



Florida Action Committee, Inc.
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July 20, 2020

Brevard County Board of County Commissioners
Commissioner Rita Pritchett
Commissioner Bryan Lober
Commissioner John Tobia
Commissioner Curt Smith
Commissioner Kristine Isnardi
2725 Judge Fran Jamieson Way
Viera, FL 32940

SENT VIA EMAIL

**RE: YOUR PROXIMITY ORDINANCE IMPACTING PERSONS
REQUIRED TO REGISTER AS SEX OFFENDERS**

Dear Commissioners:

I am President of the Florida Action Committee (FAC). We are a 2000+ member non-profit organization that advocates for public safety and laws based on empirical research. I am writing concerning an article that appeared on a local news site this past week (<https://www.mynews13.com/fl/orlando/news/2020/07/17/ordinance-seeks-to-restrict-sex-offenders-from-certain-businesses>) titled, "*Sex Offenders Could be Barred from Certain Businesses, if a Brevard Commissioner gets his way*".

The article suggests that there is a proposed amendment to your County Ordinances under consideration. The amendment would permit a business owner to register their business location as a landmark a person required to register as a sex offender cannot come within 1,000 feet of. The article further suggests that a violation of this exclusion zone could result in arrest.

Our organization stands strongly opposed to this proposed ordinance and we are writing to point out some of our objections. There are so many things wrong with it, I don't know where to begin.

First, as a practical matter, how would you inform those who are subject to the exclusion zone that a new business has been added to the list? Would you mail a letter to the hundreds of individuals in Brevard (or the 70,000+ registrants in Florida who might pass through your county) each time a business is added to the list or do you expect the individuals to prophetically know when a business is added?

Second is another practical matter. How would you demark the perimeter of the exclusion zones? Would there be a circle on the ground showing the line into which an individual subject to the ordinance cannot cross? At the risk of being arrested, I would hope that an individual would have fair notice of where they can and cannot go.

Third, clearly no business would want to be perceived as “inviting” to this population, so I suspect many will elect to exclude persons on the registry. That does not merely ban them from going to the registered business, but it effectively bans them from going to *any other* business within 1,000 feet of that registered business. What steps will Brevard take to ensure that individuals have access to alternative essential services (ie: shopping, banking, healthcare, etc.)?

Finally, and most significantly, the article suggests this ordinance would give an “extra layer of protection”. Has there been a concerning uptick in sexual assaults taking place in Brevard business that have been committed by people on the registry? If more than two-thirds of sexual offenses take place in the victim’s (or an acquaintance’s) home and approximately ninety-five percent (95%) of sexual offenses are committed by someone *not* on the registry, I truly doubt this “layer” would do anything. This law would lack any rational basis for its enactment.

I encourage you to consider the foregoing, plus the potential legal consequences if this proposed amendment is passed and your ordinance is challenged.

Sincerely,

s/

Gail Colletta, President
The Florida Action Committee, Inc.