



January 2006

Report No. 06-03

Florida's State, County, Local Authorities Are Implementing Jessica Lunsford Act

at a glance

Florida's requirements for sex offender registration, community notification, and address verification have been implemented in different ways by the state and local law enforcement agencies. The Jessica Lunsford Act, passed during the 2005 legislative session, will make significant changes in the registration process. The act augmented registration requirements and strengthened penalties for failing to comply with address verification requirements.

To assess the impact of the Jessica Lunsford Act, FDLE in conjunction with state attorneys, clerks of court and the Department of Corrections should track the number of sexual predators and sex offenders who are arrested, prosecuted and sentenced for violation of registration or other requirements related to their supervision. FDLE also should develop a system to identify offenders that fail to register with the sheriff's office or Department of Highway Safety and Motor Vehicles. Finally, to make information on sexual offenders and predators more understandable to the public, FDLE should revise its sex offender website by clarifying offense descriptions and providing more information on the nature and circumstances of these offenses.

Scope

As directed by Chapter 2005-28, *Laws of Florida*, OPPAGA studied the effectiveness of Florida's sexual predator and offender registration process.^{1, 2}

Our review addressed two questions.

- What are the current practices of state and local law enforcement agencies in sex offender registration, address verification, and community notification, and how are these changed by the Jessica Lunsford Act?
- What continuing issues exist in the state's requirements for sex offender registration and monitoring?

Background

In Florida and nationwide, highly publicized sex crimes committed by repeat offenders in recent years have prompted federal and state lawmakers to enact laws that increase social and judicial control over these offenders. In 1994, Congress passed the Jacob Wetterling Act which requires states to establish registries of

¹ Chapter 2005-28, *Laws of Florida*, is known as the Jessica Lunsford Act.

² 'Sex offender' is used in this report as an inclusive term to denote convicted felons who are sex offenders or predators having committed certain crimes. Generally, a sexual predator has committed a more serious or repeat sex crime than a sex offender and under Florida law, a court must make an official finding that an offender is a sexual predator.

offenders convicted of sexually violent offenses or crimes against children.³ The act mandates that convicted sex offenders living in the community notify police officials of their place of residence and verify their addresses annually for a period of 10 years; sexually violent predators must verify their addresses on a quarterly basis for life. Congress also has adopted provisions of Megan’s Law, an act passed by the state of New Jersey, by requiring states to establish community notification systems to provide the public with relevant information regarding released sex offenders.

During the 2005 legislative session, Florida passed the Jessica Lunsford Act in response to the kidnapping and murder of a Central Florida girl by a registered sex offender. Among the act’s provisions, it

- augmented offender registration procedures;
- strengthened penalties for certain sex offenses committed against a child under 12; and
- created two new third-degree felonies—harboring a registered sex offender/predator, and tampering with an electronic monitoring device.

Florida’s Sex Offender Registry. To comply with federal guidelines of the Wetterling Act, the Florida Department of Law Enforcement (FDLE) maintains the state’s sex offender registry. The registry contains addresses and other identifying information about Florida sex offenders with the intent of increasing public awareness and safety.

As shown in Exhibit 1, over 36,000 offenders are listed in FDLE’s registry. Over half (20,447, or 56%) of these offenders reside in Florida communities, while the remainder are incarcerated or living out of state. Of the offenders living in Florida’s communities, 7,421 are subject to supervision, while 11,767 of these persons are unsupervised and 1,259 cannot currently be located.

Exhibit 1 More Than Half of All Offenders on the Registry Are Living in Florida Communities

Status	Totals
Total Offenders in Registry	36,037
Non-Florida Residents	(7,173)
Florida Resident Offenders	28,864
Incarcerated/Committed	(8,417)
Living in Community	20,447
Absconded	1,259
Supervised	7,421
Non-Supervised	11,767

Source: OPPAGA analysis of FDLE data as of November 7, 2005. For a more specific breakout of sex offenders, see Appendix B.

Findings

What are the current practices of state and local law enforcement agencies in sex offender registration, address verification, and community notification, and how are these changed by the Jessica Lunsford Act?

Florida’s requirements for offender registration, community notification, and address verification have been implemented in varying ways by state and local law enforcement agencies. The Lunsford Act will make significant changes in the registration process.

Offender registration

Florida law provides different requirements specifying when a sex offender residing in Florida must register, depending on whether they are under the supervision of the Department of Corrections (DC). Inmates who are released from prison to DC supervision are not required to register with the sheriff of the county in which they reside until they are released from supervision. Offenders who are released from prison and not supervised by DC must register with the sheriff in the county where they live or an FDLE regional office within 48 hours of establishing a permanent or temporary residence. All offenders must

³ 42 U.S.C.A. . sec 14071 et seq.

obtain a driver's license or identification card from the Department of Highway Safety and Motor Vehicles within 48 hours of registration and notify that agency within 48 hours of any change of address.

The sheriff or FDLE regional office that registers a sex offender records all required registration information on an FDLE specified form, which includes demographic data, home address, place of employment, school enrollment and vehicle registration. Officials also collect fingerprints, a current photograph and, if it has not already been collected, a DNA sample. Sheriffs send a hard copy of the information to FDLE which enters or updates the data in the registry.

When the Florida Department of Corrections accepts supervision of an offender who is moving to Florida and is on supervision in another state, the Department of Corrections provides FDLE with the required registration information for these offenders. Persons who committed sex offenses in other states and who move into Florida but are not under supervision are required to register with the sheriff of the county in which they reside within 48 hours of establishing a residence, and the sheriff sends the appropriate information to FDLE.⁴

Prior to the Lunsford Act, law enforcement agencies interpreted statutory requirements differently. For example, in cases in which an offender moved from one county to another, some sheriffs' offices required the offender to re-register while others did not. The role of FDLE in registration varied across the state as well. For example, in some counties both FDLE and sheriffs' offices served as registration sites while in others only the sheriffs' offices were involved.

Effective September 1, 2005, sexual predators and sex offenders must now re-register in person with the sheriff in the county where they reside. Re-registration involves updating all information mandated in the initial registration, including demographics, personal

identification, address, employment, and school enrollment data. All information must be electronically submitted to FDLE starting December 1, 2005.

The Lunsford Act requires all offenders to re-register twice a year, once in the offender's birth month and again in the sixth month after the offender's birthday. Re-registration occurs via electronic means. The Legislature has appropriated funds for FDLE to purchase and distribute basic equipment to each of the 67 counties to meet re-registration requirements. This equipment consist of a digital camera, an electronic signature pad, a two-digit electronic fingerprint reader, a specially compatible computer and printer.⁵

Community notification

Community notification refers to how identifying information about convicted sex offenders who are released into the community is disseminated to the public. Community notification is intended to ensure that members of the public can obtain information to protect themselves and their children from dangerous sex offenders who reside in their neighborhoods. The Lunsford Act did not change community notification requirements.

Notification information to be provided by state and local law enforcement agencies must include

- the name of the sexual predator;
- a description of the sexual predator, including a photograph;
- the sexual predator's current address, including the name of the county or municipality if known;
- the circumstances of the sexual predator's offense or offenses, such as the specific statute of which he/she was found guilty; and
- whether the victim of the sexual predator's offense(s) was a minor or an adult (the name of the victim cannot be released).

⁴ Offenders designated as sexual offenders in another state or jurisdiction must register in Florida, even if the originating offense does not classify them as an offender in Florida.

⁵ The approximate cost for each set of this equipment is \$3,700. These costs may be lower based on responses by vendors who bid on the two-digit electronic fingerprint reader.

FDLE is responsible for statewide public notification efforts. The 1997 Florida Public Safety Information Act requires the Florida Department of Law Enforcement to inform the public about sexual predators and sexual offenders via the Internet and a toll-free, nationwide hotline.⁶

Local law enforcement agencies are required to notify the community and public of the presence of sexual predators living in the community.⁷ Within 48 hours, law enforcement must notify licensed child care centers and schools within a one-mile radius of the predator's residence. In contrast, there is no requirement that local law enforcement agencies notify the public about sexual offenders living in the community. In practice, however, many law enforcement agencies notify the community of both sex offenders and predators. Further, local law enforcement or the Department of Corrections, if the predator or offender is on community supervision, also must notify institutions of higher learning of a predator's or offender's enrollment or employment at an institution of higher learning, such as a community college or state university.

Local law enforcement agencies we contacted use a variety of methods to notify the community about the presence of sexual predators. These approaches include those described below.

- Internet distribution. Local law enforcement agencies often provide the public with information on sexual predators and offenders through their website listing and/or a link to the FDLE website.
- Media releases. Many local law enforcement agencies send press releases on sexual predators to local television stations, radio stations, and newspapers.

Some law enforcement agencies place announcements or ads in local newspapers, and a few have placed tabloid-size inserts of sexual predators and offenders in the Sunday newspaper edition.

- Law enforcement newsletters. Some local law enforcement agencies publish monthly public safety newsletters that include information and pictures of new sexual predators in the county. These newsletters are available at sheriffs' offices, other public locations, and businesses.
- Reverse 911 telephone systems. Some sheriffs' offices use reverse 911 telephone systems to place calls to neighbors, schools, and child care centers in proximity to the sexual predator's residence.
- Door-to-door distribution. Some local law enforcement agencies use this targeted approach by sending the detective who will monitor the predator to meet face-to-face with the sexual predator's neighbors; distribute flyers to the predator's neighbors; or use plastic door hangers containing information on the predator's address and related information, the definition of a sexual predator, legal restrictions that apply to predators, and personal safety measures that can be taken by individuals.
- Mailed or posted flyers. Some local law enforcement agencies notify the community through the distribution of flyers, handbills, or posters to homes, business, and churches within proximity to the predator's residence.

Local law enforcement agencies also define the parameters of community notification differently. For example, local law enforcement agencies reported using different criteria regarding how widespread notification should be—some notified neighbors within 1,000 feet of the sexual predator's residence, others notified neighbors and businesses within one mile of the predator's residence, and some provided county-wide notification.

⁶ Chapter 97-299, *Laws of Florida*.

⁷ Sexual predators are individuals who have been convicted of serious or repeated sexual offenses and a written finding of a court has been issued designating them as sexual predators. Sexual offenders are defined by Florida statutes based on various qualifying offenses, such as kidnapping, false imprisonment, and sexual battery, among others. It is not necessary to have a court order to be classified as a sexual offender.

Address verification

FDLE, the Department of Corrections, and local law enforcement agencies all have a role in verifying the addresses of sexual offenders and predators. These agencies conduct address verification through mail-outs and physical verification, and are required to do so once a year for sexual offenders and four times a year (every 90 days) for sexual predators.

The Department of Corrections conducts physical address verifications for sexual predators and offenders under community supervision. FDLE sends address verification letters and response forms to all registered sexual offenders and predators that are no longer under Department of Corrections' authority. FDLE gives sexual predators and offenders three weeks to return the address verification form, and it compiles a list of any predators or offenders who do not respond, or send the form back with incomplete or inaccurate responses. FDLE e-mails a reminder to the applicable local law enforcement agency that has jurisdiction to physically verify the non-responding offender's address. Offenders that cannot be located are placed on the "absconded" list and a warrant is issued for their arrest.

During fieldwork for this report, prior to implementation of the Jessica Lunsford Act, these procedures varied in frequency, personnel, and scope.

- **Frequency.** In some counties, physical verifications were conducted only if an offender or predator failed to respond to FDLE's written request, as required by law. Other counties conducted monthly physical verifications for all predators, including those who lawfully responded to FDLE's mail-out.
- **Personnel.** In some counties, the sheriff has an agreement with city police departments to conduct verifications for sexual offenders and predators within their jurisdictions; in others, the sheriff's office did all address verifications. Some counties used other personnel including FDLE and, during the summer, school resource officers.

- **Scope.** In some counties, physical verification by local law enforcement agencies was conducted only for non-supervised sexual offenders and predators (as required by law), while some law enforcement agencies verified both the supervised and non-supervised population.⁸ One county identified 'special interest offenders' who, for various reasons including repeated failure to update their change of address with the Department of Highway Safety and Motor Vehicles, were determined to warrant physical verification at the same frequency as predators.

The frequency and scope of these verification efforts varied based on the priority and resources that law enforcement agencies were able to focus on these tasks.

The Lunsford Act augmented these registration requirements and strengthened penalties for offenders who fail to comply. Sexual offenders who do not return the address verification form within three weeks of the date of the correspondence are now deemed to commit a third-degree felony. The act instructs FDLE to provide information to assist local agencies to locate and apprehend any sexual offender or predator who fails to respond to any address verification attempts. For example, FDLE may query databases to assess whether an offender has applied for utilities or phone service that might help in locating offenders who miss re-registration requirements. Law enforcement agencies reported that these new provisions will make it easier for state attorneys to prosecute sexual offenders and predators who fail to comply with address verification requirements.

What continuing issues exist in community monitoring of sex offenders?

Our field visits to local law enforcement agencies and interviews with stakeholders identified five continuing issues relating to community monitoring of sex offenders that

⁸ The Department of Corrections is required to verify the addresses of all offenders under its jurisdiction on a continuous basis.

the Legislature may wish to address. Specifically,

- homeless offenders present challenges to law enforcement oversight;
- local law enforcement anticipate increased costs associated with re-registration requirements;
- current registration practices do not reconcile offenders who are required to register with those who actually do so;
- notification practices vary among law enforcement agencies but their efficacy is unknown; and
- current registry content provides limited information on the nature of the offense and the offender.

Homeless offenders present challenges to law enforcement oversight. As noted above, offenders must register their permanent or temporary residence with the sheriff of the county in which they live. If offenders move from a permanent or temporary residence and do not have another permanent or temporary residence, they are required to report their transient status in person to the sheriff's office or an FDLE office within 48 hours.

Law enforcement agencies differ in how they deal with homeless offenders. Some agencies require homeless offenders to call and/or come into their offices to check in every few days or once a week. Other local law enforcement agencies require these offenders to provide a specific location where they are sleeping or, in some cases, the address where they are obtaining a meal. In one recent case the Department of Corrections alleged that a homeless offender was in violation of his probation because he failed to register a permanent address. Law enforcement arrested and jailed him, but a judge ordered him to be released and placed on an electronic monitoring device. To assess the extent of homelessness, the Legislature should require local law enforcement agencies to report to FDLE, as part of the registration process, the homelessness status of sex offenders. For data accuracy and consistency, the Legislature should establish uniform reporting requirements, such as weekly reporting, and a uniform definition of where a

homeless offender "resides", such as the offender's daytime location or his nighttime location. In establishing uniform reporting procedures, the state should balance the need to more closely monitor transient offenders with the concern of placing unreasonable or arbitrary burdens on a selected group of offenders.

Re-registration requirements may affect local law enforcement activities and increase costs. Local law enforcement stakeholders we contacted reported that implementing the Lunsford Act will require them to reexamine their current registration processes and may increase related costs. Sheriffs responsible for large geographic areas, such as those in Dade, Duval and Pasco counties, currently register offenders in multiple locations. Since the state will provide one set of equipment per county, those counties that wish to provide for re-registration in multiple locations will need to purchase the additional equipment to continue this practice, at a cost of approximately \$3,700 per location. Some counties may not be able to allocate these funds and will have to centralize re-registration to one location.

Some sheriffs also reported that re-registration will increase their workloads and will require additional staffing as offenders will be required to come into their offices two times a year instead of just once. In addition to coming into the sheriff's office to register, some sheriffs will conduct a physical check of the offender's address as part of the re-registration process. Some law enforcement offices reported they planned to increase the overall priority and resources devoted to handling all sexual offense cases and related requirements. For example, one law enforcement agency is planning to hire nine additional staff and another is increasing its effort by adding four more staff.

Although FDLE is actively notifying offenders of re-registration requirements, some sheriffs' staff cautioned that the new process likely will lead to greater offender noncompliance, particularly in counties that centralize re-registration and cover a large geographic area such as Dade and Broward counties. Sheriffs' office managers anticipated that this could particularly be a problem for offenders who

have difficulty arranging transportation. Law enforcement officials cautioned that greater noncompliance could increase workloads for law enforcement as well as the courts system. To gauge such impacts, FDLE, in conjunction with all entities involved in overseeing the re-registration and supervision of offenders, should report to the Legislature the numbers of probation and re-registration violations that occur that lead to arrest, prosecution, incarceration or other sanctions.⁹

Current registration practices do not reconcile offenders who are required to register with those who actually do so. FDLE does not reconcile its registry with records of the courts, the Department of Corrections, and the Department of Highway Safety and Motor Vehicles to ensure that all offenders released from the courts without supervision or by the Department of Corrections actually register with a sheriff or FDLE as required. When an offender is released from incarceration, the Department of Corrections notifies FDLE which then sends an electronic notice to law enforcement agencies where the offender intends to reside. However, there is no system to flag offenders who do not register as required. Because there is no process in place to reconcile sex offenders who are required to register with those who actually do so, law enforcement agencies' may not be able to identify and apprehend offenders in a timely manner who fail to register as required.

In contrast, some local law enforcement agencies have a process to reconcile their information with the state's registry. Some law enforcement agencies maintain a database of sex offenders within their jurisdictions. To ensure that they have a complete and accurate tally of offenders in their areas, these agencies periodically reconcile their data with the state registry. This enables these agencies to identify any offenders on the state list who have not registered locally, as well as to enable FDLE to update its registry with more complete local data on arrests and addresses. The Legislature may wish to direct FDLE to develop a system

to reconcile its database with those of the Department of Corrections and the Department of Highway Safety and Motor Vehicles to identify offenders who fail to register after release from its supervision.

Notification practices vary among law enforcement agencies but their efficacy is unknown. Florida law leaves the manner of community notification to the discretion of law enforcement agencies, and local agencies we contacted are using different methods to carry out this responsibility. While this approach provides for flexibility based on local priorities and resources, it may not result in the most effective notification practices.

The community notification requirement is based upon the presumption that alerting the community about a sexual offender living in the neighborhood can help prevent further cases of sexual crimes. There is currently little research available on the relationship between community notification practices and reduced recidivism or increased community safety.¹⁰ Active notification methods, such as door-to-door distribution and reverse 911 calls, may be more effective in distributing information than passive methods that require citizens to request information. Active methods, however, are resource-intensive and may not be sustainable in the long term for most local law enforcement agencies.

Current registry content provides limited information on the nature of the offense and the offender. FDLE's website on sexual offenders includes basic information such as the offender's name, photo, current address and a description of the offense. However, the information currently on the website could be improved to make it more understandable to citizens. Specifically, the website could provide more information on the nature of the offense, the specific statutory reference for the crime, and key case-related identifiers, such as the case number and court of jurisdiction.

For example, the website currently lists the crimes committed by offenders but does not provide the context of the offense. For

⁹ FDLE estimates their costs for doing this would be about \$115,000 initially and also notes that other agencies may incur costs to fulfill this recommendation.

¹⁰ Center for Sex Offender Management, Office of Justice Programs, U.S. Department of Justice, April 2001.

example, a search of offenders on the database yielded offense descriptions such as “Unlawful Sexual Activity With Certain Minors 16/17 Yr Old (Principal)”, “Sex Bat/Inj Not Likely (Principal)”, and “Sex Bat/Phys Helpless Resist (Principal In Attempt)”. These descriptions provide little insight into the nature and severity of the offense, as an offense such as “lewd and lascivious” conduct could range from battery (engaging in sexual activity with a minor) to exhibition (exposing genitals to someone younger than 16).¹¹

By providing additional information such as case number, statutory conviction and county of the crime, those citizens who wish to obtain further details from the clerk of court relating to the criminal case can do so if they believe it will assist them in taking precautions from offenders living in their proximity.

Recommendations ———

To assess the effect of re-registration on offender compliance, the Legislature should require FDLE, in conjunction with state attorneys, clerks of court and the Department of Corrections, to track the number of sexual predators and sex offenders who are arrested, prosecuted and sentenced for violation of registration or other requirements related to their supervision and report this information annually to the Legislature.

To enable law enforcement agencies to reconcile offenders who are required to register with those who actually do so, the Legislature could require FDLE to develop a system to

reconcile on a weekly basis whether known offenders who are released to the community actually register as required with both law enforcement and with the Department of Highway Safety and Motor Vehicles. As part of the reconciliation process, homeless or transient offenders should be identified and their numbers reported. This may require a modification in reporting requirements to accurately identify these individuals. Also, the Legislature could require uniform re-registration requirements for these individuals to eliminate the current variation by law enforcement agencies. The system would enable law enforcement agencies to initiate appropriate apprehension efforts of offenders who are not in compliance.

To make information on sexual offenders and predators more accessible and useful to the public, FDLE should revise the information on its sex offenders website to better disclose the nature of the offense and its statutory reference as well as case-specific information such as the case number. This would allow the public to obtain additional information as they deem necessary.

Agency Response ———

In accordance with the provisions of s. 11.51(6), *Florida Statutes*, a draft of our report was submitted to the Commissioner of the Department of Corrections for review and response.

The Secretary’s written response is reproduced in its entirety in Appendix C.

¹¹ Section 800.04, *F.S.*

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Gary R. VanLandingham, OPPAGA Director

Appendix A

OPPAGA Site Visits

To review how local law enforcement agencies have implemented sex offender registration and community notification requirements, we conducted site visits to 18 law enforcement and 1 campus security agency located throughout the state as well as interviewing representatives of the Florida Association for the Treatment of Sexual Abusers and the Florida Council Against Sexual Violence. During our site visits, we interviewed the staff responsible for overseeing the sex offender program, and reviewed local and state program documents. We selected these law enforcement agencies using a purposive sample representing large, medium and small counties based on population data.

OPPAGA Examined Sex Offender Registration and Community Notification Practices of 18 Local Law Enforcement and 1 Campus Security Agency

Name of Agency	County
Large Agency	
Broward County Sheriff	Broward
City of Miami Police	Dade
Miami/Dade Police	Dade
Duval County Sheriff	Duval
University of Tampa Department of Campus Safety and Security	Hillsborough
Hillsborough County Sheriff	Hillsborough
Pinellas County Sheriff	Pinellas
Medium Agency	
Alachua County Sheriff	Alachua
Leon County Sheriff	Leon
Tallahassee Police Department	Leon
New Port Richey Police	Pasco
Pasco County Sheriff	Pasco
Small Agency	
Calhoun County Sheriff	Calhoun
Columbia County Sheriff	Columbia
Gadsden County Sheriff	Gadsden
Jefferson County Sheriff	Jefferson
Liberty County Sheriff	Liberty
Lafayette County Sheriff	LaFayette
Madison County Sheriff	Madison

Source: OPPAGA.

Appendix B

Sexual Offenders in the Florida Department of Law Enforcement's Registry

This chart summarizes all offenders in the FDLE registry, as of November 7, 2005. It is an expanded version of Exhibit 1 (page 2) and shows all sexual offenders and predators by FDLE status categories. First, it gives the number of non-Florida residents that are on the registry and then disaggregates Florida residents into four main categories; absconded (missing), incarcerated/committed, supervised, and released/not supervised. Each of these main categories has subcategories that provide a further detailed breakdown of the status of registered sexual offenders and predators.

Sexual Offenders/Predators

Status	Predators	Offenders	Totals
Non-Florida Residence	385	6,788	7,173
Florida Residence			
Absconded			
Probation	38	415	
Registration	7	799	
Total Absconded	45	1,214	1,259
Incarcerated / Committed			
County Incarcerated	172	693	
Federal Incarceration	3	58	
INS Custody	7	98	
State Incarcerated	3,490	3,454	
Jimmy Ryce Commitment	95	347	
Total Incarcerated/Committed	3,767	4,650	8,417
Supervised			
Administrative Probation	4	78	
Community Control	57	480	
Federal Supervision	0	131	
Supervision	798	5,776	
Parole	2	95	
Total Supervised	861	6,560	7,421
Released / Not Supervised			
Released	361	10,825	
Revoked	0	131	
Deported	0	0	
Reported Deceased	45	362	
Deceased	4	39	
Total Released/No Supervision	410	11,357	11,767
Total in Florida	5,083	23,781	28,864
Total on Registry			36,037

Source: Florida Department of Law Enforcement.

Appendix C



Florida Department of Law Enforcement

Guy M. Tunnell, Commissioner

Jeb Bush, Governor

Charlie Crist, Attorney General

Tom Gallagher, Chief Financial Officer

Charles H. Bronson, Commissioner of Agriculture

January 12, 2006

Director Gary R. VanLandingham
Office of Program Policy Analysis & Government Accountability
Claude Pepper Building
111 West Madison Street, Rm 312
Tallahassee, FL 32399-1475

Dear Director VanLandingham:

I write in response to your correspondence and report regarding the effectiveness of Florida's sexual offender and predator registration laws. I would like to start by acknowledging the greatness of the task delegated to you in this matter and commend your staff for diligently working to understand the various and often complex aspects of the registration laws and their implementation by hundreds of criminal justice agencies across the state. Since their conception, FDLE has been an enthusiastic and active participant in contributing to the development and implementation of what is nationally recognized as the premier registration program in the country. That being said, our members and criminal justice partners are fervently dedicated to continually identifying and working to address any areas that might be improved. We have enjoyed meeting with your staff over the past several months to discuss and examine all of these important safety issues.

As the Jessica Lunsford Act (JLA) continues to be implemented the impact of the new requirements, particularly on local law enforcement agencies, probation officials, state attorneys and courts will become more evident. FDLE agrees that the initial implementation and ongoing processing of re-registration is likely to have an impact upon offender compliance as well as the criminal justice system. Evaluation of this impact will certainly be a useful resource for law makers and the effected agencies as we move forward with this process. As stated in the report, many agencies would need to participate in gathering the necessary data for such an evaluation. FDLE has made estimates regarding the cost to our agency and we would suggest that, if adopted by the Legislature, language also be included directing the relevant agencies to provide the required information for evaluation by the appropriate entity.

As we shared with OPPAGA staff at our first meeting on these issues, due to the growth in numbers of the registrants and the frequent changes in law on both the federal and state levels in addition to the needs and requests of our law enforcement partners, FDLE has been working toward upgrading the data system that houses the registry information and serves as the source of information for Florida law enforcement, the public Internet site and the national sex offender systems. The design for this re-write includes a number of additional functionalities including two that you reference in your recommendations: expanding the information available to citizens for each registrant via the Internet site; and, instituting a programmatic alert system that, utilizing our long-standing electronic connection and

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updates with both DHSMV and Department of Corrections, will monitor when an offender released from incarceration with no supervision to follow has not registered with law enforcement. Originally planned to be implemented in 2005, these upgrades had to be temporarily postponed until the requirements of the Jessica Lunsford Act were implemented. As we launch the re-registration program we have begun to move forward again with this system and look forward to its many benefits for citizens, law enforcement and the registry staff. Indeed, utilizing the positions allotted to FDLE under the Jessica Lunsford Act we have already begun to research and locate offenders and predators that have no registered address and reduce Florida's already nationally low percentage of absconders. Our enhancements to the database will accomplish the specific recommendations suggested in the report regarding both the information available to the public through the Internet and the reconciling reports to assist the registry staff and law enforcement. We anticipate completion of these enhancements by the end of 2006.

As you point out in your report and was discussed at length with OPPAGA members, registration of homeless offenders continues to be an issue of concern and challenge. This issue, as is frequent in discussions of civil laws such as registration, points to the difficult task of law makers to balance the needs of citizens against the need to insure Florida's laws are both constitutional and enforceable. In the case of registration, this challenge is compounded by the requirement to not jeopardize the state registry by instituting requirements on one group of registrants above and beyond others based upon the fact that they do not maintain a physical or traditional residence. Under the Jessica Lunsford Act the requirement for re-registration will help to bridge this gap by insuring that, at minimum, law enforcement will have in-person contact with such offenders every six months. Though the complete solution to this issue is not clear, we would urge the Legislature to consider these constitutional issues as they develop any proposed solutions to address the issue of registration and homeless sexual offenders.

The report also mentions a discrepancy in the registration procedures regarding a few counties and the definition of "jurisdiction" relating to registration requirements. We agree and have asked the Legislature to amend HB327/SB646 to insure that this issue is clarified in statute.

FDLE looks forward to continuing and furthering the effectiveness of Florida's strong registration laws and welcomes the opportunity to work with you, the Legislature, and our criminal justice partners across the state to make our state as informed and safe as possible.

Sincerely,

/s/
Guy M. Tunnell
Commissioner

GMT/MC/cb