

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: Transportation and Economic Development Appropriations Committee

BILL: CS/CS/CS/SB 638

INTRODUCER: Transportation and Economic Development Appropriations Committee, Community Affairs Committee, Criminal Justice Committee and Senator Clary

SUBJECT: Sheltering of Sex Offenders/Predators

DATE: April 18, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	<u>JU</u>	<u>Withdrawn</u>
4.	<u>Weaver</u>	<u>Martin</u>	<u>TA</u>	<u>Fav/CS</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute (CS) requires the Division of Emergency Management, in conjunction with the Florida Department of Law Enforcement and local law enforcement agencies, to incorporate policy guidance for the sheltering of sexual offenders and predators in the state comprehensive emergency management plan. It also requires sexual offenders and predators to adhere to the shelter guidelines and provisions adopted by state and local law enforcement agencies.

The bill amends sections 252.35, 775.21 and 943.0435 of the Florida Statutes.

II. Present Situation:

According to the Florida Department of Law Enforcement (FDLE) there are currently 21,572 registered sexual offenders and predators that 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*

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.

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 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. 252.35, F.S., to require the Division of Emergency Management, in conjunction with the Florida Department of Law Enforcement and local law enforcement agencies, to incorporate policy guidance for the sheltering of sexual offenders registered under s. 943.0435, F.S. and sexual predators designated under s. 775.21, F.S. in the state comprehensive emergency management plan.

Section 2 amends s. 775.21, F.S., to require sexual predators to adhere to the shelter guidelines and provisions adopted by state and local law enforcement agencies.

Section 3 amends s. 943.0435, F.S., to require sexual offenders to adhere to the shelter guidelines and provisions adopted by state and local law enforcement agencies.

Section 4 specifies that the provisions of this act fulfill an important state interest.

Section 5 provides the act shall take effect January 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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.

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:

A 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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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