

# 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.)

Prepared By: Criminal Justice Committee

BILL: SB 508

INTRODUCER: Senator Aronberg

SUBJECT: Sexual Predators/Residency

DATE: December 20, 2005 REVISED: 01/11/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	<u></u>	<u></u>	<u>JA</u>	<u></u>
3.	<u></u>	<u></u>	<u></u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

## Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

### I. Summary:

This bill amends ss. 775.21(2)(f) and (g), F.S., to redefine what constitutes permanent and temporary residences under The Sexual Predators Act. The bill reduces from 14 to 5 days the amount of time sexual predators may reside somewhere for that place to become their permanent or temporary residence. The net result of these changes is to reduce the amount of time that sexual predators are allowed to reside somewhere before they must report that new residence to FDLE or the sheriff's office.

### II. Present Situation:

The Sexual Predators Act requires a predator to register with FDLE or the sheriff's office within 48 hours of establishing a temporary or permanent residence.<sup>1</sup> A permanent residence is established by the predator when he or she abides or lodges somewhere for 14 or more consecutive days. As a result, the predator has 14 days plus 48 hours to notify the appropriate law enforcement authorities of their residence.

While a lengthier definition, the temporary residence is similarly defined as where the predator lives for 14 or more days during a calendar year which is not his or her permanent residence. The

<sup>1</sup> s. 775.21(6)(e), F.S.

temporary residence also is defined to include, for persons whose permanent residence is not in Florida, where they are employed, practice a vocation, or are enrolled as a student in Florida. The temporary residence also includes where a person routinely abides for 4 or more consecutive or nonconsecutive days in a month which is not the person's permanent residence, including any out of state address.

Section 775.21(6)(f), F.S., further provides that within 48 hours of the registration with law enforcement the sexual predator must register in person at a drivers' license office and secure a Florida driver's license or identification card. Anytime the predator's residence changes he or she must report in person to the driver's license office and have the license or identification card updated. That information is then forwarded to the Department of Corrections. The Department of Highway Safety and Motor Vehicles is authorized to forward that information to FDLE for notification to the public.

Failure to provide this residency information to law enforcement as required by statute is a third degree felony.<sup>2</sup>

Various law enforcement groups have expressed concern that some sexual predators have learned how to work the technical legal definition of the statutes to their advantage. Rather than establish a permanent or temporary residence, the predators will live somewhere for fewer than 14 days, then move and live somewhere else, then move again, never living anywhere long enough to meet the permanent residence requirement which will then necessitate notifying law enforcement within 48 hours of their location. By reducing the number of days that define a permanent or temporary residence, predators will be required to notify law enforcement much sooner of their location.

### **III. Effect of Proposed Changes:**

This bill reduces from 14 to 5 the number of days a sexual predator may reside somewhere before that place becomes a permanent or temporary residence which must be reported to law enforcement. Under this bill a predator would then have 5 days plus 48 hours to notify law enforcement of his or her residence. Therefore, law enforcement should be able to more quickly identify where sexual predators are living and provide that notification to the public.

"Permanent residence" is defined in the bill as the place where the predator resides for 5 or more consecutive days.

The definition of "temporary residence" in this bill is reduced from the three options discussed above to one: where a predator resides for 5 or more days in any year which is not his or her permanent address.

Because the definitions of permanent and temporary residences in s. 775.21, F.S., are referenced in the sexual offender registration requirements, s. 943.0435(1)(c), F.S., the definitions of permanent and temporary residences are also changed for the purposes of sexual offender registration.

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<sup>2</sup> S. 775.21(10), F.S.

**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:

The Department of Corrections believes that the impact of this bill is either minimal or not discernable.

**VI. Technical Deficiencies:**

Staff is concerned that the elimination of some of the temporary residence definitions might necessitate clarifying amendments.

**VII. Related Issues:**

None.



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## VIII. Summary of Amendments:

### **Barcode 463892 by Criminal Justice:**

Statutory language that was removed in the original bill is restored with this amendment to clarify that a temporary residence includes a place where someone is employed, practices a vocation, or is enrolled as a student even though the permanent residence is not in this state.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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