



Florida Action Committee, Inc.
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May 25, 2018

Florida Department of Law Enforcement (FDLE)
Missing Persons and Offender Registration
2331 Phillips Road
Tallahassee, FL 32308

SENT VIA EMAIL
sexpred@fdle.state.fl.us

RE: CLARIFICATION OF NEWLY REDUCED REGISTRATION PERIOD (REVISED DEFINITION OF “RESIDENCES”)

To Whom It May Concern:

The Florida Action Committee is a not-for-profit public safety advocacy group. Our group is comprised of over 1000 members, among them registered Sexual Offenders/Predators.

I am writing today for clarification on the recent notification titled “2018 Legislative Update/Notice Summary” sent to registered individuals, describing the changes to the registration requirements which will become effective July 1, 2018.

In that notice you write that we should contact the FDLE with any questions. In an effort to address question from our members in different counties in a consolidated fashion, those questions are submitted below.

With the change in the definitions of “Permanent residence”, “Temporary residence” or “Transient residence” from 5 days to 3, we anticipate a significant increase in the frequency of required IN PERSON registration. This coming weekend, for example, is Memorial Day and families often travel for a long weekend. Prior to January 1, 2018, this long weekend travel would not have required IN PERSON registration. Now it would.

Long weekends also trigger government office closures. This coming week, for example, most government offices and DMVs are closed for Memorial Day. Unless a DMV office or County Registration Office is open at least 6 days a week, compliance with the 48-hour reporting requirement will be impossible in certain circumstances, as on a normal weekend there will potentially be a 63-hour period between closing on Friday and opening on Monday when it will be impossible to comply.

Approaching Hurricane season and with the recently issued advisory from Governor Scott about this weekend's weather, there may also be situations where an individual is both forced to evacuate or chooses to evacuate for the safety of their family and a storm triggers closures of registration offices or DMVs (as applicable). This would place individuals in a dangerous situation where they either cannot evacuate their registered residence or chose to do so at the risk of a third-degree felony.

There are also situations where someone must travel for a personal or family emergency. Say, for example, a loved one is hospitalized in another State on a Sunday and there is no available location to comply with the mandatory registration. To travel in this situation without providing the required notice would subject someone to a felony. Alternatively, the innocent activity of being there for a loved one's last moments could be prohibited.

Most County registration offices are not open 24/7. Many are not even open 5 days a week. ***Will registration offices and DMVs be compelled to open 24/7 to accommodate the increased registration and new requirements?***

In the alternative; ***will the 48-hour requirement be tolled for any period during which a registration location/DMV is not open?***

Also; ***is there an exemption to the 48-hour IN PERSON registration requirements for natural disasters, government emergency or even a personal or family emergency?***

Another ambiguity in the Statute is the use of the word "days" in certain instances but "hours" in others. Hours is unambiguous, but ***are days considered 24-hour periods or are they any part of a day during which one is present at a location?***

For example; ***if a family takes a regular weekend trip, leaving Friday and returning Sunday, staying over only 2 nights, is the "3 or more days" applicable and the trip a registrable event (ie: Friday and Sunday are inclusive) or would the fact that they stayed only 2 nights be considered 2 days and therefore not subject to registration under the 3 or more" day requirements?***

Please provide answers to these questions so that we may inform our members accordingly.

I look forward to hearing from you.

Sincerely,

s/

Gail Colletta, President

The Florida Action Committee, Inc.

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