

Bill No. CS for CS for SB 638

Barcode 850562

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development  
Appropriations (Webster) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

252.35 Emergency management powers; Division of  
Emergency Management.--

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

(a) Prepare a state comprehensive emergency management  
plan, which shall be integrated into and coordinated with the  
emergency management plans and programs of the Federal  
Government. The division must adopt the plan as a rule in  
accordance with chapter 120. The plan shall be implemented by  
a continuous, integrated comprehensive emergency management  
program. The plan must contain provisions to ensure that the

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1 state is prepared for emergencies and minor, major, and  
 2 catastrophic disasters, and the division shall work closely  
 3 with local governments and agencies and organizations with  
 4 emergency management responsibilities in preparing and  
 5 maintaining the plan. The state comprehensive emergency  
 6 management plan shall be operations oriented and:

7       1. Include an evacuation component that includes  
 8 specific regional and interregional planning provisions and  
 9 promotes intergovernmental coordination of evacuation  
 10 activities. This component must, at a minimum: contain  
 11 guidelines for lifting tolls on state highways; ensure  
 12 coordination pertaining to evacuees crossing county lines; set  
 13 forth procedures for directing people caught on evacuation  
 14 routes to safe shelter; establish strategies for ensuring  
 15 sufficient, reasonably priced fueling locations along  
 16 evacuation routes; and establish policies and strategies for  
 17 emergency medical evacuations.

18       2. Include a shelter component that includes specific  
 19 regional and interregional planning provisions and promotes  
 20 coordination of shelter activities between the public,  
 21 private, and nonprofit sectors. This component must, at a  
 22 minimum: contain strategies to ensure the availability of  
 23 adequate public shelter space in each region of the state;  
 24 establish strategies for refuge-of-last-resort programs;  
 25 provide strategies to assist local emergency management  
 26 efforts to ensure that adequate staffing plans exist for all  
 27 shelters, including medical and security personnel; provide  
 28 for a postdisaster communications system for public shelters;  
 29 establish model shelter guidelines for operations,  
 30 registration, inventory, power generation capability,  
 31 information management, and staffing; and set forth policy

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1 guidance for sheltering people with special needs. In  
 2 conjunction with the Department of Law Enforcement and local  
 3 law enforcement agencies, the division shall set forth policy  
 4 guidance for the sheltering of individuals designated as  
 5 sexual predators under s. 775.21 or subject to registration as  
 6 sexual offenders under s. 943.0435.

7           3. Include a postdisaster response and recovery  
 8 component that includes specific regional and interregional  
 9 planning provisions and promotes intergovernmental  
 10 coordination of postdisaster response and recovery activities.  
 11 This component must provide for postdisaster response and  
 12 recovery strategies according to whether a disaster is minor,  
 13 major, or catastrophic. The postdisaster response and recovery  
 14 component must, at a minimum: establish the structure of the  
 15 state's postdisaster response and recovery organization;  
 16 establish procedures for activating the state's plan; set  
 17 forth policies used to guide postdisaster response and  
 18 recovery activities; describe the chain of command during the  
 19 postdisaster response and recovery period; describe initial  
 20 and continuous postdisaster response and recovery actions;  
 21 identify the roles and responsibilities of each involved  
 22 agency and organization; provide for a comprehensive  
 23 communications plan; establish procedures for monitoring  
 24 mutual aid agreements; provide for rapid impact assessment  
 25 teams; ensure the availability of an effective statewide urban  
 26 search and rescue program coordinated with the fire services;  
 27 ensure the existence of a comprehensive statewide medical care  
 28 and relief plan administered by the Department of Health; and  
 29 establish systems for coordinating volunteers and accepting  
 30 and distributing donated funds and goods.

31           4. Include additional provisions addressing aspects of

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1 preparedness, response, recovery, and mitigation as determined  
2 necessary by the division.

3           5. Address the need for coordinated and expeditious  
4 deployment of state resources, including the Florida National  
5 Guard. In the case of an imminent major disaster, procedures  
6 should address predeployment of the Florida National Guard,  
7 and, in the case of an imminent catastrophic disaster,  
8 procedures should address predeployment of the Florida  
9 National Guard and the United States Armed Forces.

10           6. Establish a system of communications and warning to  
11 ensure that the state's population and emergency management  
12 agencies are warned of developing emergency situations and can  
13 communicate emergency response decisions.

14           7. Establish guidelines and schedules for annual  
15 exercises that evaluate the ability of the state and its  
16 political subdivisions to respond to minor, major, and  
17 catastrophic disasters and support local emergency management  
18 agencies. Such exercises shall be coordinated with local  
19 governments and, to the extent possible, the Federal  
20 Government.

21           8. Assign lead and support responsibilities to state  
22 agencies and personnel for emergency support functions and  
23 other support activities.

24  
25 The complete state comprehensive emergency management plan  
26 shall be submitted to the President of the Senate, the Speaker  
27 of the House of Representatives, and the Governor on February  
28 1 of every even-numbered year.

29           Section 2. Paragraph (g) of subsection (6) of section  
30 775.21, Florida Statutes, is amended to read:

31           775.21 The Florida Sexual Predators Act.--

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1 (6) REGISTRATION.--

2 (g)1. Each time a sexual predator's driver's license  
3 or identification card is subject to renewal, and, without  
4 regard to the status of the predator's driver's license or  
5 identification card, within 48 hours after any change of the  
6 predator's residence or change in the predator's name by  
7 reason of marriage or other legal process, the predator shall  
8 report in person to a driver's license office and shall be  
9 subject to the requirements specified in paragraph (f). The  
10 Department of Highway Safety and Motor Vehicles shall forward  
11 to the department and to the Department of Corrections all  
12 photographs and information provided by sexual predators.  
13 Notwithstanding the restrictions set forth in s. 322.142, the  
14 Department of Highway Safety and Motor Vehicles is authorized  
15 to release a reproduction of a color-photograph or  
16 digital-image license to the Department of Law Enforcement for  
17 purposes of public notification of sexual predators as  
18 provided in this section.

19 2. A sexual predator who vacates a permanent residence  
20 and fails to establish or maintain another permanent or  
21 temporary residence shall, within 48 hours after vacating the  
22 permanent residence, report in person to the department or the  
23 sheriff's office of the county in which he or she is located.  
24 The sexual predator shall specify the date upon which he or  
25 she intends to or did vacate such residence. The sexual  
26 predator must provide or update all of the registration  
27 information required under paragraph (a). The sexual predator  
28 must provide an address for the residence or other location  
29 that he or she is or will be occupying during the time in  
30 which he or she fails to establish or maintain a permanent or  
31 temporary residence.

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1           3. A sexual predator who remains at a permanent  
2 residence after reporting his or her intent to vacate such  
3 residence shall, within 48 hours after the date upon which the  
4 predator indicated he or she would or did vacate such  
5 residence, report in person to the agency to which he or she  
6 reported pursuant to subparagraph 2. for the purpose of  
7 reporting his or her address at such residence. If the sheriff  
8 receives the report, the sheriff shall promptly convey the  
9 information to the department. An offender who makes a report  
10 as required under subparagraph 2. but fails to make a report  
11 as required under this subparagraph commits a felony of the  
12 second degree, punishable as provided in s. 775.082, s.  
13 775.083, or s. 775.084.

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

17  
18 The sheriff shall promptly provide to the department the  
19 information received from the sexual predator.

20           (10) PENALTIES.--

21           (a) Except as otherwise specifically provided, a  
22 sexual predator who fails to register; who fails, after  
23 registration, to maintain, acquire, or renew a driver's  
24 license or identification card; who fails to provide required  
25 location information or change-of-name information; who fails  
26 to make a required report in connection with vacating a  
27 permanent residence; who fails to reregister as required; who  
28 fails to respond to any address verification correspondence  
29 from the department within 3 weeks of the date of the  
30 correspondence; or who otherwise fails, by act or omission, to  
31 comply with the requirements of this section, commits a felony

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1 of the third degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

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

5 943.0435 Sexual offenders required to register with  
6 the department; penalty.--

7 (4)

8 (d) A sexual offender is required to adhere to the  
9 guidelines and provisions of state and local law enforcement  
10 adopted under s. 252.35(2)(a)2.

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

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

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

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled  
26 An act relating to sheltering of sexual  
27 offenders and predators; amending s. 252.35,  
28 F.S.; requiring the Division of Emergency  
29 Management, in conjunction with specified  
30 agencies, to set forth policy guidance for the  
31 sheltering of individuals designated as sexual

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1 predators or subject to registration as sexual  
2 offenders; amending ss. 775.21 and 943.0435,  
3 F.S.; requiring sexual predators and  
4 individuals subject to registration as sexual  
5 offenders seeking shelter to adhere to  
6 specified guidelines and provisions; providing  
7 penalties; providing a finding of important  
8 state interest; providing an effective date.

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