

**SB 1416** by **Bean**; (Compare to H 0529) Sexual Predators and Offenders

929388 D S RCS CJ, Simmons Delete everything after 04/07 04:21 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CRIMINAL JUSTICE**  
**Senator Evers, Chair**  
**Senator Smith, Vice Chair**

**MEETING DATE:** Monday, April 7, 2014  
**TIME:** 4:00 —6:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Evers, Chair; Senator Smith, Vice Chair; Senators Altman, Bradley, Dean, Gibson, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1416</b> Bean (Compare H 529, CS/CS/H 1105, S 562)	Sexual Predators and Offenders; Creating the Sexual Predator and Sexual Offender Absconder Strike Force in the office of the Attorney General; redefining the term "sexually violent offense" to include specified offenses involving a child under age 16 rather than age 13; redefining the term "total confinement" to apply civil commitment procedures for care and treatment of offenders in physically secured facilities that are being operated or contractually operated for a county; authorizing persons convicted of sexual offenses to be placed on conditional release in certain circumstances, etc.  CJ      04/07/2014 Fav/CS ACJ AP	Fav/CS Yeas 5 Nays 0

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: CS/SB 1416

INTRODUCER: Criminal Justice Committee and Senator Bean

SUBJECT: Sexual Predators and Offenders

DATE: April 8, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon	CJ	Fav/CS
2.			ACJ	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1416 creates the Sexual Predator and Sexual Offender Absconder Strike Force (Strike Force) within the Florida Department of Law Enforcement (FDLE) whose purpose is to locate registered sexual predators and sexual offenders who are under the Department of Correction's (DOC) supervision and who have absconded from such supervision.

The Strike Force consists of 10 members or their designees. The Strike Force must meet at least four times a year and must develop and review a statewide list of known sexual predators and sexual offender absconders; prioritize those absconders that pose the greatest risk to public safety and develop and recommend coordinated state-wide strategies for the apprehension of sexual predators and sexual offender absconders with special focus on those posing the greatest risk to public safety.

The Strike Force must annually submit a report on its activities and recommendations to the governor, the President of the Senate, and the Speaker of the House of Representatives.

For the 2014-2015 fiscal year, \$101,418 in recurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for the implementation of this act.

## II. Present Situation:

### Probation, Community Control, and Conditional Release

Probation is a form of community supervision requiring specified contacts with parole and probation officers, compliance with standard statutory terms and conditions, and compliance with any specific terms and conditions required by the sentencing court.<sup>1</sup> Community control is a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by probation officers with restricted caseloads.<sup>2</sup> Conditional release, administered by the Florida Parole Commission (Commission), is a mandatory postrelease supervision required for certain violent inmates.

Section 947.1405, F.S., requires conditional release for an inmate who:

- Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correction institution;
- Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084, F.S.; or
- Is found to be a sexual predator under s. 775.21, F.S., or former s. 775.23, F.S.

Courts are required to impose the conditions of supervision found in s. 948.03, F.S., on probationers and community controllees.<sup>3</sup> Similarly, the Commission is required to impose the conditions of supervision found in s. 947.1405, F.S., on conditional releasees.<sup>4</sup> The standard conditions of probation include provisions that require all offenders to:

- Report to the probation and parole supervisors as directed;
- Permit such supervisors to visit him or her at his or her home or elsewhere; and
- Remain within a specified place.<sup>5</sup>

The DOC supervises all probationers, community controllees, and conditional releasees sentenced in circuit court.<sup>6</sup>

### Violations of Probation, Community Control, and Conditional Release

Section 948.06, F.S., establishes the procedures that must be used when an offender violates the terms and conditions of his or her supervision. Upon violation, the offender is arrested and brought before the sentencing court. At the first hearing on the violation, the offender is advised

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<sup>1</sup> Section 948.001(8), F.S.

<sup>2</sup> Section 948.001(3), F.S.

<sup>3</sup> Sections 948.001(9) and 948.03, F.S. These conditions require offenders to comply with a variety of requirements (e.g., report to probation supervisors as directed, permit probation supervisors to visit at home or elsewhere, work faithfully at suitable employment, make restitution, not associate with persons engaged in criminal activities, etc.).

<sup>4</sup> Section 947.1405(2), F.S.

<sup>5</sup> Section 948.03(1)(a),(b), and (d), F.S. In addition to these standard conditions of supervision, the court/Commission may add special conditions of supervision that it deems proper. Sections 948.03(2) and 947.1405(6), F.S.

<sup>6</sup> Sections 948.01(1) and 947.1405, F.S.

of the charge. If the offender admits the charge, the court may immediately revoke, modify, or continue supervision, or place the offender into a community control program.<sup>7</sup>

If the offender denies having violated the terms of the probation, the court may commit him or her to jail or release him or her with or without bail to await further hearing, or it may dismiss the charge of probation violation.<sup>8</sup> Unless dismissed, the court must conduct a hearing and determine whether the offender has knowingly and willfully violated the terms of his or her probation.<sup>9</sup> If the court finds that the offender has violated, the court may immediately revoke, modify, or continue the supervision, or place the offender into a community control program.<sup>10</sup>

If supervision is revoked, the court must adjudicate the offender guilty of the offense charged and proven or admitted. The court may then impose any sentence that it might have originally imposed for the offense for which the offender was placed on supervision.

### **Absconders**

Occasionally, offenders abscond from DOC's supervision (i.e., they make themselves unavailable for supervision and all efforts to locate the offender have been exhausted).<sup>11</sup> Absconding is a violation of the terms and conditions of supervision, and subjects the offender to the above-described violation process. However, because the offender's location is unknown, he or she cannot be arrested and brought before the sentencing court. Instead, a judge issues a warrant for the offender's arrest.<sup>12</sup>

When a registered sexual predator or sexual offender<sup>13</sup> absconds from supervision, DOC's local probation office and officers notify local law enforcement agencies that the offender has absconded, and provide them with the warrant and the offender's last known address.<sup>14</sup> The DOC, the Florida Police Chiefs Association, and the Florida Sheriffs Association all report that DOC and local law enforcement routinely work together to apprehend registered sex offenders who have absconded from supervision.<sup>15</sup>

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<sup>7</sup> Section 948.06(2), F.S.

<sup>8</sup> Section 948.06(2)(c), F.S.

<sup>9</sup> Section 948.06(2)(d), F.S.

<sup>10</sup> Section 948.06(2)(e), F.S.

<sup>11</sup> E-mail from Peter F. Murray, DOC's Deputy Legislative Affairs Director, dated March 7, 2014 (on file with the Senate Criminal Justice Committee).

<sup>12</sup> Section 948.06(1), F.S.

<sup>13</sup> Sections 775.21 and 943.0435, F.S., set forth the criteria for determining whether a person is a "sexual predator" or a "sexual offender." Sexual predators and sexual offenders must comply with a number of statutory registration requirements. Whether a person has to register depends on their offense date (sexual predators) or the date on which the offender was released from the sanction imposed (sexual offenders).

<sup>14</sup> E-mail from Peter F. Murray, DOC's Deputy Legislative Affairs Director, dated March 7, 2014 (on file with the Senate Criminal Justice Committee).

<sup>15</sup> *Id. Also see*, E-mail from Amy Mercer, Executive Director of the Florida Police Chiefs Association, dated March 7, 2014; E-mail from Sarah Carroll, Assistant Executive Director of Operations of the Florida Sheriffs Association, dated March 7, 2014 (on file with e Senate Criminal Justice Committee).

In addition to the local efforts to track down absconders, DOC created an Absconder Unit 13 years ago.<sup>16</sup> Stationed at DOC's Central Office in Tallahassee, the Absconder Unit assists local probation offices in locating high profile absconders. The Absconder Unit maintains a link on DOC's public website that provides photographs of absconders and a tip line to call or email with information.<sup>17</sup> The Absconder Unit investigates tips and coordinates arrests with local law enforcement. The Absconder Unit also uses people search software and other resources to locate absconders or confirm their death.<sup>18</sup>

The FDLE also assists in the apprehension of sexual predators and sexual offenders who abscond. Section 943.043(5), F.S., requires FDLE to share information with local law enforcement agencies in an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner. The FDLE must review and analyze all available information concerning any such predator or offender and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the offender.<sup>19</sup>

On the federal level, the United States Marshal's Office created the Sex Offender Investigations Branch (SOIB) following the passage of the Adam Walsh Child Protection and Safety Act (AWA) in 2006.<sup>20</sup> The SOIB:

- Assists state, local, tribal and territorial authorities in the location and apprehension of non-compliant and fugitive sex offenders;
- Investigates violations of the AWA for federal prosecution; and
- Assists in the identification and location of sex offenders relocated as a result of a major disaster.<sup>21</sup>

There are currently 7,906 sexual predators and sexual offenders under DOC's supervision who are required to register. Of this pool, there are currently 379 absconders.<sup>22</sup>

The number of sex offender absconders (who are required to register) has been reduced over the past eight years from 419 in 2007, to 379 in 2014.<sup>23</sup>

### III. Effect of Proposed Changes:

The bill creates s. 16.581, F.S., and makes the legislative finding that there is a need to locate and arrest registered sexual predators and sexual offenders who are under the supervision of the Department of Corrections.

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<sup>16</sup> E-mail from Peter F. Murray, DOC's Deputy Legislative Affairs Director, dated March 7, 2014 (on file with the Senate Criminal Justice Committee).

<sup>17</sup> The web address for this site is <http://www.dc.state.fl.us/wanted.html> (last visited on April 2, 2014).

<sup>18</sup> *Id.*

<sup>19</sup> Section 943.043(5), F.S.

<sup>20</sup> <http://www.usmarshals.gov/investigations/index.html> (last visited April 2, 2014).

<sup>21</sup> *Id.*

<sup>22</sup> E-mail from Peter F. Murray, DOC's Deputy Legislative Affairs Director, dated March 7, 2014 (on file with the Senate Criminal Justice Committee).

<sup>23</sup> *Id.*

The bill establishes the Sexual Predator and Sexual Offender Absconder Strike Force within the Florida Department of Law Enforcement. The purpose of the Strike Force is to locate registered sexual predators<sup>24</sup> and sexual offenders<sup>25</sup> who have absconded from supervision by or the custody of the Department of Corrections.

### **Membership**

The Strike Force shall consist of the following 10 members or their designees:

- The executive director of the Department of law Enforcement who shall serve as chair;
- The Secretary of Corrections who shall serve as vice chair;
- The Secretary of Children and Families;
- The Secretary of Corrections;
- The chair of the Parole Commission;
- The executive director of the Department of Highway Safety and Motor Vehicles; and
- Five members appointed by the Attorney General, consisting of two sheriffs, two chiefs of police, and one state attorney.<sup>26</sup>

The five members appointed by the executive director of the Department of law Enforcement must be appointed to 4-year terms.<sup>27</sup> Each of the remaining members is a standing member of the Strike Force and may not serve beyond the time he or she holds the position that was the basis for the membership.<sup>28</sup> Vacancies must be filled in the same manner as the original appointment, but only for the remainder of the term. Members of the Strike Force must serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S.

The Department of law Enforcement must provide administrative and support services for the Strike Force, which must organize by December 31, 2014. Thereafter, the Strike Force must meet at least four times per year. Additional meetings may be held if the chair determines that extraordinary circumstances require an additional meeting. Members may appear at meetings by electronic means, and a majority of the members constitutes a quorum.

### **Duties**

The Strike Force has two duties. It must coordinate with DOC and local law enforcement agencies to:

- Develop and review a statewide list of known sexual predator and sexual offender absconders; and

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<sup>24</sup> The bill defines “sexual predator” as a person required to register as a sexual predator under s. 775.21, F.S.

<sup>25</sup> The bill defines “sexual offender” as a person required to register as a sexual offender under ss. 943.0435 or 944.607, F.S.

<sup>26</sup> In making these appointments, the Attorney General must consider representation by geography, population, ethnicity, and other relevant factors in order to ensure that the membership of the Strike Force is representative of the state as a whole.

<sup>27</sup> For the purpose of providing staggered terms of the initial appointments, two members must be appointed to a 2-year term, two members must be appointed to a 3-year term, and one member must be appointed to a 4-year term.

<sup>28</sup> Membership on the Strike Force does not disqualify a member from holding any other public office or from being employed by a public entity, except that a member of the Legislature may not serve on the strike force.

- Develop and recommend coordinated statewide strategies for the apprehension of sexual predator and sexual offender absconders with special focus on those who pose the greatest risk to public safety.

### **Reports**

By October 1, 2015, and annually thereafter, the strike force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

### **Appropriation**

For the 2014-2015 fiscal year, the sum of \$101, 418 in recurring funds is appropriated from the General Revenue Fund to the Department of law Enforcement for the implementation of this act.

The bill provides an effective date of July 1, 2014.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

None.

### **C. Government Sector Impact:**

The Department of Law Enforcement states that since it would be the lead agency and provide administrative support it would incur several costs including:

- Per diem and travel costs (mileage, air fare, and hotel) for the strike force members to attend the meetings;
- One new Government Analyst II position to plan the meetings, coordinate and track absconder locations, create the annual reports, provide information on eligibility of



the five rotating members of the task force per the criteria provided in the bill, and otherwise administratively support and coordinate the functions of the strike force;

- Two new Government Analyst I positions to research, analyze, create “risk” recommendations, prepare and update briefing sheets for each registrant absconder from DOC supervision in accordance with the proposed criteria.

**Cost Breakdown:**

***Positions/Benefits/Equipment***

Government Analyst II -- \$64,890

Government Analyst I -- \$106,972

***Travel Reimbursement for 6 Strike Force Members per Meeting (presuming meetings will occur in Tallahassee where 6 Members are already located).***

2 Nights Hotel per traveling member - \$200.00

2 Days Meal Allowance per traveling member - \$72.00

Airfare per traveling Member - \$1,250.00

Total per Traveling Member per Meeting - \$1,522.00

Total per Meeting (for 6 traveling members) - \$9,132.00

Total per year (4 meetings per year) - \$36,528.00

**Total Fiscal Impact - \$208,390**

The Criminal justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation reviewed the bill and found that the bill will have an insignificant prison bed impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 16.581 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on April 7, 2014:**

- Moves the strike force from the Office of the Attorney General to the Department of law Enforcement;

- Decreases the membership of the strike force from 11 to 10 members by removing the Attorney General;
- Replaces the Attorney General with the executive director of the Department of Law Enforcement as chair and the executive director of the Department of Law Enforcement with the Secretary of Corrections as vice chair;
- Modifies the duties of the strike force by requiring the strike force to coordinate with the Department of Corrections and local law enforcement agencies to develop and review a statewide list of known sexual predator and sexual offender absconders. The bill required the strike force to coordinate with the Department of Law Enforcement and local law enforcement agencies to arrest sexual predators and sexual offenders who have absconded from supervision by or the custody of the Department of Children and Families or the Department of Corrections; and
- Provides for an appropriation for 2014-2015 of \$101,418 in recurring funds from the General Revenue Fund.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2014	.	
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The Committee on Criminal Justice (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 16.581, Florida Statutes, is created to  
read:

16.581 Sexual Predator and Sexual Offender Absconder Strike  
Force.—

(1) FINDINGS.—The Legislature finds that there is a need to  
locate and arrest registered sexual predators and sexual



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11 offenders who are under the supervision of the Department of  
12 Corrections and who have absconded from such supervision.

13 (2) ESTABLISHMENT.—There is created the Sexual Predator and  
14 Sexual Offender Absconder Strike Force within the Department of  
15 Law Enforcement. The purpose of the strike force is to develop  
16 and prioritize coordinated strategies for the apprehension of  
17 registered sexual predators and sexual offenders who are under  
18 the supervision of the Department of Corrections and who have  
19 absconded from such supervision.

20 (3) DEFINITIONS.—As used in this section, the term:

21 (a) "Sexual offender" means a person required to register  
22 as a sexual offender under s. 943.0435 or s. 944.607.

23 (b) "Sexual predator" means a person required to register  
24 as a sexual predator under s. 775.21.

25 (4) MEMBERSHIP.—The strike force shall consist of the  
26 following 10 members or their designees:

27 (a) The executive director of the Department of Law  
28 Enforcement, who shall serve as chair.

29 (b) The Secretary of Corrections, who shall serve as vice  
30 chair.

31 (c) The Secretary of Juvenile Justice.

32 (d) The chair of the Parole Commission.

33 (e) The executive director of the Department of Highway  
34 Safety and Motor Vehicles.

35 (f) Five members appointed by the executive director of the  
36 Department of Law Enforcement, consisting of two sheriffs, two  
37 chiefs of police, and one state attorney. In making these  
38 appointments, the executive director of the Department of Law  
39 Enforcement shall consider representation by geography,



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40 population, ethnicity, and other relevant factors in order to  
41 ensure that the membership of the strike force is representative  
42 of the state as a whole.

43 (5) TERMS OF MEMBERSHIP; COMPENSATION; ADMINISTRATIVE  
44 SERVICES.—

45 (a) The five members appointed by the executive director of  
46 the Department of Law Enforcement shall be appointed to 4-year  
47 terms; however, for the purpose of providing staggered terms of  
48 the initial appointments, two members shall be appointed to a 2-  
49 year term, two members shall be appointed to a 3-year term, and  
50 one member shall be appointed to a 4-year term. Each of the  
51 remaining members is a standing member of the strike force and  
52 may not serve beyond the time he or she holds the position that  
53 was the basis for the membership. A vacancy shall be filled in  
54 the same manner as the original appointment but only for the  
55 remainder of the term.

56 (b) The Legislature finds that the strike force serves a  
57 legitimate state, county, and municipal purpose and that service  
58 on the strike force is consistent with a member's principal  
59 service in public office or employment. Therefore, membership on  
60 the strike force does not disqualify a member from holding any  
61 other public office or from being employed by a public entity,  
62 except that a member of the Legislature may not serve on the  
63 strike force.

64 (c) Members of the strike force shall serve without  
65 compensation but are entitled to reimbursement for per diem and  
66 travel expenses in accordance with s. 112.061.

67 (d) The Department of Law Enforcement shall provide  
68 administrative and support services for the strike force.



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69           (6) MEETINGS.—The strike force shall organize by December  
70 31, 2014. Thereafter, the strike force shall meet at least four  
71 times per year. Additional meetings may be held if the chair  
72 determines that extraordinary circumstances require an  
73 additional meeting. Members may appear at meetings by electronic  
74 means. A majority of the members of the strike force constitutes  
75 a quorum.

76           (7) DUTIES.—The strike force shall coordinate with the  
77 Department of Corrections and local law enforcement agencies to:

78           (a)1. Develop and review a statewide list of known sexual  
79 predator and sexual offender absconders.

80           2. Prioritize those absconders who pose the greatest risk  
81 to public safety by evaluating their criminal history, most  
82 recent dates of offense, length of time as absconders, and other  
83 factors.

84           3. Disseminate the list produced under this paragraph to  
85 local law enforcement agencies.

86           (b) Develop and recommend coordinated statewide strategies  
87 for the apprehension of sexual predator and sexual offender  
88 absconders with special focus on those who pose the greatest  
89 risk to public safety.

90           (8) REPORT.—By October 1, 2015, and annually thereafter,  
91 the strike force shall submit a report on its activities and  
92 recommendations to the Governor, the President of the Senate,  
93 and the Speaker of the House of Representatives.

94           Section 2. For the 2014-2015 fiscal year, the sum of  
95 \$101,418 in recurring funds is appropriated from the General  
96 Revenue Fund to the Department of Law Enforcement for the  
97 implementation of this act.



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98 Section 3. This act shall take effect July 1, 2014.

99

100 ===== T I T L E A M E N D M E N T =====

101 And the title is amended as follows:

102 Delete everything before the enacting clause  
103 and insert:

104 A bill to be entitled

105 An act relating to sexual predator and sexual offender  
106 absconders; creating s. 16.581, F.S.; providing  
107 legislative findings; creating the Sexual Predator and  
108 Sexual Offender Absconder Strike Force within the  
109 Department of Law Enforcement; providing definitions;  
110 providing for the membership and terms of the strike  
111 force; requiring the department to provide  
112 administrative services to the strike force; requiring  
113 the strike force to organize by a specified date;  
114 providing for meetings; specifying the duties of the  
115 strike force; requiring an annual report to the  
116 Governor and Legislature; providing an appropriation;  
117 providing an effective date.

118

By Senator Bean

4-01139B-14

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1 A bill to be entitled  
 2 An act relating to sexual predators and offenders;  
 3 creating s. 16.581, F.S.; providing legislative  
 4 findings; creating the Sexual Predator and Sexual  
 5 Offender Absconder Strike Force in the office of the  
 6 Attorney General; providing definitions; providing for  
 7 the membership, terms, and staff of the strike force;  
 8 requiring the strike force to organize by a specified  
 9 date; providing for meetings; specifying the duties of  
 10 the strike force; requiring annual reports to the  
 11 Governor and the Legislature; providing a directive to  
 12 the Division of Law Revision and Information; amending  
 13 s. 394.911, F.S.; revising legislative intent;  
 14 amending s. 394.912, F.S.; redefining the term  
 15 "sexually violent offense" to include specified  
 16 offenses involving a child under age 16 rather than  
 17 age 13; redefining the term "total confinement" to  
 18 apply civil commitment procedures for care and  
 19 treatment of offenders in physically secured  
 20 facilities that are being operated or contractually  
 21 operated for a county; creating s. 394.91355, F.S.;  
 22 authorizing persons convicted of sexual offenses to be  
 23 placed on conditional release in certain  
 24 circumstances; requiring certain offenders to be  
 25 placed on conditional release; providing requirements  
 26 for such conditional release programs; providing an  
 27 effective date.  
 28  
 29 Be It Enacted by the Legislature of the State of Florida:

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

4-01139B-14

20141416\_\_

30  
 31 Section 1. Section 16.581, Florida Statutes, is created to  
 32 read:  
 33 16.581 Sexual Predator and Sexual Offender Absconder Strike  
 34 Force.—The Legislature finds that there is a need to locate and  
 35 arrest registered sexual predators and sexual offenders who have  
 36 absconded from supervision by or the custody of the Department  
 37 of Children and Families or the Department of Corrections.  
 38 (1) ESTABLISHMENT.—There is created the Sexual Predator and  
 39 Sexual Offender Absconder Strike Force within the Office of the  
 40 Attorney General. The purpose of the strike force is to locate  
 41 sexual predators and sexual offenders who have absconded from  
 42 supervision by or the custody of the Department of Children and  
 43 Families or the Department of Corrections.  
 44 (2) DEFINITIONS.—As used in this section, the term:  
 45 (a) "Sexual offender" means a person required to register  
 46 as a sexual offender under s. 943.0435 or s. 944.607.  
 47 (b) "Sexual predator" means a person required to register  
 48 as a sexual predator under s. 775.21.  
 49 (3) MEMBERSHIP.—The strike force shall consist of the  
 50 following 11 members or their designees:  
 51 (a) The Attorney General, who shall serve as chair.  
 52 (b) The executive director of the Department of Law  
 53 Enforcement, who shall serve as vice chair.  
 54 (c) The Secretary of Children and Families.  
 55 (d) The Secretary of Corrections.  
 56 (e) The chair of the Parole Commission.  
 57 (f) The executive director of the Department of Highway  
 58 Safety and Motor Vehicles.

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



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59 (g) Five members appointed by the Attorney General,  
 60 consisting of two sheriffs, two chiefs of police, and one state  
 61 attorney. In making these appointments, the Attorney General  
 62 shall consider representation by geography, population,  
 63 ethnicity, and other relevant factors in order to ensure that  
 64 the membership of the strike force is representative of the  
 65 state as a whole.

66 (4) TERMS OF MEMBERSHIP; COMPENSATION; STAFF.-

67 (a) The five members appointed by the Attorney General  
 68 shall be appointed to 4-year terms; however, for the purpose of  
 69 providing staggered terms of the initial appointments, two  
 70 members shall be appointed to a 2-year term, two members shall  
 71 be appointed to a 3-year term, and one member shall be appointed  
 72 to a 4-year term. Each of the remaining members is a standing  
 73 member of the strike force and may not serve beyond the time he  
 74 or she holds the position that was the basis for the membership.  
 75 A vacancy shall be filled in the same manner as the original  
 76 appointment, but only for the remainder of the term.

77 (b) The Legislature finds that the strike force serves a  
 78 legitimate state, county, and municipal purpose and that service  
 79 on the strike force is consistent with a member's principal  
 80 service in public office or employment. Therefore, membership in  
 81 the strike force does not disqualify a member from holding any  
 82 other public office or from being employed by a public entity,  
 83 except that a member of the Legislature may not serve on the  
 84 strike force.

85 (c) Members of the strike force shall serve without  
 86 compensation but are entitled to reimbursement for per diem and  
 87 travel expenses in accordance with s. 112.061.

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88 (d) The Attorney General shall appoint a chief of staff for  
 89 the strike force who must have experience, education, and  
 90 expertise in the fields of law, prosecution, and sexual predator  
 91 or sexual offender cases and who shall serve at the pleasure of  
 92 the Attorney General. The Office of the Attorney General shall  
 93 provide administrative and support services for the strike  
 94 force.

95 (5) MEETINGS.-The strike force shall organize by December  
 96 31, 2014. Thereafter, the strike force shall meet at least four  
 97 times per year. Additional meetings may be held if the chair  
 98 determines that extraordinary circumstances require an  
 99 additional meeting. Members may appear at meetings by electronic  
 100 means. A majority of the members of the strike force constitutes  
 101 a quorum.

102 (6) DUTIES.-The strike force shall coordinate with the  
 103 Department of Law Enforcement and local law enforcement agencies  
 104 to arrest sexual predators and sexual offenders who have  
 105 absconded from supervision by or the custody of the Department  
 106 of Children and Families or the Department of Corrections and  
 107 return them to the custody of the Department of Corrections. The  
 108 strike force shall work with the Department of Children and  
 109 Families, the Department of Corrections, and the Department of  
 110 Law Enforcement to create a statewide list of known absconders  
 111 and to provide such list to local law enforcement agencies.

112 (7) REPORTS.-By October 1, 2015, and annually thereafter,  
 113 the strike force shall submit a report to the Governor, the  
 114 President of the Senate, and the Speaker of the House of  
 115 Representatives.

116 Section 2. The Division of Law Revision and Information is

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117 directed to redesignate part V of chapter 394, Florida Statutes,  
 118 as "Treatment or Involuntary Commitment of Sexual Offenders and  
 119 Predators."

120 Section 3. Section 394.911, Florida Statutes, is amended to  
 121 read:

122 394.911 Legislative intent.—The Legislature intends that  
 123 persons who are subject to the civil commitment procedure for  
 124 sexually violent predators under this part be subject to the  
 125 procedures established in this part and not to the provisions of  
 126 part I of this chapter. Less restrictive alternatives are not  
 127 applicable to such cases initiated under this part. The  
 128 Legislature further recognizes that registered sexual offenders  
 129 placed under conditional release due to a mental health disorder  
 130 require special programs of supervision and that such programs  
 131 must be established or approved by the department.

132 Section 4. Paragraph (c) of subsection (9) and subsection  
 133 (11) of section 394.912, Florida Statutes, are amended to read:

134 394.912 Definitions.—As used in this part, the term:

135 (9) "Sexually violent offense" means:

136 (c) Committing the offense of false imprisonment upon a  
 137 child under the age of 16 ~~13~~ and, in the course of that offense,  
 138 committing:

139 1. Sexual battery; or

140 2. A lewd, lascivious, or indecent assault or act upon or  
 141 in the presence of the child;

142 (11) "Total confinement" means that the person is currently  
 143 being held in any physically secure facility being operated or  
 144 contractually operated for a county, the Department of  
 145 Corrections, the Department of Juvenile Justice, or the

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146 Department of Children and Family Services. A person shall also  
 147 be deemed to be in total confinement for applicability of  
 148 provisions under this part if the person is serving an  
 149 incarcerative sentence under the custody of a county, the  
 150 Department of Corrections, or the Department of Juvenile Justice  
 151 and is being held in any other secure facility for any reason.

152 Section 5. Section 394.91355, Florida Statutes, is created  
 153 to read:

154 394.91355 Sexual offenders and predators on conditional  
 155 release; programs.—

156 (1) A person convicted of a sexual offense may be placed  
 157 under a plan of conditional release that would allow the courts  
 158 to review compliance with requirements to revoke conditional  
 159 release if there is evidence of a violation or the person poses  
 160 a danger to others. Supervision under this subsection must be by  
 161 a trained forensic mental health case manager.

162 (2) A person who has a diagnosed mental illness, a  
 163 traumatic brain injury, or an intellectual disability or who  
 164 poses a danger to others and who is convicted of a sexual  
 165 offense involving a minor under the age of 16 shall be placed  
 166 under a court-ordered plan of conditional release. The court may  
 167 also order a supervised community setting such as a person's  
 168 home or family residence or a licensed living arrangement.

169 (3) The forensic mental health case manager is responsible  
 170 for reviewing compliance and concerns regarding each client on  
 171 his or her caseload with a treatment team and placement  
 172 providers on a monthly basis.

173 Section 6. This act shall take effect July 1, 2014.



The Florida Senate

## Committee Agenda Request

**To:** Senator Greg Evers, Chair  
Committee on Criminal Justice

**Subject:** Committee Agenda Request

**Date:** March 19, 2014

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I respectfully request that **Senate Bill # 1416**, relating to Sexual Predators and Offenders, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Aaron Bean".

---

Senator Aaron Bean  
Florida Senate, District 4

# CourtSmart Tag Report

**Room:** LL 37

**Case:**

**Type:**

**Caption:** Senate Criminal Justice Committee

**Judge:**

**Started:** 4/7/2014 4:01:49 PM

**Ends:** 4/7/2014 4:09:32 PM **Length:** 00:07:44

**4:01:52 PM** Meeting called to order - Roll Call  
**4:02:33 PM** Tab 1 - SB 1416 by Senator Bean—Sexual Predators and Offenders  
**4:02:55 PM** Amendment Barcode 929388 by Senator Simmons  
**4:05:24 PM** Senator Gibson makes comments on the bill.  
**4:07:39 PM** Roll Call  
**4:08:48 PM** Senator Evers makes comments to the Staff.  
**4:09:22 PM** Meeting Adjourned



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Military Affairs, Space, and Domestic Security, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Children, Families, and Elder Affairs  
Criminal Justice  
Environmental Preservation and Conservation

**JOINT COMMITTEE:**  
Joint Committee on Public Counsel Oversight

**SENATOR THAD ALTMAN**  
16th District

April 4, 2014

The Honorable Greg Evers, Chair  
Senate Committee on Criminal Justice  
308 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Evers:

I respectfully request an excused absence for the Committee on Criminal Justice meeting on April 7, 2014 at 4:00 pm. Please contact me or my Legislative Assistants Rick Kendust or Selene Bruns if you have any questions.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Thad Altman".

Thad Altman

cc:

Chris Clark, Senate President Chief of Staff, 409 The Capitol  
Amanda Cannon, Staff Director, 510 Knott Building  
Sue Arnold, Committee Administrative Assistant, 510 Knott Building

TA/svb

**REPLY TO:**

- 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR CHRISTOPHER L. SMITH**  
*Democratic Leader*  
31st District

**COMMITTEES:**  
Criminal Justice, *Vice Chair*  
Rules, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Health  
and Human Services  
Communications, Energy, and Public Utilities  
Community Affairs  
Governmental Oversight and Accountability

**SELECT COMMITTEE:**  
Select Committee on Patient Protection  
and Affordable Care Act

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

April 4, 2014

Senator Greg Evers, Chair  
Senate Committee on Criminal Justice  
308 Senate Office Building  
Tallahassee, Florida 32399-1100

Dear Senator Evers

I respectfully request permission, for Senator Christopher L. Smith to be excused from Senate Committee on Criminal Justice. The meeting will be held on Monday April 7, 2014 from 4:00 pm until 6:00 pm . The Senator will be returning to the District to attend the funeral service of Carlton Moore that is scheduled for 1:00 pm on Monday. Carlton Moore was a very close friend and mentor to Senator Smith.

Thank you in advance for your consideration

Sincerely,

A handwritten signature in cursive script that reads "Diane Randolph".

Diane Randolph  
Legislative Assistant to  
Senator Chris Smith  
District 31

Cc: Sue Arnold

**REPLY TO:**

2151 NW 6th Street, Fort Lauderdale, Florida 33311 (954) 321-2705 FAX: (954) 321-2707  
 200 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore