



## **HSJ-PP-01: REGISTERED SEXUAL OFFENDER—MINIMUM DISTANCE**

### **COMMITTEE RECOMMENDATION: NOT ADOPT**

**PROPOSED POLICY:** SUPPORT modification of state statutes to require people who are listed on the sex offender registry to live at least 2,500ft away from a public or private school or childcare facility, park, playground or where children congregate.

**BACKGROUND:** Current state law requires a child sexual predator/offender to reside at least 1,000 ft from a school, childcare facility, park, playground, or other place where children congregate. There are over 16 counties within the state of Florida that require a sexual child predator/offender to reside at least 2,500ft from a school, childcare facility, park, playground, or other place where children congregate. We would like to see a change in State law moving from the 1,000ft requirement to a 2,500ft requirement. This would require people who are required to be on the sex offender registry to live at least 2,500ft away from a public or private school or childcare facility, park, playground or where children congregate.

Currently southeast Florida Counties, spanning from Miami-Dade to Indian River all have ordinances that require any sexual offender or sexual predator to reside at least 2,500 ft from a public or private school or childcare facility, park, playground or where children congregate. Miami-Dade County has gone through two lawsuits regarding this ordinance and the United States District Court for the Southern District ruled in favor of Miami-Dade County citing that their housing restriction on Sexual Predators/Offenders was within the County's jurisdiction to act on.

**ANALYSIS:** Martin County recently passed an ordinance which aligns with the request of changing state law to prohibit a sexual predator/offender to reside within 2,500 ft of a public or private school or childcare facility, park, playground or where children congregate. Extending the distance from 1000 ft to 2500 ft protects and benefits the quality of life of children throughout this state. The change would also limit these offenders from migrating into communities that have a more lenient restriction on sexual predators/offenders, which exposes children to potential unnecessary risk. Having all 67 counties in congruence would allow for a straightforward and streamlined process when these individuals are searching for residency.

**FISCAL IMPACT: N/A**

### **FAC STAFF NOTES:**

- FAC 2022 Policy Conference
  - HSJ-PP-01 was recommended not to be adopted by the committee.



Statutes:

- [s. 775.215 \(2a\), F.S.](#) Residency restriction for persons convicted of certain sex offenses.
- [s. 948.30 \(b\), F.S.](#) Additional terms and conditions of probation or community control for certain sex offenses.

Under Florida law, there are two separate designations for those convicted of crimes mandating sex offender registration: sexual predators and sexual offenders. This proposal specifically addresses both. New legislation would amend **s. 775.215 2(a), F.S.** by increasing the distance between a residency and a school, childcare facility, park, playground, or other place where children congregate from 1,000ft to 2,500ft for sexual offenders and predators.

**Florida law for sex offenders (FAQ FDLE Website:**

<https://offender.fdle.state.fl.us/offender/sops/fag.jsf#:~:text=Several%20criteria%20are%20specified%20including,the%20offender's%20record%20requiring%20registration>)

- Sexual offenders are currently prohibited from living within 1,000 feet of a school, child care facility, park or playground.
- Sexual offenders must update their registration within 48 hours of a change of address
- Sexual offenders must complete registration forms with their local sheriff's office up to four times a year
- Juvenile sexual offenders have to register if they've been convicted as an adult for a qualifying sexual offense and meets the criteria in Florida state law to register as an adult sexual offender or predator or was adjudicated delinquent on or after July 1, 2007 for a qualifying sexual offense in Florida or a similar offense in another jurisdiction when he or she was 14 years of age or older at the time of the offense

This proposal seeks to create a more uniform process for all 67 counties to deter offenders who seek residence in counties with more "lenient" policies, such as the 1000 ft. limit. It mandates all counties to adopt the 2,500 extended residential boundary for sexual offenders/predators.

Martin County's recently passed legislation only applied to future residents, not retroactively applying to their county. Therefore, current residents who are/were offenders/predators were not kicked out of their homes if they lived within the 2,500 feet boundaries. Several lawsuits have resulted from the implementation of these policies. For example, offenders in Miami Dade have claimed that the change in county rules adds an additional punishment to their original criminal sentence, displacing them and making it difficult for them to establish any form of residency. (<https://www.themarshallproject.org/2018/10/03/banished>)

Additionally, some policy makers and researchers have argued that these policies displace sexual predators/offenders to the point where law enforcement does not know where they are, therefore making society less safe. This is specifically an issue for more densely populated areas and counties, in which the policy further limits residency for offenders:



The following paper explores the unintended implications of Sex Offender Residence Restrictions:

[\*Where for Art Thou? Transient Sex Offenders and Residence Restrictions\*](#) by Jill Levenson, Alissa R. Ackerman, Kelly M. Socia and Andrew J. Harris

“These well-intended laws appear to create unintended consequences including transience, homelessness, and housing instability—outcomes that may carry significant public safety implications.”

“The proliferation of residence restrictions prohibiting sex offenders from living within close proximity to places where children congregate has resulted in limited housing options in many metropolitan areas.”

“Too abundant to count are local Sex Offender Residence Restrictions (SORR) ordinances passed by cities, towns, and counties. The first municipal sex offender ordinance in the United States was passed in Miami Beach in June 2005, modeled after zoning regulations that prohibit adult establishments (e.g., strip clubs and adult bookstores) from operating within a certain distance from schools...SORR laws are based on the seemingly logical premise that by requiring child molesters to live far from places where children congregate, repeat sex crimes can be prevented. The limited existing research, however, finds no support for the hypothesis that sex offenders who live closer to child-oriented settings are more likely to reoffend (Zandbergen, Levenson, & Hart, 2010).”

“A quickly growing body of evidence illustrates how SORR laws can profoundly diminish housing options for sex offenders. In Orlando, Florida, it was found that 99% of all residential dwellings are located within 2,500 feet of schools, parks, day care centers, or school bus stops (Zandbergen & Hart, 2006).”

- No bills have been filed/failed within the past couple of years to change this specific statute.

Past FAC Statements:

- FAC does not currently have a guiding principle pertaining to sexual offenders or the prevention of sexual offenses. FAC has not taken any official position regarding this issue.

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**ASSIGNED COMMITTEE: HSJ**

**BOARD SUPPORT:**

**UNFUNDED MANDATE: YES**

**PROTECTIVE OF HOME RULE: N/A**