

By Senator Clary

4-433-06

See HB 165

1                                   A bill to be entitled

2           An act relating to restricting sheltering of

3           sexual offenders and predators; creating s.

4           252.386, F.S.; prohibiting the sheltering of

5           sexual offenders and designated sexual

6           predators in public hurricane evacuation

7           shelters; requiring each county to provide for

8           sufficient separate and exclusive shelter space

9           for such sexual offenders and predators;

10          amending s. 775.21, F.S.; prohibiting sexual

11          predators from seeking shelter in public

12          hurricane evacuation shelters used by the

13          general public; providing penalties; amending

14          s. 943.0435, F.S.; prohibiting individuals

15          subject to registration as sexual offenders

16          from seeking shelter in public hurricane

17          evacuation shelters used by the general public;

18          providing penalties; providing a finding of

19          important state interest; providing an

20          effective date.

21

22 Be It Enacted by the Legislature of the State of Florida:

23

24           Section 1. Section 252.386, Florida Statutes, is

25 created to read:

26           252.386 Public shelter space; sexual offenders and

27 predators.--

28           (1) A public hurricane evacuation shelter used by the

29 general public shall not shelter an individual subject to

30 registration as a sexual offender under s. 943.0435 or

31 designated as a sexual predator under s. 775.21.

1           (2) Each county, under ss. 252.31-252.60, shall  
2 provide for sufficient separate and exclusive hurricane  
3 evacuation shelter space for such sexual offenders and  
4 predators.

5           Section 2. Paragraph (g) of subsection (6) and  
6 paragraph (a) of subsection (10) of section 775.21, Florida  
7 Statutes, are amended to read:

8           775.21 The Florida Sexual Predators Act.--

9           (6) REGISTRATION.--

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

27           2. A sexual predator who vacates a permanent residence  
28 and fails to establish or maintain another permanent or  
29 temporary residence shall, within 48 hours after vacating the  
30 permanent residence, report in person to the department or the  
31 sheriff's office of the county in which he or she is located.

1 The sexual predator shall specify the date upon which he or  
2 she intends to or did vacate such residence. The sexual  
3 predator must provide or update all of the registration  
4 information required under paragraph (a). The sexual predator  
5 must provide an address for the residence or other location  
6 that he or she is or will be occupying during the time in  
7 which he or she fails to establish or maintain a permanent or  
8 temporary residence.

9           3. A sexual predator who remains at a permanent  
10 residence after reporting his or her intent to vacate such  
11 residence shall, within 48 hours after the date upon which the  
12 predator indicated he or she would or did vacate such  
13 residence, report in person to the agency to which he or she  
14 reported pursuant to subparagraph 2. for the purpose of  
15 reporting his or her address at such residence. If the sheriff  
16 receives the report, the sheriff shall promptly convey the  
17 information to the department. An offender who makes a report  
18 as required under subparagraph 2. but fails to make a report  
19 as required under this subparagraph commits a felony of the  
20 second degree, punishable as provided in s. 775.082, s.  
21 775.083, or s. 775.084.

22           4. A sexual predator shall not seek shelter in a  
23 public hurricane evacuation shelter used by the general  
24 public; however, a sexual predator may seek shelter in a  
25 hurricane evacuation shelter provided for such predators by a  
26 county under s. 252.386.

27  
28 The sheriff shall promptly provide to the department the  
29 information received from the sexual predator.

30           (10) PENALTIES.--

31

1 (a) Except as otherwise specifically provided, a  
2 sexual predator who fails to register; who fails, after  
3 registration, to maintain, acquire, or renew a driver's  
4 license or identification card; who fails to provide required  
5 location information or change-of-name information; who fails  
6 to make a required report in connection with vacating a  
7 permanent residence; who fails to reregister as required; who  
8 fails to respond to any address verification correspondence  
9 from the department within 3 weeks of the date of the  
10 correspondence; who seeks shelter in a public hurricane  
11 evacuation shelter used by the general public; or who  
12 otherwise fails, by act or omission, to comply with the  
13 requirements of this section, commits a felony of the third  
14 degree, punishable as provided in s. 775.082, s. 775.083, or  
15 s. 775.084.

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

18 943.0435 Sexual offenders required to register with  
19 the department; penalty.--

20 (4)

21 (d) A sexual offender shall not seek shelter in a  
22 public hurricane evacuation shelter used by the general  
23 public; however, a sexual offender may seek shelter in a  
24 hurricane evacuation shelter provided for such offenders by a  
25 county under s. 252.386.

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

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

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