

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/CS/SB 638

INTRODUCER: Community Affairs Committee, Criminal Justice Committee and Senator Clary

SUBJECT: Sheltering of Sex Offenders/Predators

DATE: March 28, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cannon	CJ	Fav/CS
2.	Herrin	Yeatman	CA	Fav/CS
3.			JU	
4.			TA	
5.				
6.				

I. Summary:

This committee substitute for committee substitute (CS) requires each county to develop a plan for sheltering sex offenders and predators during hurricanes and natural disasters. The plan must provide for sufficient separate and exclusive evacuation shelter space for those offenders and predators. However, counties are not prohibited from using a designated area in the same building or room for those offenders and predators that is used to shelter the general public.

II. Present Situation:

According to FDLE there are currently 21,572 registered sexual offenders and predators who are not incarcerated, but are living in the state of Florida. Of that number, 7,839 are under supervision by the Department of Corrections and the department has approval over where they may reside. The remaining 13,733 are not supervised and the department does not have the authority to prohibit where they may live.¹

Persons Supervised by the Department of Corrections

Department of Corrections Hurricane Shelter Policy

In July 2005, the Department of Corrections developed a procedure for providing shelter for offenders and predators who are under the supervision by the department.² Under that policy offenders who choose to evacuate during hurricanes must provide an alternative address to their supervisor in advance of the emergency for his or her approval. The address will then be

¹ However, s. 794.065, F.S., does prohibit certain people with prior sexual convictions from living within 1,000 feet of any school, day care center, park, or playground if the offense occurred on or after October 1, 2004.

² See Department Provided Shelter to Supervised Sexual Offenders During Emergencies, Procedure 110.005. This procedure becomes effective when an executive order is issued declaring a state of emergency and a supplemental order is issued from the state coordinating officer.

investigated. If the address is not approved and the offender chooses to evacuate, the next option is an emergency shelter designated by the sheriff. The circuit administrators for probation officers will notify probation staff if the sheriff designates a local shelter for an emergency. If there is no alternate address approved and no designated shelter exists, the probation officer will instruct the offender to report to a designated Department of Corrections facility that has been designated as a hurricane evacuation shelter. The policy then spells out what is expected of the offender while he or she is residing in the facility.

Persons Not Supervised by the Department of Corrections

According to representatives of county governments and local law enforcement agencies, some counties have voluntarily enacted policies at the local level for sheltering sexual offenders and predators during hurricanes and natural disasters. Some of the counties have allocated space in their jails or other administrative facilities where the sexual offenders and predators may remain during the storms. This is not a statewide policy but is done locally on a county by county basis.

III. Effect of Proposed Changes:

Section 1 amends s. 252.385, F.S., to require each county to develop a plan to provide adequate separate and exclusive shelter space for sexual offenders required to register under s. 943.0435, F.S., and sexual predators designated under s. 775.21, F.S., during hurricanes or other natural disasters.

Nothing in this proposed CS may be construed to prohibit a county from using a designated area within the same building or room for those offenders or predators that is used to shelter the public.

Section 2 provides the act shall take effect January 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This CS requires counties to develop a plan for providing separate and exclusive evacuation shelter space for sexual offenders and predators in the event of a hurricane or other natural disaster. If a county implements its plan, the county may incur separate and additional expense in providing space or facilities for the offenders and predators. The fiscal impact of providing this separate space is indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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