

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.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 524

INTRODUCER: Appropriations Committee and Senators Sobel and Detert

SUBJECT: Sexually Violent Predators

DATE: February 24, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Brown, C.</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	<u>Brown, A.</u>	<u>Kynoch</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 524 creates the “Protecting Our Children from Sexual Predators Act.” The primary purpose of the bill is to facilitate the accurate assessment of sex offenders for civil commitment as sexually violent predators.

The bill amends various provisions governing the sexually violent predator program to strengthen the ability of multidisciplinary teams to identify sexually violent predators. The bill requires the Department of Children and Families (DCF) to train team members, provide feedback to team members, and create a process for measuring the performance of team members.

Currently the DCF may contract with independent contractors to serve as members of a multidisciplinary team. The bill limits such contracts to one-year terms, subject to renewal. Because the DCF will annually evaluate the contractors based on performance, the department will be able to more quickly replace contractors who are poorly performing.

The bill may lower the threshold for recommendations to a state attorney that a person be civilly committed as a sexually violent predator. Under the bill, an offender will be recommended for civil commitment if at least two multidisciplinary team members determine that the offender is, by definition, a sexually violent predator. Current law is silent on the number of members required to designate a sex offender as a sexually violent predator.

The Florida Department of Law Enforcement maintains a web site and toll-free telephone number to provide information to the public of sex offenders and sexually violent predators. The bill requires public and private colleges and universities to inform students and employees about the web site and the toll-free number.

The bill has an indeterminate fiscal impact.

II. Present Situation:

Trends in Sex Offenses, Prison Sentences, and Recidivism

Although the prevalence of sexual violence in Florida as measured by new prison admissions has decreased in the last decade, recent trends show an increase. Researchers attribute the largest increase in prison admissions for sex crimes to one offense—traveling to meet a minor met on the Internet for the purpose of sex. The steep rise for this particular crime (14 convictions in Fiscal Year 2010-2011 to 154 convictions in Fiscal Year 2012-2013) represented a 1,100 percent increase which may be due, in part, to additional sting operations conducted by law enforcement officials.

Sex offenses account for fewer than six percent of annual prison admissions. Lewd and lascivious battery with a victim between 12 and 15 years of age¹ and sexual battery by an adult with a victim under 12 years of age represent the two most common sex crimes resulting in incarceration.²

Criminal penalties for sex acts with children range widely from a capital felony with a mandatory term of life for sexual battery with a victim under 12 years of age³ to a third degree felony punishable up to five years in prison for lewd or lascivious molestation of a victim 12 to 15 years of age and the offender is less than 18 years of age.⁴

The average prison sentence of 12.7 years for sex offenders is longer than in the past. The Department of Corrections (DOC) indicates that the three-year recidivism rate for sex offenders is 34 percent. The new offense, however, might not be an additional sex crime.

Factors Relating to Prosecution, Conviction, and Sentencing of Sex Offenses

In a 2006 report by the Legislature's Office of Economic and Demographic Research (EDR), the EDR noted:

- Sex offenses share some characteristics with other serious offenses such as murder and robbery. Facing potentially lengthy prison terms, defendants tend to fight charges with all resources available. Trial rates are highest for these three offenses.
- Sex offenses are also different from other offenses. The type of sanction and the length of sentence is often mitigated. A high percentage of cases involved dismissal of some counts.

¹ Section 800.04(4)(a), F.S.

² Section 800.04(5)(b), F.S.

³ Section 794.011(2)(a), F.S.

⁴ Section 800.04(5)(d), F.S.

- Eighty-five percent of victims of a sex crime know the offender.
- Victims of sexual offenses, at an average age of 13.4 years old, tend to be much younger than victims of other crimes. Eighty-three percent of victims are 15 years old or younger. Successful prosecution usually requires the victim to testify in court. Because many victims are children, and many know the offender, victim's families often consider the trauma of revisiting the crimes in a public forum too difficult. Many children do not possess the intellectual and emotional skills necessary for adversarial confrontation with the defense. Faced with these challenges, the prosecution often determines that the best outcome can be achieved by a plea bargain including a reduced charge or lesser sentence. Although mitigation may result in a reduced sanction, a conviction may require the offender to register as a sex offender.⁵

Sexual Predator/Offender Registration

Florida's registry laws subject sexual predators and offenders to registration and notification requirements. All qualifying sexual predators or offenders are listed on a public registry web site maintained by the Florida Department of Law Enforcement (FDLE).⁶ The web site can also provide the public with email notifications when an offender moves nearby.

The sexual predator designation in Florida is reserved for relatively few sex offenders. As of September 11, 2013, a total of 43,640 persons located in Florida were required to register as a sexual predator or sexual offender. Of that number, courts designated 21 percent as sexual predators.

Designation of a Sexual Predator or Sexual Offender

A person is designated a sexual predator by a court if the person:

- Has been convicted of a current qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;
- Has been convicted of a current qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Is subject to civil commitment.⁷

A person is designated as a sexual offender by the FDLE if the person:

- Has been convicted of a qualifying sex offense and released on or after October 1, 1997 (the date the modern registry became effective) from the sanction imposed for that offense;
- Is a Florida resident and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or

⁵ Office of Economic and Demographic Research, *Factors Relating to the Sentencing of Sex Offenders*, p. 1-2 (March 1, 2006) (on file with the Senate Committee on Judiciary).

⁶ The web site is located online at: <http://offender.fdle.state.fl.us/offender/homepage.do>

⁷ Section 775.21(4), F.S.

- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the victim was 14 years of age or older.⁸

Registration Obligations of Sexual Predators/offenders

- Registrants must report to their local sheriff's office and provide a photograph, personal identifying information, driver's license/state ID number, social security number, residence address (including transient addresses), employer information, email addresses, instant message names, and crime information.⁹
- Sexual predators and some sexual offenders must report to the local sheriff's office quarterly; other sexual offenders report bi-annually.¹⁰
- Sexual predators and offenders must update their driver's license or identification card within 48 hours after any change of residence or name change.¹¹
- Generally, sexual predators and offenders are subject to lifetime registration. Some sexual offenders may petition for removal of registration requirements if they have been released from the latest sanction for at least 25 years, remain arrest-free, and do not have an adult conviction for a disqualifying offense. Persons convicted of a qualifying sex offense as a young adult may also petition for removal of registration requirements.¹²
- Sexual predators are prohibited from working or volunteering at any place where children regularly congregate.¹³

Sex Offenders under Community Supervision

A court may place a convicted felon on community supervision, either immediately upon sentencing or after serving a sentence. Convicted felons on community supervision report to and are monitored by the DOC's probation officers. Data on sex offenders released from prison to community supervision include the following:

- In Fiscal Year 2012-2013, 66.1 percent of sex offenders released from prison began supervision upon release.
- As of July 31, 2013, 5.3 percent of the total population on community supervision were required to register as sexual offenders. Of offenders on community supervision for a sexual offense, the DOC tracked 34.5 percent by electronic monitoring.
- Supervised offenders must comply with statutory terms and conditions as well as special terms and conditions imposed by the sentencing court or by the Parole Commission.
- Offenders on community supervision for a sex offense are more likely to have supervision revoked for a technical violation than other offenders on supervision. For Fiscal Year 2011-2012 the DOC revoked supervision of 427 sex offenders for misconduct. A technical violation was the basis of 74 percent of revocations. Supervision was revoked for 26 percent of the offenders due to a new crime. In contrast, the DOC revoked supervision of 34,095

⁸ Section 943.0435(1), F.S.

⁹ Sections 775.21(6) and 943.0435(2), F.S.

¹⁰ Sections 775.21(8)(a) and 943.0435(14)(a), F.S.

¹¹ Sections 775.21(6)(g)1. and 943.0435(4)(a), F.S.

¹² Sections 775.21(6)(l) and 943.0435(11), F.S.

¹³ Section 775.21(3)(b)5., F.S.

felons for misconduct during the same time period, with 39 percent revoked for a technical violation and 61 percent revoked for a new crime.

- Offenders on community supervision for certain sex offenses committed against a child have conditions restricting them from living near schools or working or volunteering in places where children regularly congregate or having unsupervised contact with a minor. Residency and employment restrictions apply to certain offenders after completion of sentence and community supervision. Local ordinances may impose additional residence restrictions, including wider exclusion zones.
- In recent years, mandatory conditions of supervision for sex offenders were expanded to prohibit certain activities such as distributing candy at Halloween and visiting schools without prior approval of the probation officer.

Legal Basis for Civil Commitment of Sexually Violent Predators

Florida enacted the Sexually Violent Predator Program (SVPP) in 1998 and modeled it after the Kansas Sexually Violent Predator Act, which provided for involuntary civil commitment of sexually violent predators. Challenged on due process, double jeopardy, and ex post facto grounds, in *Kansas v. Hendricks*, the U.S. Supreme Court upheld the Kansas' civil commitment program.¹⁴ The Court based its ruling on the following:

- The Act requires a finding of dangerousness to self or others, through evidence of an inability to control behavior and a finding that the person suffers from a mental abnormality or personality disorder.¹⁵
- The Act is non-punitive in nature, requires treatment during commitment, and bases commitment on mental deficiency rather than criminal intent.¹⁶
- A court must review commitment annually and determine whether a detainee continues to be mentally infirm.¹⁷
- The Act provides due process based on numerous procedural and evidentiary protections.¹⁸
- Because the commitment is civil in nature, not criminal, the Act does not violate constitutional protections against double jeopardy.¹⁹
- Because the Act is not a criminal law, the Act does not violate the ex post facto clause of the U.S. Constitution.²⁰

In *Kansas v. Crane*, the U.S. Supreme Court refined the *Hendricks* requirement that the offender possess a lack of behavioral control.²¹ *Crane* requires a stronger showing of a lack of control, namely, that the offender's inability to control behavior constitutes a serious public danger.²²

¹⁴ *Kansas v. Hendricks*, 521 U.S. 346 (1997).

¹⁵ *Id.* at 357-358.

¹⁶ *Id.* at 363 and 367.

¹⁷ *Id.* at 364.

¹⁸ *Id.*

¹⁹ *Id.* at 369.

²⁰ *Id.* at 371.

²¹ 534 U.S. 407 (2002).

²² *Id.* at 413.

The Florida Supreme Court upheld Florida's civil commitment program in 2002.²³ As Florida's law is heavily based on the Kansas program, the Court cited *Kansas v. Hendricks* in support:

Florida's Ryce Act shares many of the hallmarks of the Kansas statute which the Supreme Court found significant in *Hendricks* While only individuals convicted of a sexually violent offense are *eligible* for commitment under the Ryce Act, the previous conviction must be coupled with a current "mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment"²⁴

History of the Sexually Violent Predator Program and the Civil Confinement of Predators

The 1998 Florida Legislature established the Sexually Violent Predator Program (SVPP).²⁵ The Martin Treatment Center, operated by Liberty Behavioral Health Care, originally housed the majority of sexually violent predators. Some detainees awaiting commitment proceedings were housed at the South Bay Sexually Violent Predator Detainee Unit, a unit of the South Bay Correctional Facility. In late 2000, the program moved to the Florida Civil Commitment Center (FCCC) in Arcadia, Florida, a larger facility which housed both detainees and committed Sexually Violent Predators (SVPs).

Initially, the number of detainees significantly outnumbered the number of committed sexually violent predators. Reports of lax security resulted in violence, introduction of contraband, and general disorder within the facility. The Department of Children and Families (DCF) terminated its contract with Liberty Healthcare Group in 2006 and contracted with Geo Group, Inc. as the new provider. In addition to operating the program, Geo Group was awarded a design-and-build contract to construct a new facility. The new FCCC, having a population capacity of 720, opened in April 2009 and is a modern facility built specifically for the SVPP.²⁶

The FCCC currently houses 647 persons—567 sexually violent predators and 80 persons awaiting a commitment trial. The program provides four progressive stages of treatment. Completion of the entire program takes at least six years. From 2004 to 2009, the DCF was a defendant in a federal class action lawsuit alleging unconstitutional conditions of confinement, ADA violations, and a lack of access to treatment. Parties to the lawsuit agreed to settle and the plaintiffs voluntarily dismissed the lawsuit in 2009, based on improved conditions and treatment opportunities.

²³ *Westerheide v. State*, 831 So. 2d 93 (Fla. 2002).

²⁴ *Id.* at 100.

²⁵ Chapter 98-64, L.O.F. The 1998 Legislature created the "Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act."

²⁶ Marti Harkness, Senate Appropriations Subcommittee on Criminal and Civil Justice, *Overview of Sexually Violent Predator Program*, PowerPoint Presentation (September 24, 2013) (on file with the Senate Committee on Judiciary).

Referral and Commitment Process for Sexually Violent Predators

Referral:

A referring agency gives notice to the state attorney and the multidisciplinary team (MDT) of the upcoming release of a person in confinement who has been convicted, adjudicated delinquent, or found not guilty by reason of insanity of a qualifying sexually violent offense.²⁷

The timing of the notices to the MDT depends on which agency has jurisdiction over the person:

- The DOC must give notice at least 545 days before release from incarceration.
- The Department of Juvenile Justice must give notice at least 180 days before release from residential commitment.
- The DCF must give notice at least 180 days before the release hearing of a person found not guilty by reason of insanity.²⁸

Multidisciplinary Team Review (MDT):

By law, MDT members must be licensed psychologists or psychiatrists. Administrative rules further require MDT members to have at least one year of experience in the treatment or evaluation of sex offenders, have completed training in use and scoring of the risk assessment actuarial (known as the Static 99 form), and earn 24 hours of continuing education credits related to assessment or treatment of sex offenders.²⁹

- After the referring agency provides notice to the proper entities, the referring agency also provides the MDT with a packet of relevant information. At least two MDT members make a threshold assessment of whether the referred person meets statutory commitment criteria of having a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined for treatment.³⁰
- If the MDT finds that the person meets commitment criteria, a clinical evaluation is conducted by at least one licensed psychiatrist or licensed psychologist. The evaluation must include a records review, a personal interview if the person consents, and a risk assessment.³¹
- The MDT recommends commitment to the state attorney within 180 days after referral, if a majority of the MDT, including at least one clinical evaluator, agree that the person meets commitment criteria.³²

Commitment Trial:

- The state attorney receives the MDT recommendation and decides whether to file a commitment petition in circuit court.³³

²⁷ Section 394.912(9), F.S.

²⁸ Section 394.913(1), F.S.

²⁹ Rule 65E-25.002, F.A.C.

³⁰ Section 394.913(2) and (3), F.S.

³¹ Section 394.913(3)(c) and (e), F.S.

³² Section 394.913(3)(e), F.S.

³³ Sections 394.9135(3) and 394.914, F.S.

- If a petition is filed, the court determines whether there is probable cause for commitment.³⁴
- If the court finds probable cause, a commitment trial must be held within 30 days, unless the court grants a continuance of up to 120 days.³⁵
- If the court finds probable cause, the person will be transferred to DCF secure custody in detainee status if the trial is not held before the person is released from his or her current sentence or other confinement.
- The detainee has the right to counsel, and either party may elect trial by a six-person jury.³⁶
- A judge or jury determines whether there is clear and convincing evidence that the person meets sexually violent predator (SVP) criteria. A jury must reach a unanimous verdict to designate an offender as a sexually violent predator.³⁷

Post-commitment Trial:

- The SVP is committed to the custody of the DCF upon expiration of sentence or, if detained by DCF, moved to commitment status.³⁸
- Once in DCF custody, the SVP is transferred to the FCCC for secure custody and treatment. The SVP's status is reviewed by the court at least annually. The SVP may be discharged at any time if the court determines at a bench trial that it is safe to release him or her.³⁹

Number and Flow of SVPP Cases as of August 31, 2013⁴⁰

Since the inception of the SVPP, 47,932 cases have been screened by DCF:

- The MDT screened out 40,920 cases as not meeting commitment criteria.
- The MDT determined that 4,171 cases required a clinical evaluation.

Of the 4,171 cases referred for a clinical evaluation:

- The MDT recommended that 1,607 cases met commitment criteria.
- The MDT recommended that 2,477 cases did not meet commitment criteria.
- Eighty-seven cases are pending or were deferred or deleted.

Of the 1,607 cases for which the MDT recommended commitment, the State Attorney filed a petition in 1,509 cases:

- The State Attorney also filed petitions in six cases in which the MDT recommended that commitment criteria was not met.
- The State Attorney did not file a petition in 70 cases.

³⁴ Section 394.915, F.S.

³⁵ Section 394.916(1) and (2), F.S.

³⁶ Section 394.916(3), F.S.

³⁷ Section 394.917(1), F.S.

³⁸ Section 394.917(1) and (2), F.S.

³⁹ Section 394.917(2), F.S.

⁴⁰ Department of Children and Families, *An Overview of Florida's Sexually Violent Predator Program*, Presented at Joint Workshop of the Senate Children, Families, and Elder Affairs Committee and the Judiciary Committee (September 24, 2013) (on file with the Senate Committee on Judiciary).

- A decision is pending in 40 cases as to whether a petition will be filed.

Of the 1,509 cases in which petitions were filed by the State Attorney, 466 cases were disposed of before the commitment trial, or are pending trial:

- 332 persons were released (no probable cause, petition dismissed, or released by court order).
- 83 persons are detained in the FCCC pending trial.
- 21 petitions are otherwise pending trial.
- 30 persons are deceased or out-of-state.

Of the 1,037 cases that have been disposed of by a commitment trial:

- 575 SVPs were committed to the FCCC.
- 1 person is in the FCCC by stipulated agreement.
- 4 SVPs await the end of their prison sentence before commitment.
- 140 SVPs were committed but have been released by stipulated agreement.
- 117 persons were completely released at trial.
- 8 persons were released at trial with conditions.
- 20 persons had their commitment overturned or dismissed.
- 119 SVPs were committed but later determined to no longer meet criteria.
- 32 persons are deceased or out-of-state.
- 22 people were returned to prison for other reasons.

Of the respondents to the 1,509 petitions for civil commitment which were filed:

- 700 are in some form of secure custody in Florida.
- 741 have been released.
- 62 are deceased or out-of-state.

III. Effect of Proposed Changes:

This bill creates the “Protecting Our Children from Sexual Predators Act.” The primary purpose of the bill is to facilitate the accurate assessment of sex offenders for civil commitment as sexually violent predators.

Under the bill, members of a multidisciplinary team (MDT) who assess individuals for commitment as a sexually violent predator, must have experience in, or experience relevant to, the evaluation or treatment of persons with mental abnormalities. The Department of Children and Families (DCF) must train MDT members annually on topics that include but are not limited to research on sexual offenses and offenders, clinical evaluation methods, and the civil commitment process. Currently, DCF has no statutory requirements to train MDT members. The bill also limits contracted members of a MDT to one-year contracts, subject to renewal.

The DCF is required to annually evaluate contracted members of a MDT based upon their:

- Scope of knowledge and understanding of clinical research regarding risk factors for sexual deviance and recidivism;
- Ability to identify relevant clinical data from a review of criminal records and other data, including law enforcement recommendations and insights from victim advocates; and
- Ability to apply clinical information in a structured assessment of both static risk factors and dynamic predictors of recidivism.

The bill requires the DCF to maintain data on each case regarding the recommendations of team members, the final recommendations of the team, petitions filed by state attorneys, and the results of the petitions. The bill requires DCF to analyze these data, at least annually, to assess reliability between individual evaluator recommendations and the recommendations of the team as a whole, and to assess trends in the process. The bill requires state attorneys to provide information to the DCF as necessary to maintain the database.

The bill requires the DCF to prioritize the assessments and evaluations of persons referred to the MDT based upon each person's expected release date.

The bill provides that after all clinical evaluations have been completed, the DCF is required to provide the state attorney with a written assessment and recommendation as to whether a person meets the definition of a sexually violent predator. Current law does not specify how many MDT members must agree on an assessment that an offender is a sexually violent predator. The bill specifies that an offender will be recommended by the DCF to a state attorney for civil commitment if at least two members of a MDT find that the offender is, by definition, a sexually violent predator. To the extent that assessments are currently made through consensus, more cases may be referred to the state attorney for civil commitment proceedings under the bill.

If the state attorney questions, in writing, the determination that a person does or does not meet the definition of a sexually violent predator, the MDT must reexamine the case before a final written assessment and recommendation are provided to the state attorney.

For cases with referral dates that occur at least 90 days before the person's scheduled release date, the bill requires the MDT – after all clinical evaluations have been completed, but at least one month before the person's scheduled release date – to provide to the state attorney a written assessment and recommendation as to whether the person meets the definition of a sexually violent predator. For cases with referral dates that occur less than 90 days before the person's expiration of sentence, the MDT shall provide to the state attorney a written assessment and recommendation as soon as is practicable before the person's expiration of sentence.

The bill requires private and public colleges, universities, and schools to notify students and employees about the sexual offender and sexual predator web site and toll-free telephone number maintained by the Florida Department of Law Enforcement (FDLE). This notification shall be made both at orientation sessions and on the web sites of the colleges, universities, and schools. Students who access the FDLE web site or toll-free telephone number may be more aware of sexual offenders and predators on or near school campus.

The bill takes effect 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:

State Government

The bill could increase the number of persons referred to the Sexually Violent Predator Program (SVPP) and the program's costs by an indeterminate amount. To the extent that only two members of the multidisciplinary team must find that a person meets the definition of a sexually violent predator, the number of cases referred to the state attorney for civil commitment proceedings could increase by an indeterminate amount.

Based on an analysis of SB 524 conducted by the state's Criminal Justice Impact Conference on January 30, 2014, the bill is expected to have no impact on the prison bed population.⁴¹

The Board of Governors of the State University System of Florida (BOG) anticipates potentially meeting the required notice by referencing the FDLE web site and toll-free number in the orientation material and handbooks provided to new students and employees.⁴² The cost of placing this information on college and university web sites should also be absorbed within existing resources. Therefore, the BOG does not expect a fiscal impact.

⁴¹ See < <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/> > (last visited February 12, 2014)

⁴² Board of Governors, State University System of Florida, *2014 Legislative Bill Analysis* (January 13, 2014) (on file with the Senate Committee on Judiciary).

VI. Technical Deficiencies:

None.

VII. Related Issues:

Lines 125-141 of the committee substitute pertain to requirements for the MDT to provide written assessments and recommendations to state attorneys based on the timing of expected dates of release of persons being assessed by the MDT. For a person expected to be released at least 90 days after the date of referral, the bill references the person's "scheduled release date." For a person expected to be released less than 90 days from the date of referral, the bill references the person's "expiration of sentence." These two terms differ in their applicability, and the Legislature may wish to consider consistency with this terminology.

VIII. Statutes Affected:

This bill substantially amends section 394.913 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 1005.10 and 1006.695.

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 Appropriations on February 20, 2014:

The CS provides that:

- Members of the multidisciplinary team (MDT) must have experience in the evaluation or treatment of persons with mental abnormalities.
- The Department of Children and Families (DCF) must provide training to MDT members annually on specified topics.
- The requirement that the DCF would annually conduct a comparative analysis of each member's recommendations versus each offender's subsequent criminal history, is removed from the bill. Instead, the CS requires the DCF to maintain data on each case, the recommendations of the MDT, and petitions filed by state attorneys. The DCF must analyze these data at least annually for reliability between the recommendations of individual MDT members and the team as a whole and must also assess trends in the data.
- The DCF must prioritize the MDT assessments of individuals based upon each person's scheduled release date, for all cases.
- The bill's provision that a person is deemed to meet the definition of a sexually violent predator if two or more members of the MDT find that the person is a sexually violent predator, is removed from the CS.
- The DCF is required to provide state attorneys with written assessments and recommendations as to whether a person is a sexually violent predator, after all clinical evaluations of the person are completed. The DCF must recommend that the state attorney file for civil commitment if at least two members of the MDT find that the person is a sexually violent predator.

- If a state attorney questions the DCF's findings in writing, the MDT must reexamine the case before a final written assessment and recommendation are provided to the state attorney.
- If the referral date is at least 90 days before the person's scheduled release, the MDT must provide to the state attorney a written assessment and recommendation as to whether the person is a sexually violent predator, at least one month before the person's scheduled release date. If the referral date is less than 90 days before the person's scheduled release, the MDT must provide the written assessment and recommendation as soon as is practicable.
- Each university, college, and school is required to provide information on its web site about the FDLE's sexual offender and predator registry web site and toll-free telephone number; SB 524, as filed, required that information be provided at orientation sessions.

B. Amendments:

None.