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September 15, 2020

Florida Senate
404 S. Monroe Street
Tallahassee, FL 32399-1100

SENT VIA EMAIL TO
ALL SENATORS

Florida House of Representatives
402 South Monroe Street
Tallahassee, FL 32399-1300

SENT VIA EMAIL TO
ALL REPRESENTATIVES

RE: MUNICIPAL SEX OFFENDER RESIDENCY RESTRICTIONS

**REPORT AND RECOMMENDATIONS OF THE REENTRY
COALITIONS IN MIAMI-DADE, BROWARD, AND
PALM BEACH COUNTIES**

Dear Legislators:

We each represent the Reentry Coalition and/or Subcommittees that, among other things, deal with the issues of sex offender housing in Miami-Dade, Broward and Palm Beach Counties. Our task forces are comprised of representatives from State and Local Law Enforcement, State Probation, federal agencies such as the Veteran's Administration, reentry programs, treatment providers, legal professionals and also individuals who are re-entering society after periods of incarceration.

Our objective has been to gather and digest information from stakeholders on all sides of the sex offender housing issue as well as research professionals, to make recommendations based on public safety, community needs and best practices. Our goal is to make our communities safer and apply limited financial and human resources to areas that will have the greatest benefit.

Miami-Dade, Broward and Palm Beach County are the three most populous counties in the State of Florida. 28.7% of the state’s residents live in the three counties we represent.¹ At the same time, these three counties contain more than half of the transient sex offenders in Florida.²

The purpose of this letter is to share our findings and recommendations with you, which we hope will prove helpful in enacting legislation based on facts, not myths and that will solve this growing housing crisis and make our communities safer.

A GROWING PROBLEM

At the end of 2018, The Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a triannual report³ on sex offender management. The report found that Florida has seen a 53 percent increase in the number of persons required to register in the 15 years since 2005. This is not indicative of an increase in sexual offenses. In fact, violent sexual crimes have decreased during this same period.⁴

The State of Florida is one of a small handful of states that mandates *all* persons required to register do so for their entire lifetime.⁵ Additionally, when the Florida registry was enacted in 1997, there were eight qualifying offenses that required registration. Today there are more than twenty.⁶ With new registrants being added to the list continuously and zero attrition, this number will continue to grow rapidly.

Sex Offender Residency Restrictions (SORRs) drastically reduce the availability of compliant housing options.⁷ As the number of registrants continually grows, and the availability of already limited housing is consumed, the number of transient (homeless) registrants will increase.

THE SCOPE OF THE HOMELESS SEX OFFENDER PROBLEM

While OPPAGA reports that the number of persons required to register has more than doubled in 15 years, the number of homeless sex offenders has tripled in less than half that time.

As of July 2020, the number and percentage of transient (homeless) registrants in Miami-Dade, Broward and Palm Beach Counties are:

	Not Transient	Transient	Grand Total	Percentage Transient
BROWARD	911	355	1266	28.041%
MIAMI-DADE	1347	504	1851	27.229%
PALM BEACH	894	134	1028	13.035%
Grand Total	3153	996	4149	

¹ U.S. Census Bureau, American Community Survey Office. Web. 19 December 2019. <http://www.census.gov/>.

² <https://offender.fdle.state.fl.us/offender/publicDataFile.jsf>

³ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1808rpt.pdf>

⁴ <https://www.bjs.gov/content/pub/pdf/cv16re.pdf>

⁵ <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-relief-from-sex-offender-registration-obligations/>

⁶ http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.0435.html

⁷ Socia, Kelly M., et al. "“Brothers Under the Bridge” Factors Influencing the Transience of Registered Sex Offenders in Florida." *Sexual Abuse* 27.6 (2015): 559-586.

Less than 2 years ago, 26.85% of the registrants in Broward were transient, Miami-Dade was at 25.03%, and Palm Beach was at 11.53%. The percentage of transient registrants has increased in all three counties, with the biggest increase has been in Palm Beach, where the percentage of transients increased by 13% in 2 years. Broward has seen a 312% increase since April 2011, when 9% of the county's registrants were listed as transient.⁸

The primary cause for this increase has been the enactment of County and City SORRs. Professor Kelly Socia, an expert in geo-mapping and the impact of SORRs analyzed data provided by the City of Ft. Lauderdale to study the impact of SORRs on the availability of affordable rental housing units in the city. Professor Socia concluded that only 1% of the City's total stock of residential units was not covered by the SORR and of these, only 1% was both available and affordable at any given time.⁹

Comparably, Orange County has more than twice as many persons required to register (approximately 2,267) as Broward County, yet because they have fewer local SORRs, they only have a 6% transience rate¹⁰ - one-quarter that of Broward.

SORRs have legislated people on the registry into homelessness. They have forced these individuals into a proverbial game of musical chairs, where a diminishing supply of available housing is insufficient to meet a growing registrant population. Currently no homeless shelters in the tri-county area accept persons required to register. Thousands of people required to register in the State of Florida have no choice but to live homeless or go underground.

EFFECTIVENESS OF SORRs

While it may seem like common sense to implement a plan to exclude people who have a history of sexual offending from an area around schools and parks, SORRs only prevent where registrants can reside at night (between 10PM and 6AM), not where they can go during the day. Common sense also suggests that children are at home sleeping between 10PM and 6AM, not in libraries or playgrounds.

There is no evidence suggesting that SORRs are effective in reducing sexual offending or recidivism.¹¹ This fact has been demonstrated across numerous studies, including the U.S. Department of Justice, which concluded that SORRs should not be viewed as a viable strategy for protecting communities.¹²

On the contrary, SORRs create barriers to reentry by fostering housing instability, separation from family and support systems and isolation, all of which are factors that increase recidivism. Transient registrants are more likely than those with homes to abscond from registration after probation.¹³ Local SORR laws also create a fiscal burden for taxpayers associated with mapping, monitoring, enforcement, court costs, and incarceration costs.

⁸ Levenson, Jill, et al. "Where for art thou? Transient sex offenders and residence restrictions." *Criminal Justice Policy Review* 26.4 (2015): 319-344.

⁹ *City of Ft Lauderdale Vs Anderson, Ira J*, Broward County Case Number: 17003615MO10A

¹⁰ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1808rpt.pdf>

¹¹ Nobles, Matt R., Jill S. Levenson, and Tasha J. Youstin. "Effectiveness of residence restrictions in preventing sex offense recidivism." *Crime & Delinquency* 58.4 (2012): 491-513

¹² SMART Office. (2015). Sex offender management, assessment, and planning initiative. Retrieved from Office of Justice Programs: http://smart.gov/SOMAPI/sec2/ch6_registration.html

¹³ Levenson, J. S., Ackerman, A. R., Socia, K. M., & Harris, A. J. (2015). Where for Art Thou? Transient Sex Offenders and Residence Restrictions. *Criminal Justice Policy Review*, 26(4), 319-344. doi:10.1177/0887403413512326

CONCLUSION AND RECOMMENDATIONS

We affirm the findings of the OPPAGA that “many studies have established that sex offenders who maintain stable employment, housing and family relationships have significantly lower recidivism rates” as well as the numerous studies which conclude that SORRs undermine successful reentry of returning citizens, while doing *nothing* to promote public safety.

For that reason, we make the following recommendations:

- 1) Legislation should be enacted that would pre-empt the patchwork of county and city SORR ordinances in favor of the State’s SORR Statute (F.S. §775.215).
- 2) Counties should be required to designate a homeless shelter/reentry program that is able to service the transient registrant population and focus on helping these individuals secure stable and meaningful employment, stable and affordable housing (including arrangements with family members or others when appropriate), and pro-social support systems that help them maintain a law-abiding lifestyle.
- 3) Legislation should be enacted to incorporate an evidence-based procedure by which registrants who have demonstrated an extended period living offense-free in the community, have successfully completed a sex-offending treatment & rehabilitation program, and have successfully completed probation, can petition for relief and removal from registration requirements in the time periods prescribed by the federal SORNA tiers.

Respectfully Submitted,

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