

Sex Offenders and Our Children's Safety

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One of the most difficult issues facing Florida today is how to best protect the safety of our children from sex offenders and predators.

To protect our children, the State of Florida passed a law in 2005 that prevented sex offenders from living any closer than 1,000 feet from a school, playground, park, day care center or school bus stop. The theory was that safety would be increased by keeping offenders a reasonable distance from where children congregate. The State law however permitted counties and municipalities to pass resident restriction zones larger than 1,000 feet.

In a misguided effort to further increase the safety of our children, increasing numbers of counties and municipalities have expanded their resident restriction zones to 2,500 feet. This larger zone has created a series of unintended consequences that has substantially increased the dangers to our children.

Miami-Dade County established a 2,500 foot zone. While Broward County did not increase the State's 1,000 foot zone, 75% of the municipalities in the County increased their zones to 2,500 feet. At 2,500 feet, there is virtually no place an offender can legally live, resulting in systemic homelessness. This homelessness results in the offender becoming transient, mobile, unstable, angry and often without any type of Corrections Department supervision due to the difficulty of locating the homeless offender.

Studies have shown that without the benefit of effective rehabilitation services and proper police supervision, the recidivism rate for convicted criminals substantially increases. Every research study that has analyzed the behavior of sex offenders has conclusively shown that larger versus smaller resident restriction zones do not in any way increase the safety of children.

The Broward Board of Commissioners appointed the Broward County Sex Offenders Task Force to study the various aspects of the sex offender problem. The task force was composed of a variety of stakeholder groups including the police, corrections department, psychological experts, offender representatives, victims' rights organizations and the ACLU. I served as the vice chair of the Task Force.

To avoid the type of situation that now exists in Miami where 70 offenders have been living under the Julia Tuttle Causeway, some for many years, a few of the Task Force proposals to the County Commissioners recommended that Broward municipalities consider:

- Substantially reducing their 2,500 foot exclusion zones.
- Establishing child safety zones prohibiting offenders from loitering within 300 feet around locations where children congregate.

- Exempting from the resident exclusion zones (but not from other criminal punishment) young adults below the age of 22 who have consensual sex with no more than one minor who is no more than 4 years younger than the adult. This is sometimes referred to as “Romeo and Juliet.”

There is no question that protecting our children from predators is truly one of the most important responsibilities we have as a society. But large residential restriction zones not only give a false sense of security but increase rather than decrease the danger.

Because the State Legislature has not effectively dealt with the problems just described, the ACLU of Florida recently brought suit against Miami-Dade County to have their 2,500 foot zone declared unlawful as violating the State’s 1,000 foot zone and plan to control offenders. Hopefully, the State Legislature and Governor Crist will finally show courage and pass a statewide bill in the current legislative session that will supersede dangerous local ordinances.