (SVP) Program's Florida Civil Commitment Center (FCCC) under stipulated agreement contracts.⁸ These offenders have stipulated to being a sexually violent predator, but the agreement allows the court to proceed with commitment proceedings only if they violate the terms of the agreement. These terms can include outpatient treatment. As of July 2021, 214 sex offenders had been conditionally released under stipulated agreement contracts.

⁵ Sections [948.30\(3\)](#), [948.012\(4\)](#), and [948.063](#), *F.S.* These offenders include those who violate the terms of their probation and who have committed specified offenses, including sexual battery, lewd and lascivious offenses committed upon or in the presence of persons less than 16 years of age, sexual performance by a child, and the selling or buying of minors.

⁶ Section [948.012](#), *F.S.*, requires lifetime electronic monitoring for offenders convicted specifically of a life felony for lewd lascivious molestation pursuant to s. [800.04\(5\)\(b\)](#), *F.S.*, which pertains to molestation of victims under 12 years of age by a person 18 years of age or older. .

⁷ Section [948.0435](#), *F.S.*, requires a mandatory minimum term of six months for a first offense, one year for a second offense, and two years for subsequent offenses.

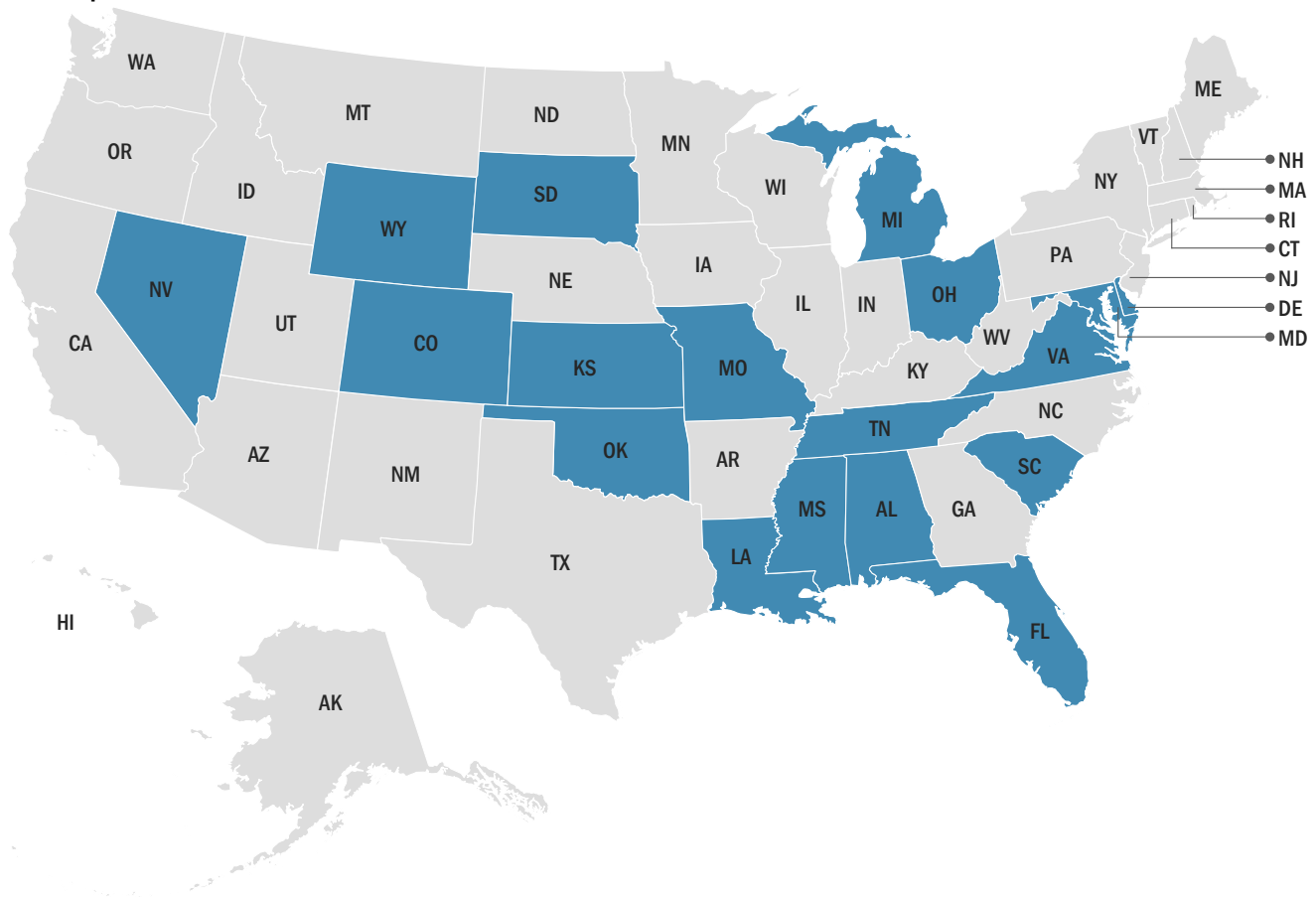
⁸ Sexually violent predators are sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, [Ch. 394 Part V](#), *F.S.*, provides for the civil confinement of such offenders until they have been judged fit for release from custody. At the time of OPPAGA's review, these offenders were confined at the FCCC located in Arcadia, which is operated by a contracted provider (Wellpath Recovery Solutions).

Florida is substantially compliant with federal sex offender requirements

The federal Sex Offender Registration and Notification Act (SORNA) provides a set of minimum national standards for sex offender registration and notification in the United States.⁹ These standards address elements such as the immediate exchange of information, requirements for website registries, and community notification. Along with 17 other states, Florida is substantially compliant and has fulfilled the requirements of the act.¹⁰ (See Exhibit 3.) To verify compliance, the federal Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking reviews jurisdictional laws, policies, and procedures across 14 SORNA categories.¹¹

Exhibit 3

Florida and 17 Other States Are Substantially Compliant With Federal Sex Offender Registration and Notification Act Requirements



Source: U.S. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

Jurisdictions that fail to substantially implement SORNA requirements risk losing a portion of their federal Edward Byrne Memorial Justice Assistance Grant (JAG) funds. Criminal justice programs can use these funds to support a range of criminal justice purposes, including prevention and education; crime victim and witness programs; and planning, evaluation, and technology improvements. In federal Fiscal Year 2021, the federal government allocated approximately \$10.9 million in JAG funds

⁹ Title I of the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248).

¹⁰ In addition, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida were among 136 tribal jurisdictions in the United States found to be substantially compliant.

¹¹ Examples of categories include offenses and offenders included on the registry, tracking and penalizing absconders, community notification, appearance and verification, and information sharing.

to Florida.¹² Substantially compliant states can also receive bonus funds from previous fiscal year funding reductions from noncompliant states.¹³ These funds may also be reallocated to a jurisdiction from which the funds were withheld for the purpose of working on SORNA implementation. In 2020, several states applied for reallocation of the funding penalty for this purpose.¹⁴

FINDINGS

Over 78,000 sex offenders and sexual predators are on Florida’s registry; offender homelessness rates vary by county

Most sex offenders on the registry do not reside in Florida communities

As of September 2021, FDLE’s registry included 78,357 offenders and predators. However, only 38.5% of sexual offenders and sexual predators on the registry reside in Florida communities. The majority (60.2%) of offenders on the registry either are confined (18,507) or live outside of the state (28,646). Additionally, 1.3% of registered sex offenders have absconded and their whereabouts are unknown. (See Exhibit 4.)

Exhibit 4

Approximately 60% of Registered Sex Offenders and Sexual Predators Do Not Live in Florida Communities

Status		Sex Offenders ¹	Sexual Predators	All
Living in Florida Communities	Sentence Served - Required to Register	21,105	2,372	23,477
	Community Supervision	5,091	1,612	6,703
	Department of Corrections	4,399	1,601	
	Department of Juvenile Justice	31	0	
	Federal	661	11	
	Subtotal	26,196	3,984	30,180 (38.5%)
Not Living in Florida Communities	Confined	10,257	8,250	18,507
	Incarcerated	10,091	7,901	
	Civily Committed	166	349	
	Non-Florida Residents	26,707	1,939	28,646
	Subtotal	36,964	10,189	47,153 (60.2%)
Absconded ²	Absconded Offenders	921	103	1,024
	Subtotal	921	103	1,024 (1.3%)
Total Persons on Registry as of September 2021		64,081	14,276	78,357 (100%)³

¹ Juvenile sex offenders are included in the sex offender category. There are 443 juvenile sex offenders on Florida’s registry.

² Absconded offenders may or may not be in Florida communities as their whereabouts are unknown.

³ The registry also includes 1,358 deceased persons: 1,162 sex offenders and 196 sexual predators, whose names remain on the registry for one year following their death so that victims can see that they have been reported as deceased. OPPAGA excluded deceased persons from the analysis. Source: OPPAGA analysis of Florida Department of Law Enforcement sex offender registry data, September 2021.

¹² Local county and municipal governments in Florida are also eligible to receive Justice Administrative Grants. In 2021, \$6.1 million was allocated to these governments.

¹³ In federal Fiscal Year 2020, approximately \$1.9 million was available from such reductions; Florida received the largest bonus award of \$378,143, followed by Michigan (\$184,632) and Ohio (\$180,504).

¹⁴ The states that applied for the reallocation of funding were Alaska, Arizona, Arkansas, California, Connecticut, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Washington, West Virginia, and Wisconsin.

The number of sex offenders in Florida communities has increased over time. Since 2005, when OPPAGA was first required to review sex offender registration processes, the number of registered offenders and predators has grown from 18,607 to 30,108. (See Exhibit 5.) A primary contributor to this increase is Florida’s requirement that most offenders remain on the registry for their lifetime.

Exhibit 5

The Number of Registered Sex Offenders and Predators Residing in Florida Communities Has Increased Over Time

Offender Type	Number of Registered Sex Offenders by Year					
	2005	2008	2012	2015	2018	2021
Offender	17,385	19,090	21,413	23,857	25,076	26,196
Predator	1,222	1,620	2,400	2,988	3,472	3,984
Total	18,607	20,710	23,813	26,845	28,548	30,180

Source: OPPAGA analysis of Florida Department of Law Enforcement sex offender registry data.

Statewide, approximately 6% of sex offenders and 10% of sexual predators report being homeless, but rates of homelessness vary by county

Sex offenders are required to report a residential address to the registry.¹⁵ Florida statutes define residential addresses as follows.

- **Permanent:** A place where the offender abides, lodges, or resides for three or more consecutive days.
- **Temporary:** A place where the offender abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of Florida, for a period of three or more days in the aggregate during any calendar year, and which is not the person's permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation or is enrolled as a student for any period in this state.
- **Transient:** A county where the offender lives, remains, or is located for a period of three or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

The percentage of sex offenders in Florida communities that reported a transient address or homelessness was relatively small (5.8% of registered sex offenders and 9.5% of sexual predators).¹⁶ However, rates of homeless sex offenders vary by county. (See Exhibit 6.) For example, Miami-Dade County had 28.2% of registered sex offenders in the community reporting a transient address, and Broward County had 27.6% reporting a transient address. Seventeen counties had no registered sex offenders reporting a transient address. (See Appendix C for the number of sex offenders, number of sexual predators, and percentage of transient sex offenders by county.)

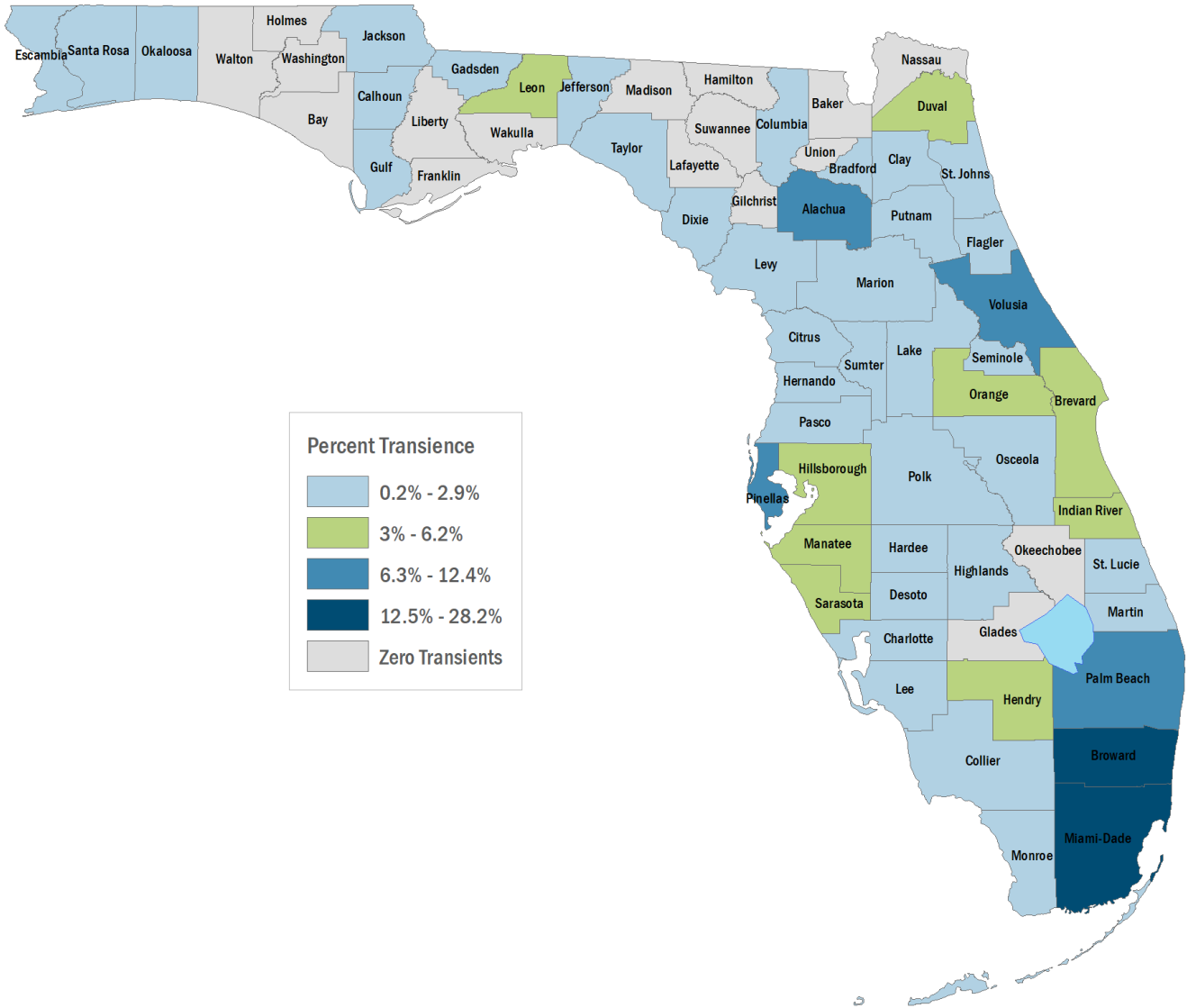
Sheriffs reported that homeless or transient sex offenders present challenges for address verification. For example, 89% of surveyed sheriffs’ offices that monitor transient offenders reported that locating

¹⁵ Offenders may report more than one residential address. Section [775.21](#), F.S., defines the three types of residential address (permanent, temporary, and transient).

¹⁶ These numbers include only offenders that reported a transient address but did not report having a permanent address.

and contacting offenders was challenging.¹⁷ Several sheriffs' offices stated that contacting homeless offenders was difficult because the offenders moved location frequently and did not have set schedules.

**Exhibit 6
Fifty Counties Have Transient Sex Offenders; the Percentage of the Total Offender Population Varies Widely**



Source: OPPAGA analysis of Florida Department of Law Enforcement Sex Offender Registry data, September 2021.

¹⁷ OPPAGA sent surveys to all 67 sheriffs' offices and received responses from 64, for a response rate of 96%. Highlands, Nassau, and Union counties did not respond to the survey. Some sheriffs' offices did not respond to all questions within the survey, resulting in lower responses for some questions.

FDLE recently updated the sex offender registry to improve functionality

The Florida Department of Law Enforcement completed a multi-year redesign of the sex offender registry in 2020 for both law enforcement and public interfaces

In 2020, FDLE completed a five-year project to improve sex offender and sexual predator registry system functions.¹⁸ This effort included developing separate mobile applications for public and local law enforcement use. The FDLE registry serves dual functions as both public information and law enforcement tools and has two distinct interfaces. The public side is open access with limited offender information available. Access to the law enforcement side requires administrative authorization and training.

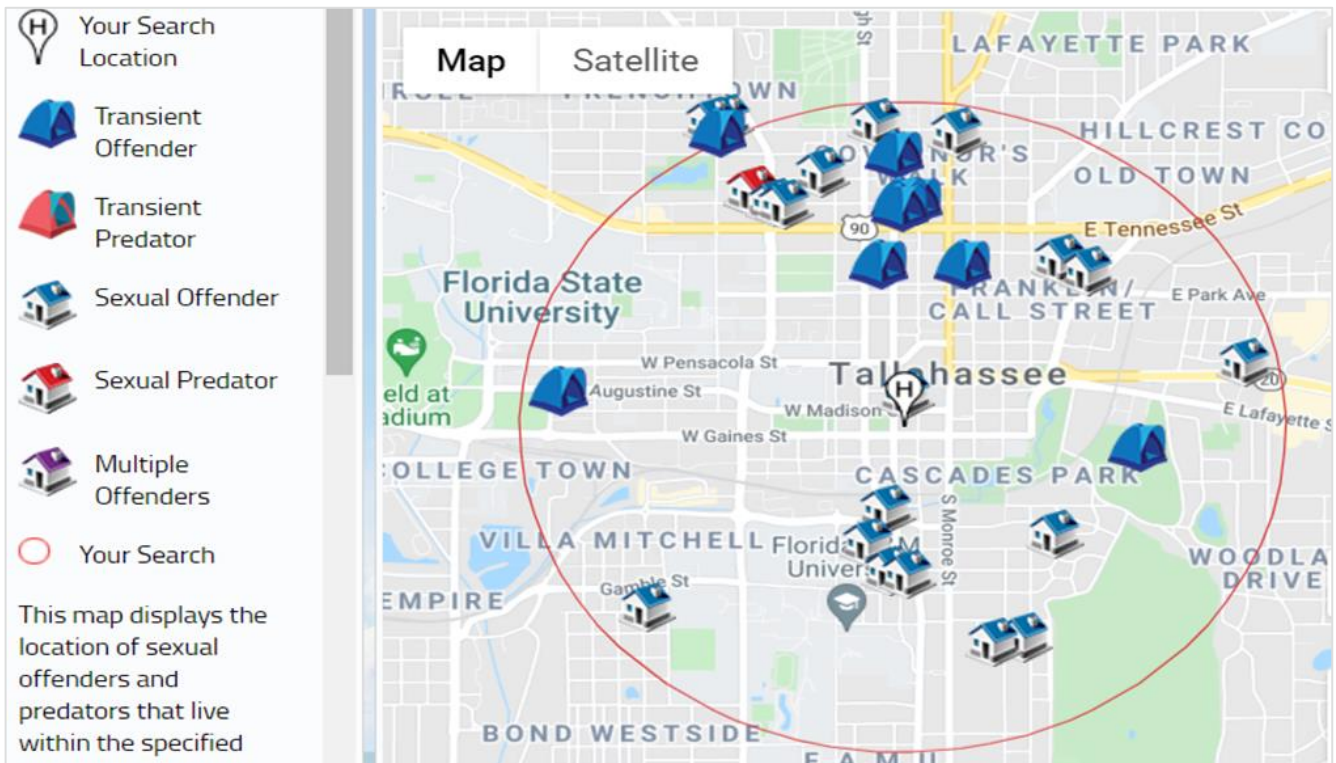
Beginning in 2015, FDLE conducted 19 meetings with law enforcement agencies across the state to identify registry modifications that would improve agencies' ability to manage offender populations and improve the efficiency of tracking registrants. According to FDLE staff, 82 agencies participated, including most sheriffs' offices, police departments, the Florida Department of Corrections, and the Florida Department of Highway Safety and Motor Vehicles. In 2017, the Legislature appropriated FDLE the first of a three-year non-recurring appropriation for improvements to the sex offender and sexual predator registry system, including funds for the development of separate mobile applications for the public and law enforcement. The total cost for the project was just over \$4.7 million.

FDLE incorporated several changes and enhancements suggested by local law enforcement into the new registry data system. One such improvement to the law enforcement interface is the ability to separate offenders based on patrol zones. This capability allows agencies to define local patrol zones and run status reports on address verifications and outstanding offender registration violations by zone. The secure law enforcement mobile application also provides field capabilities, including updating and adding offender information to the registry, searching and sorting based on offenders due for an address verification, and distance to residence from the officer's current location. The application allows officers conducting address verifications to update the registry from their mobile device, coding an offender's residence as verified correct, attempted but unable to confirm, or as an incorrect address. Improvements to the registry's public use interface included updates to the address information shown on interactive map graphics, both online and through the mobile application, clearly indicating offenders with transient addresses and addresses with multiple offenders living in one residence. (See Exhibit 7.)

¹⁸ FDLE released the prior version of the sex offender registry system in October 2006.

Exhibit 7

Improvements to the FDLE Sex Offender Registry Website Include Graphics to Depict Offender Locations and Living Arrangements



Source: Florida Department of Law Enforcement.

Sex offender registries vary across states

Federal law establishes a baseline for sex offender registries by creating a set of minimum national standards

All 50 states, the District of Columbia, Puerto Rico, and Guam have sex offender websites that make information about registered sex offenders available to the public. However, there is variation in the information available on these websites. Contributing to this variation are federal Sex Offender Registration and Notification Act guidelines. The federal law establishes a national baseline for sex offender registration and notification programs by creating a set of minimum national standards. As a result, states may have a system that is more expansive or stringent than those standards. However, most states are not substantially compliant with SORNA standards, which can also contribute to variations in the information publicly available about sex offenders. These differences can occur in areas such as sex offender categorization, public availability of offender information, and registration duration.

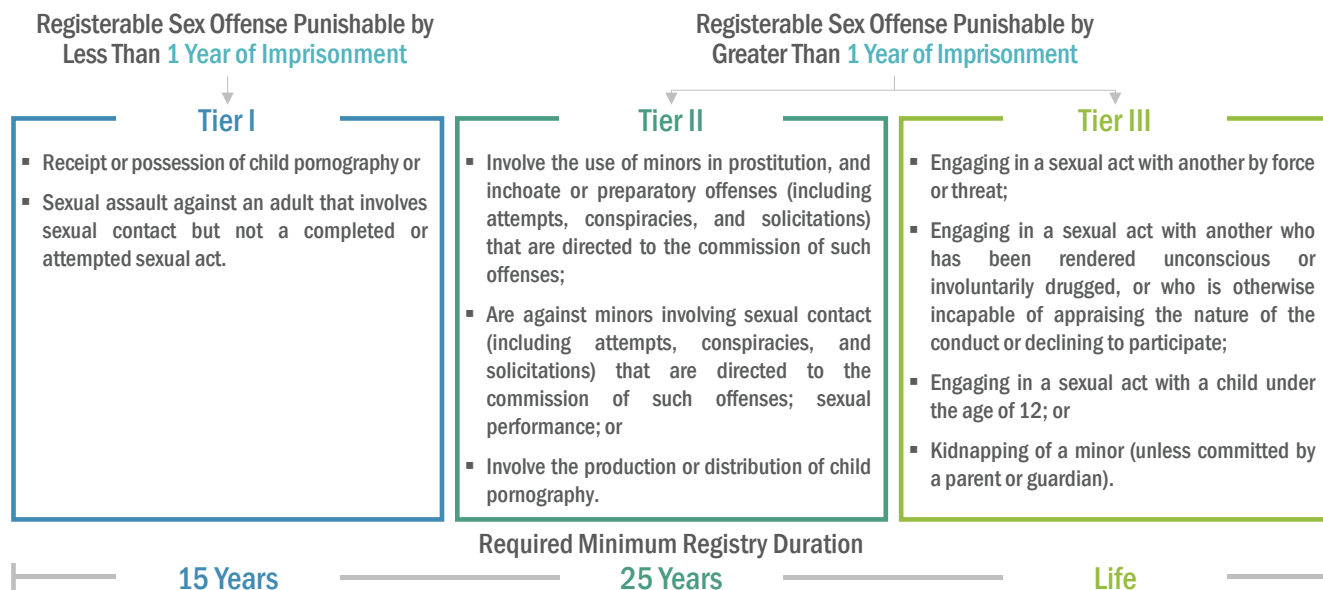
Offenders required to register have been convicted of any of a broad range of sexual offenses under the law of any jurisdiction. SORNA defines three levels of sex offenders, which, in order of severity, are tiers I, II, and III. (See Exhibit 8.) In general, an offender's classification has corresponding requirements for the duration and frequency of registration and monitoring. To implement SORNA requirements, states do not have to label sex offenders by tier category or adopt any other particular categorization approach. SORNA requirements are met if sex offenders in a particular tier are

consistently subject to at least the duration of registration, frequency of in-person verification, and extent of website disclosure that SORNA requires for that tier.

SORNA tiers II and III are both limited to cases in which the registerable offense has a statutory maximum possible penalty that exceeds one year. Federal law specifies that the offense-related criteria for tier II includes most sexual abuse or exploitation offenses against minors. Tier III, the most severe category, includes offenses punishable by more than one year of imprisonment that are comparable to or more severe than aggravated sexual abuse or sexual abuse, or an attempt or conspiracy to commit such an offense. Tier I is a residual class that includes all sex offenders who do not meet the criteria for tier II or tier III. The length of time an offender is required to remain on the registry depends primarily on tier classification. These timeframes range from a minimum required duration of

- 15 years for **tier I**;
- 25 years for **tier II**; and
- life for **tier III**.

**Exhibit 8
Federal Law Establishes Three Tiers of Sex Offenders**



Source: U.S. Sex Offender Registration and Notification Act.

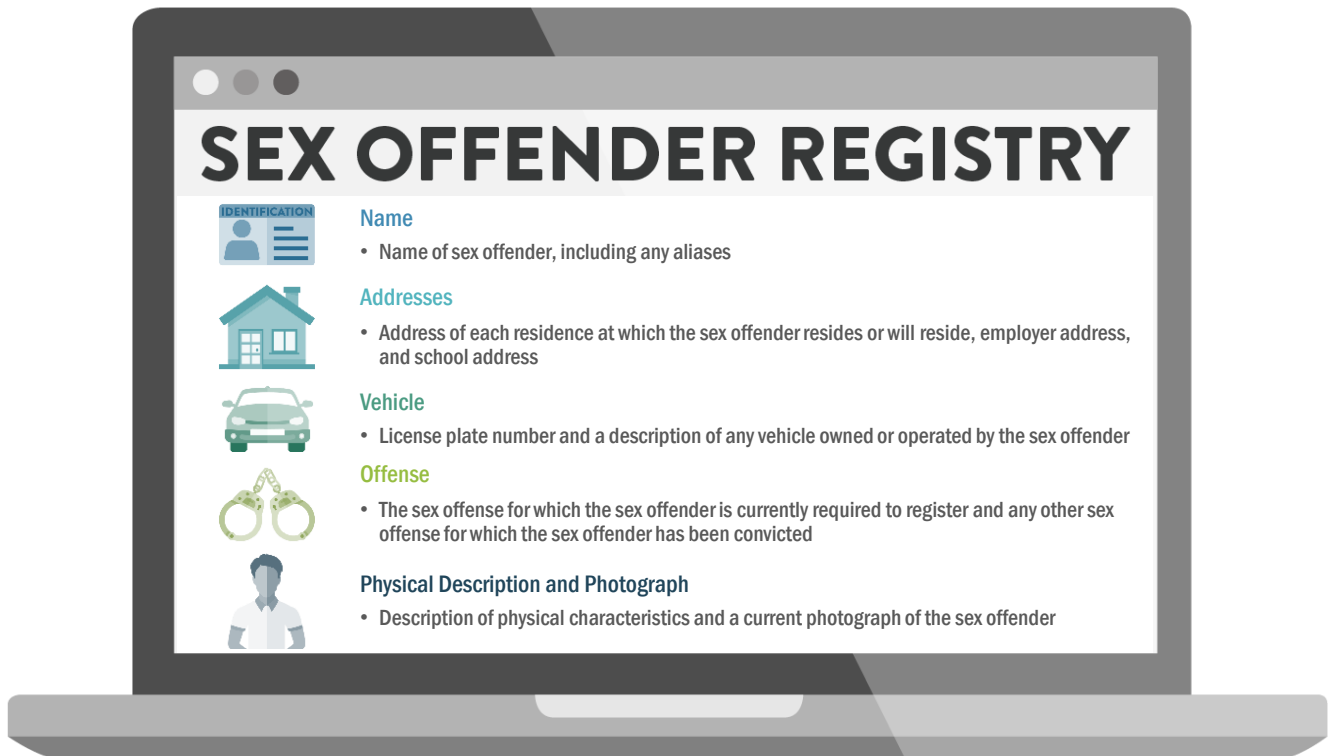
Juveniles convicted of registerable offenses as adults are included in the corresponding tier. For those adjudicated delinquent, SORNA requires juvenile registration if the offender is 14 years of age or older at the time of the offense, the offense adjudicated was comparable to or more severe than aggravated sexual abuse or was an attempt or conspiracy to commit such an offense, and the offense is included in tier III. As a result, SORNA does not require registration for juveniles adjudicated delinquent for all sex offenses for which an adult sex offender would be required to register. Registration is only required for older juveniles adjudicated delinquent for committing serious sexually assaultive crimes.

SORNA requires certain information about sex offenders to be in a state registry. Generally, this includes name, birthdate, and social security number; fingerprints and DNA sample; internet identifiers; information about places of residence; nonresidential lodging; employment and school attendance; passports and immigration documents; vehicle information; and professional licenses.

(See Exhibit 9.) SORNA further requires that states maintain an internet site so the public has access to information on each sex offender by using a specific zip code or selected geographic radius. However, SORNA requires that some information be exempt from the publicly accessible website.¹⁹ This includes victim identity; offender’s social security number; arrests not resulting in conviction; passport and immigration document numbers; and internet identifiers. In addition, some information is optional for inclusion on the publicly available website. Mandatory and optional exemptions essentially limit publicly available data to specified information identifying and describing the sex offenders, and a general description of the offense.

Exhibit 9

Federal Guidelines Require Sex Offenders to Submit Certain Information to State Registries



Source: Federal Sex Offender Registration and Notification Act.

State discretion contributes to differences in state sex offender registries

SORNA guidelines are not intended to limit a state’s discretion to adopt more extensive or additional registration and notification requirements. However, while all states have implemented parts of SORNA, 32 have not reached substantial implementation, which can contribute to further differences among states in areas such as sex offender categorization, public availability of offender information, and registration duration.

States take various approaches to classify registered sex offenders. States, including Florida, Kansas, New Mexico, and Oklahoma, base an offender’s classification on the nature of the crime committed and criminal history. However, jurisdictions may categorize offenders by risk of re-offense. While SORNA does not address the use of risk assessment for registration or notification purposes, many states use

¹⁹ All information provided by sex offenders to state registries is available to law enforcement.

Sex Offender Registry Categorization

Florida has two categories

- Sexual Offender
- Sexual Predator

Categorization based on the seriousness of the offense that an offender commits. The court designates a person as a sexual predator if (among other qualifiers) they have been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993 or have committed two separate felony violations of qualifying offenses.

these assessments. Risk assessment utilizes tools and processes to estimate the likelihood of sexual re-offense using combinations of risk factors associated with different risk levels. For example, to determine the level of community notification and duration of registration for sex offenders in New York, the sentencing court holds a hearing to examine facts—such as the use of force, victim's age, assault or injury of the victim, and relationship to the victim—to determine an offender's risk level. Risk level is based on the court's assessment of the likelihood of the sex offender to repeat the same or similar registerable offense and the danger the offender poses to the community. The court assigns one of three risk levels: level 1 (low risk of repeat offense), level 2 (moderate risk of repeat offense), or level 3 (high risk of repeat offense and a threat to public safety exists). In Arkansas, all sex offenders who are required to register must submit to a screening and risk

assessment, which places offenders in to one of four categories. In this system, level 1 offenders are considered low risk whereas level 4 offenders are considered sexually violent predators. Other states using risk levels include California, Minnesota, Oregon, Texas, and Washington. In some states, including Georgia, Massachusetts, and North Dakota, a board or committee determines risk levels.

States may also vary in regard to what registry information is publicly available. While all registry information must be available to law enforcement and other jurisdictions, federal law allows states to exempt some information about offenders from publicly accessible websites.²⁰ Most broadly, states may exclude any information about tier I sex offenders convicted of offenses other than a specified offense against a minor. As a result, some states may only make information publicly available about more severe offenders. For example, New Jersey, Oregon, and Washington only publicly post offender information for those classified in higher levels.

In contrast, other states, including Florida and Texas, include all classifications of sex offenders on publicly available websites. This can include information on persons designated as a registered sex offender in another state. Any adult who establishes residency in Florida is required to register if they were on the registry in their previous state or if they committed an offense that is equivalent to a registerable offense in Florida.^{21,22}

Publicly Available Sex Offender Registry Information

- All classifications of sex offenders (sexual offenders and sexual predators)
- Any person who establishes residency (temporary, permanent, or transient) in Florida if they were on the sex offender registry in another state or if they committed an offense that is the equivalent to an offense that requires registration in Florida
- Juveniles who have been convicted as an adult for a qualifying sexual offense or were adjudicated delinquent on or after July 1, 2007 for a qualifying sexual offense in Florida or another state when they were 14 years of age or older at the time of the offense

²⁰ Other information that jurisdictions may exempt from the public registry are the sex offender's employer name, name of an educational institution where the sex offender is a student, and any other information exempted from disclosure by the U.S. Attorney General.

²¹ As a result, an offender may be required to register in Florida based solely upon a requirement to register in another state for an offense that is not similar to a conviction offense requiring registration in Florida and whose registration information is not publicly available.

²² Section 775.21, F.S., defines permanent residence as a place where the person abides, lodges, or resides for three or more consecutive days and temporary residence as a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel

A 2017 review found that 47 states required non-residents to register with the state that they are visiting.^{23, 24} Depending on the state, the duration of the visit can range from 2 days (Nevada) to 30 days (Alaska). Florida requires non-resident visitors to register if they are in the state for a period of three or more days in the aggregate during any calendar year. Thirty states, including Florida, that require non-residents to register post the information on publicly available websites. Of the states that post information about visiting sex offenders, 22, including Florida, do not remove the registrant's information once they have left the state and returned to their permanent residence.²⁵

Sex Offender Registration Duration

Lifetime

- Predators: May receive relief if they have received a full pardon or post conviction relief for their qualifying offense
- Offenders: Relief from registration in certain circumstances
 - Has received a full pardon or post-conviction relief for their qualifying offense

--OR--

- Has been released from sanctions, confinement, or supervision for at least 25 years and has not been arrested for any felony or misdemeanor offense since release; may petition the court for relief if their offense was not based on an adult conviction or violation of certain sex crimes

Another notable difference among states is state discretion in posting publicly available sex offender registry information about juveniles. Most states (42) require offending youth to register as sex offenders. However, federal law gives states discretion on whether to provide juvenile registry information on publicly available websites. Twenty-eight states, including Florida, Illinois, Ohio, and Virginia, make this information publicly available on websites or at police departments. In Florida, youth adjudicated delinquent of specified offenses who were 14 years or older at the time of the offense are required to register, and the information is included on the public registry. States also vary in the duration of required registration. SORNA requires that offenders register for 15 years for tier I, 25 years for tier II, and life for tier III. As previously described, states do not have to use these tier levels, but offenders who meet SORNA criteria for placement in a tier must be subject to the same minimum duration of registration. States have varying duration requirements, with some states like Louisiana, Maryland, Missouri, Nevada, and Ohio using the SORNA tier durations. Florida is among states that require lifetime registration for all adult offenders, which include

Alabama, Mississippi, New Jersey, South Carolina, and Wyoming.²⁶

States may also have varying duration requirements related to offense type. In Florida, sexual predators and sex offenders who receive a full pardon or post-conviction relief for their qualifying offense may be removed from the registry. Other sex offenders who meet certain criteria can petition the court to remove the requirement for registration as a sex offender after 25 years from release from confinement, supervision or sanction, whichever is later. Colorado does not allow sexual predators to petition for registration removal. However, offenders may petition the court for relief after discharge

destinations in or out of this state, for a period of three or more days in the aggregate during any calendar year and which is not the person's permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

²³ Rolfe, Shawn M., "When a Sex Offender Comes to Visit: A National Assessment of Travel Restrictions." *Criminal Justice Policy Review*, (November 2017): 1-21. <https://doi.org/10.1177/0887403417742948>.

²⁴ As of 2017, New York, Oregon, and Pennsylvania did not require non-resident sex offenders visiting the state to register.

²⁵ The other states that do not remove registry information are Arkansas, California, Connecticut, Georgia, Idaho, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, Montana, North Carolina, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming.

²⁶ Florida is one of six states that requires lifetime registration for all juvenile offenders; 21 other states have lifetime registration for some juvenile offenders based on offense history or offense severity.

from prison or upon successful completion of deferred adjudication. Depending on the offense, they can petition the court either immediately, after 5 years, after 10 years, or after 20 years. Delaware offenders convicted of misdemeanor sex offenses where the victim was not under 13 may petition the superior court for registration relief upon case resolution.

Sheriffs monitor registered sex offenders in Florida communities and have adopted various strategies to meet statutory obligations

Local practices for monitoring sex offenders vary

Local law enforcement monitors all registered sex offenders. Sheriffs' offices have statutory requirements for sex offender registration, address verification, and public notification. OPPAGA surveyed sheriffs' offices, and they reported routinely complying with statutory requirements and adopting various strategies to fulfill these requirements.²⁷ There are similarities in monitoring sex offenders across sheriffs' offices. For example, 88% have one sex offender registration location in their county, with 11% having two registration locations and 2% (one office) having three or more.²⁸ However, local practices differ in terms of registration hours and cost as well as response to failures to register and re-register.

- **Registration hours and cost.** Most sheriffs allow registration five or more days a week, with a few offices open two or three days a week. About half of offices are open for registration during regular business hours, 14% have at least one location open 24 hours a day/7 days a week, and the remaining offices have more limited hours, with three offices scheduling registration appointments.

Only seven sheriffs' offices reported charging fees for sex offenders to register or re-register.²⁹ Costs ranged from \$19 to \$75 for initial registration and \$5 to \$25 for re-registration. A few offices also reported a \$5 or \$10 fee for information updates, such as a change in employment or new vehicle.³⁰ Two offices reported fees for the 30-day transient check-in of \$5 and \$10. All seven offices that have fees will register and re-register sex offenders regardless of ability to pay. Offices reported that the fees are returned to the city or county, used to offset registration and other sex offender monitoring related costs, or put in the sheriffs' general fund.

- **Failure to register.** Sex offenders who are released from prison or are on probation must register with the sheriff in the county where they live within 48 hours of establishing a residence. Sex offenders also must re-register in person two or four times a year based on their conviction(s) and status. Sheriffs' offices responding to OPPAGA's survey reported exercising some discretion in arresting or seeking a warrant for first-time late registration, using strategies such as first attempting to locate sex offenders to advise them to register. However,

²⁷ OPPAGA sent surveys to all 67 sheriffs' offices and received responses from 64, for a response rate of 96%. Highlands, Nassau, and Union counties did not respond to the survey. Some sheriffs' offices did not respond to all questions within the survey, resulting in lower responses for some questions.

²⁸ Percentages do not add to 100% due to rounding.

²⁹ While some states have statutes regarding registration fees for sex offenders, Florida does not have statutory language for these fees. Six of the seven sheriffs' offices that charge registration fees are within counties that have local ordinances about the collection of fees.

³⁰ Sections [775.21\(6\)\(a\)1.b.](#) and [943.0435\(2\)\(a\)2.](#), F.S.

for re-registration violations, fewer sheriffs use discretion and use other approaches, such as arresting or seeking a warrant.

State attorneys can prosecute sex offenders for failure to register or re-register. During Fiscal Year 2020-21, 954 sex offenders were convicted of offenses related to registration violations.³¹ Most of these offenders were incarcerated, with approximately 48% (457) receiving a state prison sentence and 23% (219) receiving a jail sentence.³²

- **Address verification.** Florida law requires that local law enforcement and FDC verify sex offender addresses in a manner consistent with federal laws and standards.³³ Florida's registration and re-registration activities fulfill this requirement, as sex offenders must re-register in person two or four times a year based on their conviction(s) and status. All sheriffs' offices that responded to the survey reported conducting at least one in-person address verification at a sex offender's residence per year. Furthermore, many sheriffs' offices reported conducting several address verifications per year, with 55% conducting address verifications for predators three-to-four times per year and 45% conducting address verifications for other sex offenders twice per year.

Sheriffs reported various modifications to registration practices due to the COVID-19 pandemic. These include limiting the number of offenders inside the building, delaying registration for offenders exhibiting COVID-19 symptoms, or delaying registrations altogether. The most common modification reported by sheriffs was conducting registration via telephone as opposed to in person. In response to the COVID-19 pandemic some sheriffs' offices reported cutting back or temporarily suspending address verifications. One sheriff's office reported that deputies would remain in their vehicles and telephone the offender to come outside. Overall, 55.6% (35) of responding sheriffs' offices reported making some type of modification to their standard registration and address verification practices.³⁴

Sheriffs' offices use different methods to notify the public, schools, and childcare facilities about sexual predators

Florida law requires sheriffs' offices to notify the public when a sexual predator moves into their county.³⁵ Most sheriffs' offices reported notifying the public via their website (61%), followed by social media (48%). (See Exhibit 10.) Additionally, 27% of offices use OffenderWatch®, which is a private licensed software product and service. Sheriffs' offices contract with OffenderWatch® to provide for a system specific to their jurisdictions to help manage sex offenders in their community.

³¹ OPPAGA's previous report found that during Fiscal Year 2017-18, 1,253 offenders were convicted of offenses related to registration violations.

³² Per ss. [943.0435\(9\)\(a\)](#) and [775.21\(10\)\(a\)](#), F.S., failure to register is a third degree felony punishable by incarceration.

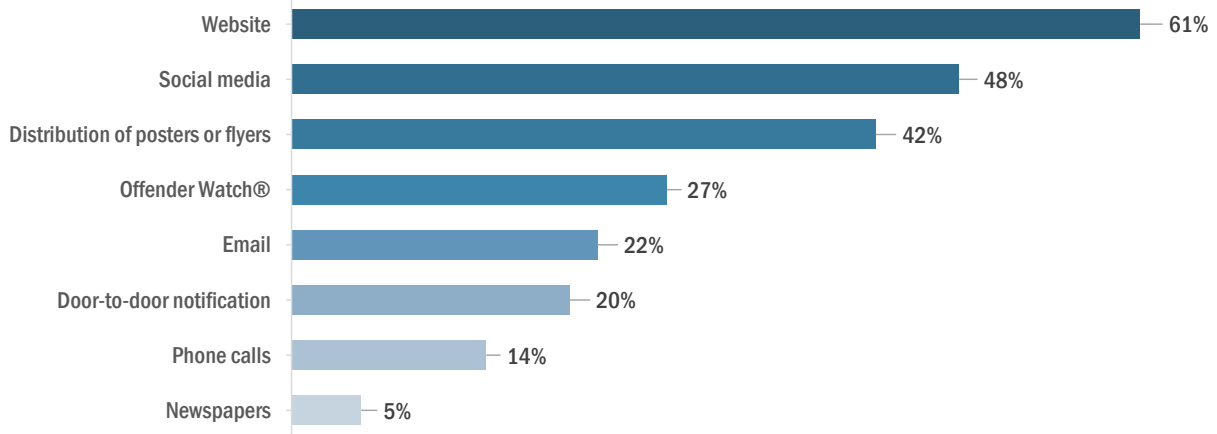
³³ Sections [943.0435\(6\)](#) and [775.21\(8\)](#), F.S.

³⁴ Sixty-three of 67 sheriffs responded to this question.

³⁵ Section [775.21\(7\)\(a\)](#), F.S.

Exhibit 10

Most Sheriffs Typically Notify the Public About Sexual Predators Through Their Websites^{1,2}



¹ Percentages do not equal 100% because offices can notify the public in multiple ways.

² Other reported notification methods included a smartphone application, a large red sign posted in the predator's front yard, and information posted in the county courthouse.

Source: OPPAGA analysis of sheriff's office survey data.

Sheriffs' offices must also notify schools and childcare facilities when a predator moves within a one-mile radius. Offices reported that they notify schools and childcare facilities through face-to-face contact with the administration (41%), email (31%), letters (28%), or telephone calls (17%).³⁶

State agencies that have direct contact with sex offenders report modifying processes due to the COVID-19 pandemic

State agencies made temporary adjustments in response to statewide office closures and local COVID-19 conditions

The Florida Department of Corrections and Department of Highway Safety and Motor Vehicles also have statutory sex offender management responsibilities that bring staff in direct contact with offenders. OPPAGA asked staff from these entities if they modified any standard practices regarding sex offenders because of the COVID-19 pandemic. Both FDC and DHSMV reported modifying processes. FDC reported maintaining supervision standards during the pandemic, though some modifications were made. Following the COVID-19 State of Emergency issued in March 2020, FDC temporarily suspended offender reporting to state probation offices throughout Florida.³⁷ During that time, FDC probation officers increased the frequency of sex offender home visits. In June 2020, FDC resumed offender in-office reporting in accordance with the department's COVID-19 Response Plan.

It is common for sex offenders and sexual predators to be required to participate in sex-offender-specific treatment as a condition of their supervision, with 4,057 supervised sex offenders receiving treatment as of September 2021. FDC reported that approximately one-third of sex offender treatment providers are utilizing telehealth services due to COVID-19. Participation varies by provider, community, and the effect of COVID-19 on the geographic area. The department reported requiring that providers submit a plan describing how they intend to provide telehealth services. According to

³⁶ Ten sheriffs' offices reported that they have never encountered a sexual predator moving within a one-mile radius of a school or childcare facility.

³⁷ Offenders being sentenced to a term of supervision or being released from prison with supervision to follow were still required to report in person to the probation office.

FDC staff, treatment providers use telehealth platforms, including Zoom for Healthcare, Webex for Healthcare, GoToMeeting for Healthcare, and Healthie. However, some offenders are not allowed to access the internet due to their terms of supervision. While the State of Emergency was in place, FDC allowed offenders who were not allowed internet access to participate in telehealth via telephone/conference call, in order for the offender to continue their court-ordered treatment. Once the State of Emergency ended in July 2020, offenders not approved for internet access returned to in-person treatment.

DHSMV reported coordinating with FDLE, FDC, and the Department of Juvenile Justice (DJJ) to facilitate sex offender address updates during statewide office closures. Registered sex offenders and predators are required to notify DHSMV within 48 hours of changing their address. From April through July of 2020, DHSMV offices closed statewide due to the COVID-19 pandemic. The department reported that during this time, staff created an email account for FDC and DJJ to provide notification of address updates needed by offenders under their supervision. After receiving this notification, DHSMV would mail the offender an FDLE form designed for this purpose, to complete and return with the address update. Once the form was returned to DHSMV, the update was made and transmitted electronically to FDLE on a nightly basis. Non-supervised offenders could utilize drop boxes at local offices and DHSMV email accounts to request address changes during the four-month statewide office closure.

Monitoring sex offenders at institutions of higher education has unique requirements and challenges

Federal and state laws require sex offenders to report involvement at institutions of higher education

Federal and state laws require sex offenders to report to law enforcement officials when they are enrolled, employed, or volunteering at an institution of higher education. This information is posted to the Florida Department of Law Enforcement sex offender registry. Entities, including sheriffs' offices and the Florida Department of Corrections, are responsible for notifying institutions of higher education when sex offenders enroll, are employed, or volunteer on campus. Institutions of higher education must inform students and employees at orientation and on institution websites of the existence of the FDLE sex offender and sexual predator registry website and the toll-free, public information telephone number. OPPAGA's review of a sample of institutions of higher education found that institutions are following these requirements and taking additional steps, such as meeting with sex offenders at time of enrollment. However, the analysis found some differences between FDLE and institutions of higher education sex offender records.

The 2000 Federal Campus Sex Crimes Prevention Act requires any person who is obligated to register on a state's sex offender registry to provide notice of each higher education institution in the state at which they are enrolled, employed, or volunteer. In 2002, the Florida Legislature added this requirement to state law and defined institutions of higher education to include career centers, community colleges, colleges, state universities, and independent postsecondary institutions.³⁸ On the FDLE registry, this includes institutions of higher education that have in-person or online classes and institutions both within and outside of Florida.


³⁸ Chapter [2002-58](#), *Laws of Florida*.

Sex offenders who enroll at, are employed by, or volunteer at an institution of higher education must register the name, address, and county of each institution, including the campus attended and enrollment, employment, or volunteer status. Within 48 hours of a change in status, sex offenders must register all changes in FDLE’s online system, in person at the sheriffs’ office, or in person at FDC or DJJ if supervised by those agencies.³⁹ State law also requires the sheriff, FDC, or DJJ to promptly notify each institution of higher education of the sex offender’s presence and any change in enrollment, employment, or volunteer status.⁴⁰ (See Exhibit 11.) Once this information is recorded, it is included on the FDLE sex offender registry. The public can access this information when searching via the university search tool, which FDLE launched in October 2013 as part of the sex offender registry update. The tool allows users to obtain a listing of sex offenders registered as enrolled at, employed by, or volunteering at a specific institution of higher education. (See Appendix D.) As of October 2021, FDLE reported 750 registered sex offenders enrolled at, employed by, or volunteering at institutions of higher learning.

Exhibit 11


Notification of Institutions of Higher Education by Sheriffs’ Offices and the Florida Department of Corrections¹

Sheriffs’ Offices



Sheriffs’ offices reported notifying institutions via phone call, face-to-face contact with administration or campus security, email, or mailed letter. Most sheriffs’ offices reported notifying institutions of higher education within three days.

Florida Department of Corrections



A probation officer will notify the institution of higher education via email or letter to the designated person at the institution within two days of being notified of the sex offender’s enrollment or employment status. The sex offender must notify their probation officer of any changes in enrollment, volunteering, or employment status within 48 hours. Within two working days of being notified of the status, the officer will submit an updated notification to the institution.

¹ Sixteen sheriffs’ offices provided information related to higher education notification time in their survey response. Source: OPPAGA analysis of sheriff survey data and information from FDC.

Institutions of higher education are taking steps beyond statutory requirements for sex offenders on campus

Institutions of higher learning have the discretion whether to allow registered sex offenders to enroll. Statutes specifically provide that any institution in the Florida College System may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the institution.⁴¹ OPPAGA interviewed a sample of institutions of higher education and found that some have enrollment

³⁹ Change in status at an institution of higher education means the commencement or termination of enrollment, including, but not limited to, traditional classroom setting or online courses, or employment, whether for compensation or as a volunteer, at an institution of higher education or a change in location of enrollment or employment, whether for compensation or as a volunteer, at an institution of higher education.

⁴⁰ Sections [775.21\(6\)\(a\)1.c](#) and [943.0435\(\(2\)\(b\)2](#), F.S.

⁴¹ Section [1001.64\(8\)\(a\)](#), F.S.

restrictions for sex offenders.⁴² One institution reported denying admission to sex offenders or not hiring them. Another institution reported denying admission if sexual predators fail to disclose their status during enrollment. Some institutions interview sex offenders or request additional information before enrollment. For instance, one institution sends the sex offender's application to a student conduct office, which contacts the sex offender and requests information relating to their status. Once the student conduct office clears the student, the institution moves forward with the application process.

Section 1006.695, *Florida Statutes*, requires institutions of higher education to inform students and employees at orientation and on institution websites of the existence of the FDLE sex offender registry website and the toll-free, public information telephone number. In OPPAGA's interviews with a sample of institutions of higher education, institutions reported that they are meeting these requirements and taking additional steps to monitor sex offenders on campus. For example, several institutions reported having meetings to provide sex offenders with information around the time of admission as a student. Information provided to sex offenders includes college policies and rules of student conduct. The meetings with the sex offender can include offices such as student affairs, campus security, human resources, admissions, or legal affairs. One institution reported using a security mobile application to help manage sex offenders on campus; part of an overall safety application that has features such as requesting a ride, it also connects to both the state and federal registry to display sex offenders on the front page. Another institution reported having a behavioral intervention team that monitors sex offenders to ensure that they are following campus rules and are on track to graduate.

Offenders reported being associated with institutions of higher education in various locations; analyses found differences between FDLE and institution records on sex offenders

Utilizing the sex offender registry university data, OPPAGA reviewed the records of the 750 registered sex offenders reported to be enrolled, employed, or volunteering at 419 institutions of higher education. Offenders' association with institutions was primarily as students enrolled in classes (96%), with 3% reporting that they were volunteers and 2% reporting that they were employees.⁴³ A small number of offenders were associated with more than one school.

Institution types varied from state colleges and universities to bible study schools and workforce programs. Registered offenders reported being associated with institutions located both within Florida and outside of the state. Of the 750 sex offenders associated with institutions of higher learning, 255 (34%) were affiliated with institutions located in their county of registration. (See Exhibit 12.) Thus, the sheriff's office should be aware of the association with the school through the offender's self-reporting during registration or re-registration. Additionally, FDLE notifies sheriffs' offices when offenders report affiliation with institutions within their counties. Approximately, 15% (109) of offenders associated with institutions of higher learning live in Florida but were associated with institutions outside of their home counties. The sheriff's office where the institution is located would be notified by FDLE that the offender is associated with the school. The sheriff's office then notifies the institution in their county about the offender's presence. According to FDLE, offenders notify sheriffs' offices that they are no longer associated with institutions through the FDLE website or through re-

⁴² OPPAGA identified a sample of institutions of higher education with sex offenders on campus by utilizing the FDLE university search tool. The sample included 13 institutions—7 colleges, 3 universities, and 3 technical centers.

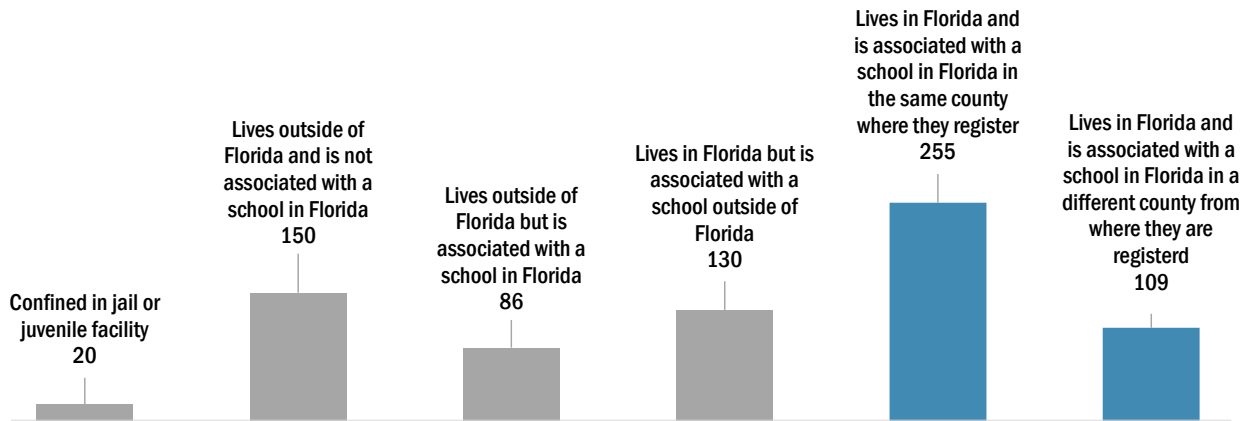
⁴³ Percentages do not total 100% due to rounding.

registration. If the offender is associated with an institution in another county, there is no formal process to notify the sheriff’s office where the institution is located.

In addition, 17% (130) of offenders in the database were Florida residents associated with an out-of-state institution, such as an online university based in another state. Some offenders, 11% (86) lived outside of Florida but were associated with an institution in Florida. However, 20% (150) did not live in Florida and did not report being associated with an institution in Florida. For example, some offenders live and attend schools in other states but are on Florida’s registry because they lived, visited, or were convicted in Florida.

Exhibit 12

Many Offenders in the Higher Education Database Are Not Associated With an Institution of Higher Learning in Florida¹



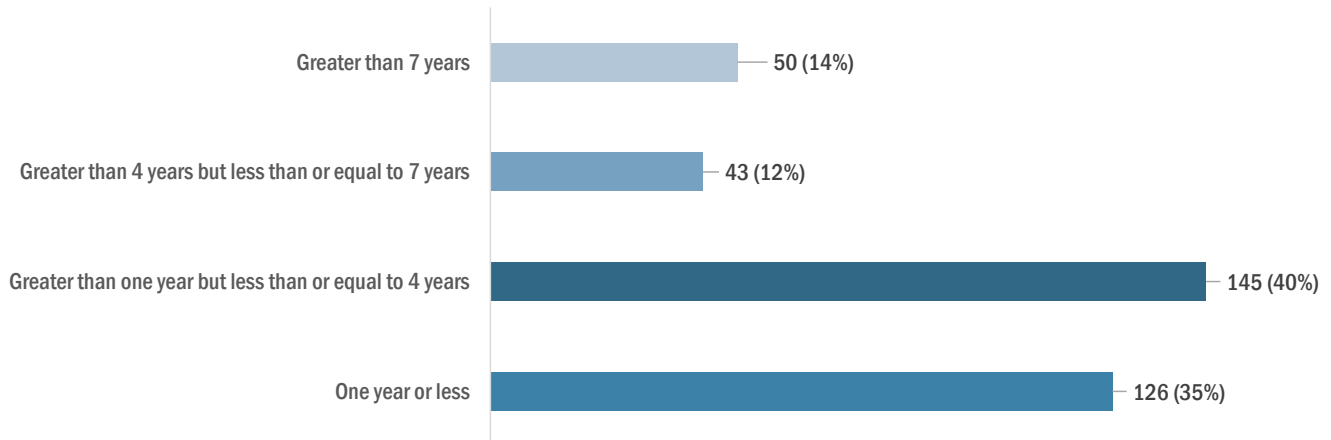
¹ Blue bars in graph indicate the number of offenders residing in Florida and attending, working, or volunteering at a school in Florida. Source: OPPAGA analysis of Florida Department of Law Enforcement Sex Offender Higher Education Database.

OPPAGA asked a sample of institutions of higher education to compare records from the FDLE registry to campus records and analyzed responses from eight institutions with a total of 66 sex offenders. OPPAGA found that institution information for 46 records did not match the FDLE registry. For example, two institutions found records of students that were listed on the registry as enrolled but who were never enrolled. Another found no record of a sexual predator who was registered with FDLE as a volunteer at the institution.

Most mismatches occur because the FDLE registry lists the offender as enrolled, but the offender is not actually enrolled at the institution. Several of these sex offenders had been previously enrolled at the institution, but their enrollment status as a current student on the FDLE registry was outdated. OPPAGA analyzed registry data and found that many offenders had enrollment statuses of several years, with approximately 14% of sex offenders listed as being enrolled for more than seven years. (See Exhibit 13.)

Exhibit 13

Approximately 14% of Registered Sex Offenders in Florida Are Listed as Enrolled at an Institution of Higher Education for More Than Seven Years¹



¹ The 364 sex offenders represented in this exhibit are associated with an institution of higher education in Florida and reside in Florida. If an offender was listed as enrolled in multiple institutions, the most recent record from a Florida institution was selected. Percentages add to more than 100% due to rounding.

Source: OPPAGA analysis of Florida Department of Law Enforcement Sex Offender Higher Education Database.

Some institutions of higher education reported receiving delayed notifications about sex offenders on campuses. For example, one institution reported that sometimes a sex offender begins taking classes before the institution receives notification. Another institution reported that students can be on campus for weeks and the institution does not know about it until receiving notification. Statute requires the sheriff, FDC, or DJJ to promptly notify each institution of higher education of the sex offender's presence and any change in enrollment, employment, or volunteer status; however, all institutions that allow sex offenders reported being unaware or unsure of any status change notifications occurring. While sheriffs are statutorily responsible for notifying institutions of higher learning, OPPAGA's survey of sheriffs' offices found two offices that reported that they believe that FDLE notifies institutions of higher education, potentially creating a scenario where the institution does not receive notification. Some institutions of higher education reported routinely checking the registry to ensure accuracy. Once an institution identifies an inaccurate record on the registry, it must contact the local sheriff's office to investigate and correct the registry information.

OPTIONS

Notifying institutions of higher education allows the campus community, including students, faculty, and staff, to be aware of the presence of sex offenders on campus. Delays in notification and inaccurate or outdated information on the registry can create misinformation and make it more difficult for institutions of higher education and law enforcement to be aware of sex offenders who are currently on campus. To address this, sheriffs' offices could periodically review higher education information on the registry for accuracy. For example, sheriffs' offices could remove institutions of higher education from the registry if offenders do not live or attend school in Florida. Listing higher education institutions outside of Florida may provide limited public notification benefit because the schools are not notified by sheriffs or FDLE that they are associated with a sex offender registered in Florida. Furthermore, it is unclear how often individuals attending schools outside of Florida search Florida's registry for information about their campuses.

FDLE could consider creating an alert system for institutions of higher education. Currently, local law enforcement is notified about a sex offender enrolling, volunteering, or gaining employment at an institution of higher education through a Florida Administrative Message (FAM) alert sent by FDLE. Law enforcement entities within Florida use these messages to communicate information. After the receipt of the FAM, local law enforcement should notify the relevant higher education institution within their jurisdiction. To help ensure that institutions receive this information, FDLE could create an alert for Florida institutions of higher education for when a sex offender enrolls, volunteers, is employed, or experiences any of these status changes. Institutions of higher learning could sign up for alerts similar to how members of the public sign up to receive notifications when a sex offender moves into their neighborhood. However, there would be costs related to staff time and the information technology necessary to create and implement a new alert.

APPENDIX A

Legislative Changes to Sex Offender Laws Since 2005

Exhibit A-1 shows changes to Florida’s sex offender law since the passage of the Jessica Lunsford Act in 2005. The Legislature has not made substantial changes to sex offender laws since 2018.

Exhibit A-1

The Legislature Has Enacted Several Sex Offender Laws Since 2005

2005	Passed the Jessica Lunsford Act, requiring sex offenders to re-register twice a year in person with the sheriff of the county in which they reside. (Chapter 2005-28, <i>Laws of Florida</i>)
2007	Required sexual predators, juvenile sexual offenders adjudicated delinquent, and sex offenders convicted of certain crimes to re-register four times a year, required offenders report email addresses and instant message names, and required driver license and identification cards issued to registered sex offenders to display distinctive information on the front to identify them as sexual offenders or predators. (Chapters 2007-209, 2007-207, and 2007-143, <i>Laws of Florida</i>)
2014	Increased the information an offender must report, including information on vehicles an offender owns and vehicles owned by any person residing with the offender, expanding and clarifying the requirement to report internet identifiers prior to their use, and tattoos or other identifying marks. Also specified registration requirements for offenders with transient addresses, requiring them to inform the sheriff within 48 hours after establishing a transient residence and every 30 days thereafter if they maintain a transient residence. (Chapter 2014-5, <i>Laws of Florida</i>)
2016	Included lewd or lascivious battery upon an elderly or disabled person as an offense that requires sexual offenders to register quarterly and for life. (Chapter 2016-104, <i>Laws of Florida</i>)
2017	In recognition that sexual offenders and predators may use social networking sites to gain information about victims and make contact with them, amended statutory definition of internet identity to specify that it includes any designation, moniker, screen name, username, or other name used for self-identification to send or receive social internet communication. The law further required sex offenders to register each internet identifier and its corresponding website homepage or application software name within 48 hours of use. (Chapter 2017-170, <i>Laws of Florida</i>)
2018	Modified the statutory definitions of residence as it applies to registered sex offenders and predators reporting this information. Modification included decreasing from 5 days to 3 days the period in which a person must abide, lodge, or reside at a place to meet any of the definitions for reporting purposes. Also imposed mandatory terms of community control with electronic monitoring for sex offenders and predators who commit a felony violation of the sex offender registry laws, if the court does not impose a prison sentence. (Mandatory minimum of six months for first offense, one year for second offense, and two years for third or subsequent offense.) (Chapter 2018-105, <i>Laws of Florida</i>)

Source: OPPAGA analysis of Florida laws and statutes.

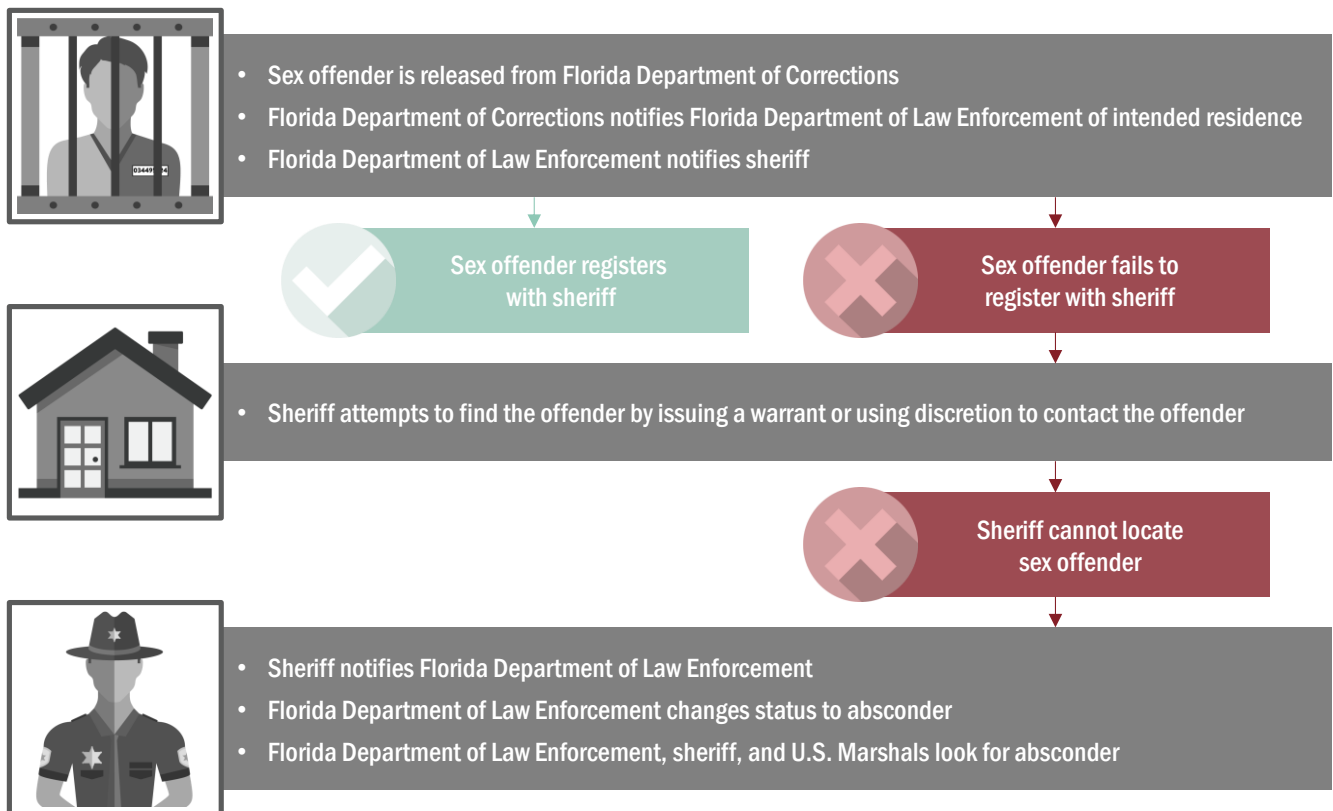
APPENDIX B

Registration Steps for Sex Offenders Released From a State Correctional Institution

Sex offenders are required to register in Florida after being released from a prison sentence for the offense. Sex offenders can also be required to register through a different path, such as moving from another state or being convicted of a sex offense without a prison sentence. Exhibit B-1 describes registration steps for sex offenders released from prison.

Exhibit B-1

When a Sex Offender is Released From a State Correctional Institution, Law Enforcement Agencies Take Several Steps to Ensure That They Register



Source: OPPAGA analysis of registration steps.

APPENDIX C

Sex Offenders, Sexual Predators, and Homeless Rate Per County

Exhibit C-1 presents the number of registered sex offenders and sexual predators in Florida communities by county. Orange, Duval, Hillsborough, and Miami-Dade counties had the highest number of sex offenders and predators, respectively. Lafayette, Liberty, Hendry, and Hamilton counties had the lowest number of sex offenders and predators in their communities. The exhibit also presents the percentage of homeless offenders or those that report only a transient address (not a permanent address).

Exhibit C-1

Number of Sex Offenders and Sexual Predators by County, September 2021

County	Number of Offenders	Number of Predators	Total Number Offenders and Predators	Percentage With Transient Address Only
Alachua	427	77	504	8.1%
Baker	69	3	72	0.0%
Bay	346	27	373	0.0%
Bradford	84	18	102	1.0%
Brevard	752	93	845	4.7%
Broward	1,083	157	1,240	27.6%
Calhoun	40	3	43	2.3%
Charlotte	251	21	272	1.8%
Citrus	286	47	333	1.5%
Clay	293	89	382	0.5%
Collier	239	30	269	2.6%
Columbia	248	61	309	0.3%
DeSoto	82	11	93	2.2%
Dixie	87	16	103	1.9%
Duval	1,867	366	2,233	6.2%
Escambia	858	122	980	1.5%
Flagler	125	3	128	2.3%
Franklin	30	7	37	0.0%
Gadsden	206	40	246	1.6%
Gilchrist	42	4	46	0.0%
Glades	29	7	36	0.0%
Gulf	30	5	35	2.9%
Hamilton	24	7	31	0.0%
Hardee	48	3	51	2.0%
Hendry	25	3	28	3.6%
Hernando	417	47	464	0.9%
Highlands	140	14	154	0.6%
Hillsborough	1,672	297	1,969	5.6%
Holmes	69	9	78	0.0%

County	Number of Offenders	Number of Predators	Total Number Offenders and Predators	Percentage With Transient Address Only
Indian River	212	13	225	4.4%
Jackson	135	17	152	1.3%
Jefferson	39	15	54	1.9%
Lafayette	11	1	12	0.0%
Lake	459	47	506	0.8%
Lee	835	89	924	2.2%
Leon	572	115	687	4.7%
Levy	157	23	180	1.1%
Liberty	19	3	22	0.0%
Madison	53	9	62	0.0%
Manatee	414	72	486	4.7%
Marion	849	121	970	0.2%
Martin	138	13	151	1.3%
Miami-Dade	1,394	317	1,711	28.2%
Monroe	103	8	111	2.7%
Nassau	121	14	135	0.0%
Okaloosa	312	31	343	2.9%
Okeechobee	99	18	117	0.0%
Orange	2,094	464	2,558	4.6%
Osceola	466	57	523	1.5%
Palm Beach	901	149	1,050	12.4%
Pasco	787	101	888	1.7%
Pinellas	1,503	191	1,694	9.3%
Polk	1,076	114	1,190	2.7%
Putnam	284	53	337	0.9%
St. Johns	218	18	236	2.5%
St. Lucie	412	47	459	1.5%
Santa Rosa	334	26	360	1.1%
Sarasota	425	46	471	5.9%
Seminole	296	31	327	0.6%
Sumter	174	9	183	0.5%
Suwannee	70	9	79	0.0%
Taylor	56	12	68	1.5%
Union	44	0	44	0.0%
Volusia	871	102	973	7.4%
Wakulla	83	8	91	0.0%
Walton	139	21	160	0.0%
Washington	75	9	84	0.0%
Unknown county/other	97	4	101	0.0%
Total Offenders	26,196	3,984	30,180	6.3%

Source: OPPAGA analysis of Florida Department of Law Enforcement sex offender registry data from September 2021.

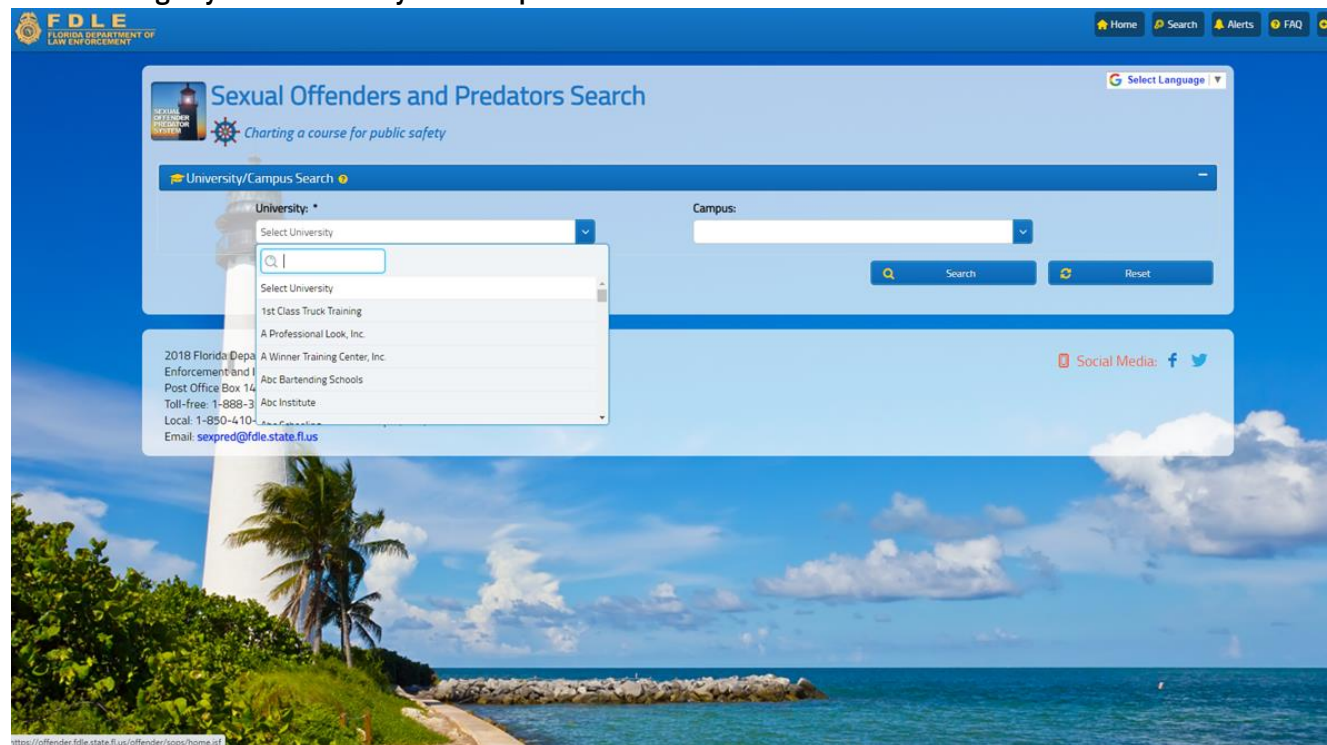
APPENDIX D

Florida Department of Law Enforcement Registry University and Campus Search

The Florida Department of Law Enforcement's registry allows users to search for sex offenders at institutions of higher education. Users can select an institution of higher education and campus from drop-down menus provided within the search tool. (See Exhibit D-1.)

Exhibit D-1

The FDLE Registry Has a University and Campus Search for Sex Offenders



Source: Florida Department of Law Enforcement (<https://offender.fdle.state.fl.us/offender/sops/universitySearch.jsf>)

AGENCY RESPONSE



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

Office of Executive Director
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7001
www.fdle.state.fl.us

Ron DeSantis, *Governor*
Ashley Moody, *Attorney General*
Jimmy Patronis, *Chief Financial Officer*
Nikki Fried, *Commissioner of Agriculture*

December 22, 2021

P.K. Jameson
Coordinator
Office of Program Policy Analysis and Government Accountability
111 West Madison Street, Room 312
Tallahassee, FL 32399-1475

Dear Coordinator Jameson:

Thank you for the opportunity to review, comment, and suggest clarifications to your preliminary report *Sex Offender Registration and Monitoring Triennial Review - 2021*. Please see enclosed notes and clarifications regarding this draft report.

FDLE works closely with Florida universities and institutions of higher education to ensure reported information is accurate and updated timely and will continue working with Florida's sheriffs to gather input on how the state registry system might assist with this local responsibility.

Florida's sexual offender/predator registry is a valuable public safety tool. We look forward to continuing the strong state, local, and federal partnerships that help ensure this information is timely, accurate, and comprehensive for Florida's citizens and criminal justice professionals. Thank you for the time and attention your staff provided in the development of this report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard L. Swearingen", is written over a light blue horizontal line.

Richard L. Swearingen
Commissioner

RLS/pw

Enclosure

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Notes for Consideration

1. p. 4, last paragraph; p. 5, footnotes 12-13

Clarification: The Florida Sexual Offender/Predator registry does not receive any JAG funding or bonuses from reallocation of funding reductions from noncompliant states. The registry does apply for and receives grant funding from the SMART Office through the Adam Walsh Act.

2. p. 21, last paragraph – *“Most mismatches occur because the FDLE registry lists the offender as enrolled, but the offender is not actually enrolled at the institution. Several of these sex offenders had been previously enrolled at the institution, but their enrollment status as a current student on the FDLE registry was outdated.”*

Note: It is the responsibility of any registrants enrolled, employed, or volunteering at an institution of higher education to report any changes to such information within 48 hours of the change. Also note that those employed or volunteering on a campus may not be volunteering or employed with the school itself, but with organizations or businesses that are located on that campus; therefore, the school would not necessarily have record of this type of information.

3. p. 22, last paragraph – *“For example, sheriffs’ offices could remove institutions of higher education from the registry if offenders do not live or attend school in Florida. Listing higher education institutions outside of Florida may provide limited public notification benefit because the schools are not notified by sheriffs or FDLE that they are associated with a sex offender registered in Florida. Furthermore, it is unclear how often individuals attending schools outside of Florida search Florida’s registry for information about their campuses.”*

Note: While it is unclear how often individuals attending schools outside of Florida use the sexual offender/predator registry to search registrants on out of state campuses, they could still find a registrant by using the Dru Sjodin National Sex Offender Public Website. From there, they could further use the Florida registry website to search for that person on a particular campus. Additionally, of the 6,500 people who accessed the University/Campus Search page on the FDLE registry in the last year, 15% of visitors to that page (approximately 975) were from outside of Florida. Therefore, while the overall public notification benefit may be lower, there is still much value in making this information available to those who seek it. Any public safety benefit such information can provide, if even only to select students or employers, is an advantage.

4. p. 23 – *“FDLE could consider creating an alert system for institutions of higher education.”* and *“To help ensure that institutions receive this information, FDLE could create an alert for Florida institutions of higher education for when a sex offender enrolls, volunteers, is employed, or experiences any of these status changes.”*

Note/Suggestion: Colleges and universities currently have multiple avenues for identifying registrants on their campuses. Primarily, they receive notifications from the local sheriff’s office. Second, the FDLE public registry website allows institutions to pull a list of registrants currently associated with the institution. Third, notifications are sent by FDLE in the form of Florida Administrative Messages (FAM) to all active Florida Crime Information Center (FCIC) terminals in a county. Those campus police departments with an active FCIC connection would receive the FAM notification.

There are concerns with setting up a notification system for college and university notification akin to the Offender Alert system. The current Offender Alert system uses the verified address of both the registrant and the recipient to geolocate and identify addresses that fall within a specific radius. The contract is managed through a third-party vendor at a cost of approximately \$65,000 per year. For FDLE to build and maintain or bid a similar system for campus notifications would incur significant costs. Additionally, the reporting of Institution of Higher Education does not follow the same type of address validation as a regular address. Users, both registrants through the Cyber Communication System and secure registry law enforcement users, have a greater leeway in entering institution of higher education information. Notification by FDLE to the sheriff's offices is a manual process, and automating it without corresponding quality control measures would be problematic for providing accurate and timely notification. Finally, a notification system like Offender Alerts requires an end-user to receive the alerts. Rather than an institution trying to keep track of who in their employment should receive such alerts (and them having to contact FDLE anytime the notification list needs to be updated/changed), another solution may be for each campus to assign someone at the institution to check the FDLE website on whatever recurring schedule best suits their needs.

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Project supervised by Claire K. Mazur (850/717-0575)
Project conducted by Marina Byrd, Michelle Ciabotti, and Jim Clark
PK Jameson, Coordinator