

# LIFE, LIBERTY, AND THE LAW



**CULLEN & HEMPHILL** <sup>PLC</sup>  
PERSONAL INJURY ATTORNEYS

407-254-4901

## From First Grade To University

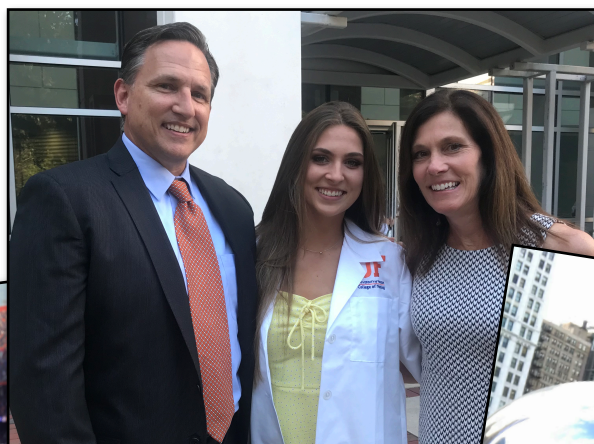
By Robert Hemphill and Kim Cullen

**Bob and Kim:** We hope your Fall has gotten off to a great start. Things have been busy here at the firm, but - as always - our kids seem to keep us even busier. Here's what we've been up to:

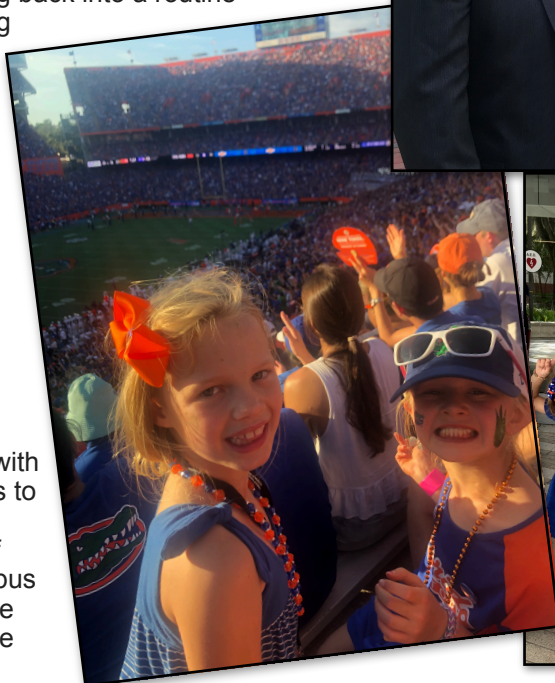
**Bob:** The Hemphills have been enjoying fall by getting back into a routine and returning to school.

The girls are enthusiastic about their respective first grade and second grade classes. In October we were able to take a quick trip to Gainesville with some friends to explore the University of Florida campus and catch the football game between the Auburn Tigers and the Florida Gators. It was the first Gator game for the girls and -- although it was hotter than we would have liked -- we all thoroughly enjoyed the Gator victory. We are now embracing the excitement of the approaching Holidays and hoping for some cooler weather.

**Kim:** Weeze and I were so proud to also be on the UF campus last month to attend the White Coat Ceremony at the



UF College of Nursing where our daughter, Grace, received her white coat to celebrate the beginning of her clinical nursing curriculum. We were also very proud and excited for our son, Jack, who was named to the UF College of Law



Moot Court team. (I was lucky

enough to compete in moot court in law school, and it is a great experience.) Go Jack!

Just before writing this, Weeze and I found out that our son, Burns, has accepted a coveted internship at KPMG Consulting in Atlanta next summer. Looks like a trip or two to Georgia is in our future...

Lastly, Weeze and I just returned from a trip to Chicago with our high school Senior, Luke. It was his first trip alone with us without his siblings! We had a great time and cannot wait to find out which college is going to lucky enough to have Luke on campus next year!

CULLEN & HEMPHILL, PLC

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## Keeping Our Children Safe from Sexual Predators

By: Kim Sprouse and Kim Cullen

As parents, we strive to give our children everything they need in life. We want them to know that we love and care about them. There isn't anything we wouldn't do for them or to protect them.

There are different dangers we worry about during each stage of their lives. Choking, drowning, them getting lost, them getting hurt, etc. Our worries change as they continue getting older. One common danger that most people worry about - but usually don't want to talk about — is sexual offenders/predators.

As parents, we can't be with our children every hour of the day, but we can do our very best to make sure we know who they are with and that they are being cared for in a safe and nurturing environment. We

do all of our research on babysitters, day cares, schools, and extracurricular activities. We get references and talk to family and friends to see who they recommend. In addition to what parents generally do to try to protect their children, each state has enacted laws designed to help parents protect their children from sex offenders and sexual predators.

Many people do not realize that Florida law treats "sex offenders" and "sexual predators" differently.

A sex offender is anyone who has been convicted of a long list of sexually-oriented crimes - most, but not all of them, involving minors. A list of these crimes is included in Section 856.022, *Florida Statutes*.

Meanwhile, a sexual predator is a sex offender who has been convicted of multiple sex offenses, or more serious or more more violent sex crimes. The State of Florida finds sexual predators to be **"an extreme threat to public safety."** A more complete definition of a sexual predator can be found at Section 775.21, *Florida Statutes*. Florida law places many more burdens on sexual predators than it does on sexual offenders.



For example, sexual offenders are prohibited from loitering within 300 feet of a place where children are congregating. Sexual offenders cannot be on the premises of a school or pre-school unless they provide written notice ahead of time, and unless they are supervised at all times. Similarly, sexual offenders are breaking the law if they approach children on a playground or public park and communicate any kind of sexual intent.

Sexual predators are treated more harshly - and deservedly so. Sexual predators are required to register with the Florida Department of Corrections and to keep their whereabouts consistently known by reporting to the Sheriff's office in the county in which they live. The sexual predator must provide his birthdate and social security numbers, his address, all of this phone numbers, his email addresses, and

any websites that he has or manages. If a sexual predator changes his address, phone number, email address, or even purchases a new car, he has to notify the Sheriff's office in his home county.

Once a Sheriff is notified that a sexual predator has moved into the community, the Sheriff's office is required to notify the public in any manner deemed appropriate by law enforcement of the sexual predator's presence, and must especially notify schools and child care facilities. Additionally, law enforcement is supposed to keep a current internet

database - available to the public - of all sexual predators living in the county.

Sexual predators are strictly prohibited from working or volunteering at any location where children regularly congregate (including businesses), and especially schools, parks, and child care facilities.

If the sexual predator's victim was less than 16 years old, the predator cannot live within 1,000 feet (a little more than three football fields) from a school, park, or playground

Sadly, even with all of these legal protections, sexual offenders and sexual predators frequently re-offend and abuse more children. (The question of whether sexual offenders are capable of rehabilitation at all is an interesting one, that we may tackle in a future article.) *Continued on Page 3.*

## Keeping Our Children Safe (cont. from page 2)

If you have any suspicion that your child has been abused by any adult (and particularly a sexual offender or registered sexual predator), it is extremely important that you notify law enforcement immediately. Law enforcement should take steps to remove the abuser from the situation, and pursue criminal charges.

In addition to criminal charges, children who have been abused generally have the right to pursue civil claims for damages arising from their abuse.

Our firm has successfully handled many of these cases.

Sometimes these cases are pursued against the abuser, individually, but much more often these cases are pursued against organizations that placed the abuser in a position to abuse the child. We have successfully pursued claims against daycares, soccer clubs, schools, churches, city recreational



programs, youth mentoring programs, and other similar organizations.

These cases are almost always based upon allegations that the organizations failed to do adequate background checks of the abusers, or failed to properly supervise the abusers once the abusers were provided access to children.

When we are successful with these claims, families generally use the funds to provide their children with high-quality mental and emotional healthcare specialized to treat victims of sexual abuse. Sometimes families also set up college funds.

Although in recent years the Florida Legislature has relaxed the Statute of Limitations on these cases somewhat, it is important from families to understand their rights very early on. If the Statute of Limitations runs, an individual is forever barred from bringing a claim.

If you have any questions regarding a potential civil claim against a sexual offender or sexual predator, call us Kim or Bob and have all of your questions answered. Consultations are always free-of-charge.

## Is That Law Really Necessary?

By: Kim Sprouse

Everyone has heard of at least one silly law. Florida is known to have several. While looking for a law that I thought fit this criteria, I came across a law that I thought was actually necessary even though some might find it kind of silly.

Florida Statute 823.06 states that all doors on public buildings must open outwards. While it may seem like a silly law, this law was written for a specific reason.

The statute gives the reason for the outward opening door requirements by stating it would allow for anyone to easily escape from inside the building in case of a fire or another emergency. Pushing a door open is typically easier than having to pull a door open. Now that I know the background for the law, I understand why it was enacted. Maybe there is a lesson here about not judging a book by its cover?



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“Everything you’ve ever wanted  
is on the other side of fear.”

George Addair



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# You Can Now Text Us At **407-644-4444**

By: Kim Cullen

We are very pleased to announce that we have added a new technology to our firm's system that will make it even easier to stay in touch with us.

For the last few months, we've been testing a new application that allows us to send and receive texts directly from our firm's computer system. As shown above, the number we are using for texts is: **407-644-4444**.

Senders can not only text us messages, but can also send us photos, scans, or any other information found on their cell phones. The text format allows us to send very short messages to clients when we need a quick answer or just need them to know something urgent. Once the text is sent or received on our end, the text is tagged and added to the client's matter within our office system. This allows us to keep track of every text - both in and out - for each client.

Clients seem to love it so far - especially the younger ones - but we old dogs can learn new tricks, too! Use it now!! (Insider secret: You can also call us at **407-644-4444**.)