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## **Information Summary for FL. Legislature's Office of Program Policy Analysis & Government Accountability**

### **PART A: Florida Sex Offender Registry Effectiveness**

The Florida sex offender registry was created in 1994 for law enforcement to monitor and track the relatively small number of individuals accused of the rape and murder of young children. Its purpose was to improve public safety through reduction of sexual offenses. Since then, Florida has created a myriad of new actions designated as sex offenses requiring registration. Today, if one helps a crying child on a playground, anyone can accuse that person of harboring sexual intent. As a consequence, many people who have no sexual ill-intent are labeled as sex offenders.

The Florida Sex Offender Registry is effective at:

- (1) Creating generational poverty as registrants have access to few jobs, most of which are low paying, have limited access to housing, have limited access to higher education, and have almost no access to professional licensing (Horowitz 2023).
- (2) Creating homelessness. According to the 2021 OPPAGA report, the statewide rate for sex offender homelessness was 6% compared to the general population's homelessness rate of 1%. In certain counties, such as Miami-Dade and Broward, the homelessness rate for sex offenders is greater than 25% due to harsh residency restrictions which effectively banish most persons required to register from most residences in the county.
- (3) Damaging families through registrants' children being treated cruelly at school, family members being stigmatized and ostracized, limited access to attend their children's school events, limited access to medical facilities to be with ailing children or parents, and law enforcement showing up day or night at their homes and harassing them (Martin 2017, Horowitz 2023).
- (4) Harming elderly registrants who have marginal access to medical care, nursing homes, or assisted living homes.
- (5) Re-incarcerating people for administrative registry-related paperwork errors. According to a Florida Department of Corrections data analysis (2020-2023, Data4ChangeFL), 11% of registrants and 14.4 % of registrant probationers are back in prison within three years – not for any act involving sex – but rather for administrative paperwork error.

One quarter (25%) of the people on Florida's registry are there for offenses committed as youngsters. Juvenile sexual offenses carry lifelong adult legal and collateral consequences that detrimentally impact social determinants of health and quality of life for a lifetime, contradicting the purpose of separate juvenile and adult courts in the U.S. (Finkelhor 2006. Pickett 2020. Pittman 2013. Snyder 2000, Horowitz 2023).

What happens to kids on the registry? The worst imagined offense is assumed. They suffer severe psychological harm – 85% of those on a juvenile sex offender registry report mental health issues and/or suicidal ideation (Pittman 2013). They, and their families, are isolated, ostracized, and stigmatized.

## **PART B: Is Florida a haven for sex offenders**

The US Sex Offender Registry has a fairly steady number of registrants (Aug 2024: 795,066 people) as many other states provide for registry removal for all but the highest-risk sexual offenders (CCResourceCenter.org). Florida's Sex Offender Registry lists 87,645 names (FDLE database, Sept 18, 2024) which at first blush looks as if our one state, Florida, has 11% of the nation's sex offenders. Are we a haven for sex offenders? No. Florida looks scary because:

1. At least 37,301 of the people on Florida's list (Sept 18, 2024) are not residents of Florida. The majority (32,124) are people who have moved out of state or came into Florida for brief stays of 3 days or longer before returning to their home states. Deported people account for 3,675. People deceased (since 1997 to current) account for 1,502. These people should be removed from Florida's registry. Their inclusion, a decision by FDLE, serves no public safety purpose to Floridians or the nation. Yet, there is a public perception cost to Florida.
2. There is virtually no process for removal from the Florida registry. People are on the Florida registry for life, even when their offense occurred when they were children. The average age for youthful sexual offenders is 14.7 years old – an age when mental immaturity is well recognized. 25 % of the people on the US Sex Offender Registry are there for offenses that occurred when they were children (Finkelhor 2006. Pickett 2020. Pittman 2013. Snyder 2000). These kids lead long lives in poverty, with stigmatization and ostracization for a temporary immaturity. And when they become elderly or when they become disabled, virtually no assisted living or nursing home will accept them. Why? Because the dot on the map showing a sex offender/predator is residing at their facility, catalyzes other potential patients to go elsewhere. The long-term care facilities are concerned that their businesses will go bankrupt.

The risk of the elderly or disabled to public safety is low – much lower than the general public. Florida currently has 1,912 living people that are 75 years old or older on the registry. This number will only continue to grow with life registry requirements. Thus, the need for extensive medical care for elderly and disabled people forced to register will continue to grow. There should be an age when all but the highest risk sexual offenders are removed from the registry. At a minimum, people who are disabled or require continuous medical care should be removed from the registry such as provided in Georgia, Alabama, Virginia, and Colorado (CCResourceCenter.gov)

## **PART C: Florida Sex Offender Registry is not effective at public safety while wasteful of public resources**

The Florida Sex Offender Registry - in its current structure - is not effective at public safety but rather is wasteful of public resources (people, materials, funds).

1. 95% of sexual offenses are committed by someone who is not on the registry (Sandler 2008).
2. Recidivism of sexual offenses between 2000 - 2019 is between 0% – 5.4% based on a comprehensive study comparing thousands of registrants in the USA and Canada. Further, Canada, which has a non-public registry and rehabilitation programs, has a more rapidly declining sexual offense recidivism rate than the US (Lussier 2023).

- An independent analysis of the Florida Department of Corrections (FDC) OBIS data base from 2020 – 2023 (Data4ChangeFL.org) followed the 1,740 people in the sexual/lewd behavior FDC offense group that were released from prison in 2020. A shocking 34.2% were back in prison within 3 years. Why? 14.4% were re-incarcerated for administrative paperwork errors (technical probation violations) and 11% were re-incarcerated for registry-related administrative paperwork errors. Four hundred and forty-one (441) human beings were forced to leave their children, their families, lose their homes and jobs and go back to prison – for paperwork errors for which no other person or felon would be incarcerated, and often for longer than their original sentence.

Sex Offense New Offense Groups		
Worst New Offense Group	# of people	%
No Recidivism	1,145	65.8
Technical Violation Only	250	14.4
9-Other, Registry Violation	191	11
7-Drugs	61	3.5
4-Violent, Other	28	1.6
2-Sexual/Lewd Behavior	18	1
5-Burglary	16	0.9
6-Property Theft/Fraud/Damage	13	0.7
9-Other	8	0.5
3-Robbery	5	0.3
8-Weapons	5	0.3
TOTAL	1,740	100.0%

The overwhelming number of requirements that registrants must comply with each day, or face prison, are not only interpreted and enforced inconsistently from jurisdiction to jurisdiction but increase every year, confusing law enforcement, front line enforcing staff, and registrants. Arrests as a result of paperwork errors, even if dropped, makes the individual ineligible for any opportunity to seek removal from the registry based on current statute.

Law enforcement agencies are provided with a 90 page “Sexual Offenders & Predators Florida Registration Laws Guidelines” FDLE document which is difficult for users to understand and implement. Florida registrants are provided with printed registry rules, some of which are precise but many of which are ambiguous. These guides for law enforcement and registrants are not at a reading level commonly used for public communication; they are confusing and provide no guidance for “plan B scenarios” such as the example below.

Within 48 hours of a change from new job to a change to a car tag of a family member, the change must be reported or incarcerated ensues. What happens when the registration office is open only Tuesday through Thursday and in-person updates are necessary?

Keeping law enforcement working on public safety, instead of incarcerating people for paperwork issues, should be a goal for our state’s wellbeing.

The penalties for registry and probation administrative paperwork errors should be changed from felonies to misdemeanors or community service - and incarceration for these errors should not be imposed. Registrants should be given an opportunity to make corrections to inadvertent errors and omissions in their information so that the FDLE records are accurate.

## RECOMMENDATIONS

- Mitigate the cost of public perception and the waste of public safety resources by removing out-of-state, deported and deceased individuals from the Florida Registry.
- Mitigate the harm to the elderly by removing the elderly from the sex offender registry who have not sexually re-offended – in many cases for decades.
- Mitigate the resource-intensive use of incarceration for administrative paperwork/technical violations by changing the penalties from felonies to misdemeanors or community service and by providing registrants an opportunity to make corrections to errors and omissions in their registry and probation records to enable accurate FDLE records.

## REFERENCES

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## FOR FURTHER INFORMATION:

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