HSJ 07: SEXUAL OFFENDER AND PREDATOR ADDRESS VERIFICATION

STAFF ANALYSIS

PROPOSAL INFORMATION			
SUBMITTING COUNTY:	Flagler County		
SPONSOR CONTACT:	Andy Dance, Commissioner adance@flaglercounty.gov; 386.627.5600		
FAC COMMITTEE:	Health, Safety, & Justice (HSJ)	**CROSS-CLAIMS:**	N/A
FAC STAFF:	T. Graham	**DATE:**	October 4, 2026

This staff analysis is based on the proposal as submitted and does not reflect an adopted position of the Florida Association of Counties.

POLICY PROPOSAL:

FAC supports legislation requiring reasonable verification that a registered sexual offender or sexual predator has lawful authority to reside at a specific privately owned property before that property's street address is accepted as the individual's permanent, temporary, or transient residence, while preserving existing registration procedures for individuals who are homeless or transient and establishing an expedited process for property owners to dispute and correct unauthorized address designations.

I. SUMMARY:

Flagler County is asking FAC to support a requirement that a registered sexual offender or predator's permission to live at a private property be checked before that address is accepted as the person's residence, along with a quick way for property owners to dispute a wrong address. Current law requires registrants to report where they live and requires address checks, but it does not explicitly require an occupancy check or give owners a dispute process. The change could be made as long as the bill keeps the requirement that registrants promptly report where they actually are, including transient locations, while a disputed address is reviewed. The proposal's effect on home rule is qualified, and new local duties raise possible mandate concerns and indeterminate costs.

II. PRESENT SITUATION:

Residence Definitions

Section 775.21(2)(k), (n), and (o), F.S., defines permanent, temporary, and transient residence. A permanent residence is a person's main home or any other place where the person stays for three or more consecutive days. A temporary residence is generally a place where the person stays three or more days in total during a calendar year, other than the permanent or transient residence. It also covers certain out-of-state residents

who work or go to school in Florida, and in-state travel. When counting days, the first day does not count, and any part of a later day does.

A transient residence is a county where a person lives, stays, or is located for three or more days in total during a calendar year, outside a permanent or temporary residence. It includes places where the person sleeps or finds shelter and locations that have no street address. Section 943.0435(1)(f), F.S., applies these same definitions to sexual offenders.

Registration and Address Verification

Section 775.21(6), F.S., covers registration for sexual predators. Section 943.0435(2), F.S., requires sexual offenders to register with the sheriff within 48 hours of certain events, including setting up a residence. Both statutes require residence information and allow registrants to describe transient locations. Under s. 775.21(6)(g)2.b. and s. 943.0435(4)(b)2., F.S., transient registrants must report in person to the sheriff within 48 hours of establishing a transient residence and every 30 days after that, and the sheriff must send that information to the Florida Department of Law Enforcement (FDLE) within two business days.

Under s. 775.21(8), F.S., FDLE and the Department of Corrections (DOC) run an address-verification system for sexual predators. Local law enforcement, working with FDLE, must check the addresses of predators who are not under DOC supervision at least four times a year. Section 943.0435(6), F.S., requires the same check for sexual offenders at least once a year. Local agencies may also check the addresses of registrants DOC supervises, and DOC checks the addresses of the registrants it supervises, including under s. 944.607(4)(a), F.S.

Failing to register or update required information, or knowingly giving false information, can be a felony under ss. 775.21(10) and 943.0435(9), F.S. That means a disputed address is more than a map error. The process would need to separate an intentionally false report from an honest report of where someone is staying that simply lacks proof of the owner's permission.

Public Information and Existing Corrections

Section 943.043, F.S., allows FDLE to publish nonconfidential registration information, and s. 775.21(7), F.S., provides for community notification about sexual predators. FDLE's public registry says its information comes from registrants and reporting agencies and tells anyone who thinks it is wrong to contact the Offender Registry Services Bureau. So a way to report errors already exists. The proposal would add a specific, faster process for private property owners.

FDLE's 2023 registration guidelines (pp. 73 and 74) describe local verification and coordination with DOC, including reporting promptly when a registrant no longer lives at

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the listed address, even if the new address is unknown. The guidelines give administrative background, but the statutes control any later changes to reporting and verification requirements.

Supervision and Federal Requirements
DOC's community supervision reporting includes Rule 33-302.110, F.A.C., effective January 5, 2025, and its Supervision Report, Form DC3-2026. Registration is separate from the residency restrictions and supervision conditions in ss. 775.215 and 948.30, F.S. Accepting an address on the registry does not give the registrant a property right or permission to stay somewhere they otherwise could not.

Federal rules under 28 C.F.R. § 72.6(c)(1) call for each residence address or, if there is none, a description of where the person actually lives or expects to be, as precisely as possible. Section 943.0435(6), F.S., requires Florida's verification to be consistent with federal standards. An occupancy check cannot wipe out accurate location information just because a registrant is homeless or does not have permission to stay at a site.

The Flagler County Proposal
Flagler County reports that in 2026 a business owner found registered sexual offenders using his property address without his knowledge or permission. According to news reports, three registrants had been camping in the woods behind a convenience store in western Flagler County. The Sheriff's Office said no registration laws were broken and that getting a property owner's permission is the registrant's responsibility, not the Sheriff's Office's. Deputies issued trespass warnings, the registrants were moved to a location approved by their probation officers, and the address was flagged so it cannot be used again. A similar situation was reported in Fort Lauderdale, where police cleared a parking lot that DOC had approved as a temporary stay location after the owner objected. The proposal does not include the registry entries or investigative findings, and it does not show how often this happens or how other counties handle it.

III. EFFECT OF THE PROPOSAL:

The Legislature could amend s. 775.21(6) and (8), F.S., and s. 943.0435(2), (4), and (6), F.S., to require a reasonable check that a registrant has permission to live at a specific private street address. Matching changes to s. 944.607(4), F.S., would line up DOC reporting, and s. 943.043, F.S., could cover disputed listings and corrections to the public registry.

The bill would need to define what proof is acceptable and who is responsible among sheriffs, FDLE, and DOC. Proof could include ownership records, a lease, or permission from someone who has the authority to let the person stay. The standard would also need to account for lawful living arrangements that do not involve a written lease or a new signature from the owner, and the check would need to avoid turning into a registry-based eviction or a way to settle a landlord-tenant dispute.

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The new check would also have to fit within the existing reporting deadlines. Agencies would still need to know where a registrant actually is while the check is pending. The bill would need to separate a confirmed residence from a disputed claim of permission, without deleting accurate location information or treating an agency's delay as the registrant's failure to report.

For property owners, the bill could let an owner or authorized representative file a dispute with a designated agency, along with proof of ownership and the error. It would need deadlines for acknowledging the dispute, investigating it, deciding it, and updating FDLE and other systems. Registrants would need notice and a chance to provide their own evidence, and the agency would need to record the result and explain how to seek review.

IV. COUNTY IMPACT:

The proposal would apply in all 67 counties and affect city police departments that help with address verification. The issue came up in Flagler County, but it involves a statewide registry, not just one county.

- If the final bill gives sheriffs occupancy checks, dispute investigations, or correction deadlines, counties would have more work. Current address checks confirm where someone is, not whether they have a legal right to be there.
- Counties may coordinate with FDLE, DOC, and cities using existing registration contacts and records. Uniform forms could help clarify which agency handles an owner's complaint.
- Agencies could no longer accept an unverified claim of permission under the new standard. They would still need to record where registrants actually are and keep transient reporting in place while the check is pending.
- Other issues for counties include the number of complaints, how long they take to process, the accuracy of the public map, and any arrests that come out of disputed addresses. Local procedures and technology would need to be ready before the new requirements take effect.

The proposal does not preempt county ordinances or move county revenue. A uniform state process would, however, limit local choices on registration procedures and add new requirements.

Protective of Home Rule: The proposal does not explicitly preempt county authority, but statewide verification requirements would limit local procedures.

V. FISCAL IMPACT:

State Government

Indeterminate. FDLE would have costs to set proof standards, update registry fields and public displays, train reporting agencies, and process corrections. DOC would need to do

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more occupancy checks and coordination for the registrants it supervises. Administrative appeals or lawsuits could add costs.

Local Government
Indeterminate. Sheriffs and participating city police departments could spend more staff time reviewing documents, contacting owners, checking sites, sorting out disputed facts, and making quick updates. Some of this work would happen before an address is accepted, not during a check that is already scheduled. Technology changes and training may also be needed. The net cost would depend on the proof standard, the deadlines, and how duties are split between state and local agencies.

Flagler County expects no significant fiscal impact and believes clearer procedures could cut the time spent on disputed addresses. That is the county's estimate; the record does not show how many complaints there are now, how much time the new process would add, or how much it could save.

Private Sector
Property owners would benefit from quick correction of wrong address listings and a clear point of contact, but they may spend time gathering documents to file a dispute. Registrants, landlords, and people lawfully staying at a property may need to show proof of permission. Requiring a new owner signature for every report could slow registration or make lawful housing arrangements harder.

Unfunded Mandate (Art. VII, s. 18, Fla. Const.): Potential, indeterminate. Required verification and dispute duties might require county and city spending.

VI. LEGISLATIVE & FAC HISTORY:

Enacted Legislation
Chapter 2024-73, Laws of Florida (CS/CS/HB 1235), changed the residence definitions and registration procedures for sexual offenders and predators. Chapter 2025-134, Laws of Florida (CS/HB 1351), changed those definitions again, created an in-state travel residence category, and set how often addresses must be verified.

Chapter 2026-17, Laws of Florida (CS/CS/CS/SB 212), effective July 1, 2026, changed residency restrictions and related supervision requirements, including restrictions involving public swimming pools. It did not create the occupancy check or owner correction process.

Recent Bills
2026: HB 45 was laid on the table on March 11, 2026, and its companion, SB 212, became law. No recent bill that would create the proposed occupancy check and owner dispute process was found.

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Related Litigation
On August 11, 2026, Florida Action Committee, Inc. filed *Florida Action Committee, Inc. v. Glass*, No. 4:26-cv-00388, in federal court in Tallahassee against the FDLE Commissioner, 33 counties including Flagler County, and 17 cities. The suit challenges residency and presence restrictions, travel reporting requirements, the loitering law, and limits on speech in public parks, and argues these rules contribute to homelessness among registrants. It does not directly challenge address verification, but its housing claims relate to why registrants report transient locations like the one behind the Flagler County store. The case is pending.

BoCC Action
The Flagler County Board of County Commissioners voted to support the proposal.

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