

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 within the Office of
6 the Attorney General; providing definitions; providing
7 for the membership, terms, and staff of the strike
8 force; requiring the strike force to organize by a
9 specified date; providing for meetings; specifying the
10 duties of the strike force; requiring annual reports
11 to the Governor and Legislature; providing a directive
12 to the Division of Law Revision and Information;
13 amending s. 394.911, F.S.; revising legislative
14 intent; 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.

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29 | Be It Enacted by the Legislature of the State of Florida:

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

33 | 16.581 Sexual Predator and Sexual Offender Absconder
34 | Strike Force.—

35 | (1) FINDINGS.—The Legislature finds that there is a need
36 | to locate and arrest registered sexual predators and sexual
37 | offenders who have absconded from supervision by or the custody
38 | of the Department of Children and Families or the Department of
39 | Corrections.

40 | (2) ESTABLISHMENT.—There is created the Sexual Predator
41 | and Sexual Offender Absconder Strike Force within the Office of
42 | the Attorney General. The purpose of the strike force is to
43 | locate sexual predators and sexual offenders who have absconded
44 | from supervision by or the custody of the Department of Children
45 | and Families or the Department of Corrections.

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

47 | (a) "Sexual offender" means a person required to register
48 | as a sexual offender under s. 943.0435 or s. 944.607.

49 | (b) "Sexual predator" means a person required to register
50 | as a sexual predator under s. 775.21.

51 | (4) MEMBERSHIP.—The strike force shall consist of the
52 | following 11 members or their designees:

- 53 (a) The Attorney General, who shall serve as chair.
- 54 (b) The executive director of the Department of Law
 55 Enforcement, who shall serve as vice chair.
- 56 (c) The Secretary of Children and Families.
- 57 (d) The Secretary of Corrections.
- 58 (e) The chair of the Parole Commission.
- 59 (f) The executive director of the Department of Highway
 60 Safety and Motor Vehicles.
- 61 (g) Five members appointed by the Attorney General,
 62 consisting of two sheriffs, two chiefs of police, and one state
 63 attorney. In making these appointments, the Attorney General
 64 shall consider representation by geography, population,
 65 ethnicity, and other relevant factors in order to ensure that
 66 the membership of the strike force is representative of the
 67 state as a whole.
- 68 (5) TERMS OF MEMBERSHIP; COMPENSATION; STAFF.—
- 69 (a) The five members appointed by the Attorney General
 70 shall be appointed to 4-year terms; however, for the purpose of
 71 providing staggered terms of the initial appointments, two
 72 members shall be appointed to a 2-year term, two members shall
 73 be appointed to a 3-year term, and one member shall be appointed
 74 to a 4-year term. Each of the remaining members is a standing
 75 member of the strike force and may not serve beyond the time he
 76 or she holds the position that was the basis for the membership.
 77 A vacancy shall be filled in the same manner as the original
 78 appointment but only for the remainder of the term.

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

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

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

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

104 (7) DUTIES.—The strike force shall coordinate with the

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

114 (8) REPORTS.—By October 1, 2015, and annually thereafter,
115 the strike force shall submit a report on its activities and
116 recommendations to the Governor, the President of the Senate,
117 and the Speaker of the House of Representatives.

118 Section 2. The Division of Law Revision and Information is
119 directed to redesignate part V of chapter 394, Florida Statutes,
120 as "TREATMENT OR INVOLUNTARY COMMITMENT OF SEXUAL OFFENDERS AND
121 PREDATORS."

122 Section 3. Section 394.911, Florida Statutes, is amended
123 to read:

124 394.911 Legislative intent.—The Legislature intends that
125 persons who are subject to the civil commitment procedure for
126 sexually violent predators under this part be subject to the
127 procedures established in this part and not to the provisions of
128 part I of this chapter. Less restrictive alternatives are not
129 applicable to such cases ~~initiated under this part~~. The
130 Legislature further recognizes that registered sexual offenders

131 placed under conditional release due to a mental health disorder
 132 require special programs of supervision and that such programs
 133 must be established or approved by the department.

134 Section 4. Paragraph (c) of subsection (9) and subsection
 135 (11) of section 394.912, Florida Statutes, are amended to read:
 136 394.912 Definitions.—As used in this part, the term:

137 (9) "Sexually violent offense" means:

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

141 1. Sexual battery; or

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

144 (11) "Total confinement" means that the person is
 145 currently being held in any physically secure facility being
 146 operated or contractually operated for a county, the Department
 147 of Corrections, the Department of Juvenile Justice, or the
 148 Department of Children and Family Services. A person shall also
 149 be deemed to be in total confinement for applicability of
 150 provisions under this part if the person is serving an
 151 incarcerative sentence under the custody of a county, the
 152 Department of Corrections, or the Department of Juvenile Justice
 153 and is being held in any other secure facility for any reason.

154 Section 5. Section 394.91355, Florida Statutes, is created
 155 to read:

156 394.91355 Sexual offenders and predators on conditional

157 release; programs.-

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

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

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

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