

F.A.C., NARSOL's FL affiliate, say legislators ignored constitution in creating new laws

written by admin | April 12, 2023



Florida Action Committee . . . Citizens and organizations across Florida are alarmed as the legislature appears headed to pass a law already found unconstitutional in Louisiana and Alabama, potentially leaving Florida taxpayers on the hook for hundreds of thousands of dollars in legal disputes. Florida House of Representatives bill HB 1085 would require the driver's licenses and state-issued identification cards of all persons required to register as sex offenders in Florida to be printed entirely in red. A related bill winding its way through the Florida Senate (SB 1252) would require only certain information on those driver's licenses to literally appear as "scarlet letters."

However, according to Gail Colletta, President of the Florida Action Committee, the problem with both bills is that nearly

identical laws in Louisiana and Alabama have been struck down as unconstitutional, as they violate the First Amendment prohibition against compelled speech. Currently, persons required to register as sex offenders in Florida must already possess a driver's license or card bearing a unique numerical code printed in blue to alert law enforcement officers to the card holder's status.

"The purpose of this code on driver's licenses is to communicate information to law enforcement, not the public at large. The Supreme Court of Louisiana and a federal district court judge in Alabama have both determined that it is an unconstitutional violation of the Bill of Rights to require persons convicted of sexual offenses to bear branded driver's licenses that alert the general public to the card holder's status," Colletta said. The Florida Action Committee, a non-profit organization dedicated to protecting the public through supporting rational sexual offender legislation based on empirical evidence, warned that if either version of the bill becomes law, it will almost certainly face immediate legal challenges in both state and federal courts on constitutional grounds, which would cost Florida taxpayers hundreds of thousands of dollars, if not more.

Information about both the Louisiana and Alabama judicial rulings declaring similar laws in those states unconstitutional was sent to multiple legislative staff analysts, yet that information curiously did not appear in the analyses performed for any of the legislative committees tasked with reviewing the bills. In fact, concerned citizens forwarded copies of the Louisiana and Alabama court decisions to several staff analysts for both the House and Senate. However, none of the staff analysts noted any potential constitutional concerns in the summaries provided for legislators before they voted on the bill, according to Colletta.

Colletta explained that this appears to be a pattern,

especially in the Florida House of Representatives, where another bill currently under consideration known as HB 833 would have the practical effect of banning sexual offenders from all vacation rentals in the state. Even the FDLE, which maintains the Florida sex offender registry, has urged the House to remove this provision from the bill as it is likely unconstitutional, yet the bill is continuing to move forward in House committees.

For more information, contact: Gail Colletta – 833-273-7325, 352-554-4501, 357059@email4pr.com or visit www.floridaactioncommittee.org