

By the Committees on Transportation and Economic Development
Appropriations; Community Affairs; Criminal Justice; and
Senator Clary

606-2302-06

1 A bill to be entitled

2 An act relating to sheltering of sexual

3 offenders and predators; amending s. 252.35,

4 F.S.; requiring the Division of Emergency

5 Management, in conjunction with specified

6 agencies, to set forth policy guidance for the

7 sheltering of individuals designated as sexual

8 predators or subject to registration as sexual

9 offenders; amending ss. 775.21 and 943.0435,

10 F.S.; requiring sexual predators and

11 individuals subject to registration as sexual

12 offenders seeking shelter to adhere to

13 specified guidelines and provisions; providing

14 penalties; providing a finding of important

15 state interest; providing an effective date.

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

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

21 252.35 Emergency management powers; Division of
22 Emergency Management.--

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

26 (a) Prepare a state comprehensive emergency management
27 plan, which shall be integrated into and coordinated with the
28 emergency management plans and programs of the Federal
29 Government. The division must adopt the plan as a rule in
30 accordance with chapter 120. The plan shall be implemented by
31 a continuous, integrated comprehensive emergency management

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

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

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

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

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

1 4. Include additional provisions addressing aspects of
2 preparedness, response, recovery, and mitigation as determined
3 necessary by the division.

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

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

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

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

25
26 The complete state comprehensive emergency management plan
27 shall be submitted to the President of the Senate, the Speaker
28 of the House of Representatives, and the Governor on February
29 1 of every even-numbered year.

30 Section 2. Paragraph (g) of subsection (6) of section
31 775.21, Florida Statutes, is amended to read:

1 775.21 The Florida Sexual Predators Act.--
2 (6) REGISTRATION.--
3 (g)1. Each time a sexual predator's driver's license
4 or identification card is subject to renewal, and, without
5 regard to the status of the predator's driver's license or
6 identification card, within 48 hours after any change of the
7 predator's residence or change in the predator's name by
8 reason of marriage or other legal process, the predator shall
9 report in person to a driver's license office and shall be
10 subject to the requirements specified in paragraph (f). The
11 Department of Highway Safety and Motor Vehicles shall forward
12 to the department and to the Department of Corrections all
13 photographs and information provided by sexual predators.
14 Notwithstanding the restrictions set forth in s. 322.142, the
15 Department of Highway Safety and Motor Vehicles is authorized
16 to release a reproduction of a color-photograph or
17 digital-image license to the Department of Law Enforcement for
18 purposes of public notification of sexual predators as
19 provided in this section.
20 2. A sexual predator who vacates a permanent residence
21 and fails to establish or maintain another permanent or
22 temporary residence shall, within 48 hours after vacating the
23 permanent residence, report in person to the department or the
24 sheriff's office of the county in which he or she is located.
25 The sexual predator shall specify the date upon which he or
26 she intends to or did vacate such residence. The sexual
27 predator must provide or update all of the registration
28 information required under paragraph (a). The sexual predator
29 must provide an address for the residence or other location
30 that he or she is or will be occupying during the time in
31

1 | which he or she fails to establish or maintain a permanent or
2 | temporary residence.

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

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

19 |
20 | The sheriff shall promptly provide to the department the
21 | information received from the sexual predator.

22 | (10) PENALTIES.--

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

1 | correspondence; or who otherwise fails, by act or omission, to
2 | comply with the requirements of this section, commits a felony
3 | of the third degree, punishable as provided in s. 775.082, s.
4 | 775.083, or s. 775.084.

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

7 | 943.0435 Sexual offenders required to register with
8 | the department; penalty.--

9 | (4)

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

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

17 | Section 4. The Legislature finds that the provisions
18 | of this act fulfill an important state interest.

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

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21 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 | COMMITTEE SUBSTITUTE FOR
23 | CS/CS/Senate Bill 638

24 | This Committee Substitute for Committee Substitute for
25 | Committee Substitute for Senate Bill 638 deletes the
26 | requirement that counties develop a plan to provide separate
27 | and exclusive shelter space for sexual offenders and predators
28 | in the event of a disaster. In lieu of the county plan, the
29 | Division of Emergency Management, in conjunction with the
30 | Department of Law Enforcement and local law enforcement
31 | agencies, is required to incorporate policy guidance for the
sheltering of sexual offenders and predators in the state
comprehensive emergency management plan.