



REGISTERING YOUTH IN THE SUNSHINE STATE

A Report on Florida's Harmful
Sex Offender Registration Laws

by Vic F. Wiener
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Juvenile Law Center

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and well-being of youth

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	3
INTRODUCTION	4
A note on language	5
YOUTH REGISTRATION: A FAILED POLICY FROM THE START	7
Faulty premises of youth registration	7
Sexual recidivism rates	7
Aid to investigations	7
Improvement of public safety	8
Stigma	9
Effects on mental health	10
Effects on physical safety	10
The increasingly punitive history of registration in Florida	10
OVERVIEW OF REGISTRATION LAWS	15
Charges that can lead to registration	15
Juvenile court	15
Adult criminal court	16
Registration and notification procedures	16
Initial registration	17
Notification	18
Reregistration	18
Registration information updates	19
Address verification	19
Out-of-state registrants	19
Registration duration and relief from registration	20
DATA: YOUTH CURRENTLY ON FLORIDA'S REGISTRY	24
Overview	24
Demographics	24
Registration status	25
Adjudication location	25
Current residence	27
Adjudications and convictions	27
Disparities	28

COLLATERAL CONSEQUENCES OF REGISTRATION.....	31
Residency restrictions.....	31
Location restrictions.....	33
Employment and licensing restrictions.....	34
Educational consequences	34
Additional restrictions	35
Halloween and holiday ordinances	35
Emergency shelter ordinances	35
Conditions, probation, or community control	35
FINANCIAL IMPACT OF REGISTRATION.....	40
Costs to individuals on the registry	40
Costs to families of registered individuals.....	40
Costs to the community.....	40
Costs to the state	41
POLICY RECOMMENDATIONS	43
Abolish youth registration	43
Address racial disparities.....	43
Divest/invest	43
Interim steps	44
APPENDIX A.....	45
List of registerable and transferrable offenses.....	45
APPENDIX B	47
City and county ordinances surveyed.....	47

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INTRODUCTION

This report focuses on individuals who were under the age of 18 at the time the sexual offense occurred and who were adjudicated delinquent in the juvenile justice system or tried and convicted in adult criminal court. While significant research shows the ineffectiveness and harm of registration for individuals who were 18 or older at the time of the offense, the adult population is outside the scope of this report.

Child sexual abuse can have a devastating and lifelong impact on those who experience it.¹ Experts estimate that in the United States, one in four children assigned female at birth and one in thirteen children assigned male at birth experience sexual abuse before the age of 18² and that 35% of that abuse is committed by other youth.³ Sexual abuse is an urgent public health issue that requires a policy approach focused on prevention and effective intervention for those harmed and for those who have caused harm.

For decades, the United States' response to sexual violence has been increasingly punitive—mandatory lengthy prison sentences, sex offender registration, civil commitment, and lifetime supervision and monitoring.⁴ However, research shows that these punitive responses have little impact on first-time sexual offenses or on sexual recidivism.⁵ Billions of dollars a year are pumped into these failed policies with little question of their efficacy.⁶

The registration of youth⁷ as sex offenders is one of the least effective and the most devastating responses to sexual violence. It fails to address the causes of sexual violence, to hold young people who cause sexual harm accountable, or to prevent future sexual offenses.⁸ In 1995, the Florida legislature convened a Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sex Offenses and Crimes to explore and make policy recommendations on effective responses to sexual violence committed by adolescents. The 1995 Task Force and a reconvened Task Force in 2005 both recommended against registering youth adjudicated delinquent as sex offenders. Yet, the state began registering youth adjudicated delinquent as sex offenders in 2007.

Youth registration laws and the collateral consequences of registration are deeply troubling, regardless of their lack of public safety benefit. Young people are impulsive, sensation-seeking, risk-taking, and curious.⁹ This does not excuse harm they cause but youth should not be treated as fully culpable and aware of the ramifications of their actions. Young people are deserving of second chances and the resources and support necessary to become safe members of the community.

Florida's registration laws, however, fail to provide these second chances to registered youth. Youth as young as 14 are required to have their photographs, descriptions, and home addresses posted on the internet. They and their families may be forced into homelessness because of residency restrictions. Even if the youth never commits another act of sexual violence, they must check in with law enforcement and have their information available for anyone who wants to see it often until the day they die.

Exploring the far-reaching and harmful effects of youth registration is not meant to minimize the seriousness of sexual violence and the harm to those who experience it. The seriousness of sexual violence requires an effective, evidence-based response grounded in an understanding of the causes of sexual harm, prevention, and response. Youth registration is antithetical to an effective response.

A note on language

Throughout this report, “youth,” “young people,” and “adolescents” are used interchangeably to refer to individuals who were under the age of 18 at the time of the offense. While adolescence technically continues until young people reach their mid-twenties, the research and legal frameworks discussed in this report typically focus on individuals under age 18.

This report intentionally avoids referring to individuals as “sex offenders,” “juvenile sexual offenders,” or “sexual predators” unless quoting a source. This language choice recognizes that individuals are more than the harm they cause and emphasizes that individuals who cause sexual harm are not a monolithic group. While the term “sex offender” may be used to indicate the legal status of being registered as a sex offender, the report generally uses person-first language such as “youth registered as sex offenders.”

This report avoids use of the terms “rapist,” “child molester,” “sexual abuser,” and “pedophile” unless quoting a source. Instead, this report may use “rape,” “molestation,” “sexual abuse,” and “sexual violence” to describe acts individuals commit. Further, as very few youth who sexually harm younger children are motivated by sexual attraction to young children,¹⁰ labeling youth “pedophiles” is factually inaccurate and stigmatizing.

Many people who have experienced sexual harm use this language to describe the person who harmed them. While we urge against the use of this language in legal and policy spaces, we do not want to detract from its importance for many people who have experienced sexual violence.

There are varying opinions on the best language to use for youth who commit sexual offenses. This report uses the following:

- “Sexually problematic behavior” refers to normative or developmentally appropriate behavior that may, nonetheless, be harmful and put youth at risk of exploitation or criminalization. For example, problematic sexual behavior could include the consensual exchange of nude or partially-clothed photographs or the exchange of sexually explicit messages.
- “Sexually abusive behavior” refers to sexual behavior during which the youth uses force, coercion, or their position of power to cause sexual harm to another person.
- “Sexually harmful behavior” to broadly describe sexual behavior that causes harm. This language use recognizes that sexual acts, whether developmentally appropriate experimentation or sexually abusive behavior, can cause tremendous harm.

“Victim,” “survivor,” or “person who experienced sexual harm” are generally used to refer to individuals who were the subject of sexually harmful behavior. Individuals who experience sexual harm are more than the harm they experienced, so, where possible, “victim” and “survivor” are avoided.

“Conviction” refers to a finding or plea of guilt in an adult criminal court following transfer from juvenile to adult court.

“Adjudication” refers to a finding of responsibility in a juvenile court.

“Juvenile” is used only when referring to “juvenile court” or in quotations.

“Registered youth,” “registered individuals,” and “registrants” refer to individuals placed on the sex offender registry following either a conviction or an adjudication.

The seriousness of sexual violence requires an effective, evidence-based response grounded in an understanding of the causes of sexual harm, prevention, and response. Youth registration is antithetical to an effective response.

- 1 Fast Facts: Preventing Child Sexual Abuse, CDC, <https://www.cdc.gov/violenceprevention/childsexualabuse/fastfact.html#:~:text=Although%20estimates%20vary%20across%20studies,States%20experience%20child%20sexual%20abuse> (last visited July 27, 2022).
- 2 *Id.*
- 3 Adolescents and Children, ASS'N TREATMENT & PREVENTION SEXUAL ABUSE, <https://www.atsa.com/learn/adolescents> (last visited July 27, 2022).
- 4 See generally Joshua C. Cochran, Elisa L. Toman, Ryan T. Shields & Daniel P. Mears, *A Uniquely Punitive Turn? Sex Offenders and the Persistence of Punitive Sanctioning*, 58 J. RSCH. CRIME & DELINQ. 74 (2020).
- 5 Michael F. Caldwell, *Quantifying the Decline in Juvenile Sexual Recidivism Rates*, 22 PSYCH. PUB. POL'Y & L. 414, 4120–21 (2016); see also generally Jeff A. Bouffard & LaQuana N. Askew, *Time-Series Analyses of the Impact of Sex Offender Registration and Notification Law Implementation and Subsequent Modifications on Rates of Sexual Offenses*, 65 CRIME & DELINQ. 1483 (2019).
- 6 See *infra* Financial Impact of Registration pp. 40–42.
- 7 See, e.g., Corey Call, *Megan's Law 20 Years Later: A Systematic Review of the Literature on the Effectiveness of Sex Offender Registration and Notification*, 5 J. BEHAV. & SOC. SCIS. 205 (2018), for a discussion on registration for adults.
- 8 Michael Caldwell, *Study Characteristics & Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 197, 206–07 (2010); Elizabeth J. Letourneau, Dipankar Bandyopadhyay, Kevin S. Armstrong & Debajyoti Sinha, *Do Sex Offender Registration and Notification Requirements Deter Juvenile Sex Crimes?*, 37 CRIM. JUST. & BEHAV. 553, 565 (2010).
- 9 See Brief for Am. Psych. Ass'n et al. as Amici Curiae Supporting Petitioners at 7–15, *Graham v. Florida*, 560 U.S. 48 (2010) (Nos. 08-7412, 08-7621).
- 10 Michael F. Caldwell, *What We Do Not Know About Juvenile Sexual Re-offense Risk*, 7 CHILD MALTREATMENT 291, 295–96 (2002).

YOUTH REGISTRATION: A FAILED POLICY FROM THE START

Faulty premises of youth registration

Florida rooted its registration scheme in numerous faulty beliefs about young people who engage in sexually problematic or harmful behaviors. These premises include the purported dangerousness of individuals with sex offense histories, the necessity of a registry to provide information to law enforcement and the public, and the utility of registration in advancing public safety.¹¹ Florida justifies registration as a non-punitive, civil regulatory scheme.¹² As made clear by this report, these premises are untrue as to youth and, therefore, any justification for youth registration fails.

Sexual recidivism rates

FLORIDA LAW:	FAULTY PREMISES:
Individuals, “especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment.” ¹³	1) That individuals who commit sexual offenses are likely to reoffend; and 2) That all individuals who offend against minors are particularly dangerous.

Research on sexual recidivism for youth is consistent: youth rarely sexually reoffend. A metanalysis of 98 studies comprising over 33,000 youth found that the sexual recidivism rate of youth with sexual offense histories was 5% with studies published in the preceding 15 years showing a sexual recidivism rate of only 2.75%.¹⁴ This means that over 97% of youth adjudicated of sexual offenses will not commit another sexual offense. Sexual offending during adolescence does not predict sexual offending during adulthood.¹⁵ The low recidivism rate also makes it extremely difficult to identify which youth have the highest risk of reoffense.¹⁶

Most youth who commit sexual offenses do so against other minors because they are most likely to engage in sexually problematic, abusive, or harmful behaviors with peers.¹⁷ Younger youth (13 and 14-year-olds) are more likely to engage in abusive and harmful sexual behavior with younger children and, as they age, youth are more likely to engage in problematic, abusive, and harmful sexual behaviors with other teenagers and youth closer to their age.¹⁸ Youth who sexually harm younger children are very rarely motivated by a sexual attraction to young children.¹⁹

As such, no evidence supports the idea that youth who offend against other children are more likely to recidivate than youth who offend against adults. Further, research shows that registering youth as sex offenders has no impact on either first-time sexual offenses or on sexual recidivism.²⁰

Aid to investigations

FLORIDA LAW:	FAULTY PREMISE:
“Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety.” ²¹	The release of youths’ information: 1) Aids law enforcement in monitoring individuals at highest risk of sexual offending; 2) Provides helpful information for sexual offense investigations; and 3) Allows members of the public to determine whether anyone living near them or with whom they are interacting purportedly poses a heightened threat for sexual violence.

Even taking the utility of sex offender registration on its face, the size of the registry limits its utility. Florida places individuals on the registry automatically following adjudication or conviction—not based on any professional assessment of the person’s risk to public safety. The current registry, which includes over 80,000 people at varying levels of risk for reoffense, significantly dilutes the value of the registry for law enforcement or the public.²² Further, because the severity of the offense does not predict recidivism,²³ more limited registration only for youth adjudicated of the most serious sexual offenses—as is currently done for adjudicated youth in Florida—will still result in registration for countless youth who will not reoffend.

Even without this dilution, the utility of the registry is limited as a tool for investigation or personal protection. Most sexual harm is caused by someone already known to the person harmed.²⁴ While this is true for all sexual violence, it is even more true for youth—97.5% of sexual abuse committed by youth is committed against someone known to the youth.²⁵ This means the identity of the person who caused harm is rarely in question, making the registry of limited use for investigations. This further suggests that individuals looking to protect themselves or their family from sexual violence may ignore those who pose a greater threat than individuals on the registry—friends, family, and acquaintances.²⁶

Improvement of public safety

FLORIDA LAW:	FAULTY PREMISE:
“Sexual offenders have a reduced expectation of privacy because of the public’s interest in public safety and in the effective operation of government. . . . The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.” ²⁷	1) The public safety benefit of registration outweighs registered individuals’ privacy interest; and 2) Registration is not punishment.

Despite the State’s assertion that registration is not punishment, it flows directly from adjudication or conviction and imposes numerous consequences on young people. The collateral consequences that flow from registration include residency and employment restrictions, ongoing fees, and lifetime obligations and monitoring.²⁸ As described below, in addition to the legal consequences, registration imposes significant stigma, causes severe emotional distress for youth and their families, and creates the danger of both physical and sexual violence for registered youth and their family members. These consequences are imposed on youth despite youth’s low recidivism rates and the lack of public safety benefit described above.

Stigma

Contrary to Florida's assertion that registration is not punishment and that registered individuals have a decreased interest in privacy, the stigma that comes from the "sex offender" label causes irreparable harm, amplifying youths' privacy interests. This stigma has ramifications for youths' mental health, physical safety, and future prospects.

In response to Facebook posts by the DeSoto Sheriff's Office²⁹ and the Sarasota County Sheriff's Office,³⁰ commenters referred to registered individuals as "monsters," "deviants," and "animals." Some commenters indicated a belief that the registered individuals would offend again and are "sick." Some further articulated a belief that castration or execution are the only appropriate responses to people who cause sexual harm. While these are select comments from three social media posts, they demonstrate public attitudes towards and belief about registered individuals.



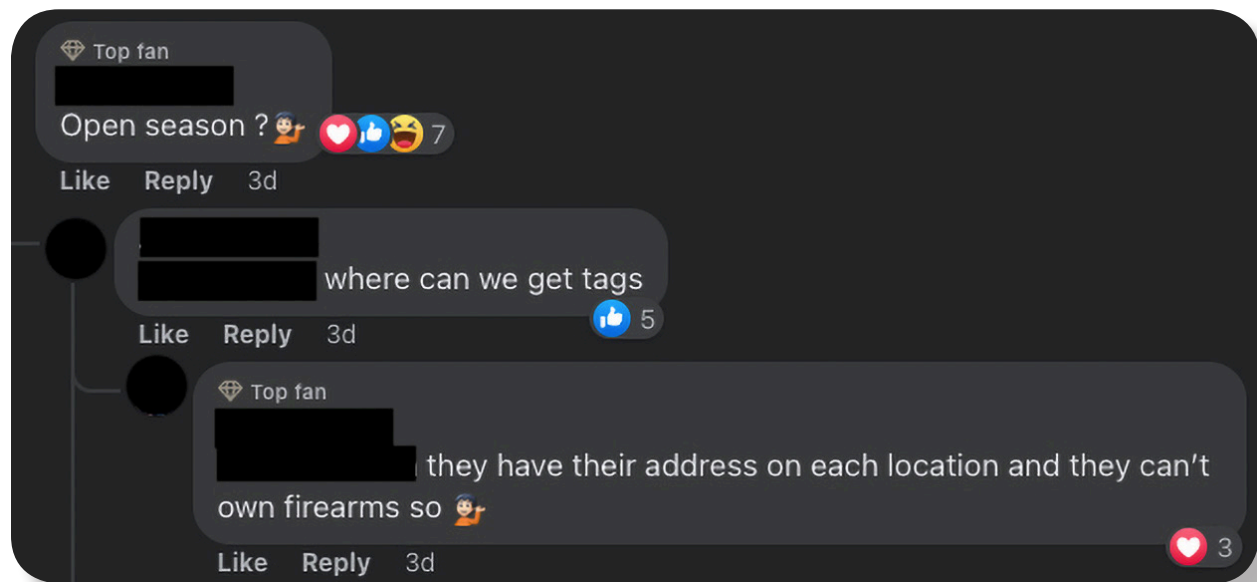
Effects on mental health

The stigma from registration affects both registered individuals and their family members. Registered youth and their family members report that registration causes significant emotional distress, including depression, fear, shame, and hopelessness.³¹ In response to a survey for this report, the mother of registered young person wrote, “my son suffers from PTSD and anxiety. He has no social life at all, totally dependent on family. He is afraid of law enforcement and afraid to engage socially with anyone.” She wrote further, “I too have been diagnosed with PTSD, anxiety, major depression. I have become isolated and hopeless.” Another mother wrote of constant worry and the difficulty of helping her son understand why he could not have friends over like other youth his age.

Data confirm the mental health impacts of youth registration. Registered youth are four times more likely to report attempting suicide than non-registered youth with sex offense histories.³² In one report, almost one in five registered youth reported attempting suicide and three of the youth included in the report died by suicide.³³

Effects on physical safety

In stark contrast to the public safety goals of registration, registration places youth and their families at increased risk for harassment and physical and sexual violence.



This exchange came in response to the De Soto Sheriff's Office Facebook post of a map of registered individuals in the county.³⁴ Violence against registered people and their families goes beyond threats. Out of 296 youth registration cases examined for one report, over half the youth reported violence against themselves or their families because of registration.³⁵ Other studies confirm that registration puts individuals and their families at an increased risk of harassment, vandalism, and violence.³⁶ Alarmingly, registration also increases the likelihood that youth will experience sexual violence. Registered youth are twice as likely to report experiencing a sexual assault than non-registered youth and are five times more likely to report being approached by an adult for sex than non-registered youth.³⁷

The increasingly punitive history of registration in Florida

Registration in Florida and the faulty premises justifying it are nothing new. On May 15th, 1993, the “Florida Sexual Predator’s Act” became law.³⁸ The Act created Florida’s first sex offender registry and was part of a wave of similar laws across the country.³⁹ Similar to the justifications provided for

Florida's current sex offender registry,⁴⁰ the Act was rooted in the belief "that sexual predators are, more than any other type of dangerous offender, highly resistant to change, and need incarceration, supervision, and monitoring," and have a "high recidivism rate and low rehabilitation rate."⁴¹

The Act did not apply to youth adjudicated delinquent of sexual offenses. Indeed, it was far more limited than Florida's sex offender registration schemes of today. It applied only to individuals convicted of a limited number of felony sexual offenses,⁴² requiring them to provide identifying information, addresses, places of employment, information on convictions, and fingerprints to the Department of Law Enforcement.⁴³ The Department of Law Enforcement had to maintain an online database and provide information in the database to local, state, or federal law enforcement.⁴⁴ Individuals required to register had to do so within 48 hours of release and had to notify the Department of Law Enforcement within 48 hours of moving to a new temporary or permanent address.⁴⁵

A year after passing the Florida Sexual Predator Act, the legislature established a task force to evaluate state's response to sexual offenses committed by youth. The 1994 Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes made policy recommendations that led to the 1995 Act Relating to Juvenile Sexual Offenders.⁴⁶ The 1995 Act was based on legislative findings that, among other things⁴⁷:

- Youth were responsible for 20% of all rapes and 30 to 50% of child molestation in the state.
- The "vast majority" of youth who committed sexual offenses previously experienced sexual abuse.
- Sexual abuse causes significant harm.
- The state lacked the resources necessary to respond to youth who committed sexual offenses or to support people who experienced sexual violence.
- Treatment can effectively reduce recidivism for youth.

The 1995 Act and the initial exclusion of youth adjudicated of sexual offenses from Florida's registration scheme showed an intent to treat youth charged with sexual offenses differently from adults. Over the next decade, this trend continued. Florida revised its sex offender registry scheme several times and continued to study adolescent sexual offending and revise the Act Relating to Juvenile Sexual Offenders. In 2005, Florida passed a major revision to its sex offender registry, creating additional monitoring for individuals on the registry, new public notification requirements, and enhanced penalties for individuals who violate the registration scheme.⁴⁸ This expanded scheme still excluded youth adjudicated delinquent.

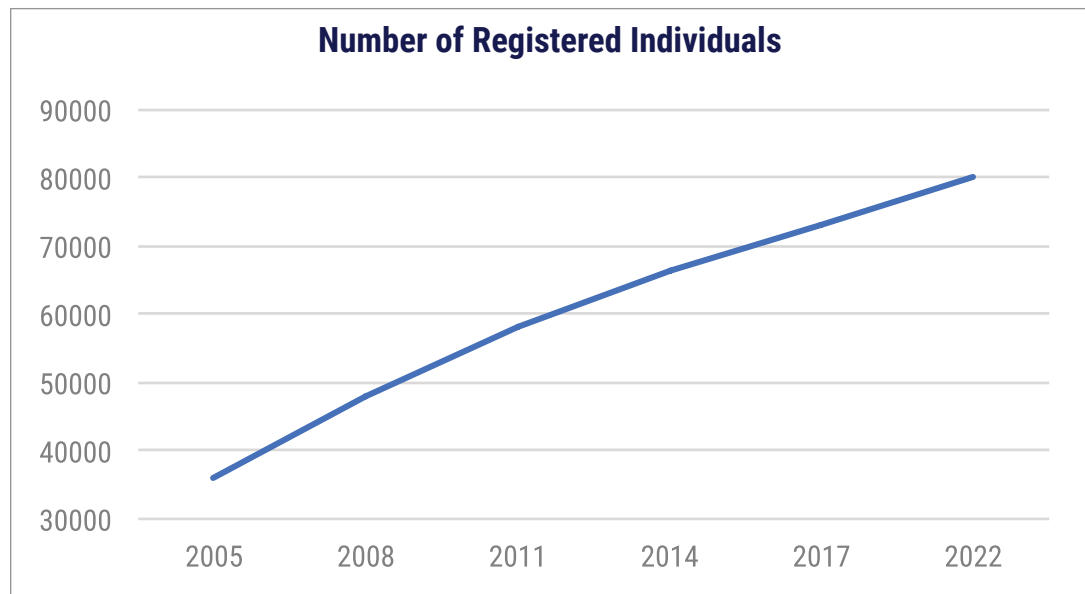
In 2006, a year before Florida added youth to its registration scheme, the Task Force on Juvenile Sexual Offenders and Their Victims released a report recommending that Florida continue its "policy of **not** registering juveniles in the Florida sex offender registry."⁴⁹ It made this recommendation based on research showing that very few youth who commit sexual offenses pose an ongoing threat to public safety and that registration substantially limits youths' options in life.⁵⁰ In 2006, when the Task Force released its report and recommendation, extensive evidence showing that registering youth as sex offenders was unlikely to improve public safety and was likely to cause significant harm was already available.⁵¹ With both the recommendations of the Task Force and the research to inform its decision on youth registration, the Florida legislature nevertheless ignored the Task Force's recommendation and added youth adjudicated delinquent to the registry,⁵² effectively ending over a decade of deliberate and evidence-focused policy work to treat youth who commit sexual offenses differently from adults who commit sexual offenses.

Florida is one of 38 states that register youth adjudicated delinquent and one of only two states that has mandatory lifetime registration for all registration-eligible youth.

At least 450 youth are now on the registry following juvenile adjudications.

Federal passage of the Adam Walsh Act in 2006 prompted Florida's decision to register youth. The Adam Walsh Act requires states to register youth ages 14 and older as sex offenders,⁵³ Today, Florida is one of 38 states that register youth adjudicated delinquent⁵⁴ and one of only two states that has mandatory lifetime registration for all registration-eligible youth.⁵⁵ Further, Florida is one of only 16 states that publishes all registered youths' information on the public sex offender registry.⁵⁶

From 2007 to 2022, Florida's registration requirements became more onerous and the number of people on the registry grew substantially, its growth outpacing general population growth.⁵⁷ In 2005, 36,000 people were on the registry,⁵⁸ in 2008, there were over 48,000 people on the registry, Florida added another 10,000 to the registry by 2011,⁵⁹ and in 2022, Florida's registry included over 80,000 people.⁶⁰



It is difficult to determine how many of these individuals are on the registry because of offenses they committed while under the age of 18. Florida last provided clear data on registered youth in 2012 when it reported that there were 195 youth on the registry as the result of a juvenile adjudication and 905 youth on the registry following a criminal conviction.⁶¹ Data from 2021 show that at least 450 youth are now on the registry following juvenile adjudications. Unfortunately, there is no reliable data on the number of registered youth who were tried as adults.

11 FLA. STAT. ANN. § 943.0435(12).

12 *Id.*

13 *Id.*

14 Caldwell, *supra* note 5, at 419.

15 Michael F. Caldwell, *Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offenders*, 19 *SEXUAL ABUSE* 107, 112 (2007) (citing Caldwell, *supra* note 10; FRANKLIN E. ZIMRING, *AN AMERICAN TRAVESTY: LEGAL RESPONSES TO ADOLESCENT SEXUAL OFFENDING* (2004) [hereinafter ZIMRING, *AN AMERICAN TRAVESTY*]); Franklin E. Zimring, Wesley G. Jennings, Alex R. Piquero & Stephanie Hays, *Investigating the Continuity of Sex Offending: Evidence from the Second Philadelphia Birth Cohort*, 26 *JUST. Q.* 58, 66 (2009) [hereinafter Zimring et al., *Investigating the Continuity of Sex Offending*]; Franklin E. Zimring, Alex R. Piquero & Wesley G. Jennings, *Sexual Delinquency in Racine: Does Early*

Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?, 6 CRIMINOLOGY & PUB. POL'Y 507, 527 (2007) [hereinafter Zimring et al., *Sexual Delinquency in Racine*].

16 Caldwell, *supra* note 5, at 421; Caldwell, *supra* note 8, at 198, 205–06; Caldwell, *supra* note 10, at 300; KiDeuk Kim, Grant Duwe, Eily Try, Ashlin Oglesby-Neal, Cathy Hu, Ryan Shields, Elizabeth Letourneau & Michael Caldwell, Development and Validation of an Actuarial Risk Assessment Tool for Juveniles with a History of Sexual Offending, URBAN INSTITUTE 21 (2019), <https://www.ojp.gov/pdffiles1/nij/grants/253444.pdf>.

17 Caldwell, *supra* note 10, at 295–96.

18 *Id.*

19 *Id.*

20 Caldwell, *supra* note 8, at 206–07; Letourneau et al., *supra* note 8, at 565.

21 § 943.0435(12).

22 See Elizabeth J. Letourneau, Jill S. Levenson, Dipankar Bandyopadhyay, Debajyoti Sinha & Kevin S. Armstrong, Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence against Women, MEDICAL UNIVERSITY OF SOUTH CAROLINA 49 (2010), <https://www.ojp.gov/pdffiles1/nij/grants/231989.pdf>; see also, e.g., Zimring et al., Investigating the Continuity of Sex Offending, *supra* note 15, at 66 (discussing the false positives that result when law enforcement use registered youth to predict who might commit a future sexual offense).

23 See Ashley Batastini, Elizabeth Hunt, Julie Present-Koller & David DeMatteo, Federal Standards for Community Registration of Juvenile Sex Offenders: An Evaluation of Risk Prediction & Future Implications, 17 J. PSYCH. PUB. POL'Y & L. 451, 465 (2011); Caldwell, *supra* note 15, at 110; Zimring et al., *Sexual Delinquency in Racine*, *supra* note 15, at 527.

24 Fast Facts: Preventing Child Sexual Abuse, *supra* note 1 (91% of child sexual abuse is perpetrated by someone known to the child or family) (last visited July 27, 2022).

25 ASS'N TREATMENT SEXUAL ABUSERS, REGISTRATION AND COMMUNITY NOTIFICATION OF CHILDREN AND ADOLESCENTS ADJUDICATED OF A SEXUAL CRIME: RECOMMENDATIONS FOR EVIDENCE-BASED REFORM 6 (2020), <https://www.atsa.com/Public/Adolescent/RegistrationCommunityNotificationofChildrenandAdolescents.pdf>.

26 *Id.* at 5–6; Fast Facts: Preventing Child Sexual Abuse, *supra* note 1 (child sexual abuse is mostly likely to be perpetrated by someone known to the child or family) (last visited July 27, 2022).

27 § 943.0435(12).

28 See *infra* Collateral Consequences of Registration pp. 31–39.

29 DeSoto County Sheriff's Office, FACEBOOK (June 11, 2022), <https://www.facebook.com/photo/?fbid=335809118736549&set=a.160344472949682>.

30 Sarasota County (FL) Sheriff's Office, FACEBOOK (June 23, 2022), <https://www.facebook.com/SarasotaCountySheriff/posts/pfbid0QLrUwhWC7BrrCbFgmbMxwpNGdwDKYENoyjrydnFgobcqQuNq91vXCXNPSWCd7scl>; Sarasota County (FL) Sheriff's Office, FACEBOOK (June 1, 2022), <https://www.facebook.com/SarasotaCountySheriff/posts/pfbid02y8dwjdjZPJk3Vs5jZVGRmn4GSi5vG3PbcjkgRb1EZ7gRsfGehGAYYPx5giMKURuFI> [hereinafter Sarasota County Sheriff's Office (June 1, 2022)].

31 HUM. RTS. WATCH, RAISED ON THE REGISTRY 51 (2013), https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf; Jill S. Levenson, David A. D'Amora & Andrea L. Hern, Megan's Law and Its Impact on Community Re-Entry for Sex Offenders, 25 BEHAV. SCIS. & L. 587, 594 (2007).

32 Elizabeth J. Letourneau, Andrew J. Harris, Ryan T. Shields, Scott M. Wakefield, Amanda E. Ruzicka, Cierra Buckman, Geoffrey D. Khan & Reshmi Nair, Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination, 24 PSYCH. PUB. POL'Y & L. 105, 114 (2018).

33 HUM. RTS. WATCH, *supra* note 31, at 51.

34 DeSoto County Sheriff's Office, *supra* note 29.

35 HUM. RTS. WATCH, *supra* note 31, at 56.

- 36 Jill Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AM. J. CRIM. JUST. 54, 62 (2009); Levenson et al., *supra* note 31, at 594.
- 37 Letourneau et al., *supra* note 32, at 114.
- 38 1993 Fla. Laws Ch. 93-277.
- 39 See Bouffard & Askew, *supra* note 5, at 1484–87.
- 40 See *supra* Faulty premises of youth registration pp. 7–10.
- 41 1993 Fla. Laws Ch. 93-277 preamble.
- 42 1993 Fla. Laws 93-277 § 2(2).
- 43 1993 Fla. Laws 93-277 § 2(3)(a).
- 44 1993 Fla. Laws 93-277 § 2(3)(g).
- 45 1993 Fla. Laws 93-277 § 3(b)(1).
- 46 While we were unable to locate the 1995 report, see TASK FORCE ON JUV. SEXUAL OFFENDERS & THEIR VICTIMS, JUVENILE SEXUAL OFFENDERS AND THEIR VICTIMS: FINAL REPORT 45–48 (2006), <http://centerforchildwelfare.fmhi.usf.edu/kb/bppub/JuvSexOffenderTaskForceReport.pdf> [hereinafter TASK FORCE] for the recommendations of the 1995 Task Force.
- 47 1995 Fla. Laws 95-266 preamble.
- 48 See generally 2005 Fla. Laws 2005-28.
- 49 TASK FORCE, *supra* note 46, at 35 (emphasis added).
- 50 *Id.* at 34.
- 51 See, e.g., Caldwell, *supra* note 10, at 291; ZIMRING, AN AMERICAN TRAVESTY, *supra* note 15.
- 52 2007 Fla. Laws. 2007-209 § 943.0435(1)(a)(d).
- 53 34 U.S.C. § 20911(8).
- 54 JUV. L. CTR., LABELED FOR LIFE: A REVIEW OF YOUTH SEX OFFENDER REGISTRATION LAWS 3 (2020), <https://jlc.org/sites/default/files/attachments/2020-09/Labeled%20for%20Life%202020.pdf> (while Pennsylvania has youth registration statutes on the books, the Supreme Court of Pennsylvania held youth registration unconstitutional. See *In re J.B.*, 107 A.3d 1 (Pa. 2014)).
- 55 See WYO. STAT. ANN. §§ 7-19-304, -309; JUV. L. CTR., *supra* note 54, at 3–4.
- 56 JUV. L. CTR., *supra* note 54, at 4–5.
- 57 OFF. PROGRAM POL’Y ANALYSIS & GOV’T ACCOUNTABILITY, OPPAGA No. 12-12, REGISTERED SEX OFFENDERS IN FLORIDA COMMUNITIES INCREASED TO OVER 23,000; TRANSIENT OFFENDERS PRESENT CHALLENGES 3 (Dec. 2012), <https://oppaga.fl.gov/Documents/Reports/12-12.pdf> [hereinafter OPPAGA 2012].
- 58 OFF. PROGRAM POL’Y ANALYSIS & GOV’T ACCOUNTABILITY, OPPAGA No. 06-03, FLORIDA’S STATE, COUNTY, LOCAL AUTHORITIES ARE IMPLEMENTING JESSICA LUNSFORD ACT 2 (Jan. 2006), <https://oppaga.fl.gov/Documents/Reports/06-03.pdf> [hereinafter OPPAGA 2006].
- 59 OPPAGA 2012, *supra* note 57, at 10.
- 60 See *infra* Data: Youth Currently on Florida’s Registry pp. 24–30.
- 61 OPPAGA 2012, *supra* note 57, at 8.

OVERVIEW OF REGISTRATION LAWS

Content Warning: This section includes short descriptions of sexual offenses.

Despite research showing that the seriousness of the offense does not predict recidivism,⁶² Florida registers youth solely based on the offense and subjects every young person to lifetime registration and public notification.

Charges that can lead to registration

Florida's registerable offenses encompass a wide array of behavior—abusive, coercive, and exploitative behavior as well as consensual and normative adolescent sexual behavior. Youth may be placed on the sex offender registry following a delinquency adjudication for one of four offenses in juvenile court or a conviction for one of 13 offenses in adult criminal court.

Juvenile court

Florida registers youth who were 14 or older at the time of the offense and were adjudicated delinquent of sexual battery, lewd or lascivious battery, or two types of lewd or lascivious molestation.⁶³

Data on youth who completed an intake with the Florida Department of Juvenile Justice show that between 2007 and 2021, approximately⁶⁴ 30% of youth charged with a sex offense were charged with sexual battery.⁶⁵ Sexual battery accounted for 19% of charges for youth adjudicated delinquent. Sexual battery is the most serious sexual offense charge and may be brought, for example, in cases of rape.

The charge percentage accounts for the total number of charges brought, not for individual youth. Individual youth may face multiple counts of a single charge or multiple charges for different offenses. For example, a young person may be charged with three counts of lewd or lascivious molestation, one count of lewd or lascivious battery, and one count of video voyeurism, which all stem from the same incident.

Lewd or lascivious molestation or battery charges against a child account for almost half of the charges brought against youth charged with sexual offenses and over half of the charges for youth adjudicated delinquent. Florida only requires registration following a juvenile adjudication for lewd or lascivious battery⁶⁶ where the court finds the victim was under 12 or the sexual activity involved force or coercion.⁶⁷ Florida registers youth for juvenile adjudications of lewd or lascivious molestation⁶⁸ if the court finds molestation either involving unclothed genitals of a child under 12 or the court finds use of force or coercion and unclothed genitals where the victim was between the ages of 12 and 16.⁶⁹ A 14-year-old may be required to register following a lewd or lascivious battery adjudication where, for example, she performs oral sex on an 11-year-old and a 16-year-old may be required to register for lewd or lascivious molestation if he forcibly touches his 15-year-old girlfriend's genitals.

The data obtained from Florida indicate only the charges filed, not court findings, therefore, it is unclear how many of the 2,510 youth adjudicated delinquent of lewd or lascivious offenses were placed on the registry.

Black youth made up around 40% of youth charged with a sexual offense, 34% of youth adjudicated delinquent, and 47% of youth transferred to adult court.

Adult criminal court

While a limited number of charges can result in registration in juvenile court, youth can be tried in adult criminal court for every registerable offense. Therefore, Florida is more likely to register a young person following conviction in adult court. Youth may be tried in adult court starting at age 14 and may be transferred to adult court either through direct file, where the prosecutor files charges directly in adult court, or waiver, where the prosecutor files charges in juvenile court and the prosecutor or youth seeks to have the juvenile court transfer the case to adult court following a hearing.

Research shows that prosecutors make charging and transfer decisions inequitably. Prosecutors and courts disproportionately transfer Black youth⁷⁰ and youth potentially perceived as gay⁷¹ to adult criminal court. Data from Florida show that during fiscal year 2019 to 2020, Black youth were 21% of Florida's population but were 50.9% of youth arrested for all offenses, 53.8% of youth adjudicated delinquent, and 66.4% of youth transferred to adult criminal court.⁷² And for youth charged with sexual offenses, the disproportionality remains. The intake data from the Florida Department of Juvenile Justice show that Black youth made up around 40% of youth charged with a sexual offense, 34% of youth adjudicated delinquent, and 47% of youth transferred to adult court.

From 2007 to 2021, over 1,000 youth faced charges in adult court for sexual offenses. Over 98% of the charges transferred to adult court were the result of direct file. The three most common sex offense charges leading to transfer were sexual battery, lewd or lascivious offenses committed on or in the presence of a child under the age of 16, and obscene material depicting child sexual conduct.

The breadth of the sexual offense laws that may lead to transfer means that youth may be placed on the registry for forcible sexual violence or for consensual, normative adolescent sexual behavior. For example, a 15-year-old may face adult prosecution and lifetime registration for lewd or lascivious battery⁷³ for raping his 13-year-old sibling. A 14-year-old and 15-year-old may both face adult prosecution and lifetime registration for lewd and lascivious battery for having consensual sex with each other. Similarly, a 17-year-old may face adult prosecution and lifetime registration for creating or sending a friend images of child sexual abuse.⁷⁴ Two 16-year-olds may be charged with those same offenses in adult court and face lifetime registration for exchanging nude photographs of themselves. In fact, some transferable and registerable offenses may not be sexual in nature. For example, false imprisonment of a child under age 13—as a prank, a 16-year-old locks his 12-year old sister and her friend in her room, preventing them from leaving—is a transferable and registerable offense even if there is no sexual motive.⁷⁵

In 2007, a 16-year-old and her 17-year-old boyfriend were charged in juvenile court for possession of nude photographs they took of themselves engaged in sexual activity. — *A.H. v. State*, 949 So. 2d 234 (Fla. Dist. Ct. App. 2007)

See [Appendix A](#) for a full list of offenses for which youth may be subject to transfer and registration.

Registration and notification procedures

Florida's registration requirements are packed into a 6,000-word statute. A young person's failure or inability to comply with any provision of the complex and dense statute can result in a felony conviction carrying penalties of five to fifteen years of imprisonment, a \$5,000 fine, or electronic monitoring if the person is not incarcerated.⁷⁶ To comply with the registration requirements, youth must complete an initial registration

and reregister with law enforcement multiple times a year, providing an extensive list of information and updating law enforcement if anything changes.

Initial registration

Youth have 48 hours following conviction or release from incarceration⁷⁷ or three business days following a juvenile adjudication if the youth is not incarcerated⁷⁸ to appear at the sheriff's office and complete an initial registration. They have a further 48 hours of this initial report to obtain a driver's license or ID card that specifically designates them as sex offenders.⁷⁹ Upon registering, youth must provide the following information.⁸⁰

Name*

Date of birth*

SSN

Race*

Sex*

Height*

Weight*

Hair and eye color*

Tattoos or other identifying marks*

Fingerprints

Palm prints

Photograph*

Employment information

Address of residence inside or outside state*

If no permanent or temporary address, any transient address or known future residence inside or outside the state*

Make,* model,* color,* VIN, and license tag* of all vehicles owned

Home telephone numbers and cell numbers

Email addresses

Internet identifiers and each corresponding homepage or app software name

Date and place of each conviction*

Brief description of crime or crimes committed by the person*

Any professional licenses

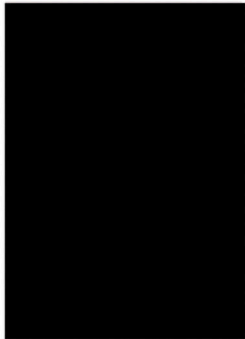
If enrolled or employed at an institution of higher education, the name, address and county of each institution, campus attending, and individual's status

Any other information determined necessary by the department including:

Criminal and corrections records

Nonprivileged personnel and treatment records

Evidentiary genetic markers

Florida Department of Law Enforcement - Sexual Offender / Predator																			
 <p>Date of Image : 01/03/2022</p>		Primary Information Designation : Juvenile Sexual Offender Name : [REDACTED] Status : Confinement Dept of Correction# : [REDACTED] Date Of Birth : [REDACTED] Race : Black Sex : Male Hair : Black Eyes : Brown Height : 5'05" Weight : 142 lbs																	
		<p>[REDACTED] is registered as a Juvenile Sexual Offender. Positive identification cannot be established unless a fingerprint comparison is made.</p>																	
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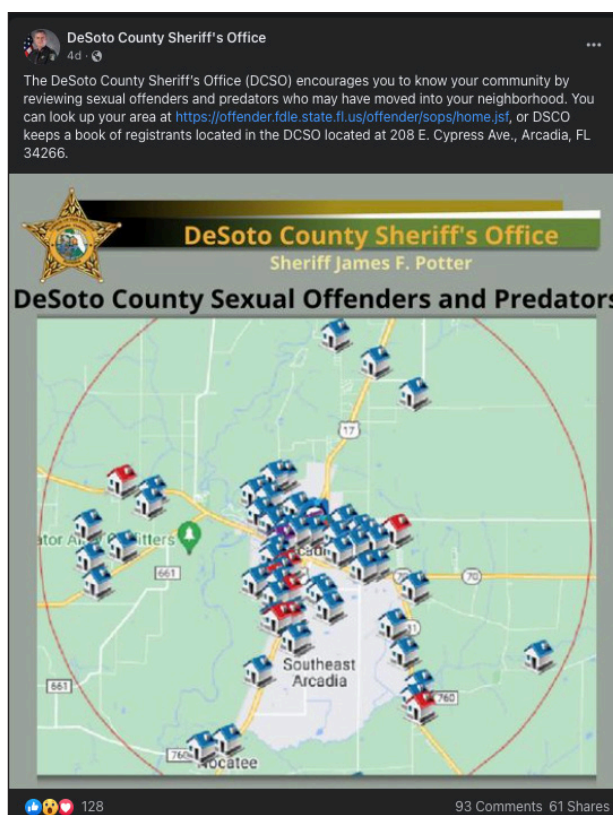
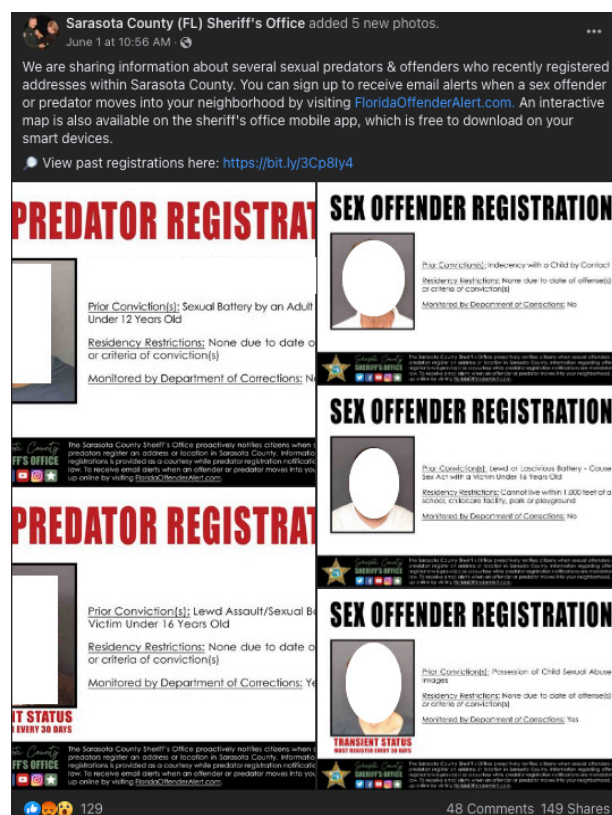
As the registry report above shows, the state places information marked with an * on the public registry website.⁸¹

While internet identifiers are not included in the general registry, any member of the public can search the registry for internet identifiers to determine whether they belong to someone on the registry.⁸² Further, the Florida Department of Law Enforcement may notify social networking sites if a registered person has a profile on their platform, allowing the sites to then restrict access or take down the profile.⁸³

Notification

In addition to the publicly accessible website, law enforcement must proactively notify all institutions of higher education in which the youth enrolls, volunteers, or works of the youth's registration status.⁸⁴

Sheriff's offices may also choose to complete public notification in other manners including social media posts, post cards, and door knocking.⁸⁵ Below are examples of social media posts⁸⁶ Florida sheriffs choose to post as part of public notification.



Reregistration

Following the initial registration, youth must check in with the sheriff's office multiple times a year to verify all their registry information and provide new fingerprints and a new photograph, even if nothing has changed. The frequency of reregistration varies.

- Most people on the registry must register twice a year, once during their birth month and once six months after.⁸⁷
- Youth adjudicated delinquent⁸⁸ and individuals required to register following convictions of kidnapping, false imprisonment, sexual battery, or some lewd and lascivious offenses must reregister four times a year, once during their birth month and once every three months after.⁸⁹
- Individuals with "transient" addresses must check in with the sheriff's office every 30 days.⁹⁰

The more frequent check-ins, beyond being onerous and potentially costly,⁹¹ create more opportunities for young people to fall out of compliance with registration requirements.

Registration information updates

Registered youth must also update the sheriff's office in person, or online for some updates, generally within 48 hours of any change to their registration information.⁹² Failure to do so can result in a failure to register charge.⁹³ While this sounds straight-forward, it is not. The following may trigger a reporting requirement:

Eugene downloads and creates a username for a match-three puzzle game that allows messaging between players.⁹⁴

Devon's landlord evicts and her family from their housing and they move into a hotel while they locate new housing.⁹⁵

Sky enrolls to take a printmaking class at the local community college for high school credit but has a schedule change and must drop out of the class. Sky must notify law enforcement upon enrolling and upon dropping the class.⁹⁶

André enrolls to take an accounting class at the downtown campus of the community college, notifies law enforcement, and then decides to take the same class at the eastside campus of the community college instead of the downtown campus.⁹⁷

Anthony goes to stay with his grandmother, who lives next door, for a week while his parents are out of town.⁹⁸

Warren occasionally sleeps at his grandfather's house when he fights with his parents and needs some space. If he stays with his grandfather more than three days during the calendar year, Warren must register the address as a temporary residence.⁹⁹

Jazmin plans to travel out of state for three days for her brother's wedding. She must notify law enforcement within 48 hours of leaving the state.¹⁰⁰ The day she intends to leave, Jazmin tests positive for COVID and must stay home. She must notify law enforcement that she canceled her plans.¹⁰¹

Angel plans to travel to El Salvador to visit extended family for winter break. He must notify law enforcement 21 days before departure and include information about travel including his address while in El Salvador, flight numbers, and airport of departure.¹⁰² Angel sells his car to pay for the trip.¹⁰³

Address verification

Sheriffs' offices in Florida send out officers annually to verify that people on the registry are complying with requirements and have provided accurate information.¹⁰⁴ Law enforcement must annually verify the addresses of all registered individuals' who are not under Department of Corrections supervision.¹⁰⁵ Almost all or all the sheriffs' offices do an in-person address verification every year, and over half do more than one in-person address verification every year.¹⁰⁶

Out-of-state registrants

Young people from other states who move to or visit Florida—even for a spring break trip or a family trip to the beach that lasts three or more days during a year—will be placed on Florida's public registry if:

- They register in their home state even if their home state does not publish their registration information or if they would not be required to register under Florida law.¹⁰⁷
- They are not required to register in their home state but were convicted or adjudicated of similar offenses to those registerable in Florida.¹⁰⁸

Further, youth who have a permanent residence out of state but are employed in, practice a vocation in, or are enrolled as a student in Florida must register, following the same requirements for Florida registrants and subject to the same notification procedures.¹⁰⁹

Registration duration and relief from registration

Florida requires everyone on the registry to register for life with narrow options for relief.¹¹⁰ Individuals required to register may be relieved from the obligation to register if they receive a pardon or if a court sets aside the conviction or adjudication that led to registration in a postconviction proceeding.¹¹¹

Florida's "Romeo and Juliet" provision allows a person to petition for removal from the registry if:

- The youth is registered solely for a conviction or adjudication of lewd or lascivious offenses committed on or in the presence of persons less than 16 years of age, sexual performance by a child, or certain computer-related sexual offenses;
- The youth has no subsequent conviction of the above sexual offenses or of sexual battery; and
- The youth was not more than four years older than the victim who was between the ages of 13 and 18.¹¹²

A narrow provision also allows individuals who were not convicted as an adult of kidnapping, false imprisonment, sexual battery, or certain lewd or lascivious offense to petition for relief after 25 years.¹¹³ The court may "grant or deny" relief if¹¹⁴:

- The individual has not been **arrested** for any crime since release;
- Relief complies with the federal Adam Walsh Act and other federal relief from registration requirements; and
- The court is satisfied the individual "is not a current or potential threat to public safety."

While this provision clearly excludes all youth convicted as adults of any of the enumerated offenses, it also likely will not benefit many youth adjudicated delinquent, primarily because of the interaction between the Adam Walsh Act and Florida law. Under the Adam Walsh Act, all Tier III registrants are required to register for life.¹¹⁵ Federal law designated individuals as Tier III if they were convicted or adjudicated of an offense comparable to aggravated sexual abuse or abusive sexual contact of a minor under the age of 13 or kidnapping of a minor.¹¹⁶ A Florida court could likely find that the registerable offenses for youth adjudicated delinquent are comparable to the federal offenses that require lifetime registration, preventing those youth from seeking relief.

Further, Florida limits relief from registration to individuals who have never been **arrested** for a subsequent crime, which will likely exclude many people from relief. This limitation likely disproportionately affects Black youth. From 2017 to 2018, Black youth were 21% of Florida's youth population but 50.9% of youth arrested.¹¹⁷

Out of state registrants placed on the registry in Florida because of registration in their home state may seek removal from Florida's registry if they provide a Florida court with proof from their home state that they were relieved of the obligation to register by operation of law or court order **and** the person no longer meets the criteria for registration under Florida law.¹¹⁸ For example, if a young person was adjudicated delinquent of rape in a state that only requires registration until age 21 but moves to

Florida limits relief from registration to individuals who have never been arrested for a subsequent crime, which will likely exclude many people from relief. This limitation likely disproportionately affects Black youth.

Florida, even if their home state relieves them of the obligation to register on their 21st birthday, they would still be required to register under Florida law.

Further, because Florida makes the registry public and downloadable, placement on the registry makes youths' registration information available to the world even if the person is later removed from the registry. Twenty-seven percent of sheriffs' offices in Florida also contract with OffenderWatch, a private organization that assists with public notification and may retain formerly registered individuals' information.¹¹⁹

62 Batastini et al., *supra* note 23, at 465; Michael F. Caldwell, Mitchell H. Ziemke & Michael J. Vitacco, An Examination of the Sex Offender Registration and Notification Act as Applied to Juveniles: Evaluating the Ability to Predict Sexual Recidivism, 14 J. PSYCH. PUB. POL'Y & L. 89, 104 (2008).

63 See FLA. STAT. ANN. § 943.0435(1)(h)(1)(d).

64 It was difficult to figure out the exact percentage of charges or youth for each type because of the Florida Department of Juvenile Justice's coding system.

65 § 794.011(1)–(9) (defining sexual battery as “oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose”).

66 § 800.04(4) (defining lewd or lascivious battery as “Engaging in sexual activity with a person 12 years of age or older but less than 16 years of age; or . . . Encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity.” “Sexual activity” is defined as “oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.”).

67 See § 943.0435(1)(h)(1)(d).

68 § 800.04(5) (lewd or lascivious molestation is defined as, “intentionally touch[ing] in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forc[ing] or entic[ing] a person under 16 years of age to so touch the perpetrator”).

69 § 943.0435(1)(h)(1)(d).

70 Henrika McCoy & Emalee Pearson, *Racial Disparities in the Juvenile Justice System*, ENCYCLOPEDIA OF SOC. WORK 9 (2019), <https://doi.org/10.1093/acrefore/9780199975839.013.1288>.

71 Ryan T. Shields, Elizabeth J. Letourneau & Joshua C. Cochran, *Examining Bias in Judicial Outcomes for Youth Who have Sexually Offended* (unpublished manuscript) (on file with Dr. Ryan T. Shields).

72 DMC RED Profile FY 2019-20, FLA. DEP'T JUV. JUST., <https://www.djj.state.fl.us/research/reports-and-data/interactive-data-reports/disproportionate-minority-contact-reports/dmc-red-profile-fy2019-20> (last visited Mar. 9, 2022) (sometime after March 2022, the Florida Department of Juvenile Justice took down the page which can now be viewed at <https://web.archive.org/web/20220131031657/https://www.djj.state.fl.us/research/reports-and-data/interactive-data-reports/disproportionate-minority-contact-reports/dmc-red-profile-fy2019-20>).

73 § 800.04(4); see also, e.g., D.O. v. State, 961 So. 2d 1053 (Fla. Dist. Ct. App. 2007) (D.O. was charged with sexual battery under section 794.011(2)(b) and lewd and lascivious battery under section 800.04(4)(a) for sexually assaulting his 12-year-old cousin on two occasions).

74 See §§ 827.071, .0137; see also, e.g., State v. A.R.S., 684 So. 2d 1383 (Fla. Dist. Ct. App. 1996) (A.R.S. was charged under section 827.071 after recoding a video of himself and a younger minor engaged in foreplay, saving the videotape, and showing it to a third person).

75 See §§ 787.02, 943.0435(1)(h)(1)(a). False imprisonment may also be charged where the offense is sexual in nature. See, e.g., A.M. v. State, 792 So.2d 638 (Fl. Dist. Ct. App. 2001) (A.M. was charged with lewd and lascivious molestation and false imprisonment based on evidence she held the victim of the assault down while other youth touched the victim's breasts).

76 §§ 943.0435(9), (14)(c)(4), 775.082–.084, 985.4815(9).

77 § 943.0435(2).

78 § 985.4815(4).

79 § 943.0435(3).

80 § 943.0435(2).

81 See Sexual Offenders and Predators Search, FLA. DEP'T L. ENF'T, <https://offender.fdle.state.fl.us/offender/sops/home.jsf> (last visited July 28, 2022).

82 See Email Address/Internet Identifier Search, FLA. DEP'T L. ENF'T, <https://offender.fdle.state.fl.us/offender/sops/internetIdSearch.jsf> (last visited July 28, 2022).

83 § 943.0437.

84 § 943.0435(2)(b)(2).

85 OFF PROGRAM POL'Y ANALYSIS & GOV'T ACCOUNTABILITY, OPPAGA No. 21-10, SEX OFFENDER REGISTRATION AND MONITORING TRIENNIAL REVIEW – 2021, at 15–16 (Dec. 2021), <https://oppaga.fl.gov/Documents/Reports/21-10.pdf> [hereinafter OPPAGA 2021].

86 Sarasota County Sheriff's Office (June 1, 2022), *supra* note 30; DeSoto County Sheriff's Office, *supra* note 29.

87 § 943.0435(14)(a).

88 § 985.4815(13)(a).

89 § 943.0435(14)(b).

90 § 943.0435(4)(b)(2).

91 See *infra* Financial Impact of Youth Registration pp. 40–42.

92 § 943.0435(4).

93 § 943.0435(9).

94 § 943.0435(2), (4)(e).

95 § 943.0435(2), (4)(b)(1).

96 § 943.0435(2), (4)(e)(2).

97 § 943.0435(2), (4)(e)(2).

98 §§ 943.0435(2), 775.21(2)(n).

99 §§ 943.0435(2), 775.21(2)(n).

100 § 943.0435(7).

101 § 943.0435(4)(c).

102 § 943.0435(7).

103 § 943.0435(2)(b)(3).

104 OPPAGA 2021, *supra* note 85, at 15.

105 § 943.0435(6).

106 OPPAGA 2021, *supra* note 85, at 15 (all 64 out of 67 sheriffs' offices that responded to the OPPAGA survey conducted annual address verifications).

107 §§ 943.0435(1)(f), (h), 775.21(2)(n).

108 § 943.0435(1)(h)(1)(d).

109 §§ 943.0435(1)(f), 775.21(2)(n).

110 § 943.0435(11).

111 *Id.*

112 § 943.04354.

113 § 943.0435(11)(a).

114 § 943.0435(11)(a)(3).

115 34 U.S.C. § 20915(a)(3).

116 34 U.S.C. § 20911(4).

117 Vinnie Giordano, *Florida Has Work to Do to Treat African American Youth Fairly*, JUV. JUST. INFO. EXCH. (Dec. 4, 2019), <https://jjie.org/2019/12/04/florida-has-work-to-do-to-treat-african-american-youth-fairly/>.

118 FLA. STAT. ANN. § 943.0435(11)(b).

119 OPPAGA 2021, *supra* note 85, at 15 (64 of 67 sheriffs' offices responded to the survey for the triennial review, the 27% reflects 27% of the offices that responded); OFFENDERWATCH, <https://offenderwatch.com/> (last visited July 28, 2022).

DATA: YOUTH CURRENTLY ON FLORIDA'S REGISTRY

In May 2022, Florida listed over 80,000 people listed on the registry. Of those, 477 were designated as “Juvenile Sex Offender (Walsh)” registrants. Almost all those youth were placed on the registry following a juvenile adjudication. Unfortunately, there is no easy or reliable way to identify everyone on the registry who was under the age of 18 at the time of the offense that led to registration. Accordingly, the following registration analysis is based solely on the youth categorized as “Juvenile Sex Offenders.” Data presented below also comes from the 2020 Census.¹²⁰

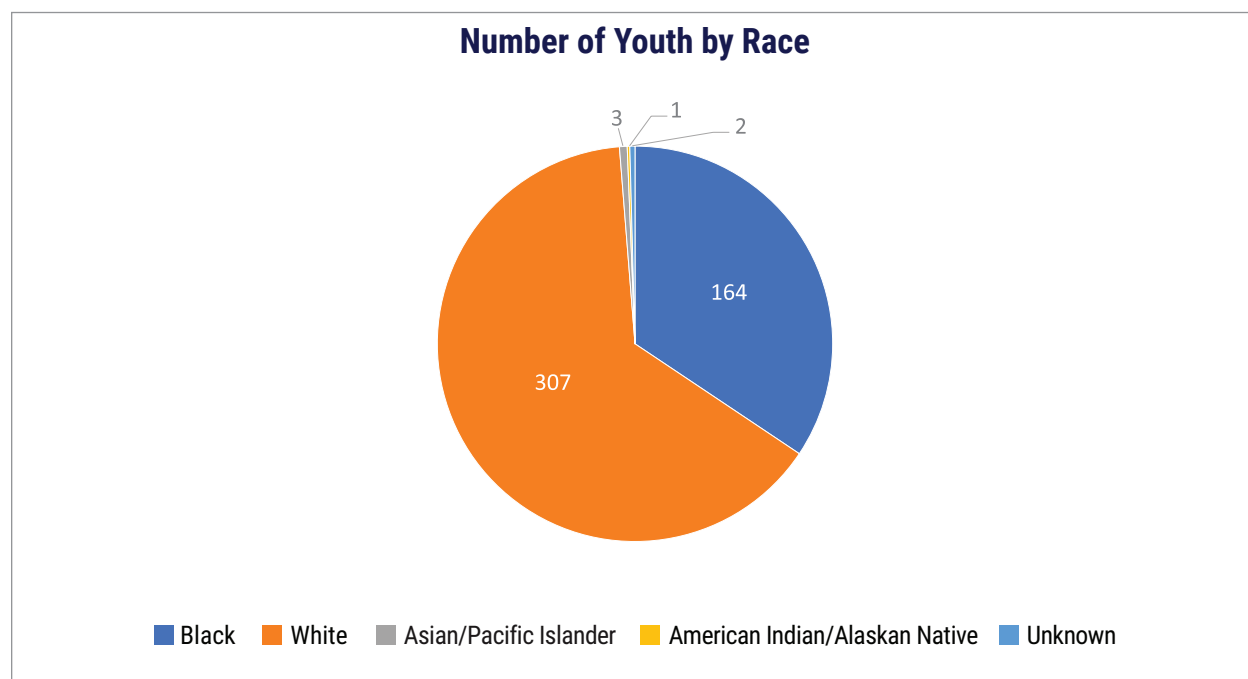
The language and data used for analysis based on race and sex come from the registry. Youth may not identify with either the race or the sex with which they are designated on the registry.

Overview

Demographics

Young people on the registry ranged in age from 14 to 22 at the time they were adjudicated for the offense that led to registration.

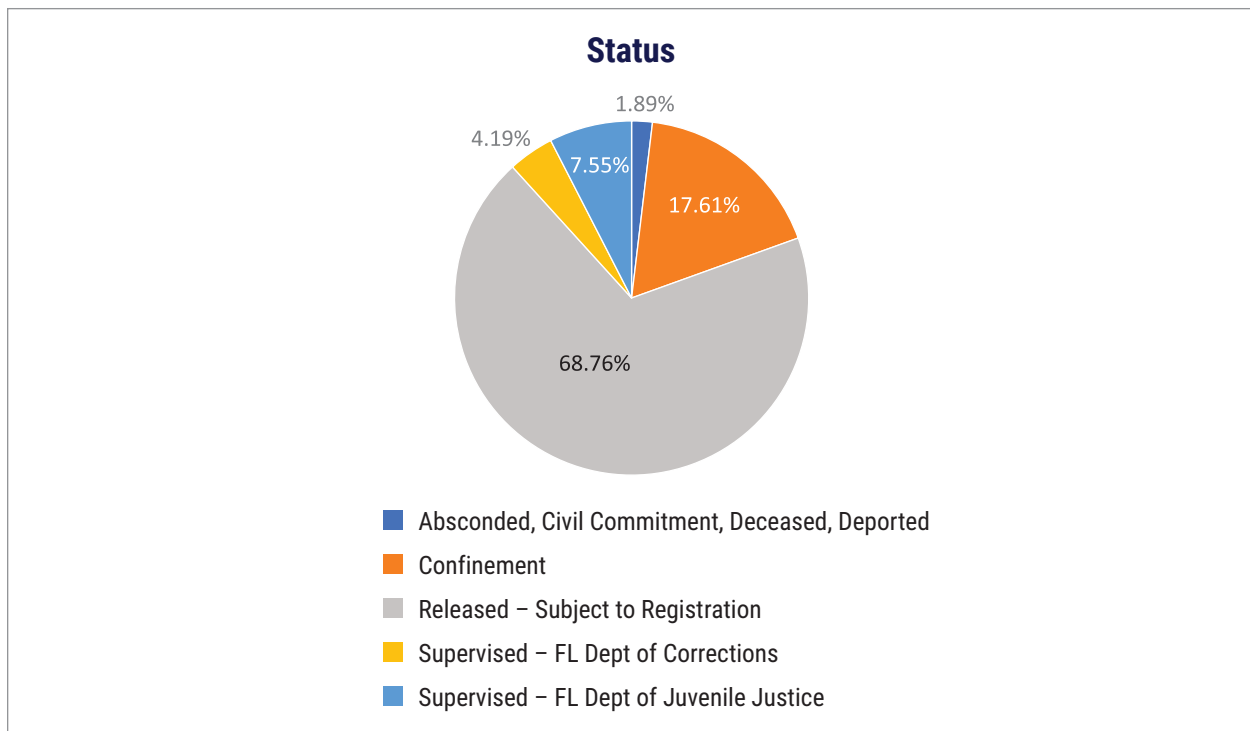
- Most youth on the registry—over 75%—were adjudicated between the ages of 15 and 17.
- Most of these individuals are now in their 20s and early 30s.
- The youngest person currently on the registry following a juvenile adjudication is 15 and the oldest is 33.
- All but eight youth on the registry are male.
- While there are few female youth, five of the eight female youth are Black.



Registration status

Youth on the registry are designated as incarcerated, deported, deceased, released subject to registration, under supervision, or absconded.

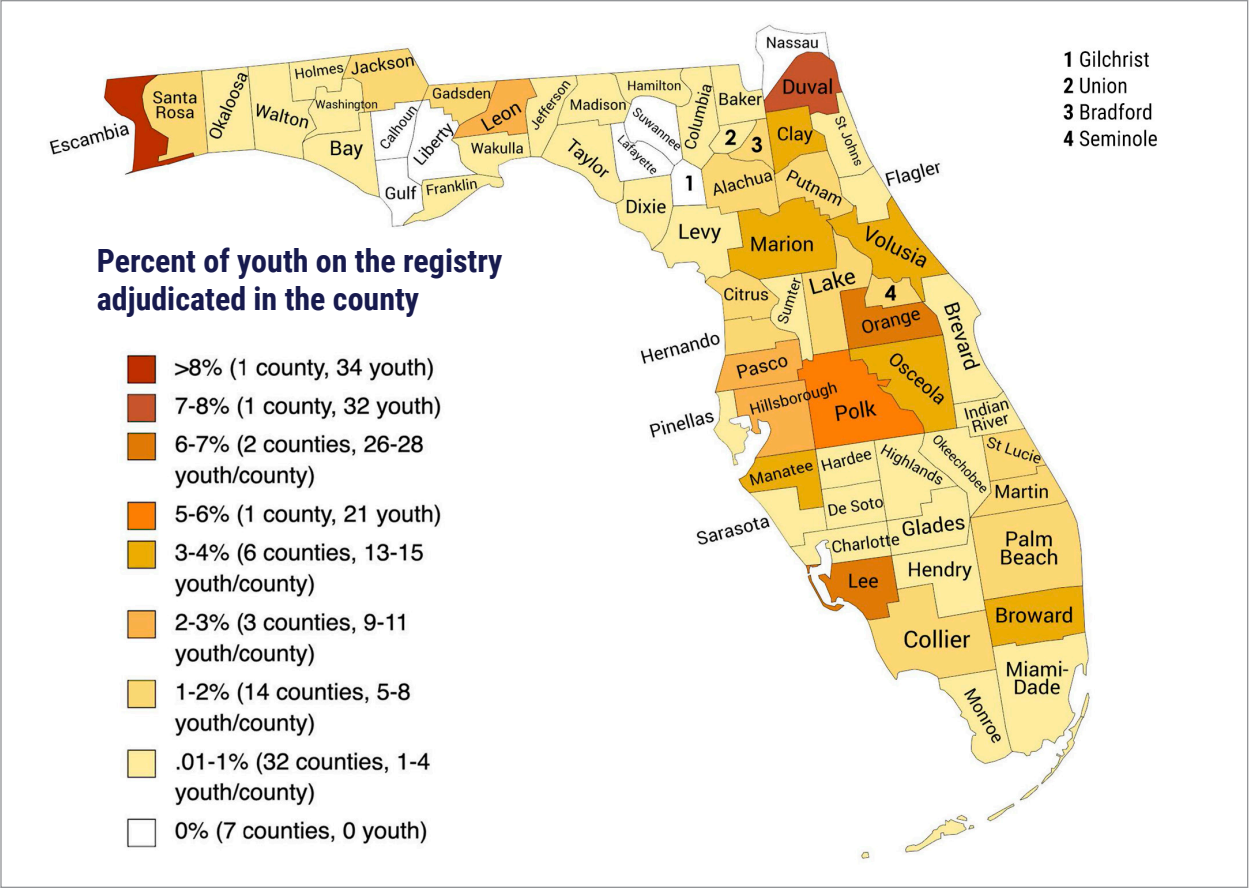
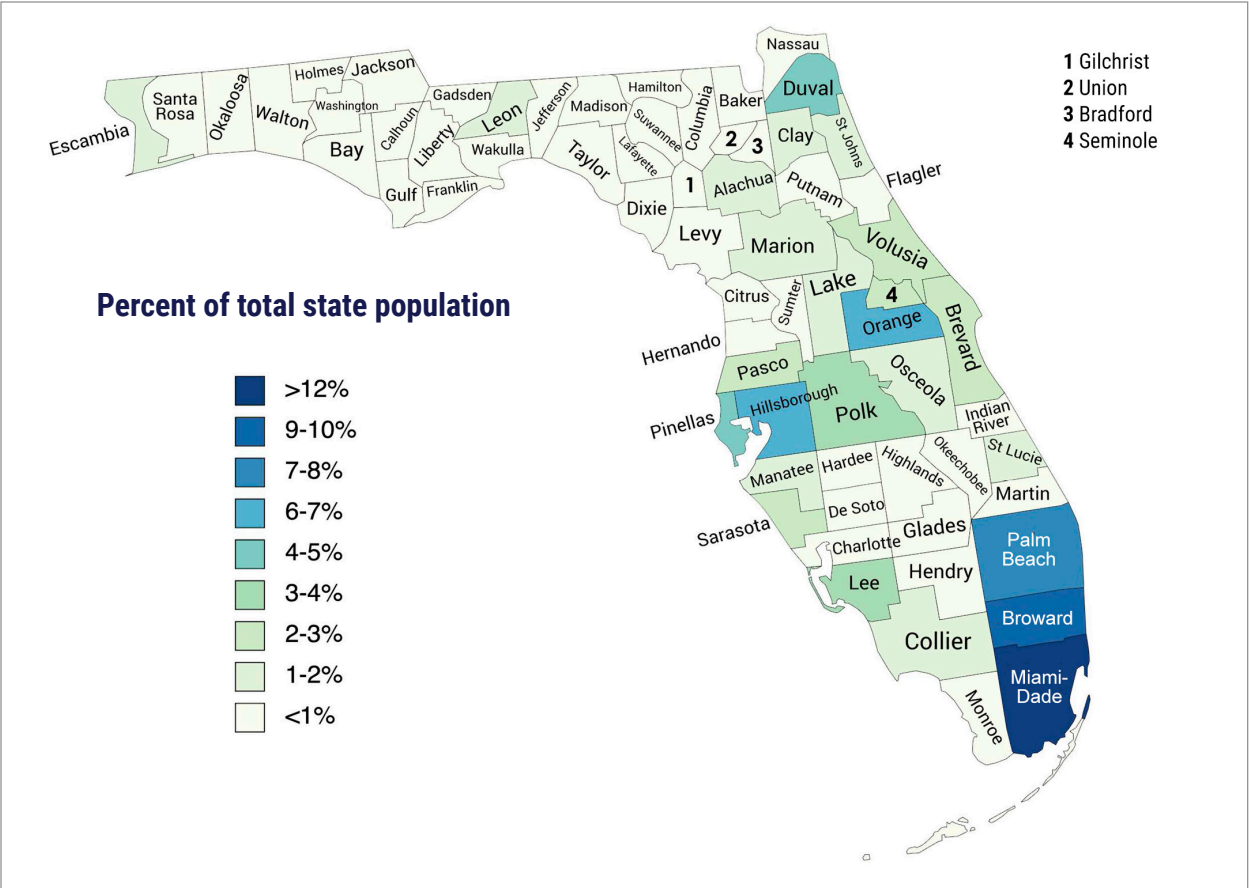
- Almost 70% of youth live in their communities without any form of supervision.
- Eleven percent of youth live in the community under the supervision of either the Department of Juvenile Justice or Department of Corrections.
- Over 17% of youth on the registry are currently incarcerated.



Adjudication location

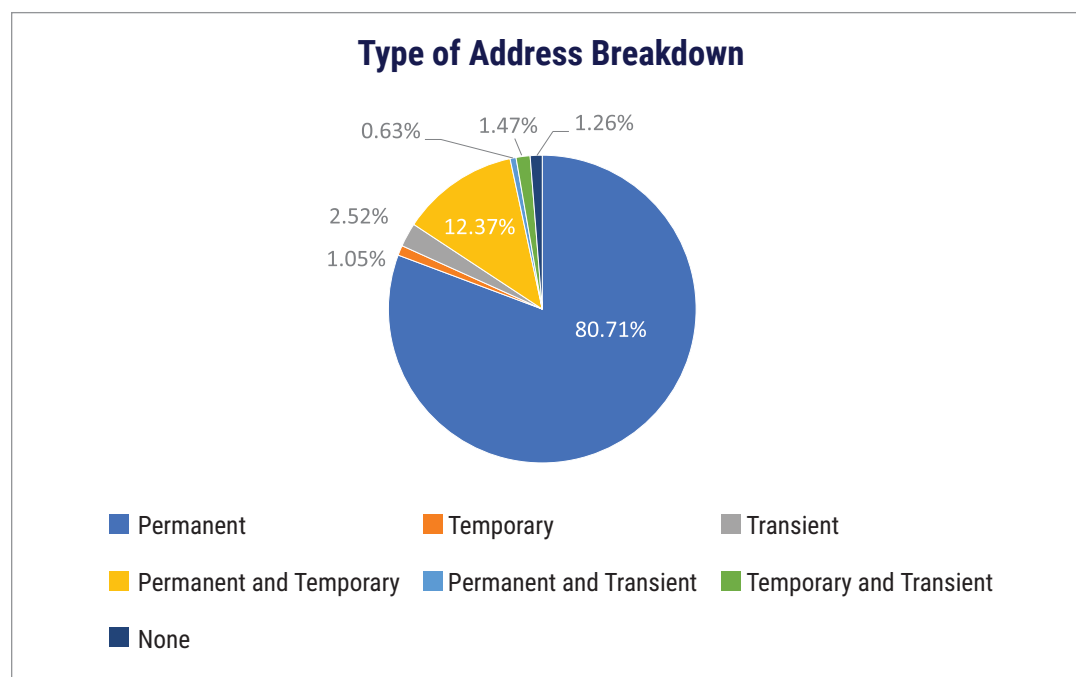
Around 87% of youth on Florida's registry were placed on the registry following an adjudication in Florida while the other 13% were adjudicated elsewhere in the country. In Florida, the chance of ending up on the registry varies significantly by county.

- Despite having the largest population in the state—almost 13% of the state population—only one young person is on the registry because of a juvenile adjudication in Miami-Dade County.
- Escambia County—roughly 1.5% of Florida's population—is responsible for over 8% of registered youth in Florida.



Current residence

The registry lists youth as having permanent, temporary (an address at which they intend to stay for more than three days in a year), and/or transient (generally included when the youth is homeless) addresses. Many youth list more than one type of address.



Adjudications and convictions

The registry lists the initial adjudication that led to registration, any other adjudications or convictions for registerable sex offenses, and any failure to register convictions.

- Over 66% of youth on the registry have only one adjudication or conviction—the original adjudication that led to registration.

Thirteen percent of youth were adjudicated of more than one sexual offense at the time or within a month of the original adjudication. Most of these adjudications were likely the result of multiple charges for a single event or a series of events prior to detection.

- Fifty-nine youth (12%) had two adjudications at the time of the original adjudication.
- Six additional youth (1%) had three adjudications at the time of the original adjudication.
- Consistent with research on sexual recidivism,¹²¹ exceptionally few individuals designated as “Juvenile Sexual Offenders” on the registry were adjudicated or convicted of a subsequent sexual offense more than a month after the original adjudication.¹²²
- Ten youth, or 2.1% of registered youth had a subsequent adjudication that qualified as a recidivism event under this definition.

Failure to register is the most common type of subsequent conviction on the registry.

- Almost one in five youth had one or more failure to register convictions.

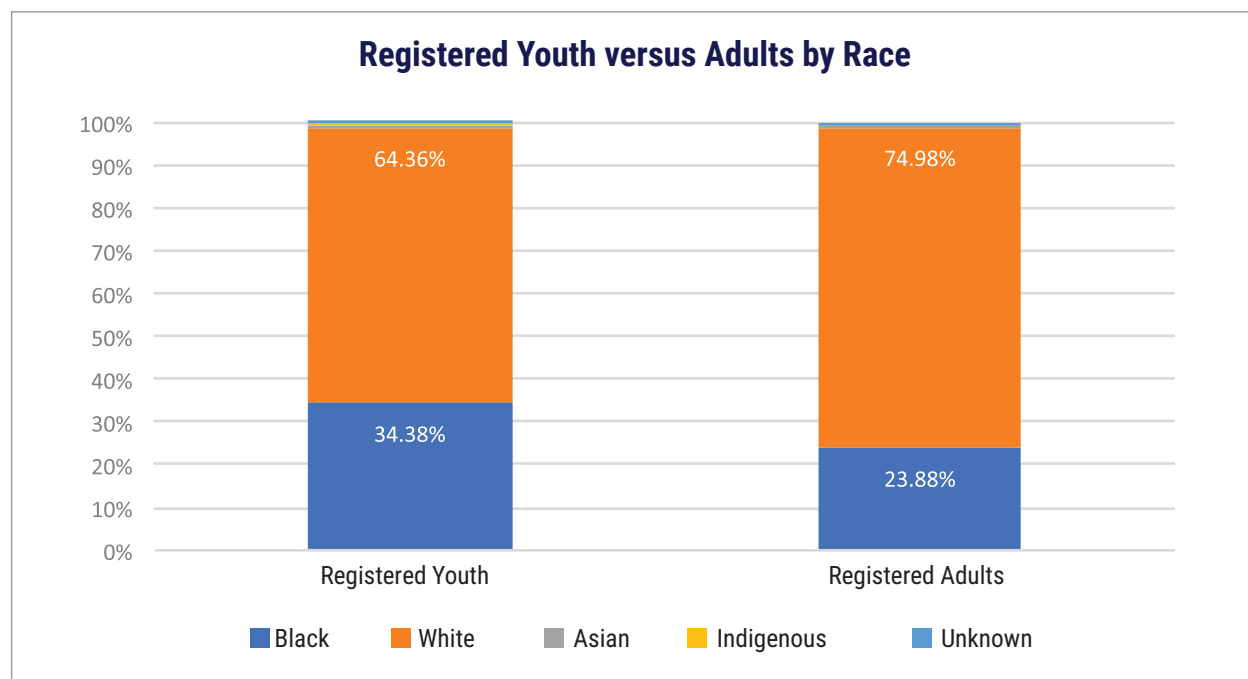
Ten youth, or 2.1% of registered youth had a subsequent adjudication that qualified as a recidivism event.

Disparities

The following analysis focuses on differences between youth designated as Black or white on the registry because the registry does not provide a breakdown by ethnicity and youth from other racial groups account for only 1% of registered youth.

As the data below show, Black youth are overrepresented on the registry and disproportionately affected by many of the adverse effects of registration. These disparities are likely a reflection of the over-policing of Black communities.¹²³

Around 21% of youth in Florida are Black¹²⁴ but 34% of the youth on Florida's registry are Black. The disparities are more stark for Black youth than for Black adults on the registry.



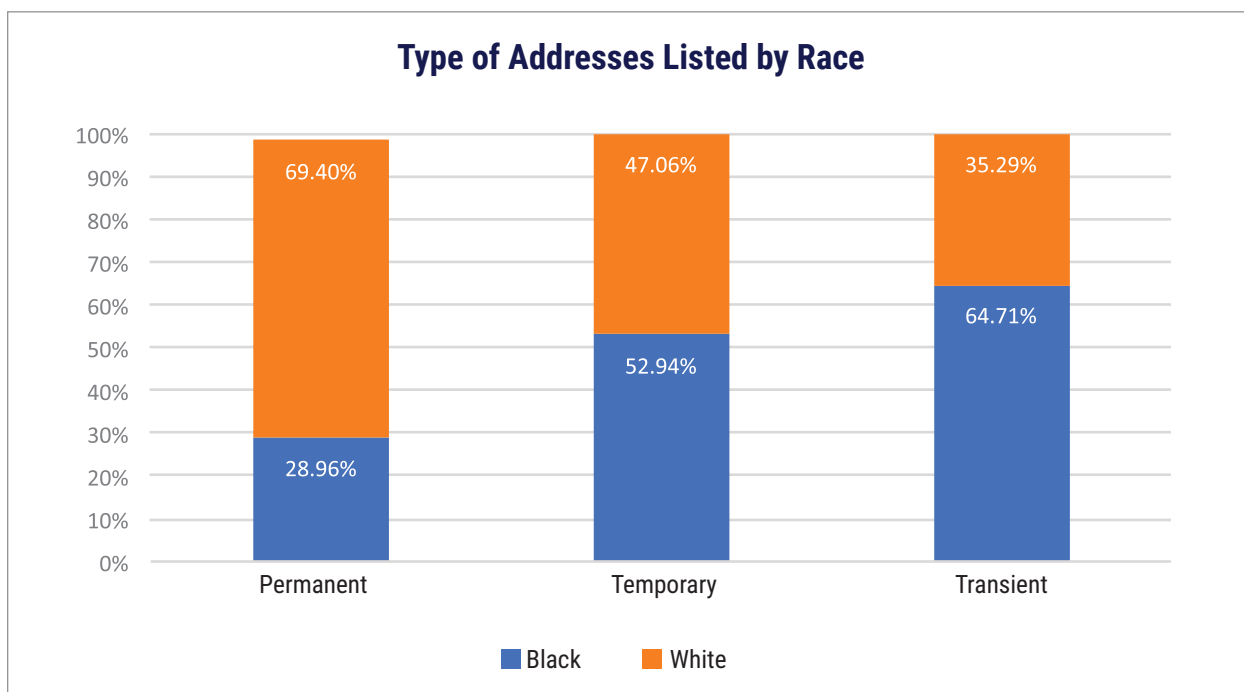
Black youth are more likely than white youth to be placed on the registry for a single adjudication.

- Ninety-two percent of Black youth were placed on the registry following a single adjudication versus 84% of white youth.

Black youth on the registry are more likely to be incarcerated than white youth.

- Over 50% of incarcerated registered youth are Black while only 31% of youth in the community are Black.
- Forty-nine percent of incarcerated youth are white and almost 69% of youth in the community are white.

Black youth are more likely to list temporary and transient addresses on the registry.



- While 88% of white youth list a permanent on the registry, only 73% of Black youth list a permanent address.
- Black youth list temporary addresses at twice the rate of White youth (19.6% versus 9.5%).
- Black youth are over three times more likely than white youth to list a transient address (7.5% versus 2%).

Black youth are disproportionately convicted of failure to register offenses.

- Despite being only 35% of youth on the registry, Black youth account for 46.8% of youth convicted of failure to register.
- Over one in four registered Black youth have a failure to register conviction compared to slightly more than one in six white youth.

In addition to the clear racial disparities, research suggests that LGBTQ+ youth are disproportionately affected by registration. While the data available from the registry do not include sexual orientation or gender identity, LGBTQ+ youth are overrepresented in the juvenile justice system.¹²⁵ A 2019 report found that prosecutors disproportionately charge LGBTQ+ youth with sexual offenses for age-appropriate consensual sexual activity.¹²⁶ A study utilizing data from Florida found that youth who may be perceived as gay—male youth who committed sexual offenses against other male youth but who may or may not be gay—are more likely to receive the harshest consequences when charged with a sexual offense, including confinement and transfer to adult court.¹²⁷

120 Florida: 2020 Census, U.S. CENSUS BUREAU, [https://www.census.gov/library/stories/state-by-state/florida-population-change-between-census-decade.html#:~:text=Race%20and%20ethnicity%20\(White%20alone,%25%2C%20up%20from%2054.9%25\)](https://www.census.gov/library/stories/state-by-state/florida-population-change-between-census-decade.html#:~:text=Race%20and%20ethnicity%20(White%20alone,%25%2C%20up%20from%2054.9%25)) (last visited July 27, 2022). Maps in this report were created with MAPCHART, <https://www.mapchart.net/> (last visited July 25, 2022).

121 See *supra* Charges that can lead to registration pp. 15–16.

122 Information from the registry may not be a reliable way to determine the sexual recidivism rate for registered youth because youth who are convicted of a subsequent sexual offense may no longer be designated as Juvenile Sexual Offenders. It is also possible that these convictions are occurring because of delayed prosecution for an event that happened prior to the earliest adjudication.

123 See *Visualizing the Racial Disparities in Mass Incarceration*, PRISON POLICY INITIATIVE (July 27, 2020), <https://www.prisonpolicy.org/blog/2020/07/27/disparities/>.

124 DMC RED Profile FY 2019–20, *supra* note 72.

125 OFF. JUV. JUST. & DELINQ. PREVENTION, LGBTQ YOUTHS IN THE JUVENILE JUSTICE SYSTEM 2 (Aug. 2014), https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/lgbtq_youths_in_the_juvenile_justice_system.pdf (13% to 15% of youth in the juvenile justice system identify as LGBTQ+).

126 KATAYOON MAJD, JODY MARKSAMER & CAROLYN REYES, HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS 62–63 (2019), https://www.ncrights.org/wp-content/uploads/2014/06/hidden_injustice.pdf.

127 Shields et al., *supra* note 71.

COLLATERAL CONSEQUENCES OF REGISTRATION

In addition to the complex registration and notification requirements, youth on the registry must navigate an additional array of federal-, state-, city-, and county-imposed collateral consequences. These laws affect where young people can live, where they can spend time and with whom, eligibility for jobs or professional licenses, and more. While a full survey of Florida county ordinances was beyond the scope of this report, an in-depth survey of 18 counties and 18 cities showed both the variety and complexity of potential city and county ordinances. See [Appendix B](#) for a list of counties surveyed and the selection strategy.

Residency restrictions

Residency restrictions limit where individuals on the registry or individuals convicted or adjudicated of enumerated sexual offenses may live. Residency restrictions purportedly exist to protect children by keeping individuals with sexual offense records away from them.¹²⁸ However, experts have criticized residency restrictions from their inception and research shows that they do not improve, and in fact reduce, public safety by perpetuating the “stranger danger” myth and forcing registered individuals into homelessness.¹²⁹

Florida state law creates a 1,000-foot exclusion zone around schools, parks, playgrounds, and childcare facilities.¹³⁰ The state-wide residency restriction only applies to individuals convicted of enumerated offenses against children under the age of 16.¹³¹ Because the state statute refers specifically to convictions, it includes youth tried as adults but not youth adjudicated delinquent.

Many of the cities and counties with residency restrictions expand significantly on the state restrictions, adding to the locations, expanding the exclusion zone, and sometimes including youth adjudicated delinquent. Ten of the counties surveyed and eight of the cities had residency restrictions. Of those:

- Two counties applied residency restrictions to youth currently under the age of 18.¹³²
- Nine ordinances applied to youth required to register following conviction in adult court.¹³³
- No ordinances applied the residency restrictions to youth required to register following a juvenile adjudication.
- Of the city ordinances, one applied to youth currently under the age of 18.¹³⁴

	RESIDENCY RESTRICTION	YOUTH UNDER 18	JUVENILE ADJUDICATION	CONVICTION	BUFFER ZONE
State	Yes	Yes	No	Yes	1,000 feet
COUNTIES					
Alachua	No				
Broward	Yes	No	No	Yes	2,500 feet
Clay	Yes	No	No	Yes	2,000 feet
Dixie	No				
Duval*	Yes	No	No	Yes	2,500 feet
Escambia	No				
Hernando	No				
Jackson	Yes	Yes	No	Yes	2,500 feet
Lee	No				
Manatee	No				
Marion	Yes	No	No	Yes	1,500 feet
Miami-Dade	Yes	Yes	No	Yes	2,500 feet
Okeechobee	Yes	No	No	Yes	2,500 feet
Orange	No				
Osceola	Yes	No	No	No	2,500 feet
Palm Beach	Yes	No	No	Yes	1,000 feet
Polk	Yes	No	No	Yes	Depends
St. Johns	No				
CITIES					
Bradenton	No				
Cape Coral	Yes	No	No	Yes	2,500 feet
Cross City	No				
Fort Lauderdale	Yes	No	No	Yes	1,400 feet
Gainesville	Yes	No	No	Yes	2,500 feet
Green Cove Springs	No				
Jacksonville*	Yes	No	No	Yes	2,500 feet
Kissimmee	No				
Lakeland	No				
Marianna	No				
Miami	Yes	No	No	Yes	2,500 feet
Ocala	Yes	No	No	Yes	1,500 feet
Okeechobee	Yes	No	No	Yes	1,000 feet
Orlando	Yes	Yes	Yes	Yes	1,500 feet
Pensacola	No				
Spring Hill	No				
St. Augustine	No				
West Palm Beach	Yes	No	No	Yes	1,500 feet

* Pursuant to Section 1.101 of the Charter of the City of Jacksonville, the government of Duval County is consolidated with the municipal government of the City of Jacksonville, so the ordinances in Duval County and the City of Jacksonville are the same.

All the cities and counties with residency restrictions, except Miami-Dade County,¹³⁵ matched the state residency restriction, applying residency restrictions to parks and/or playgrounds, childcare facilities, and schools.¹³⁶

- Five ordinances include additional locations such as school bus stops, libraries, places of worship, and other areas where children congregate in their restrictions.¹³⁷
- The ordinances create buffer zones of 1,000 feet, matching state law, to 2,500 feet.¹³⁸
- Almost all the ordinances create penalties including either a fine, imprisonment, or both.¹³⁹
- Eight of the ordinances include penalties for individuals other than the registered person.¹⁴⁰

Florida's residency restrictions at both a state and local level contribute to a high rate of homelessness for individuals registered as sexual offenders or sexual predators in Florida. In 2021, approximately 6% of individuals registered as sex offenders in Florida were homeless or transient.¹⁴¹ The rate of homelessness varied greatly across counties, with some counties reporting no homeless registrants, and some reporting that over 28% of registered individuals were homeless.¹⁴² Florida registrants experience homelessness at two to three times the national rate for registered individuals¹⁴³ and up to 35 times the homeless rate for the general population.¹⁴⁴

Residency restrictions may disproportionately force registered young people into homelessness if they cannot live with family and do not have the resources to support themselves.¹⁴⁵ While studies indicate that up to 17% of all registrants have experienced homelessness,¹⁴⁶ a study of registered youth found that nearly half had experienced homelessness.¹⁴⁷ Further, residency restrictions disproportionately force Black people on the registry into homelessness.¹⁴⁸

The difficulty of finding housing that complies with residency restrictions also affects families of registered youth. Families may struggle to maintain housing or must split up the family where a court prohibits the youth from returning to a home with other children following adjudication.¹⁴⁹

"We had to sell our home while my son lived with another relative. We lost a great deal of money because we were forced to move. We lived in constant fear of having to move again. We are elderly and retired. My son has a cognitive disability and cannot live independently. It took us ten months to find acceptable housing and we could not rent."

While these restrictions already create a significant barrier to housing, federal law prohibits individuals who are required to register for life under state law from living in federally funded housing.¹⁵⁰

Location restrictions

Location restrictions typically prohibit individuals on the registry or convicted of enumerated offenses from spending time in restricted locations, often referred to as "child safety zones."¹⁵¹ While a number of ordinances create exceptions for youth traveling to, from, or attending school,¹⁵² the expansive nature of these restrictions means that youth may be prevented from engaging in normal adolescent activities like skateboarding with friends in a park.¹⁵³ Further, the breadth of some restrictions seemingly prohibit young people from flirting with consenting classmates at school.¹⁵⁴

Most location restrictions prevent specified individuals from being present in, loitering, or prowling in a child safety zone.¹⁵⁵ Though not common, some location restrictions include an intent element, for example, "loitering with the intent to solicit..."¹⁵⁶ Even where ordinances only prohibit loitering or prowling, rather than mere presence, they do not define "loitering" or "prowling" or refer to a vague state law that also does not define either term,¹⁵⁷ meaning these ordinances may be enforced broadly and arbitrarily. Further, some location restrictions create an additional buffer zone around the child safety zone.¹⁵⁸

State law prohibits some youth from spending time in a park with their same-age friends or even sitting on a bench across the street from a park to watch their classmates play basketball.

As with many of the ordinances, the expansive state law prohibits some youth from spending time in a park with their same-age friends or even sitting on a bench across the street from a park to watch their classmates play basketball.¹⁵⁹ Further youth convicted of certain offenses after May 26, 2010 may be charged with a misdemeanor for engaging in sexual conduct or making any sexual communication at any public park or building with other youth under the age of 18.¹⁶⁰ This means a 16-year-old can be prosecuted for kissing his girlfriend at a park or asking a classmate if he wants to “Netflix and chill.”

While many of the residency restrictions specifically excluded youth adjudicated delinquent from the scope of the ordinance, this was not the case for location restrictions. Of the six county ordinances creating location restrictions¹⁶¹:

- All applied to youth tried as adults.¹⁶²
- Three applied to youth adjudicated delinquent.¹⁶³
- Five applied to youth under the age of 18.¹⁶⁴

Both city location ordinances did not apply to youth under the age of 18 or youth adjudicated delinquent.¹⁶⁵

Employment and licensing restrictions

State and local laws impact youths’ employment prospects. Almost every county and city has restrictions on licenses or employment.¹⁶⁶ Convictions of enumerated offenses or “crimes of moral turpitude,”¹⁶⁷ rather than registration, trigger most of the employment restrictions. A few counties, however, have restrictions applicable to anyone on the registry without exceptions for youth on the registry following a juvenile adjudication.¹⁶⁸ By most ordinances’ terms, they should not apply to youth adjudicated delinquent. However, the sex offender registry makes youths’ juvenile records public, unlike juvenile records generally,¹⁶⁹ and therefore creates opportunities for cities or counties to sweep youth with juvenile adjudications up in the restrictions.

Florida state law only requires that governmental entities check the registry before employing anyone positions where children regularly congregate, including parks, playgrounds, and daycares.¹⁷⁰ As employers must check the registry, this affects all youth on the registry. Even without state and local laws limiting where registrants may work, many youth on the registry struggle to find employment.¹⁷¹

Educational consequences

Registered youth also face barriers to completing high school and attending college. In one report, over 50% of registered youth reported significant educational disruptions.¹⁷² In Florida, 12 of the school districts surveyed have policies allowing for discipline if the youth is alleged or shown to have committed an off-campus sexual offense.¹⁷³ The district policies apply to any student formally **charged** with an act that would be a felony if committed by an adult.¹⁷⁴ Miami-Dade applies its policy to “students who commit felonies or delinquent acts which would be felonies if committed by an adult” but does not provide what showing must be made to prove the student **committed** the offense.¹⁷⁵ In accordance with Florida law,¹⁷⁶ all but one of the district policies requires a showing that the off-campus offense had an adverse impact on the educational environment¹⁷⁷ or that the student poses a risk to others at the school¹⁷⁸ before the student may be disciplined. Osceola, however, requires no showing of the impact on the school.¹⁷⁹ The policies may provide for disciplinary action in the form of assignment to alternative education programs, suspension, or expulsion.¹⁸⁰

Educational consequences are not limited to high school. If a young person enrolls in higher education, law enforcement must notify the institution of the youth's registration status.¹⁸¹ The institution may choose to deny enrollment to the youth, require registered youth to meet with behavioral intervention teams, or publish the youth's registration information to the campus.¹⁸² Further, members of the public can search the registry by university or college campus.¹⁸³

Additional restrictions

Halloween and holiday ordinances

Despite no evidence that sexual violence against children increases on Halloween,¹⁸⁴ Some counties have ordinances that prevent youth from wearing Halloween costumes, attending Halloween parties, or handing out candy.

- Three Halloween ordinances require individuals on the registry to turn off their lights on Halloween and not welcome trick-or-treaters to their houses.¹⁸⁵
- Two ordinances further prohibit individuals from engaging in any Halloween-related activities with children, including wearing costumes that could catch children's attention or attending Halloween parties at which there are non-familial children.¹⁸⁶
- Two ordinances require individuals to place a sign in their yard stating that trick-or-treating is not allowed at the house.¹⁸⁷

These ordinances do not provide any exception for individuals currently under the age of 18 or registered following a juvenile adjudication. Accordingly, these ordinances prohibit a 15-year-old from dressing up on Halloween and going to a party at a friend's house or joining in Halloween activities at school. The Jacksonville ordinance goes further, prohibiting individuals on the registry from attending any holiday event targeted to non-familial children.¹⁸⁸

Emergency shelter ordinances

During hurricanes or other emergencies, youth on the registry may be separated from their families and sent to the county jail if a local ordinance prevents them from staying in an emergency shelter. Six of the surveyed jurisdictions have emergency shelter ordinances.¹⁸⁹ These ordinances require individuals on the registry to notify emergency shelter staff of their registration status. Further, they require law enforcement to establish a separate shelter for registered individuals, often the county jail.¹⁹⁰ None of the ordinances provide exceptions for individuals who were adjudicated delinquent or are currently minors.

Conditions, probation, or community control

While not applicable to all individuals on the registry, courts or probation must or may impose additional conditions on youth who were convicted of particular offenses.¹⁹¹ While beyond the scope of this report, these conditions may include chemical castration,¹⁹² curfew, no contact with youth under the age of 18, and additional employment restrictions.¹⁹³ The juvenile court may place conditions on youth adjudicated delinquent that include conditions on living situations, education, and employment.¹⁹⁴

During hurricanes or other emergencies, youth on the registry may be separated from their families and sent to the county jail if a local ordinance prevents them from staying in an emergency shelter.

128 Jill S. Levenson, *Hidden Challenges: Sex Offenders Legislated into Homelessness*, 18 J. SOC. WORK 348, 349–50 (2018).

129 *Id.* at 350–53.

130 FLA. STAT. ANN. § 775.215.

131 § 775.215(2)(c), (3)(a) (“This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur on or after October 1, 2004, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.” and those convicted of similar offenses in another jurisdiction.).

132 JACKSON CNTY., FLA., CODE § 66-31(2)(a); MIAMI-DADE CNTY., FLA., CODE §§ 21-280(10)–282.

133 BROWARD CNTY., FLA., CODE § 21-167A(c)(2); CLAY CNTY., FLA., CODE § 15-44(c)(2); JACKSON CNTY., FLA., CODE § 66-31(2)(a); JACKSONVILLE, FLA., CODE § 685.102(b)(1) (Duval County/Jacksonville only applies residency restrictions to people registered as sexual predators); MARION CNTY., FLA., CODE § 9.5-53(a)(2), MIAMI-DADE CNTY., FLA., CODE § 21-281(a); OKEECHOBEE CNTY., FLA., CODE § 47-3; OSCEOLA CNTY., FLA., CODE §§ 14-73, -74; PALM BEACH CNTY., FLA., CODE § 18-34(c)(3); POLK CNTY., FLA., CODE § 10.5-214(d)(2).

134 ORLANDO, FLA., CODE § 43.94(2).

135 MIAMI-DADE CNTY., FLA., CODE § 21-281(a) (this ordinance applies only to schools).

136 Counties: BROWARD CNTY., FLA., CODE § 21-167A(a); CLAY CNTY., FLA., CODE § 15-44(a); JACKSON CNTY., FLA., CODE § 66-31(2); MARION CNTY., FLA., CODE § 9.5-53(a); OKEECHOBEE CNTY., FLA., CODE § 47-2(a); OSCEOLA CNTY., FLA., CODE § 14-73(a); PALM BEACH CNTY., FLA., CODE § 18-34; POLK CNTY., FLA., CODE § 10.5-214(a). Cities: CAPE CORAL, FLA., CODE §§ 12-88, -89(a); FORT LAUDERDALE, FLA., CODE § 16-127(a); GAINESVILLE, FLA., CODE § 17-33(a); JACKSONVILLE, FLA., CODE § 685.102(a); MIAMI, FLA., CODE § 37-7(c)(1); OCALA, FLA., CODE § 15-3(a); OKEECHOBEE, FLA., CODE § 38-43(a); ORLANDO, FLA., CODE § 43.94(2); WEST PALM BEACH, FLA., CODE § 54-367(a).

137 Counties: BROWARD CNTY., FLA., CODE § 21-167A(a) (school bus stops); OSCEOLA CNTY., FLA., CODE § 14-73(a) (religious assembly); POLK CNTY., FLA., CODE § 10.5-214(a), (b) (library, church). Cities: JACKSONVILLE, FLA., CODE § 685.102(a) (library); WEST PALM BEACH, FLA., CODE § 54-367(a) (school bus stops).

138 Counties: BROWARD CNTY., FLA., CODE § 21-167A(a) (2,500 feet); CLAY CNTY., FLA., CODE § 15-44(a) (2,000 feet); JACKSON CNTY., FLA., CODE § 66-31(2)(a) (2,500 feet); MARION CNTY., FLA., CODE § 9.5-53(a) (1,500 feet); MIAMI-DADE CNTY., FLA., CODE § 21-281(a) (2,500 feet); OKEECHOBEE CNTY., FLA., CODE § 47-2(a) (2,500 feet); OSCEOLA CNTY., FLA., CODE § 14-73(a) (2,500 feet); PALM BEACH CNTY., FLA., CODE § 18-34(a) (1,000 feet); POLK CNTY., FLA., CODE § 10.5-214(a), (b) (2,500 feet for daycares, schools, parks, playgrounds, or libraries and 1,000 feet for churches and designated school bus stops). Cities: CAPE CORAL, FLA., CODE § 12-89(a) (2,500 feet); FORT LAUDERDALE, FLA., CODE § 16-127(a) (1,400 feet); GAINESVILLE, FLA., CODE § 17-33(a) (2,500 feet); JACKSONVILLE, FLA., CODE § 685.102(a) (2,500 feet); MIAMI, FLA., CODE § 37-7(c)(1) (2,500 feet); OCALA, FLA., CODE § 15-3(a) (1,500 feet); OKEECHOBEE, FLA., CODE § 38-43(a) (1,000 feet); ORLANDO, FLA., CODE § 43.94(2) (1,500 feet); WEST PALM BEACH, FLA., CODE § 54-367(a) (1,500 feet).

139 Counties: BROWARD CNTY., FLA. CODE § 21-170; CLAY CNTY., FLA. CODE § 15-48; JACKSON CNTY., FLA., CODE § 66-31(2)(b); MARION CNTY., FLA., CODE § 9.5-53(c); MIAMI-DADE CNTY., FLA., CODE § 21-281(c); OKEECHOBEE CNTY., FLA., CODE § 47-2(e); OSCEOLA CNTY., FLA., CODE § 14-76; PALM BEACH CNTY., FLA., CODE § 18-37; POLK CNTY., FLA., CODE § 10.5-219. Cities: CAPE CORAL, FLA., CODE § 12-89(d); FORT LAUDERDALE, FLA., CODE § 16-127(c); GAINESVILLE, FLA., CODE § 17-33(d); JACKSONVILLE, FLA., CODE § 685.101(a)(4); MIAMI, FLA., CODE § 37-7(d)(1); OCALA, FLA., CODE § 15-3(c); OKEECHOBEE, FLA., CODE § 38-43(e); WEST PALM BEACH, FLA., CODE § 54-374.

140 Counties: JACKSON CNTY., FLA., CODE § 66-31(3); MIAMI-DADE CNTY., FLA., CODE § 21-283; OKEECHOBEE CNTY., FLA., CODE § 47-4. Cities: CAPE CORAL, FLA., CODE § 12-90; FORT LAUDERDALE, FLA., CODE §§ 16-128, -279; GAINESVILLE, FLA., CODE § 17-34; OKEECHOBEE, FLA., CODE § 38-45; WEST PALM BEACH, FLA., CODE § 54-370.

141 OPPAGA 2021, *supra* note 85, at 6.

142 *Id.* at 25–26.

143 Emily Suiter & Tia S. Andersen, *Residency Restrictions, Race, and Homelessness Among Registered Sex Offenders*, CRIM. JUST. STUDIES 1, 1 (2022).

144 In 2020, the US population was approximately 331,400,000, U.S. and World Population Clock, U.S. CENSUS BUREAU, <https://www.census.gov/popclock/> (last visited July 29, 2022), and on one night in January 2020, around

580,466 people or .17% of the US population were homeless, *State of Homelessness: 2021 Edition*, NAT'L ALL. TO END HOMELESSNESS, <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-2021/> (last visited July 29, 2022).

145 Levenson, *supra* note 128, at 350.

146 Deanna Cann & Deena A. Isom Scott, *Sex Offender Residence Restrictions and Homelessness: A Critical Look at South Carolina*, CRIM JUST. POL'Y REV. 1, 4–5 (2019) (citing Amy Dellinger Page, Julie Sprinkle Hill & Griff Gilbert, *False Security: North Carolina Sexual Offender's Perceptions of Residence Restrictions*, 2 J. FORENSIC SOC. WORK 108 (2012); Jill S. Levenson, *Collateral Consequences of Sex Offender Residence Restrictions*, 21 CRIM. JUST. STUD. 153 (2008)).

147 HUM. RTS. WATCH, *supra* note 31, at 65.

148 Suiter & Andersen, *supra* note 143, at 10–11.

149 See, e.g., FLA. STAT. ANN. §§ 948.30(1)(e), 985.475(2)(c)–(d) (allowing the court to set terms affecting youths' living conditions).

150 42 U.S.C. § 13663.

151 Child safety zones most often include schools, daycares, parks, and playgrounds, but may be greatly expanded to include school bus stops, recreational facilities, and more. Compare, e.g., OKEECHOBEE CNTY., FLA., CODE § 47-5(a) (prohibiting individuals convicted of enumerated offenses from being present in a park where a child under the age of 16 is present unless it is the individual's child), with LEE CNTY., FLA., CODE §§ 24½-24(6), -25 (which includes, but is not limited to, “public or private schools, public libraries, public or private playgrounds and/or play facilities, YMCA and YWCA facilities, Boys and Girls Club facilities, youth camp grounds, parks, youth sports facilities, skate parks and rinks, libraries, amusement parks, indoor recreational facilities, public zoos, water parks, and public swimming pools”).

152 See, e.g., CLAY CNTY., FLA., CODE § 15-46(b)(6).

153 See, e.g., CLAY CNTY., FLA., CODE § 15-46(a).

154 See, e.g., LEE CNTY., FLA., CODE § 24½-27.

155 Counties: BROWARD CNTY., FLA., CODE § 21-167B (loitering, prowling); CLAY CNTY., FLA., CODE § 15-46(a) (presence); LEE CNTY., FLA., CODE §§ 24½-25, -27 (loitering, presence, prowling); MIAMI-DADE CNTY., FLA., CODE §§ 21-284, -285 (entering, loitering, presence, prowling); OKEECHOBEE CNTY., FLA., CODE § 47-5(a) (presence); ST. JOHNS CNTY., FLA., ORDINANCE 2009-36 § 4(a) (presence). Cities: OKEECHOBEE, FLA., CODE § 38-46(a) (presence), WEST PALM BEACH, FLA., CODE § 54-369 (loitering, prowling).

156 See, e.g., BROWARD CNTY., FLA., CODE § 21-167B (making it unlawful for any sex offender or predator to “loiter or prowl with the intent to commit a[n enumerated] sexual offense”).

157 See, e.g., WEST PALM BEACH, FLA., CODE § 54-369 (refers to FLA. STAT. ANN. § 856.021); FLA. STAT. ANN. § 856.021(1) (“It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.”).

158 Counties: BROWARD CNTY., FLA., CODE §§ 21-166(b), -167B(a) (300 feet); CLAY CNTY., FLA., CODE §§ 15-43, -46(a) (300 feet); ST. JOHNS CNTY., FLA., ORDINANCE 2009-36 §§ 3(e), 4 (300 feet). City: WEST PALM BEACH, FLA., CODE § 54-369 (300 feet).

159 FLA. STAT. ANN. § 856.022(3)–(4).

160 FLA. STAT. ANN. § 856.022 (4)(a), (5).

161 BROWARD CNTY., FLA., CODE § 21-167B; CLAY CNTY., FLA., CODE § 15-46; LEE CNTY., FLA., CODE §§ 24½-25, -27; MIAMI-DADE CNTY., FLA., CODE §§ 21-284, -285; OKEECHOBEE CNTY., FLA., CODE § 47-5; ST. JOHNS CNTY., FLA., ORDINANCE 2009-36 § 4.

162 BROWARD CNTY., FLA., CODE §§ 21-166(h)–(i); -167B; CLAY CNTY., FLA., CODE §§ 15-43, -46; LEE CNTY., FLA., CODE §§ 24½-24-25, -27; MIAMI-DADE CNTY., FLA., CODE §§ 21-284, -285; OKEECHOBEE CNTY., FLA., CODE §§ 47-1, -5; ST. JOHNS CNTY., FLA., ORDINANCE 2009-36 §§ 3(g), 4.

163 CLAY CNTY., FLA., CODE §§ 15-43, -46; LEE CNTY., FLA., CODE §§ 24½-24-25, -27; ST. JOHNS CNTY., FLA., ORDINANCE 2009-36 §§ 3(g), 4.

- 164 BROWARD CNTY., FLA., CODE §§ 21-166(h)–(i), -167B; CLAY CNTY., FLA., CODE §§ 15-43, -46; LEE CNTY., FLA., CODE §§ 24½-24-25, -27; MIAMI-DADE CNTY., FLA., CODE §§ 21-284, -285; ST. JOHNS CNTY., FLA., ORDINANCE 2009-36 §§ 3(g), 4.
- 165 OKEECHOBEE, FLA., CODE §§ 38-42(8), (9)–(10), -46; WEST PALM BEACH, FLA., CODE § 54-369.
- 166 Counties: ALACHUA CNTY., FLA., CODE § 52-32 (licenses); BROWARD CNTY., FLA., CODE §§ 7-4, 20-294 (requiring child care facilities to complete screening in accordance with section 402.305(2) of Florida law, which requires a search of the registry), 20-345, 22½-8(e)(5) (licenses and hiring); CLAY CNTY., FLA., CODE § 2.3-17(7) (licenses); JACKSONVILLE, FLA., CODE §§ 151.203(i), 155.109(e), 782.101, 122.503, 220.201(d), 250.1103(d)(2) (licenses); ESCAMBIA CNTY., FLA., CODE §§ 18-37, 38-136, -142, -206, -211, 86-212, -217 (licenses); HERNANDO CNTY., FLA., CODE § 18-90, 21-171 (licenses); LEE CNTY., FLA., CODE §§ 22-295(c)(2)(j), -175, -176 5-26, 22-137(a)(2), 24-102 (licenses); MANATEE CNTY., FLA., CODE §§ 2-19-23(d)(1), 2-2.5-5(b)(5), 301.2–.3 (licenses and hiring); MIAMI-DADE CNTY., FLA., CODE §§ 4-8(b)(1), -10(b), -50(b), 31-303(e)(6), -211(a)(1), -702(d)(4), -703(b)(5), -602(a)(40 (licenses and hiring); ORANGE CNTY., FLA., CODE §§ 20-131(c)(2), 25-251(a)(7) (licenses); OSCEOLA CNTY., FLA., CODE § 12-33(e) (licenses); PALM BEACH CNTY., FLA., CODE §§ 17-465(1), 19-227(a)(8) (licenses); POLK CNTY., FLA., CODE §§ 5-302(e)(3), 10.5-97(c)(1)(e) (hiring and licenses). Cities BRADENTON, FLA., CODE § 74-88 (licenses); CAPE CORAL, FLA., CODE §§ 12-50, -67 (licenses); GAINESVILLE, FLA., CODE §§ 14.5-27, -42, -103, 28-5, -38, 19-94 (licenses); KISSIMMEE, FLA., CODE § 10-495(a)(4) (licenses); LAKE LAND, FLA., LAND DEV. CODE § 5.2.3(g) (licenses); MARIANA, FLA., CODE §§ 46-73(c)(1), -89(c)(1) (licenses); OCALA, FLA., CODE § 10-105(c)(1)(d) (licenses); OKEECHOBEE, FLA., CODE § 62-115(6) (licenses); ORLANDO, FLA., CODE § 55.29(4) (licenses); PENSACOLA, FLA., CODE §§ 7-7-50(3), -67(b)(4) (licenses); ST. AUGUSTINE, FLA., CODE §§ 17-129, -406 (licenses); WEST PALM BEACH, FLA., CODE § 22-272 (licenses).
- 167 See, e.g., ALACHUA CNTY., FLA., CODE § 52-32(a)(2) (applying to individuals who have “been convicted or pled nolo contendere to a felony or to any criminal offense involving moral turpitude”).
- 168 BROWARD CNTY., FLA., CODE §§ 7-4, 20-294; JACKSONVILLE, FLA., CODE § 220.201(d); LEE CNTY., FLA., CODE § 22-295, 24-102(c)(4); MANATEE CNTY., FLA., CODE § 2-19-23; ORLANDO, FLA., CODE § 55.29(4).
- 169 See FLA. STAT. ANN. § 985.04.
- 170 § 943.04351.
- 171 HUM. RTS. WATCH, *supra* note 31, at 73–75.
- 172 *Id.* at 71–72.
- 173 ALACHUA CNTY. PUB. SCHS., CODE OF STUDENT CONDUCT: SECONDARY SCHOOLS 2017–2018, at 25, <https://fl02219191.schoolwires.net/cms/lib/FL02219191/Centricity/Domain/5612/Code-Secondary.pdf> (last visited July 30, 2022) (the 2017–2018 code of conduct was the most recent available); BROWARD CNTY. PUB. SCHS., THE CODE BOOK FOR STUDENT CONDUCT 2019–2022, at 70–71, <https://www.browardschools.com/cms/lib/FL01803656/Centricity/Domain/13726/Code%20Book%20for%20Student%20Conduct%20-%20English.pdf> (last visited July 30, 2022); CLAY CNTY. DIST. SCHS., STUDENT AND FAMILY HANDBOOK AND CODE OF STUDENT CONDUCT 2021–2022, at 38, <https://drive.google.com/file/d/1w1MEYxAjKgxHs5PPAvP6jyLnt5rVZkPR/view> (last visited July 30, 2022); DIXIE CNTY. SCH. BD. POLICIES, 5.31 STUDENTS CHARGED WITH A FELONY, https://drive.google.com/file/d/1jLrQT65JquvOR-5mkAKvYzn_NLTxaPb8/view (last visited July 30, 2022); SCH. BD. DUVAL CNTY., NOTICE REGARDING CODE OF STUDENT CONDUCT FOR SCHOOL YEAR 2021–2022, at 49, <https://dcps.duvalschools.org/site/handlers/filedownload.ashx?moduleinstanceid=18119&dataid=16302&FileName=2021-22%20Secondary%20COSC%20Final%20v6%20ADA%20Compliant.pdf> (last visited July 30, 2022); HERNANDO CNTY. SCH. DIST., STUDENT CODE OF CONDUCT 2021–2022, at 21, https://campussuite-storage.s3.amazonaws.com/prod/1558602/90daf322-3937-11e9-b44f-0a33b25134a0/2290811/63b7f4d4-e408-11eb-8715-0a95bb28d3d3/file/Student_Code_of_Conduct_2021-22-ACC.pdf (last visited July 30, 2022); MARION CNTY. PUB. SCHS., 2021–2022 SECONDARY CODE OF STUDENT CONDUCT 38–39, https://www.marionschools.net/cms/lib/FL01903465/Centricity/Shared/district%20documents/CodeOfStudentConduct_Secondary.pdf (last visited July 30, 2022); MIAMI-DADE CNTY. PUB. SCHS., CODE OF STUDENT CONDUCT, SCHOOL OPERATIONS SCHOOL BOARD POLICY 5500, at 8, 17–22, <http://ehandbooks.dadeschools.net/policies/90/Secondary-COSC-English.pdf> (last visited July 30, 2022); SCH. BD. OSCEOLA CNTY., FLA., CODE OF STUDENT CONDUCT 2022–2023 SCHOOL YEAR 22, 29, <https://www.osceolaschools.net/site/handlers/filedownload.ashx?moduleinstanceid=3115&dataid=27914&FileName=Code%20of%20Student%20Conduct%202022-2023.pdf> (last visited July 30, 2022); SCH. BD. PALM BEACH CNTY., SCHOOL BOARD POLICIES, FELONY SUSPENSION 5.18175, <https://go.boarddocs.com/fl/palmbeach/Board.nsf/goto?open&id=BQTFXA4139EA> (last visited July 30, 2022); POLK CNTY. PUB. SCHS., CODE OF CONDUCT 3.04, <https://polkschoolsfl.com/codeofconduct/> (last visited July 30, 2022); ST. JOHNS CNTY. SCH. DIST., STUDENT CODE OF CONDUCT 2022–23, at 42, <https://www.stjohns.k12.fl.us/schoolservices/wp-content/uploads/sites/23/2022/07/FINAL-22-23-Code-of-Conduct.pdf> (last visited July 30, 2022).

- 174 ALACHUA CNTY. PUB. SCHS., *supra* note 173, at 25; BROWARD CNTY. PUB. SCHS., *supra* note 173, at 70–71; CLAY CNTY. DIST. SCHS., *supra* note 173, at 38; DIXIE CNTY. SCH. BD. POLICIES, *supra* note 173; SCH. BD. DUVAL CNTY., *supra* note 173, at 49; HERNANDO CNTY. SCH. DIST., *supra* note 173, at 21; MARION CNTY. PUB. SCHS., *supra* note 173, at 38; SCH. BD. OSCEOLA CNTY, FLA., *supra* note 173, at 22, 29; SCH. BD. PALM BEACH CNTY., *supra* note 173 (Palm Beach allows assignment to a different school in the case of arrest, even without charges); POLK CNTY. PUB. SCHS., *supra* note 173; ST. JOHNS CNTY. SCH. DIST., *supra* note 173, at 42.
- 175 MIAMI-DADE CNTY. PUB. SCHS., *supra* note 173, at 8.
- 176 See FLA. STAT. ANN. § 1006.09(2).
- 177 ALACHUA CNTY. PUB. SCHS., *supra* note 173, at 25; BROWARD CNTY. PUB. SCHS., *supra* note 173, at 70–71; DIXIE CNTY. SCH. BD. POLICIES, *supra* note 173; HERNANDO CNTY. SCH. DIST., *supra* note 173, at 21; MARION CNTY. PUB. SCHS., *supra* note 173, at 38; MIAMI-DADE CNTY. PUB. SCHS., *supra* note 173, at 8; SCH. BD. PALM BEACH CNTY., SCHOOL BOARD POLICIES, *supra* note 173; POLK CNTY. PUB. SCHS., *supra* note 173; ST. JOHNS CNTY. SCH. DIST., *supra* note 173, at 42.
- 178 CLAY CNTY. DIST. SCHS., *supra* note 173, at 38; SCH. BD. DUVAL CNTY., *supra* note 173, at 49; MIAMI-DADE CNTY. PUB. SCHS., *supra* note 173, at 8.
- 179 SCH. BD. OSCEOLA CNTY, FLA., *supra* note 173, at 29.
- 180 ALACHUA CNTY. PUB. SCHS., *supra* note 173, at 25 (assignment); BROWARD CNTY. PUB. SCHS., *supra* note 173, at 70–71 (assignment, suspension); CLAY CNTY. DIST. SCHS., *supra* note 173, at 38 (assignment, suspension); DIXIE CNTY. SCH. BD. POLICIES, *supra* note 173 (assignment, suspension, expulsion); SCH. BD. DUVAL CNTY., *supra* note 173, at 49 (assignment); HERNANDO CNTY. SCH. DIST., *supra* note 173, at 21 (suspension, expulsion if adjudicated or convicted); MARION CNTY. PUB. SCHS., *supra* note 173, at 38–39 (assignment, suspension, expulsion); MIAMI-DADE CNTY. PUB. SCHS., *supra* note 173, at 17–22 (assignment, suspension, expulsion); SCH. BD. OSCEOLA CNTY, FLA., *supra* note 173, at 22, 29 (assignment, suspension, expulsion if adjudicated or convicted); SCH. BD. PALM BEACH CNTY., *supra* note 173 (assignment, suspension, expulsion if adjudicated or convicted); POLK CNTY. PUB. SCHS., *supra* note 173 (assignment, suspension, expulsion if adjudicated or convicted); ST. JOHNS CNTY. SCH. DIST., *supra* note 173, at 42 (suspension).
- 181 FLA. STAT. ANN. § 943.0435(2)(b)(2).
- 182 OPPAGA 2021, *supra* note 85, at 18–19.
- 183 See Sexual Offenders and Predators Search: University/Campus Search, <https://offender.fdle.state.fl.us/offender/sops/universitySearch.jsf> (last visited July 31, 2022).
- 184 Jill S. Levenson, *Halloween & Sex Crime: Myth vs. Reality*, SEXUAL ABUSE BLOG (Oct. 24, 2014), <https://blog.atsa.com/2014/10/halloween-sex-crime-myth-vs-reality.html>.
- 185 CLAY CNTY., FLA., CODE § 15-47; JACKSONVILLE, FLA., CODE § 685.104; ST. JOHNS CNTY., FLA., ORDINANCE 2009-43 § 4.
- 186 JACKSONVILLE, FLA., CODE § 685.104(a)(2); ST. JOHNS CNTY., FLA., ORDINANCE 2009-43 § 4.
- 187 JACKSONVILLE, FLA., CODE § 685.104(a)(3); ST. JOHNS CNTY., FLA., ORDINANCE 2009-43 § 4.
- 188 JACKSONVILLE, FLA., CODE § 685.104(a)(1).
- 189 JACKSONVILLE, FLA., CODE § 685.101; MARION CNTY., FLA., CODE § 9.5-54; OKEECHOBEE CNTY., FLA., CODE § 47-52; OSCEOLA CNTY., FLA., CODE § 14-77; OCALA, FLA., CODE § 15-4; WEST PALM BEACH, FLA., CODE § 54-368.
- 190 JACKSONVILLE, FLA., CODE § 685.101(c); MARION CNTY., FLA., CODE § 9.5-54(b); OKEECHOBEE CNTY., FLA., CODE § 47-52(e); OSCEOLA CNTY., FLA., CODE § 14-77(1); OCALA, FLA., CODE § 15-4(b); WEST PALM BEACH, FLA., CODE § 54-369(b).
- 191 FLA. STAT. ANN. § 948.30.
- 192 § 794.0235(1).
- 193 § 948.30.
- 194 § 985.475(2).

Youth charged with a failure to register offense may be charged up to a \$5,000 fine.

In response to a survey for this report, multiple friends and family members of registered youth indicated that they helped the registrant pay the costs of registration or court fees and that doing so made it difficult to pay their own bills.

FINANCIAL IMPACT OF REGISTRATION

The financial cost of registering youth as sex offenders includes direct costs incurred by individuals on the registry, costs to families, costs the community, and costs to the state. The costs, while difficult to estimate, are substantial and have a significant impact on youth and their families.

Costs to individuals on the registry

Direct costs of registration vary. The difficulties registered individuals face in obtaining stable employment and housing compound the burdens of each of the below costs and disproportionately affect Black and Brown youth.¹⁹⁵ While not flowing directly from registration, registered individuals may have to pay additional costs arising from state requirements such as \$20 to \$250 for polygraphs and/or treatment.¹⁹⁶ Youth may be saddled with fines and fees arising from adjudication or conviction for the offense that led to registration.¹⁹⁷ Youth charged with a failure to register offense may also be charged up to a \$5,000 fine.¹⁹⁸

The state does not impose any fees for initial registration or re-registration. However, numerous counties require a fee for regular registration requirements.

In 2021:

- Seven sheriffs' offices in the state charged anywhere from \$19 to \$75 for initial registration, though no offices turn individuals away if they cannot pay.¹⁹⁹
- Seven sheriffs' offices in the state charged fees for re-registration ranging from \$5 to \$25.²⁰⁰
- Some sheriffs' offices charge a \$5 or \$10 fee for updates to information.²⁰¹

Individuals must initially pay \$48 for the required driver's license or \$25 for an ID card.²⁰² If individuals cannot pay or do not have needed documentation to obtain an ID, they can get a letter from the Department of Highway Safety and Motor Vehicles stating that they attempted to get the ID.²⁰³ While the letter does not satisfy the requirement to obtain an ID, individuals may use the letter to show the sheriff's office they attempted to comply with the law.²⁰⁴

Costs to families of registered individuals

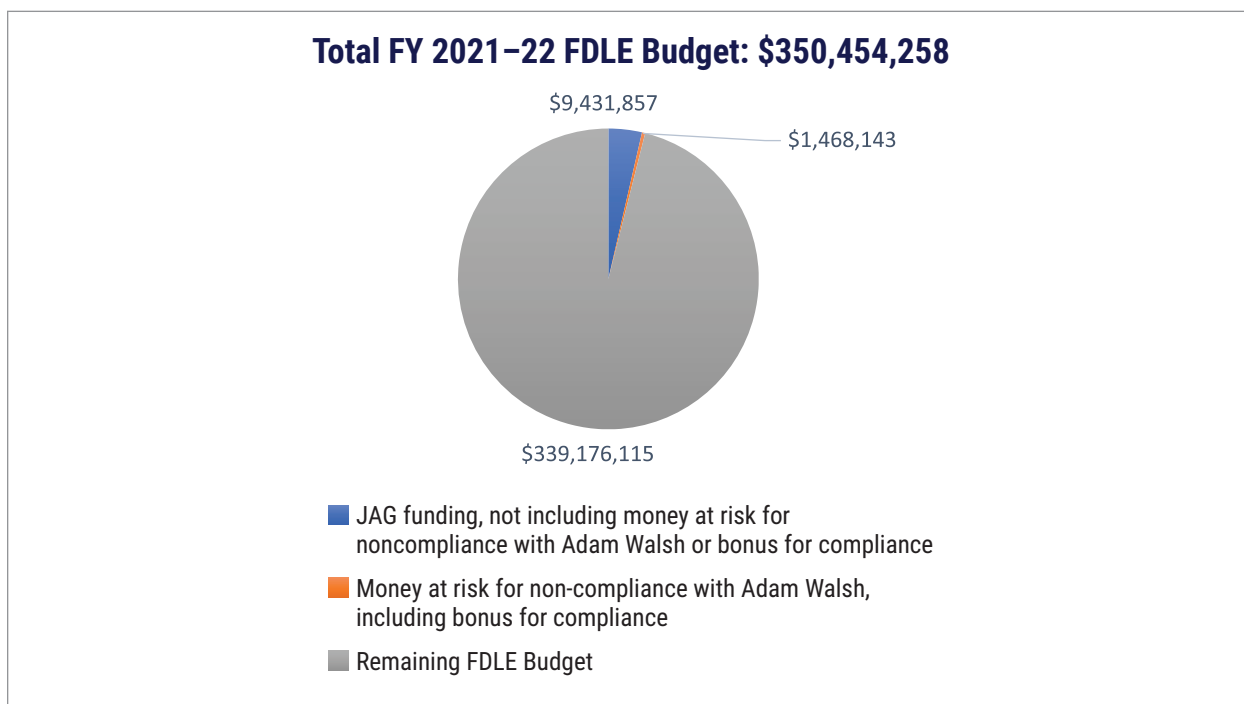
As registered youth may still rely on their family for financial support or struggle to find work, families often step in to help pay the fees associated with registration, treatment, or court costs. In response to a survey for this report, multiple friends and family members of registered youth indicated that they helped the registrant pay the costs of registration or court fees and that doing so made it difficult to pay their own bills.

Costs to the community

Many of the costs to the community are indirect and hard to estimate. While not specific to Florida, a paper on the national costs of youth registration estimated that registration costs communities potentially hundreds of billions of dollars a year.²⁰⁵ These costs take the form of lost home value if a registrant moves into the neighborhood, costs to landlords in depressed rent, costs to employers to complete background checks and in loss of other employees if someone on the registry is hired, and costs to schools.²⁰⁶

Costs to the state

States that fail to comply with the federal Adam Walsh Act risk losing 10% of their funding under the federal Omnibus Crime Control and Safe Streets Act of 1968,²⁰⁷ distributed through Justice Assistance Grants (JAGs).²⁰⁸ For Florida, failure to comply with Adam Walsh could have resulted in anywhere from a loss of around \$435,000²⁰⁹ to, at a high point in recent years, \$1.8 million dollars in JAG funding.²¹⁰ In a couple of years, Florida also received a bonus for complying with Adam Walsh, granted from reductions to JAG funding from states that are not in compliance.²¹¹ While this potential lost funding may seem like a large amount, the funds received for compliance with Adam Walsh account for a small percentage of state and local law enforcement budgets. For example, in 2021, the state received a total of \$10.9 million in JAG funding and received \$378,143 reallocated from states not in compliance with Adam Walsh—meaning the money at risk for noncompliance represented only 0.42% of the Florida Department of Law Enforcement’s (FDLE) \$350,454,258 2021 budget.²¹²



The cost of maintaining registration and notification far outweighs the financial benefits to the state for complying with the Adam Walsh Act. As Florida does not provide the full cost of registration and notification to the state, it is only possible to estimate the cost. The costs of registration include, but are not limited to:

- Cost for facilities and law enforcement officers to staff sheriffs’ offices where individuals must go to register.
- The cost of building, updating, and maintaining the public sex offender registry website. In 2017, the Florida legislature appropriated money for the sex offender registry website to build separate applications for the public and for law enforcement. The project cost the state \$4.7 million dollars.²¹³
- The cost in labor and materials to complete other forms of public notification including notification to schools and day cares.

- The cost of sweeps to do in-person verification of registered individuals' addresses.
- The cost of arrests, prosecution, and incarceration for individuals who fail to comply to the complex registration requirements.

While less direct than the costs of maintaining the registry, the state may also have to incur the costs of foster care if registration prevents a youth from moving back in with family following adjudication or the family lives within a “child safety zone” and cannot move to allow the youth to return home.

195 See Lindsay Bing, Becky Pettit & Ilya Slavinski, *Incomparable Punishments: How Economic Inequality Contributes to the Disparate Impact of Legal Fines and Fees*, 8 RUSSEL SAGE FOUND. J. SOC. SCIS. 118, 132–33 (2022).

196 OFF. PROGRAM POL'Y ANALYSIS & GOV'T ACCOUNTABILITY, OPPAGA No. 18-08, SEX OFFENDER REGISTRATION AND MONITORING TRIENNIAL REVIEW – 2018, at 17 ex.9 (Dec. 2018), <https://oppaga.fl.gov/Documents/Reports/18-08.pdf> [hereinafter OPPAGA 2018].

197 See FINES & FEES JUST. CTR. & JUV. L. CTR., DREAMS DEFERRED: THE IMPACT OF JUVENILE FEES ON FLORIDA'S CHILDREN, FAMILIES, AND FUTURE app. at 15–18 (Jan. 2022), <https://jlc.org/sites/default/files/attachments/2022-01/Dreams%20Deferred%20Florida%20Juvenile%20Fees%20Report%202022.pdf>.

198 FLA. STAT. ANN. §§ 943.0435(9), (14)(c)(4), 985.4815(9); see also §§ 775.082, .083., .084.

199 OPPAGA 2021, *supra* note 85, at 14.

200 *Id.*

201 *Id.*

202 Fees, FLA. HIGHWAY SAFETY & MOTOR VEHICLES, <https://www.flhsmv.gov/fees/> (last visited July 30, 2022).

203 OFF. PROGRAM POL'Y ANALYSIS & GOV'T ACCOUNTABILITY, OPPAGA No. 15-16, FLORIDA'S STATE, SEX OFFENDER REGISTRATION AND MONITORING: STATEWIDE REQUIREMENTS, LOCAL PRACTICES, AND MONITORING PROCEDURES 14 (Dec. 2015), <https://oppaga.fl.gov/Documents/Reports/15-16.pdf>.

204 *Id.*

205 See generally Richard B. Belzer, *The Costs and Benefits of Subjecting Juveniles to Sex-Offender Registration and Notification*, R ST. POL'Y STUDY No. 41, at 2 (2015), <https://www.rstreet.org/wp-content/uploads/2015/09/RSTREET41.pdf>.

206 *Id.* at 11–14.

207 34 U.S.C. § 20927.

208 BUREAU JUST. ASSISTANCE, U.S. DEP'T JUST., EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FREQUENTLY ASKED QUESTIONS (FAQs) 4 (June 2022), <https://bja.ojp.gov/doc/jag-faqs.pdf>.

209 OPPAGA 2012, *supra* note 57, at 4.

210 OPPAGA 2015, *supra* note 203, at 3–4; see also OPPAGA 2012, *supra* note 57, at 4 (in fiscal year 2012, Florida received \$435,709 for compliance with the Adam Walsh Act); OPPAGA 2015, *supra* note 203, at 3–4 (in 2014 Florida received \$18.5 million in JAG funding); OPPAGA 2018, *supra* note 196, at 5–6 (in 2017 Florida received \$17.8 million in JAG funding); OPPAGA 2021, *supra* note 85, at 4–5 (in 2021, Florida received \$10.9 million in JAG funding).

211 See OPPAGA 2015, *supra* note 203, at 3–4 (Dec. 2015) (in fiscal year 2014, Florida received an additional \$229,588 in funding); OPPAGA 2018, *supra* note 196, at 5–6 (in fiscal year 2017, Florida received an additional \$203,389 in funding).

212 OPPAGA 2021, *supra* note 85, at 4–5, n.13; FY 2021–22 FTE and Funding Summary, FLA. DEP'T L. ENF'T, <https://www.fdle.state.fl.us/About-Us/Documents/Budget.aspx> (last visited Sept. 9, 2022).

213 *Id.* at 8.

POLICY RECOMMENDATIONS

The following are preliminary policy proposals provided with the understanding that the most effective responses will be grounded in community experience and led by those most impacted by sexual violence and youth registration.

Abolish youth registration

As the information presented in this report demonstrates, registering youth as sexual offenders does nothing to improve public safety and has devastating consequences. Florida law should prohibit registration for youth adjudicated delinquent, youth tried as adults, and adults prosecuted for offenses they committed while under the age of 18. Further, youth who are on the registry in their home state and travel to, move to, work, or attend an institution of higher education in Florida should not be placed on the registry.

Remove everyone currently on the registry who was under the age of 18 at the time of the offense that led to registration. Every person who was under the age of 18 at the time of the offense that led to registration should immediately be removed from the registry. Law enforcement should make efforts to remove young people from previous notification efforts, including notification to schools, on social media, and through news releases. Formerly registered youth should have all failure to register charges and convictions expunged from their records.

Provide legal mechanisms by which youth may have previous registration information removed from privately-owned registries or other publicly available registry lists. Because registration is public in Florida, it is difficult to know how far the information on the registry spreads, whether it has been downloaded and shared by privately-owned registries or has otherwise been shared beyond Florida's notification procedures. Accordingly, youth should have a legal procedure that allows them to seek removal of their registration information from any form of public notice.

Address racial disparities

As the data in this report and relevant cited sources show, the racial disparities that appear widely in the juvenile and criminal legal systems also exist in registration and its attendant collateral consequences. Any effective effort to address the harms of youth registration must explicitly account for the impact of racism and xenophobia.

Divest/invest

Registration absorbs significant resources that could be better focused on effective prevention and response. The state should divest from registration and other punitive responses to sexual violence and reinvest the funds.

- Invest in comprehensive sexual education and sexual violence prevention for all youth in the state.
- Invest in support services for individuals who have experienced sexual violence.
- Invest in evidence-based treatment, especially community- and family-based treatment.

Interim steps

While complete abolition is the only evidence-based policy proposal, Florida can take steps now to support young people affected by registration.

- Remove all individuals who were under 18 at the time of the offense, regardless of the type of adjudication, from the public registry website and all law enforcement public notification.
- Exempt youth from residence, location, employment, Halloween, and emergency shelter ordinances.
- Provide for automatic termination of registration at a particular age or after a short term of years.
- Provide a presumption against registration for youth.
- Require judges to consider an expert evaluation of the youth's risk of sexual recidivism before the youth is placed on the registry.

APPENDIX A

List of registerable and transferrable offenses

The following is the full list of offenses for which a young person may both be transferred to adult criminal court²¹⁴ and, if convicted, required to register as a sex offender for life.²¹⁵ It further identifies the type of proceeding that can result in adult charges.

Discretionary direct file – the prosecutor chooses whether to file charges in juvenile or adult criminal court.

Mandatory direct file – the prosecutor must file charges in adult criminal court. A young person is subject to mandatory direct file where they have previously been convicted of a crime in adult court and the court did not choose to impose juvenile sanctions.²¹⁶

Voluntary waiver – the juvenile court may waive a case to adult criminal court if the youth and the youth's parent or guardian demands, in writing, to transfer jurisdiction of the case.²¹⁷

Involuntary discretionary waiver – the prosecutor may file a motion in the juvenile court seeking waiver to adult criminal court if the youth was 14 years old or older at the time of the offense. This allows the prosecutor to seek waiver in any case where a youth could be eligible for registration.²¹⁸

Involuntary mandatory waiver – the prosecutor must request, and the juvenile court must transfer the case to adult criminal court.²¹⁹ The prosecutor must seek waiver if a youth, age 14 or older:

- Has previously been adjudicated of an enumerated offense that would be a felony if committed by an adult and is charged with a subsequent violent crime against a person; or
- Is charged with an offense that would be a felony and has been adjudicated of three offenses that would be a felony and at least one of those offenses involved a firearm or violence against a person.

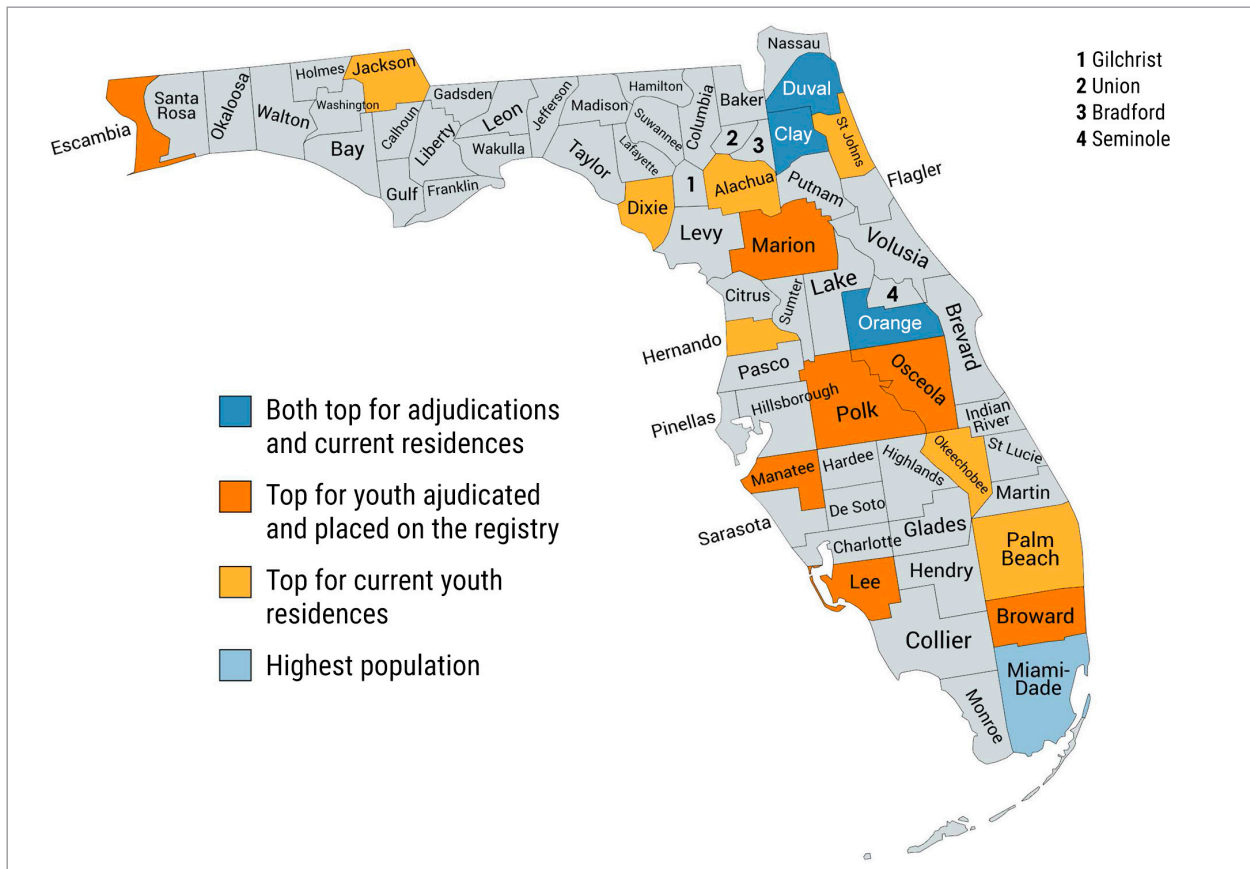
Charges marked with an ■ allow or require transfer for all youth ages 14 and older. Charges marked by ■ only allow or require transfer for youth ages 16 and 17.

Offense	Discretionary Direct File	Mandatory Direct File	Voluntary Waiver	Involuntary Discretionary Waiver	Involuntary Mandatory Waiver
Sexual battery. ²²⁰	■	■	■	■	■
Lewd or lascivious offenses committed on or in the presence of a child under the age of 16. ²²¹	■	■	■	■	■
Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person. ²²²	■	■	■	■	■
Kidnapping of a child under the age of 13. ²²³	■	■	■	■	■
False imprisonment of a child under the age of 13. ²²⁴	■	■	■	■	■
Human trafficking. ²²⁵	■	■	■	■	■
Video voyeurism if the youth has previously been convicted or adjudicated delinquent of a violation of the video voyeurism statute. ²²⁶	■	■	■	■	■
Showing or providing obscene material to a minor. ²²⁷	■	■	■	■	■
Soliciting a child online, traveling to meet a minor to engage in illegal sexual activity, or transmitting lewd videos to a child under 16. ²²⁸	■	■	■	■	■
Transmitting child pornography. ²²⁹	■	■	■	■	■
Transmitting harmful material to a minor. ²³⁰	■	■	■	■	■
Selling or buying of minors with knowledge or intent that the child will be portrayed or used to assist another in sexually explicit conduct. ²³¹	■	■	■	■	■
Racketeering if the activity involves a registerable offense. ²³²	■	■	■	■	■

APPENDIX B

City and county ordinances surveyed

The counties surveyed for this report were chosen based on either the number of youth on the registry currently residing in the county or the number of youth placed on the registry following an adjudication in the county. Ten counties were selected from each group. Additionally, Miami-Dade County was selected as the most populous county in the state even though exceptionally few registered youth either live in (three) or were adjudicated and placed on the registry in (one) the county. The cities selected for the survey included the most populous or capital cities in each county.



COUNTY	CITY	SCHOOL DISTRICT
Alachua	Gainesville	Alachua County Public Schools
Broward	Fort Lauderdale	Broward County Public Schools
Clay	Green Cove Springs	Clay County School District
Dixie	Cross City	Dixie District Schools
Duval	Jacksonville	Duval County Public Schools
Escambia	Pensacola	Escambia County School District
Hernando	Spring Hill	Hernando County School District
Jackson	Marianna	Jackson County Public Schools

Lee	Cape Coral	Lee County School District
Manatee	Bradenton	School District of Manatee County
Marion	Ocala	Marion County Public Schools
Miami-Dade	Miami	Miami-Dade County Public Schools
Okeechobee	Okeechobee	Okeechobee County School District
Orange	Orlando	Orange County Public Schools
Osceola	Kissimmee	The School District of Osceola County
Palm Beach	West Palm Beach	The School District of Palm Beach County
Polk	Lakeland	Polk County Public Schools
St. Johns	St. Augustine	St. Johns County School District

214 See FLA. STAT. ANN. §§ 985.556, .557 for transfer procedures and a list of transferrable offenses.

215 The offenses listed in the report exclude statutes no longer in effect as well as statutes where the individual must be an employee, volunteer, or intern of a state agency. See § 943.0435(1)(h)(1)(a)(I) for a full list of registerable offenses.

216 §§ 985.556(1), (5), .557(2).

217 § 985.556(1).

218 § 985.556(2).

219 See § 985.556(3) (in an involuntary mandatory waiver case, the prosecutor has the option to submit written reasons for not requesting waiver and the court may provide written reasons why it is not transferring the case).

220 §§ 985.557(1)(a)(2), 794.011.

221 §§ 985.557(1)(a)(13), 800.04.

222 § 825.1025.

223 § 787.01.

224 § 787.02.

225 § 787.06(3)(b), (d), (f)–(g).

226 § 810.145(8)(b).

227 § 847.0133.

228 § 847.0135.

229 § 847.0137.

230 §§ 847.0138, 847.001(6) (“Harmful to minors’ means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it: (a) Predominantly appeals to a prurient, shameful, or morbid interest; (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.”).

231 § 847.0145.

232 §§ 943.0435(1)(h)(1)(a)(I), 895.03.

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