

HB 165

2006
CS

CHAMBER ACTION

1 The Domestic Security Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to sheltering of sexual offenders and
7 predators; amending s. 252.35, F.S.; requiring the
8 Division of Emergency Management, in conjunction with
9 specified agencies, to set forth policy guidance for the
10 sheltering of individuals designated as sexual predators
11 or subject to registration as sexual offenders; amending
12 ss. 775.21 and 943.0435, F.S.; requiring sexual predators
13 and individuals subject to registration as sexual
14 offenders seeking shelter to adhere to specified
15 guidelines and provisions; providing penalties; providing
16 a finding of important state interest; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (a) of subsection (2) of section
22 252.35, Florida Statutes, is amended to read:

HB 165

2006
CS

23 | 252.35 Emergency management powers; Division of Emergency
24 | Management.--

25 | (2) The division is responsible for carrying out the
26 | provisions of ss. 252.31-252.90. In performing its duties under
27 | ss. 252.31-252.90, the division shall:

28 | (a) Prepare a state comprehensive emergency management
29 | plan, which shall be integrated into and coordinated with the
30 | emergency management plans and programs of the Federal
31 | Government. The division must adopt the plan as a rule in
32 | accordance with chapter 120. The plan shall be implemented by a
33 | continuous, integrated comprehensive emergency management
34 | program. The plan must contain provisions to ensure that the
35 | state is prepared for emergencies and minor, major, and
36 | catastrophic disasters, and the division shall work closely with
37 | local governments and agencies and organizations with emergency
38 | management responsibilities in preparing and maintaining the
39 | plan. The state comprehensive emergency management plan shall be
40 | operations oriented and:

41 | 1. Include an evacuation component that includes specific
42 | regional and interregional planning provisions and promotes
43 | intergovernmental coordination of evacuation activities. This
44 | component must, at a minimum: contain guidelines for lifting
45 | tolls on state highways; ensure coordination pertaining to
46 | evacuees crossing county lines; set forth procedures for
47 | directing people caught on evacuation routes to safe shelter;
48 | establish strategies for ensuring sufficient, reasonably priced
49 | fueling locations along evacuation routes; and establish
50 | policies and strategies for emergency medical evacuations.

Page 2 of 8

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0165-01-c1

HB 165

2006
CS

51 2. Include a shelter component that includes specific
52 regional and interregional planning provisions and promotes
53 coordination of shelter activities between the public, private,
54 and nonprofit sectors. This component must, at a minimum:
55 contain strategies to ensure the availability of adequate public
56 shelter space in each region of the state; establish strategies
57 for refuge-of-last-resort programs; provide strategies to assist
58 local emergency management efforts to ensure that adequate
59 staffing plans exist for all shelters, including medical and
60 security personnel; provide for a postdisaster communications
61 system for public shelters; establish model shelter guidelines
62 for operations, registration, inventory, power generation
63 capability, information management, and staffing; and set forth
64 policy guidance for sheltering people with special needs. In
65 conjunction with the Department of Law Enforcement and local law
66 enforcement agencies, the division shall set forth policy
67 guidance for the sheltering of individuals designated as sexual
68 predators under s. 775.21 or subject to registration as sexual
69 offenders under s. 943.0435.

70 3. Include a postdisaster response and recovery component
71 that includes specific regional and interregional planning
72 provisions and promotes intergovernmental coordination of
73 postdisaster response and recovery activities. This component
74 must provide for postdisaster response and recovery strategies
75 according to whether a disaster is minor, major, or
76 catastrophic. The postdisaster response and recovery component
77 must, at a minimum: establish the structure of the state's
78 postdisaster response and recovery organization; establish

HB 165

2006
CS

79 | procedures for activating the state's plan; set forth policies
80 | used to guide postdisaster response and recovery activities;
81 | describe the chain of command during the postdisaster response
82 | and recovery period; describe initial and continuous
83 | postdisaster response and recovery actions; identify the roles
84 | and responsibilities of each involved agency and organization;
85 | provide for a comprehensive communications plan; establish
86 | procedures for monitoring mutual aid agreements; provide for
87 | rapid impact assessment teams; ensure the availability of an
88 | effective statewide urban search and rescue program coordinated
89 | with the fire services; ensure the existence of a comprehensive
90 | statewide medical care and relief plan administered by the
91 | Department of Health; and establish systems for coordinating
92 | volunteers and accepting and distributing donated funds and
93 | goods.

94 | 4. Include additional provisions addressing aspects of
95 | preparedness, response, recovery, and mitigation as determined
96 | necessary by the division.

97 | 5. Address the need for coordinated and expeditious
98 | deployment of state resources, including the Florida National
99 | Guard. In the case of an imminent major disaster, procedures
100 | should address predeployment of the Florida National Guard, and,
101 | in the case of an imminent catastrophic disaster, procedures
102 | should address predeployment of the Florida National Guard and
103 | the United States Armed Forces.

104 | 6. Establish a system of communications and warning to
105 | ensure that the state's population and emergency management

HB 165

2006
CS

106 agencies are warned of developing emergency situations and can
107 communicate emergency response decisions.

108 7. Establish guidelines and schedules for annual exercises
109 that evaluate the ability of the state and its political
110 subdivisions to respond to minor, major, and catastrophic
111 disasters and support local emergency management agencies. Such
112 exercises shall be coordinated with local governments and, to
113 the extent possible, the Federal Government.

114 8. Assign lead and support responsibilities to state
115 agencies and personnel for emergency support functions and other
116 support activities.

117

118 The complete state comprehensive emergency management plan shall
119 be submitted to the President of the Senate, the Speaker of the
120 House of Representatives, and the Governor on February 1 of
121 every even-numbered year.

122 Section 2. Paragraph (g) of subsection (6) of section
123 775.21, Florida Statutes, is amended to read:

124 775.21 The Florida Sexual Predators Act.--

125 (6) REGISTRATION.--

126 (g)1. Each time a sexual predator's driver's license or
127 identification card is subject to renewal, and, without regard
128 to the status of the predator's driver's license or
129 identification card, within 48 hours after any change of the
130 predator's residence or change in the predator's name by reason
131 of marriage or other legal process, the predator shall report in
132 person to a driver's license office and shall be subject to the
133 requirements specified in paragraph (f). The Department of

HB 165

2006
CS

134 Highway Safety and Motor Vehicles shall forward to the
135 department and to the Department of Corrections all photographs
136 and information provided by sexual predators. Notwithstanding
137 the restrictions set forth in s. 322.142, the Department of
138 Highway Safety and Motor Vehicles is authorized to release a
139 reproduction of a color-photograph or digital-image license to
140 the Department of Law Enforcement for purposes of public
141 notification of sexual predators as provided in this section.

142 2. A sexual predator who vacates a permanent residence and
143 fails to establish or maintain another permanent or temporary
144 residence shall, within 48 hours after vacating the permanent
145 residence, report in person to the department or the sheriff's
146 office of the county in which he or she is located. The sexual
147 predator shall specify the date upon which he or she intends to
148 or did vacate such residence. The sexual predator must provide
149 or update all of the registration information required under
150 paragraph (a). The sexual predator must provide an address for
151 the residence or other location that he or she is or will be
152 occupying during the time in which he or she fails to establish
153 or maintain a permanent or temporary residence.

154 3. A sexual predator who remains at a permanent residence
155 after reporting his or her intent to vacate such residence
156 shall, within 48 hours after the date upon which the predator
157 indicated he or she would or did vacate such residence, report
158 in person to the agency to which he or she reported pursuant to
159 subparagraph 2. for the purpose of reporting his or her address
160 at such residence. If the sheriff receives the report, the
161 sheriff shall promptly convey the information to the department.

Page 6 of 8

HB 165

2006
CS

162 An offender who makes a report as required under subparagraph 2.
163 but fails to make a report as required under this subparagraph
164 commits a felony of the second degree, punishable as provided in
165 s. 775.082, s. 775.083, or s. 775.084.

166 4. A sexual predator is required to adhere to the
167 guidelines and provisions of state and local law enforcement
168 adopted under s. 252.35(2)(a)2.

169
170 The sheriff shall promptly provide to the department the
171 information received from the sexual predator.

172 (10) PENALTIES.--

173 (a) Except as otherwise specifically provided, a sexual
174 predator who fails to register; who fails, after registration,
175 to maintain, acquire, or renew a driver's license or
176 identification card; who fails to provide required location
177 information or change-of-name information; who fails to make a
178 required report in connection with vacating a permanent
179 residence; who fails to reregister as required; who fails to
180 respond to any address verification correspondence from the
181 department within 3 weeks of the date of the correspondence; or
182 who otherwise fails, by act or omission, to comply with the
183 requirements of this section, commits a felony of the third
184 degree, punishable as provided in s. 775.082, s. 775.083, or s.
185 775.084.

186 Section 3. Paragraph (d) is added to subsection (4) of
187 section 943.0435, Florida Statutes, to read:

188 943.0435 Sexual offenders required to register with the
189 department; penalty.--

HB 165

2006
CS

190 (4)
191 (d) A sexual offender is required to adhere to the
192 guidelines and provisions of state and local law enforcement
193 adopted under s. 252.35(2)(a)2.

194 (9)(a) A sexual offender who does not comply with the
195 requirements of this section commits a felony of the third
196 degree, punishable as provided in s. 775.082, s. 775.083, or s.
197 775.084.

198 Section 4. The Legislature finds that the provisions of
199 this act fulfill an important state interest.

200 Section 5. This act shall take effect January 1, 2007.