

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1774

SPONSOR: Senators Villalobos and Lynn

SUBJECT: Records/Sexual Predators and Offenders

DATE: March 25, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	_____	_____	<u>CP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1774 requires a state agency or a governmental subdivision, before appointing or hiring someone to work or volunteer at a park, playground, day care center, or other place where children regularly congregate, to search the sexual predator and sexual offender registration records at the Florida Department of Law Enforcement (FDLE) using the applicant's name or other identifying information. The search can be done using the toll-free telephone number or the Internet site maintained by the FDLE.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Currently, "sexual predators" and "sexual offenders" who are designated as such by the court after being convicted of certain enumerated crimes under s. 775.21(4), F.S. (sexual predators), and s. 943.0435(1), F.S. (sexual offenders), are required to register, in person or through the Department of Corrections or sheriff's office, with the Florida Department of Law Enforcement.

In addition, law enforcement agencies must inform members of the community and the public of a sexual predator's presence as provided in s. 775.21(7), F.S. Specifically, within 48 hours after receiving notification of the presence of a sexual predator, the sheriff or the chief of police where the sexual predator resides must notify each licensed day care center, elementary school, middle school, and high school within a 1-mile radius of the sexual predator's temporary or permanent residence. A sexual predator who victimizes a minor during the offense and then works (either for compensation or as a volunteer) at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a third degree felony under s. 775.21(10)(b), F.S.

Under s. 944.606(4), F.S., community and public notification is authorized, not mandated, for registered sexual offenders.

Section 943.043, F.S., authorizes the FDLE to notify the public through the Internet of any non-confidential information about sexual predators and sexual offenders. (FDLE is required to notify the public of designated sexual predators through the Internet under s. 775.21(7)(c), F.S.) The FDLE is also required under this section to provide, through a toll-free telephone number, public access to registration information about sexual predators and sexual offenders and may provide other reported information that is not exempt from public disclosure.

III. Effect of Proposed Changes:

Senate Bill 1774 will require a state agency or a governmental subdivision, before appointing or hiring someone to work or volunteer at a park, playground, day care center, or other place where children regularly congregate, to search the sexual predator and sexual offender registration records at FDLE using the applicant's name or other identifying information. The search can be done using the toll-free telephone number or the Internet site maintained by the FDLE. This requirement to search registration information is an attempt to prohibit an applicant who is a designated sexual predator or sexual offender from being able to work or volunteer around children.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the FDLE, the bill will cost \$40,023 because of the anticipated increase in calls to the toll-free hotline.

There may also be an increased workload impact upon local governmental subdivisions that will be required to conduct these record searches.

VI. Technical Deficiencies:

None.

VII. Related Issues:

As reported by the media, it is not necessarily common practice for local governmental entities to check sexual predator and sexual offender registration records before appointing someone who volunteers to serve on an advisory board, even one involving children (i.e., an advisory member for a city parks and recreation board). This bill will now require such a record check.

While the bill will require a records check, there does not appear to be any mechanism in the bill to provide evidence that such a records check occurred. It may be appropriate to require that proof of a record check be maintained with the application or in a personnel file.

VIII. Amendments:

1 by Criminal Justice:

Removes the fiscal impact by deleting the reference to using the FDLE's toll-free telephone number to check the required sexual predator and sexual offender registration records (the checks could be done using FDLE's Internet site). It also provides an exception to conducting these searches if the state agency or governmental subdivision has conducted a state and national criminal history background check on the applicant. (WITH TITLE AMENDMENT)