

By Senator Bean

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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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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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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.