

On \_\_\_\_\_, 2018, FS § \_\_\_\_ was amended to reduce the number of days stayed at a location to qualify it as a temporary or permanent residence under Florida's Sex Offender Registration Laws. When the law became effective on \_\_\_\_\_, 2018, it reduced the number of days from 5 to 3, so that a sex offender who stayed at a location for 3 days or more established it as either a temporary or permanent residence and would have to register it as such with Florida's sex offender registry. However, as the Florida Department of Law Enforcement (the "FDLE") has recently clarified, this change does not apply to sex offenders who have already registered their temporary or permanent residences with Florida's sex offender registry. Specifically, the FDLE announced that the new 3-day rule does not apply to Mr. Epstein, who had already registered his Palm Beach property as a temporary residence.

Contrary to the FDLE's clarification of how the new 3-day rule should be applied, the Palm Beach County Sheriff's Office (the "PBSO") recently advised Mr. Epstein of its view that every stay Mr. Epstein makes at his Palm Beach property of 3 days or more will transform that property, already registered as a temporary residence, into a permanent residence, and will require him to re-register in person with the PBSO to declare that residence as his permanent residence. When that stay is completed, Mr. Epstein must then again report in person to advise of his intent to establish a new permanent residence of 3 days or more outside of Florida, including when he returns to his actual permanent residence in the U.S. Virgin Islands, which has been on file with the Florida Sex Offender Registry as Mr. Epstein's permanent residence since July 2010. Mr. Epstein desires to cooperate fully with the Florida authorities in complying with his obligations under Florida's Sex Offender Registration laws, as amended, and to that end seeks confirmation from FDLE of its position regarding the application of the new 3-day rule to Mr. Epstein's stays at his temporary residence in Palm Beach, Florida.

Since June 2008 Jeffrey E. Epstein has been registered as a sex offender in the State of Florida. At the time that he successfully completed his sentence in July 2010, before departing for his permanent residence in the U.S. Virgin Islands, Mr. Epstein registered that permanent residence with the PBSO, and registered his Palm Beach property as a temporary residence in which he would stay when subsequently visiting Florida during his travels away from his permanent residence in the U.S. Virgin Islands. Mr. Epstein fully reported to the PBSO all of the information required by the registration law, and has updated that information as and when required under the Florida Statutes.

At the time Mr. Epstein reported the establishment of the U.S. Virgin Islands as his permanent residence and his Palm Beach property as a temporary residence, in order to make absolutely certain that he fully complied with the letter and spirit of Florida's registration law, Mr. Epstein and his representatives sought specific advice from the PBSO regarding the reporting requirements in connection with trips to his then established temporary residence in Palm Beach, Florida. The specific and detailed advice received from the PBSO, which was and remains consistent with the spirit and letter Florida's registration and reporting law, as recently confirmed by the FDLE, was that so long as the U.S. Virgin Islands remained Mr. Epstein's permanent residence, as it does to this day, Mr. Epstein's vacation home in Palm Beach would remain as registered in Florida as a temporary residence, and all travel reporting, whether

domestic or international, is to be made through the registry office of Mr. Epstein's permanent residence, the Department of Justice in the U.S. Virgin Islands, which is to notify all other jurisdictions of such travel. As an additional backstop measure, the PBSO asked Mr. Epstein to email the PBSO when he arrived in Palm Beach for stays of 5 days or more, and Mr. Epstein has strictly complied with this request in every such instance.

The PBSO's initial direction is well founded under Florida law, Federal law and the laws of the U.S. Virgin Islands. Florida Statutes §775.21(n) confirms that Florida will not recognize more than one permanent residence at one time. It expressly excludes a "permanent residence" from the definition of temporary residence and expressly contemplates a permanent resident of another state establishing temporary residence in Florida with stays of any duration for employment, study or vocational purposes. The new 3-day rule did not change this.

Once the offender registers his permanent residence in a jurisdiction, then that jurisdiction assumes the reporting obligations to other jurisdictions. The Federal Sex Offender Registration and Notification Act ("SORNA"), in 34 U.S.C. §20923(b), expressly requires this of each jurisdiction. Florida complies with this requirement, for example, under Florida Statutes 943.0435(7), which provides that when a registered offender notifies Florida of his intention to establish a permanent residence in a jurisdiction outside of Florida, Florida must notify that jurisdiction. The U.S. Virgin Islands complies pursuant to 14 V.I.C. §1726(d) by requiring the Virgin Islands Attorney General to notify the other jurisdictions whenever a permanent resident updates his registration in accordance with §1724, including updates with respect to any domestic and international travel by that permanent resident. Indeed, in its official determination that the U.S. Virgin Islands substantially complies with SORNA, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking of the U.S. Department of Justice (the "SMART Office") determined years ago that the U.S. Virgin Islands meets all of SORNA's requirements concerning interjurisdictional reporting regarding, among other things, changes and updates to registration information, residence changes and travel information.

The novel interpretation recently advanced by the PBSO as a result of the new 3-day rule will result in the unintended creation of multiple "permanent residences" in multiple jurisdictions at the same time, particularly for registered offenders, like Mr. Epstein, who travel frequently for stays of 3 days or more to multiple jurisdictions. This expansive interpretation would create duplicative travel reporting and tracking demands on multiple jurisdictions with respect to the same itinerary by the same offender, as well as a significant potential for confusion among the multiple jurisdictions regarding accountability for tracking and reporting of multi-jurisdictional travel of registered offenders. By interpreting Florida law to recognize only a single permanent residence and multiple temporary residences, and to trigger registration reporting only once to "establish" each such residence until such residence is abandoned, the law maintains primary travel reporting and verification responsibility with one jurisdiction, the jurisdiction where the offender actually resides, avoids duplicative expenditure of resources and limits confusion among multiple jurisdictions regarding which jurisdiction is ultimately responsible for travel reporting and tracking.

For the past 9 years Mr. Epstein has diligently, faithfully and strictly complied with his registration and reporting obligations in both the jurisdiction of his permanent residence, the U.S. Virgin Islands, and that of his temporary residence in Florida. Every single departure, arrival and trip, and every single modification of the same has been timely reported to Department of Justice of the U.S. Virgin Islands strictly in accordance with the requirements of the U.S. Virgin Islands registration law and the Virgin Islands Department of Justice, such that in the 9 years since Mr. Epstein established his permanent residence in the USVI, there has never been a single occasion where the U.S. Virgin Island authorities were not fully and timely advised of Mr. Epstein's location, whether in the United States or internationally. Moreover, Mr. Epstein has zealously complied with his Virgin Islands requirements to renew his photograph and registration in person annually and to timely update any additions to or deletions from his registration information, which in turn Virgin Islands law requires the Virgin Islands Attorney General to report to the other jurisdictions.

As it relates to his Florida registration, until the reduction of the residence trigger from 5 days to 3 days recently went into effect in Florida, Mr. Epstein diligently notified the PBSO by email when he arrived in Palm Beach for stays at his temporary residence of 5 days or more. Moreover, even though he was only required to renew his registration in January and July if he happened to be in Florida at any time during those months, Mr. Epstein has made it a point to spend at least a couple of days at his temporary residence during those months so that, in addition to renewing his U.S. Virgin Islands registration annually and keeping it current with timely updates to the U.S. Virgin Islands, Mr. Epstein is renewing and updating his registration in Florida twice annually.

Although the changes in Florida's registration law shorten the residence trigger from 5 days to 3 days, there does not appear to have been any substantive change in the law to require different reporting procedures by Mr. Epstein from those specifically articulated by the PBSO years ago, consistent with Florida law, as recently confirmed by FDLE. Nevertheless, in an abundance of caution and in his desire to ensure that he cooperates fully with the FDLE and the PBSO in connection with his sex offender registration in Florida, Mr. Epstein seeks confirmation from the FDLE that so long as he maintains his permanent residence in the U.S. Virgin Islands, his vacation home in Palm Beach, Florida will remain a temporary residence. Inasmuch as the U.S. Virgin Islands, as the jurisdiction of Mr. Epstein's permanent residence, has primary responsibility for interjurisdictional and international travel reporting, an obligation with which the SMART Office has confirmed that the U.S. Virgin Islands complies, and Mr. Epstein's Florida vacation home is already registered in Florida as a temporary residence, visits by Mr. Epstein to that temporary residence of 3 days or more do not trigger any new in person reporting obligation under Florida law, and email reporting of such stays by Mr. Epstein to the PBSO to ensure PBSO awareness of his arrivals continues to be acceptable compliance with both the letter and the spirit of the Florida registration law.

We sincerely appreciate your consideration of this request and would be grateful for your confirmation, so that Mr. Epstein can continue his steadfast compliance with Florida sex offender registration law in the same manner he has done so for the past nine years with the exception of emailing PBSO regarding any stays of 3 days or more at his temporary residence in Palm Beach.