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March 1, 2021

Senate Rules Committee
404 South Monroe Street
Tallahassee, FL 32399-1100

**RE: OPPOSITION TO CS/SB 234: REGISTRATION OF SEXUAL
PREDATORS AND SEXUAL OFFENDERS**

TO BE SUBMITTED FOR THE RECORD

Dear Senators:

I am President of the Florida Action Committee (FAC), a 2000+ member non-profit organization that advocates for public safety and laws based on empirical research. Our focus is on the Florida Sex Offender Registry.

I am writing to express my organization's strong opposition to the above-referenced Bill, which will come before your committee for consideration on March 4, 2021.

While there are many items we find objectionable in this Bill, I will limit the focus of this letter to one item which is so illogical that it will yield absurd results - that is the proposal to re-define the word "day" to "partial days".

Currently, persons required to register must register their "Permanent Residence," "Temporary Residence," and "Transient Residence" within 48 hours. These are places where the individual "abides", "lodges", "resides", "lives", "remains", or "is located" for three (3) or more "days", either consecutively (Permanent Residence) or in the aggregate (Temporary Residence/Transient Residence) during a calendar year.

Previously, persons on the registry were unsure whether a "day" meant the full period between 12:00AM and 11:59PM or one full 24-hour period. CS/SB 234 proposes to define "day" as any part of a day. "*A day includes any part of a calendar day.*" (lines 119-120, 131-132, 141-142).

Accordingly, a “day” can comprise of a period of one hour or even one minute, as these periods of time are “part of a calendar day”.

Under this proposed definition, any location an individual remains physically present *for any duration* four (4) or more times¹ during a year could constitute a “residence”. Therefore, the Sheriff’s office where an individual “is located” for an hour four times a year to complete registration would be registrable. If a person “remains” or “is located” at the same barbershop for a haircut, restaurant for a meal, store to buy groceries, neighbor’s home to watch a sports game, 4 days in the aggregate during a year, these places would all be registrable.

The fourth visit to any of these locations would require a trip to the Sheriff’s office (and/or DHSMV, as applicable under the statute) to register. Failure to do so results in a third-degree felony. If the registration office is not open within 48 hours of the fourth visit and the person cannot register, it will result in a third-degree felony (or the inability of the person to visit the location). It would also add the location to the sex offender registry map even though the registrant might only be present there for one hour every three months.

Under no definition is a “day” an hour, a minute or “*any part of a calendar day*”. This Bill’s proposal to define it as such is absurd and unjust.

I implore you to oppose CS/SB 234.

Sincerely,
/s/ Gail Colletta
Gail Colletta, President
Florida Action Committee, Inc.

Copies to:

Senator Kathleen Passidomo
Senator Ileana Garcia
Senator Ben Albritton
Senator Dennis Baxley
Senator Aaron Bean
Senator Lauren Book
Senator Randolph Bracy
Senator Jeff Brandes
Senator Manny Diaz, Jr.
Senator Gary M. Farmer, Jr.
Senator Audrey Gibson
Senator Joe Gruters
Senator Travis Hutson
Senator Debbie Mayfield
Senator Bobby Powell
Senator Kelli Stargel
Senator Perry E. Thurston, Jr.

¹ The Bill provides that the first “day” does not count.