

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Legislative - Agenda 2006 (State)

DEPARTMENT: County Manager's Office/County Attorney's Office **DIVISION:** _____
Steve Lee Ext. 5736

AUTHORIZED BY: J. Kevin Grace **Contact:** Sally A. Sherman Ext. 7224

Agenda Date 10/25/05 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

STATE – Top Legislative Priorities

1. Oppose - Shifting the costs of Government services and programs from the state to counties
2. Support - Annexation reform
3. Support - **Car Rental Surcharge Tax Support** –adoption of a new per diem charge as a local option.

H207 GENERAL BILL by Quinones

Local Option Surcharge/Motor Vehicle; authorizes certain counties to impose by ordinance surcharge on rental or lease of motor vehicles; provides limitations; provides for collection, administration, & enforcement of surcharge by DOR; provides duties of department; requires referendum; provides for uses of surcharge proceeds; provides for application of certain rules of department. Creates 212.0607.

Effective DATE: 07/01/2006.

10/06/05 HOUSE Filed

10/13/05 HOUSE Withdrawn prior to introduction (**Attachment A-Page 5**)

4. Support - Deferred Compensation/Government Employees –deferred compensation plan or plans apply to employees of governmental entities other than state
5. **Support - Growth Management**

S126 GENERAL BILL by Bennett

Growth Management; expresses legislative intent to revise laws re growth management. EFFECTIVE DATE: Upon becoming law.

09/08/05 SENATE Filed (**Attachment A-1 –Page 8**)

Reviewed by:

Co Atty: _____

DFS: _____

Other: _____

DCM: SS

CM: [Signature]

File No. LEG 56

S130 GENERAL BILL by Bennett

Growth Management; expresses legislative intent to revise laws re growth management. EFFECTIVE DATE: Upon becoming law.

09/08/05 SENATE Filed (**Attachment A-2 – Page 9**)

6. Support - Seminole Community College - increased funding and capital needs.
7. Support - University of Central Florida Medical School

8. Support - Sexual Predator Ordinance

H91 GENERAL BILL by Goldstein (Compare H 0083)

Residence of Sexual Offenders; prohibits sexual predators from establishing or maintaining residence within 2,500 feet of specified locations; provides for county or municipal ordinances that restrict residence of sexual offenders; revises provisions re residence of specified sex offenders; revises requirements for location of public school bus stops in relation to permanent residence of specified sexual offenders, etc. Amends 775.21, 794.065, 947.1405, 948.30. EFFECTIVE DATE: 10/01/2006.

08/24/05 HOUSE Filed

09/22/05 HOUSE Referred to Criminal Justice (JC); Justice Appropriation (FC); Justice Council (**Attachment B- Page 10**)

H165 GENERAL BILL by Legg

Sheltering of Sex Offender/Predator; prohibits sheltering of sexual offenders & designated sexual predators in public hurricane evacuation shelters; requires each county to provide for sufficient separate & exclusive shelter space for such sexual offenders & predators; prohibits sexual predators from seeking shelter in public hurricane evacuation shelters used by general public; provides finding of important state interest, etc. Creates 252.386, amends 775.21; 943.0435. EFFECTIVE DATE: 01/01/2007.

09/20/05 HOUSE Filed

10/03/05 HOUSE Referred to Domestic Security (SAC); Criminal Justice Local Government Council; Justice Appropriations (FC); State Administration Council (**Attachment C – Page 21**)

Proposed State Funding Projects

A. Lockhart-Smith Canal Regional Stormwater Facility	\$6,675,680
B. Regional Alternative Water Supply Testing Program	\$2,400,000
C. Cross Seminole Trail in Winter Springs	\$2,500,000
D. SR 46- Regional (State Road 415 to Brevard County Line)	\$8,000,000
	<hr/>
	TOTAL
	\$19,575,680
E. Middle St. John's River Basin Initiative- (Support the District in pursuing state funding)	\$4,000,000
F. Lake County Community Budget Request Funding for design, construction and connection of utility lines to convey portable water off SR 46. (Support Lake County in pursuing state funding)	\$8,000,000

State – Issues for Monitoring

1. Funding increase or no reduction in the following programs:
 - State aid to Library Programs
 - Florida Recreation Development Assistance Program (FRDAP)
 - Florida Institute of Food and Agricultural Sciences
 - Medicaid
 - Environmental Health Fees
 - Preservation 2000 (P2000) & Florida Forever.
2. Department of Juvenile Justice Issues
3. Florida Hometown Democracy efforts
4. Trauma Center
5. Efforts to Privatize the Florida State Retirement System
6. Games of Chance
7. Article V
8. Wireless Communications
9. Library Internet Filtering

Items of Interest

- **Seminole County Legislative Delegation Meeting - November 15, 2005, BCC Chambers, 3:00 pm**
- Seminole County Day - February (TBD), 2005
- Regular Session – Begins March 7, 2006 - Ends May 5, 2006
- State lobbyist – Brantley and Associates

HB 207 2006

CODING: Words stricken are deletions; words underlined are additions.

hb0207-00

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FLORIDAHOUSEOFREPRESENTATIVES

1 A bill to be entitled

2 An act relating to a local option surcharge on rentals or
3 leases of motor vehicles; creating s. 212.0607, F.S.;
4 authorizing certain counties to impose by ordinance a
5 surcharge on rental or lease of motor vehicles; providing
6 limitations; providing for collection, administration, and
7 enforcement of the surcharge by the Department of Revenue;
8 providing duties of the department; requiring a
9 referendum; providing for the uses of surcharge proceeds;
10 providing for application of certain rules of the
11 department; providing an effective date.

12

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

14

15 Section 1. Section 212.0607, Florida Statutes, is created
16 to read:

17 212.0607 Local option surcharge on the lease or rental of
18 motor vehicles.--

19 (1) Subject to this section, any county in this state that
20 is a member of a metropolitan planning organization designated
21 under s. 339.175 may impose a surcharge not to exceed \$2 per day
22 or any part of a day upon the lease or rental of a motor vehicle
23 licensed for hire and designed to carry fewer than nine
24 passengers, regardless of whether such motor vehicle is licensed
25 in this state. The surcharge may apply only to the first 30 days
26 of the term of any lease or rental. The surcharge is subject to
27 all applicable taxes imposed by this chapter. The surcharge is
28 designated as the "Local Option Rental Car Surcharge."

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FLORIDAHOUSEOFREPRESENTATIVES

(2)(a) 29 The surcharge shall be imposed pursuant to an
30 ordinance enacted by a majority vote of the governing board of
31 the county. Such ordinance shall designate the Department of
32 Revenue as the agency which shall collect the surcharge and to
33 which surcharge proceeds shall be remitted.

34 (b)1. The department shall collect, administer, and
35 enforce the surcharge as provided in this chapter.

36 2. The department shall require dealers to report
37 surcharge collections according to the county to which the

38 surcharge was attributed. For purposes of this section, the
39 surcharge shall be attributed to the county in which the rental
40 agreement was entered into.

41 3. Dealers who collect the surcharge shall, on a timely
42 filed return for each required reporting period, report to the
43 department all surcharge revenues attributed to the county in
44 which the rental agreement was entered into. The provisions of
45 this chapter which apply to interest and penalties on delinquent
46 taxes shall apply to the surcharge. The surcharge shall not be
47 included in the calculation of estimated taxes pursuant to s.
48 212.11. The dealer's credit provided in s. 212.12 shall not
49 apply to any amount collected under this section.

50 4. The department shall distribute proceeds of the
51 surcharge to the county to which the surcharge was attributed.

52 5. A portion of the surcharge collected may be retained by
53 the department for costs of administration, but such portion
54 shall not exceed 3 percent of collections.

55 (3) The ordinance shall provide that it shall not become
56 effective until approved by a majority vote of the electors of
HB 207 2006

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hb0207-00

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FLORIDA HOUSE OF REPRESENTATIVES

the county 57 voting in a referendum on the local option rental car
58 surcharge and until a local option rental car surcharge is
59 approved by referendum in each of the member counties of the
60 metropolitan planning organization. Such referendum shall be
61 conducted in accordance with applicable laws of this state. If
62 approved by such referendum, a certified copy of the ordinance
63 that authorizes the imposition of the surcharge shall be
64 furnished by the county to the department within 10 days after
65 such approval.

66 (4) All proceeds of the surcharge received pursuant to
67 this section by a county imposing the surcharge shall be used by
68 the county solely to provide funding on an annual basis for
69 those transportation projects listed in the long-range
70 transportation plan of the metropolitan planning organization
71 encompassing that county, as specified in s. 339.175(6),
72 provided, at the discretion of the county, a portion of such
73 proceeds may be used on an annual basis to provide funding for
74 designated public transportation facilities and public
75 transportation systems within that metropolitan planning
76 organization's urbanized area. For purposes of this subsection,
77 the term "proceeds of the surcharge" means all funds collected
78 and received by the department under this section, including
79 interest and penalties on delinquent surcharges.

80 (5) For purposes of administering the surcharge, all rules

81 adopted by the department for administering the rental car
82 surcharge established by s. 212.0606 shall apply, except the
83 ordinance enacted by the county may contain differing and
84 conflicting provisions, which shall prevail.

HB 207 2006

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hb0207-00

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FLORIDA HOUSE OF REPRESENTATIVES

Section 2. This act shall take effect July 1, 200685 .

Senate Bill sb0126

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2006

SB 126

By Senator Bennett

21-246-06

1 A bill to be entitled
2 An act relating to growth management;
3 expressing the legislative intent to revise
4 laws relating to growth management; providing
5 an effective date.

6

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

8

9 Section 1. The Legislature intends to revise laws
10 relating to growth management.

11 Section 2. This act shall take effect upon becoming a
12 law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.
Florida Senate - 2006 **SB 130**

By Senator Bennett

21-242-06

1 A bill to be entitled
2 An act relating to growth management;
3 expressing the legislative intent to revise
4 laws relating to growth management; providing
5 an effective date.

6

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

8

9 Section 1. The Legislature intends to revise laws
10 relating to growth management.

11 Section 2. This act shall take effect upon becoming a
12 law.

HB 91

1 A bill to be entitled
2 An act relating to residence of sexual offenders and
3 predators; amending s. 775.21, F.S.; prohibiting sexual
4 predators from establishing or maintaining a residence
5 within 2,500 feet of specified locations; providing for
6 county or municipal ordinances that restrict the residence
7 of sexual offenders; providing requirements for such
8 ordinances; providing exceptions; amending s. 794.065,
9 F.S.; revising provisions relating to the residence of
10 specified sex offenders; providing definitions;
11 prohibiting the knowing rental or lease of a residence
12 within 2,500 feet of specified locations to a restricted
13 sex offender who intends to occupy the unit; providing a
14 due diligence defense; providing criminal penalties;
15 amending s. 947.1405, F.S.; revising conditional release
16 program restrictions on the residence of certain sexual
17 offenders; revising the requirements for the location of
18 public school bus stops in relation to the permanent
19 residence of specified sexual offenders; amending s.
20 948.30, F.S.; revising terms and conditions of probation
21 or community control restricting the residence of persons
22 convicted of certain sex offenses; providing that
23 amendments in this act to provisions restricting the
24 residence of sexual offenders and sexual predators shall
25 not require the relocation of such an offender who had
26 established, prior to the effective date of this act, a
27 residence not in compliance with the amendments to such
28 restrictions; providing an effective date.

29

30 WHEREAS, recent attacks on children by registered sex
31 offenders within this state have shed light on the necessity of
32 providing greater protection to children from the risks posed by
33 registered sex offenders, and

34 WHEREAS, the recidivism rate of sex offenders is high,
35 especially for offenders who commit crimes involving children,
36 and

37 WHEREAS, the Legislature is deeply concerned about the
38 health, safety, and protection of all of Florida's residents,
39 particularly its children, NOW, THEREFORE
40

41 Be It Enacted by the Legislature of the State of Florida:
42

43 Section 1. Subsection (7) of section 775.21, Florida
44 Statutes, is amended to read:

45 775.21 The Florida Sexual Predators Act.--

46 (7) COMMUNITY AND PUBLIC NOTIFICATION; RESIDENCE
47 RESTRICTIONS.--

48 (a) Law enforcement agencies must inform members of the
49 community and the public of a sexual predator's presence. Upon
50 notification of the presence of a sexual predator, the sheriff
51 of the county or the chief of police of the municipality where
52 the sexual predator establishes or maintains a permanent or
53 temporary residence shall notify members of the community and
54 the public of the presence of the sexual predator in a manner
55 deemed appropriate by the sheriff or the chief of police. Within
56 48 hours after receiving notification of the presence of a
57 sexual predator, the sheriff of the county or the chief of
58 police of the municipality where the sexual predator temporarily
59 or permanently resides shall notify each licensed day care
60 center, elementary school, middle school, and high school within
61 a 1-mile radius of the temporary or permanent residence of the
62 sexual predator of the presence of the sexual predator.

63 Information provided to members of the community and the public
64 regarding a sexual predator must include:

- 65 1. The name of the sexual predator;
- 66 2. A description of the sexual predator, including a
67 photograph;
- 68 3. The sexual predator's current address, including the
69 name of the county or municipality if known;
- 70 4. The circumstances of the sexual predator's offense or
71 offenses; and
- 72 5. Whether the victim of the sexual predator's offense or
73 offenses was, at the time of the offense, a minor or an adult.

74
75 This paragraph does not authorize the release of the name of any

76 victim of the sexual predator.

77 (b) The sheriff or the police chief may coordinate the
78 community and public notification efforts with the department.
79 Statewide notification to the public is authorized, as deemed
80 appropriate by local law enforcement personnel and the
81 department.

82 (c) The department shall notify the public of all
83 designated sexual predators through the Internet. The Internet
84 notice shall include the information required by paragraph (a).

85 (d) The department shall adopt a protocol to assist law
86 enforcement agencies in their efforts to notify the community
87 and the public of the presence of sexual predators.

88 (e)1. The sexual predator shall not establish or maintain
89 a permanent or temporary residence within 2,500 feet, as
90 measured in s. 794.065, of a school, day care center, park,
91 playground, public school bus stop located as provided in s.
92 947.1405(7)(a), or other place where children regularly
93 congregate.

94 2. Nothing contained in this paragraph shall prevent any
95 county or municipality from enacting an ordinance relating to
96 restrictions as to the location of the residence of sexual
97 offenders provided that such restrictions are identical to the
98 provisions of subparagraph 1. Such an ordinance may differ as to
99 the offenses that might subject an offender to residence
100 restrictions.

101 Section 2. Section 794.065, Florida Statutes, is amended
102 to read:

103 794.065 Unlawful place of residence for restricted sex
104 offenders; certain leases prohibited ~~persons convicted of~~
105 ~~certain sex offenses.--~~

106 (1) As used in this section, the term:

107 (a) "Convicted" shall have the same meaning as provided in
108 s. 943.0435.

109 (b) "Restricted sex offender" means a person convicted of:

110 1. A felony violation of any statute listed in s.
111 943.0435(1)(a)1.;

112 2. Any similar offense committed in this state that has
113 been redesignated from a former statute number to one of those
114 listed in s. 943.0435(1)(a)1.; or

115 3. Any similar offense in another jurisdiction that would
116 be a felony if committed in this state,
117
118 where the victim of the offense was under the age of 18 at the
119 time of the offense and the offender was 18 years of age or
120 older at the time of the offense, or the offender was under the
121 age of 18 at the time of the offense and was prosecuted as an
122 adult.

123 (c) "Within 2,500 feet" means a distance that shall be
124 measured in a straight line from the outer boundary of the real
125 property upon which the residential dwelling unit of the
126 restricted sex offender is located. The distance may not be
127 measured by a pedestrian route or automobile route, but instead
128 shall be measured as the shortest straight line between the two
129 points without regard to any intervening structures or objects.
130 Without otherwise limiting the foregoing measurement
131 instructions, under those circumstances in which the residential
132 dwelling unit of the restricted sex offender is within a
133 cooperative, condominium, or apartment building, the parcel of
134 real property described in this paragraph shall consist of the
135 parcel or parcels of real property upon which the cooperative,
136 condominium, or apartment building that contains the residential
137 dwelling unit of the restricted sex offender is located.

138 (2)(a) It is unlawful for any person who is a restricted
139 sex offender to reside within 2,500 feet of any school, public
140 school bus stop located as provided in s. 947.1405(7)(a), day
141 care center, park, playground, or other place where children
142 regularly congregate. A restricted sex offender who violates
143 this section and whose conviction of an offense described in
144 paragraph (1)(b) was classified as a felony of the first degree
145 or higher commits a felony of the third degree, punishable as
146 provided in s. 775.082 or s. 775.083. A restricted sex offender
147 who violates this section and whose conviction of an offense
148 described in paragraph (1)(b) was classified as a felony of the
149 second or third degree commits a misdemeanor of the first
150 degree, punishable as provided in s. 775.082 or s. 775.083.

151 (b) The provisions of this subsection shall not prohibit a
152 restricted sex offender from continuing to reside at his or her
153 residence solely because a school, public school bus stop

154 located as provided in s. 947.1405(7)(a), day care center, park,
155 playground, or other place where children regularly congregate
156 is built or established within 2,500 feet of that residence
157 after the offender has established residence.

158 (c) This subsection applies to any person convicted of an
159 offense described in paragraph (1)(b) that occurs on or after
160 October 1, 2006.

161 (3)(a)(1) It is unlawful for any person who has been
162 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
163 or s. 847.0145, regardless of whether adjudication has been
164 withheld, in which the victim of the offense was less than 16
165 years of age, to reside within 2,500 ~~4,000~~ feet of any school,
166 day care center, park, or playground. A person who violates this
167 section and whose conviction under s. 794.011, s. 800.04, s.
168 827.071, or s. 847.0145 was classified as a felony of the first
169 degree or higher commits a felony of the third degree,
170 punishable as provided in s. 775.082 or s. 775.083. A person who
171 violates this section and whose conviction under s. 794.011, s.
172 800.04, s. 827.071, or s. 847.0145 was classified as a felony of
173 the second or third degree commits a misdemeanor of the first
174 degree, punishable as provided in s. 775.082 or s. 775.083.

175 (b)(2) This ~~subsection~~ section applies to any person
176 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
177 or s. 847.0145 for offenses that occur on or after October 1,
178 2006 ~~2004~~.

179 (4) A landlord or owner of a residential dwelling unit
180 shall not knowingly rent or lease a residential dwelling unit
181 located within 2,500 feet of a school, public school bus stop
182 located as provided in s. 947.1405(7)(a), day care center, park,
183 playground, or other place where children regularly congregate
184 if a prospective tenant, as defined in s. 83.43, is a restricted
185 sex offender who intends to occupy the unit unless the landlord
186 or owner can establish that, prior to rental or lease, he or she
187 used reasonable due diligence and was unable to determine that a
188 prospective tenant of the unit was a restricted sex offender
189 intending to occupy the unit. A person who violates this
190 subsection commits a misdemeanor of the second degree,
191 punishable as provided in s. 775.082 or s. 775.083.

192 Section 3. Paragraph (a) of subsection (7) of section

193 947.1405, Florida Statutes, is amended to read:

194 947.1405 Conditional release program.--

195 (7)(a) Any inmate who is convicted of a crime committed on
196 or after October 1, 1995, or who has been previously convicted
197 of a crime committed on or after October 1, 1995, in violation
198 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
199 subject to conditional release supervision, shall have, in
200 addition to any other conditions imposed, the following special
201 conditions imposed by the commission:

202 1. A mandatory curfew from 10 p.m. to 6 a.m. The
203 commission may designate another 8-hour period if the offender's
204 employment precludes the above specified time, and such
205 alternative is recommended by the Department of Corrections. If
206 the commission determines that imposing a curfew would endanger
207 the victim, the commission may consider alternative sanctions.

208 2. If the victim was under the age of 18, a prohibition on
209 living within 2,500 ~~4,000~~ feet of a school, day care center,
210 park, playground, designated public school bus stop, or other
211 place where children regularly congregate. A releasee who is
212 subject to this subparagraph may not relocate to a residence
213 that is within 2,500 ~~4,000~~ feet of a public school bus stop.
214 Beginning October 1, 2006 ~~2004~~, the commission or the
215 department
216 may not approve a residence that is located within 2,500 ~~4,000~~
217 feet of a school, day care center, park, playground, designated
218 school bus stop, or other place where children regularly
219 congregate for any releasee who is subject to this subparagraph.
220 On October 1, 2006 ~~2004~~, the department shall notify each
221 affected school district of the location of the residence of a
222 releasee 30 days prior to release and thereafter, if the
223 releasee relocates to a new residence, shall notify any affected
224 school district of the residence of the releasee within 30 days
225 after relocation. If, on October 1, 2006 ~~2004~~, any public school
226 bus stop is located within 2,500 ~~4,000~~ feet of the existing
227 residence of such releasee, the permanent residence of a sexual
228 predator who is subject to s. 775.21(7)(e), the permanent
229 residence of an individual subject to registration as a sexual
230 offender under s. 943.0435, or the permanent residence of a
restricted sex offender under s. 794.065, the district school

231 board shall relocate that school bus stop. Beginning October 1,
232 ~~2006~~ 2004, a district school board may not establish or relocate
233 a public school bus stop within ~~2,500~~ 4,000 feet of the
234 residence of a releasee who is subject to this subparagraph, the
235 permanent residence of a sexual predator who is subject to s.
236 775.21(7)(e), the permanent residence of an individual subject
237 to registration as a sexual offender under s. 943.0435, or the
238 permanent residence of a restricted sex offender under s.
239 794.065. The failure of the district school board to comply with
240 this subparagraph shall not result in a violation of conditional
241 release supervision or a violation of s. 775.21(7)(e). For
242 purposes of this subparagraph, a 2,500-foot distance shall be
243 measured as in s. 794.065.

244 3. Active participation in and successful completion of a
245 sex offender treatment program with qualified practitioners
246 specifically trained to treat sex offenders, at the releasee's
247 own expense. If a qualified practitioner is not available within
248 a 50-mile radius of the releasee's residence, the offender shall
249 participate in other appropriate therapy.

250 4. A prohibition on any contact with the victim, directly
251 or indirectly, including through a third person, unless approved
252 by the victim, the offender's therapist, and the sentencing
253 court.

254 5. If the victim was under the age of 18, a prohibition
255 against contact with children under the age of 18 without review
256 and approval by the commission. The commission may approve
257 supervised contact with a child under the age of 18 if the
258 approval is based upon a recommendation for contact issued by a
259 qualified practitioner who is basing the recommendation on a
260 risk assessment. Further, the sex offender must be currently
261 enrolled in or have successfully completed a sex offender
262 therapy program. The commission may not grant supervised
contact

263 with a child if the contact is not recommended by a qualified
264 practitioner and may deny supervised contact with a child at any
265 time. When considering whether to approve supervised contact
266 with a child, the commission must review and consider the
267 following:

268 a. A risk assessment completed by a qualified

269 practitioner. The qualified practitioner must prepare a written
270 report that must include the findings of the assessment and
271 address each of the following components:

- 272 (I) The sex offender's current legal status;
- 273 (II) The sex offender's history of adult charges with
274 apparent sexual motivation;
- 275 (III) The sex offender's history of adult charges without
276 apparent sexual motivation;
- 277 (IV) The sex offender's history of juvenile charges,
278 whenever available;
- 279 (V) The sex offender's offender treatment history,
280 including a consultation from the sex offender's treating, or
281 most recent treating, therapist;
- 282 (VI) The sex offender's current mental status;
- 283 (VII) The sex offender's mental health and substance abuse
284 history as provided by the Department of Corrections;
- 285 (VIII) The sex offender's personal, social, educational,
286 and work history;
- 287 (IX) The results of current psychological testing of the
288 sex offender if determined necessary by the qualified
289 practitioner;
- 290 (X) A description of the proposed contact, including the
291 location, frequency, duration, and supervisory arrangement;
- 292 (XI) The child's preference and relative comfort level
293 with the proposed contact, when age-appropriate;
- 294 (XII) The parent's or legal guardian's preference
295 regarding the proposed contact; and
- 296 (XIII) The qualified practitioner's opinion, along with
297 the basis for that opinion, as to whether the proposed contact
298 would likely pose significant risk of emotional or physical harm
299 to the child.

300

301 The written report of the assessment must be given to the
302 commission.

- 303 b. A recommendation made as a part of the risk-assessment
304 report as to whether supervised contact with the child should be
305 approved;
- 306 c. A written consent signed by the child's parent or legal
307 guardian, if the parent or legal guardian is not the sex

308 offender, agreeing to the sex offender having supervised contact
309 with the child after receiving full disclosure of the sex
310 offender's present legal status, past criminal history, and the
311 results of the risk assessment. The commission may not approve
312 contact with the child if the parent or legal guardian refuses
313 to give written consent for supervised contact;

314 d. A safety plan prepared by the qualified practitioner,
315 who provides treatment to the offender, in collaboration with
316 the sex offender, the child's parent or legal guardian, and the
317 child, when age appropriate, which details the acceptable
318 conditions of contact between the sex offender and the child.
319 The safety plan must be reviewed and approved by the Department
320 of Corrections before being submitted to the commission; and

321 e. Evidence that the child's parent or legal guardian, if
322 the parent or legal guardian is not the sex offender,
323 understands the need for and agrees to the safety plan and has
324 agreed to provide, or to designate another adult to provide,
325 constant supervision any time the child is in contact with the
326 offender.

327
328 The commission may not appoint a person to conduct a risk
329 assessment and may not accept a risk assessment from a person
330 who has not demonstrated to the commission that he or she has
331 met the requirements of a qualified practitioner as defined in
332 this section.

333 6. If the victim was under age 18, a prohibition on
334 working for pay or as a volunteer at any school, day care
335 center, designated public school bus stop, park, playground, or
336 other place where children regularly congregate, as prescribed
337 by the commission.

338 7. Unless otherwise indicated in the treatment plan
339 provided by the sexual offender treatment program, a prohibition
340 on viewing, owning, or possessing any obscene, pornographic, or
341 sexually stimulating visual or auditory material, including
342 telephone, electronic media, computer programs, or computer
343 services that are relevant to the offender's deviant behavior
344 pattern.

345 8. Effective for a releasee whose crime is committed on or
346 after July 1, 2005, a prohibition on accessing the Internet or

347 other computer services until the offender's sex offender
348 treatment program, after a risk assessment is completed,
349 approves and implements a safety plan for the offender's
350 accessing or using the Internet or other computer services.

351 9. A requirement that the releasee must submit two
352 specimens of blood to the Florida Department of Law Enforcement
353 to be registered with the DNA database.

354 10. A requirement that the releasee make restitution to
355 the victim, as determined by the sentencing court or the
356 commission, for all necessary medical and related professional
357 services relating to physical, psychiatric, and psychological
358 care.

359 11. Submission to a warrantless search by the community
360 control or probation officer of the probationer's or community
361 controllee's person, residence, or vehicle.

362 Section 4. Subsection (4) is added to section 948.30,
363 Florida Statutes, to read:

364 948.30 Additional terms and conditions of probation or
365 community control for certain sex offenses.--Conditions imposed
366 pursuant to this section do not require oral pronouncement at
367 the time of sentencing and shall be considered standard
368 conditions of probation or community control for offenders
369 specified in this section.

370 (4) Effective for probationers or community controllees
371 whose crime was committed on or after October 1, 2006, and who
372 are placed under supervision for violation of chapter 794, s.
373 800.04, s. 827.071, or s. 847.0145, in addition to all other
374 standard and special conditions imposed, the court must impose a
375 prohibition on living within 2,500 feet of a school, public
376 school bus stop located as provided in s. 947.1405(7)(a), day
377 care center, park, playground, or other place where children
378 regularly congregate as prescribed by the court. For purposes of
379 this subsection, a 2,500-foot distance shall be measured as in
380 s. 794.065.

381 Section 5. The amendments in this act to provisions
382 restricting the residence of sexual offenders and sexual
383 predators shall not require the relocation of such an offender
384 who had established, prior to the effective date of this act, a
385 residence not in compliance with the amendments to such

386 restrictions contained in this act.

387 Section 6. This act shall take effect October 1, 2006.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

HB 165

1 A bill to be entitled
2 An act relating to restricting sheltering of sexual
3 offenders and predators; creating s. 252.386, F.S.;
4 prohibiting the sheltering of sexual offenders and
5 designated sexual predators in public hurricane evacuation
6 shelters; requiring each county to provide for sufficient
7 separate and exclusive shelter space for such sexual
8 offenders and predators; amending s. 775.21, F.S.;
9 prohibiting sexual predators from seeking shelter in
10 public hurricane evacuation shelters used by the general
11 public; providing penalties; amending s. 943.0435, F.S.;
12 prohibiting individuals subject to registration as sexual
13 offenders from seeking shelter in public hurricane
14 evacuation shelters used by the general public; providing
15 penalties; providing a finding of important state
16 interest; providing an effective date.

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

19
20 Section 1. Section 252.386, Florida Statutes, is created
21 to read:

22 252.386 Public shelter space; sexual offenders and
23 predators.--

24 (1) A public hurricane evacuation shelter used by the
25 general public shall not shelter an individual subject to
26 registration as a sexual offender under s. 943.0435 or
27 designated as a sexual predator under s. 775.21.

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

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

34 775.21 The Florida Sexual Predators Act.--

35 (6) REGISTRATION.--

36 (g)1. Each time a sexual predator's driver's license or

37 identification card is subject to renewal, and, without regard
38 to the status of the predator's driver's license or
39 identification card, within 48 hours after any change of the
40 predator's residence or change in the predator's name by reason
41 of marriage or other legal process, the predator shall report in
42 person to a driver's license office and shall be subject to the
43 requirements specified in paragraph (f). The Department of
44 Highway Safety and Motor Vehicles shall forward to the
45 department and to the Department of Corrections all photographs
46 and information provided by sexual predators. Notwithstanding
47 the restrictions set forth in s. 322.142, the Department of
48 Highway Safety and Motor Vehicles is authorized to release a
49 reproduction of a color-photograph or digital-image license to
50 the Department of Law Enforcement for purposes of public
51 notification of sexual predators as provided in this section.

52 2. A sexual predator who vacates a permanent residence and
53 fails to establish or maintain another permanent or temporary
54 residence shall, within 48 hours after vacating the permanent
55 residence, report in person to the department or the sheriff's
56 office of the county in which he or she is located. The sexual
57 predator shall specify the date upon which he or she intends to
58 or did vacate such residence. The sexual predator must provide
59 or update all of the registration information required under
60 paragraph (a). The sexual predator must provide an address for
61 the residence or other location that he or she is or will be
62 occupying during the time in which he or she fails to establish
63 or maintain a permanent or temporary residence.

64 3. A sexual predator who remains at a permanent residence
65 after reporting his or her intent to vacate such residence
66 shall, within 48 hours after the date upon which the predator
67 indicated he or she would or did vacate such residence, report
68 in person to the agency to which he or she reported pursuant to
69 subparagraph 2. for the purpose of reporting his or her address
70 at such residence. If the sheriff receives the report, the
71 sheriff shall promptly convey the information to the department.
72 An offender who makes a report as required under subparagraph 2.
73 but fails to make a report as required under this subparagraph
74 commits a felony of the second degree, punishable as provided in
75 s. 775.082, s. 775.083, or s. 775.084.

76 4. A sexual predator shall not seek shelter in a public
77 hurricane evacuation shelter used by the general public;
78 however, a sexual predator may seek shelter in a hurricane
79 evacuation shelter provided for such predators by a county under
80 s. 252.386.

81

82 The sheriff shall promptly provide to the department the
83 information received from the sexual predator.

84 (10) PENALTIES.--

85 (a) Except as otherwise specifically provided, a sexual
86 predator who fails to register; who fails, after registration,
87 to maintain, acquire, or renew a driver's license or
88 identification card; who fails to provide required location
89 information or change-of-name information; who fails to make a
90 required report in connection with vacating a permanent
91 residence; who fails to reregister as required; who fails to
92 respond to any address verification correspondence from the
93 department within 3 weeks of the date of the correspondence; who
94 seeks shelter in a public hurricane evacuation shelter used by
95 the general public; or who otherwise fails, by act or omission,
96 to comply with the requirements of this section, commits a
97 felony of the third degree, punishable as provided in s.
98 775.082, s. 775.083, or s. 775.084.

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

101 943.0435 Sexual offenders required to register with the
102 department; penalty.--

103 (4)

104 &nbs503 Service Unavailable p; (d) A sexual offender shall not seek shelter in
105 a public
106 hurricane evacuation shelter used by the general public;
107 however, a sexual offender may seek shelter in a hurricane
108 evacuation shelter provided for such offenders by a county under
109 s. 252.386.

109 (9)(a) A sexual offender who does not comply with the
110 requirements of this section commits a felony of the third
111 degree, punishable as provided in s. 775.082, s. 775.083, or s.
112 775.084.

113 Section 4. The Legislature finds that the provisions of

114 this act fulfill an important state interest.

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.