

What's up with the Florida sex offender registry?

written by Sandy | January 2, 2019



By Sandy . . . Florida has, according to research information just compiled, slightly over 73,000 individuals on its state sex offender registry. This makes it the state with the second highest number, coming in behind only California, which has well over 100,000 registered sexual offenders.

But this isn't what earns Florida its unique distinction. It earns that because, of its 73,000 registrants, only between a third and a half of them live in Florida.

Like virtually all the other states, registered visitors, vacationers, and those in Florida temporarily are required to register shortly after entering the state. Unlike in other states, however, they are maintained on the Florida registry when they leave and go back to their home states.

This is specified on the Florida Department of Law Enforcement website in their FAQs for sex offenders. Number 6 says:

- *Yes, if an offender or predator is visiting Florida from*

another state, he or she must report in person to the sheriff's office within 48 hours of establishing a [temporary residence](#) in Florida.

- **NOTE: A sexual offender/predator's information is not removed from the registry's public website when the sexual offender/predator leaves the state of Florida.**
- **NOTE: Removal from another state's registration requirement does not guarantee removal from the requirement to register in Florida.**

<https://offender.fdle.state.fl.us/offender/sops/faq.jsf>

Additionally, whether in-state or out, registrants are not removed from the Florida registry when they die. The same page of FAQs, #18, reports:

- *Sexual offenders/predators reported deceased remain on the website for one year after the date of death as provided on the death certificate. This allows victims, the community, and local law enforcement time to be notified.*

One year to allow notification. Is Florida making such notification by snail? In this age where information travels at the speed of light, what would be the justification for this even if it were true?

And it is not.

A former Illinois registrant, Kenneth Simpson, still on the Florida public registry, died in March, 2013. That is almost six years, not one. And Robert Somers, Maryland, died in 2003 and Thomas Freeth of Connecticut in 2000. They are all still on the Florida website.

Perhaps Florida is just not diligent with their out-of-state registrant deaths. Surely they do better with their own.

Nope. Richard Akes, Miami, 2013; John Heard, Florida City,

2001; Darryl McClurkin, Miami-Dade, 2011; Ronald Heath, St. Augustine, 2002.

Nor are these cases outliers. Virtually every one I researched, both in and out of Florida, who is deceased, has been so for multiple years.

It seems that Florida really, really likes having its registry bloated with names of individuals from whom no threat or risk of harm is possible.

Florida does something else in the way of getting names on their public database that is almost unheard of.

Virtually every state requires registration of a convicted sex offender whose sentence involves incarceration when the prisoner is released from prison, either immediately before or after the release.

Three states require registration immediately upon conviction, before or as soon as incarceration occurs. Florida is one of the three, with Idaho and Michigan the others.

This was verified in a response to an email I sent to the Florida DLE:

Those with Florida sexual offense convictions are placed on the public registry as soon as FDLE is made aware of their qualifying conviction regardless of whether or not they are incarcerated.

The reasoning behind this is totally unclear.

The rationale behind the public sexual offender registry scheme, even though it has failed miserably in every aspect of its mission, is to give citizens a tool to use in protecting their families from those who have done harm in the past and might be expected to do so again when they are living in the communities.

Florida's registry, then, presents an enigma.

People who live in other states are kept on Florida's registry for the rest of their lives even though they pose no threat of harm to Floridians. Even when the requirement to register ends in other states, Florida is highly unlikely to remove such persons from its own registry. In fact, I could find no evidence that they have ever done so. People who are behind bars, some with sentences that assure they will die there, are required to be on Florida's registry. And finally, those who are dead, both in and out of Florida, are kept on that state's registry, not just for the one year claimed to be needed to make full notification, but for five, ten, twenty years past their dates of death.

Why?

Why has the Florida legislature chosen to create a registration process that increases its own maintenance and verification expenditures and that, even if it had the potential to be helpful, reduces even that slim chance by intermingling those who could possibly do harm to a citizen of Florida with those who would have to drive across the country, break out of prison, or crawl out of a grave to do so?