



Broward County Chiefs of Police Association, Inc.

Legal Update

Legal Advisor Committee

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FEBRUARY, 2014 LEGISLATIVE UPDATE

The following update contains proposed legislation that will be considered by the Florida Legislature during the 2014 Session.

CS/SB 522: Involuntary Civil Commitment of Sexually Violent Predators

Introducers: Senators Denise Grimsley and Nancy Detert

Last action: Scheduled on the Judiciary Committee agenda for 2/4/2014

Related House Bill(s): 7013 and 7019

The proposed bill amends F.S. 394.913, which requires the agency with jurisdiction over a person who has been convicted of a sexually violent offense to give written notice to the multidisciplinary team, and a copy to the state attorney of the circuit where that person was last convicted of a sexually violent offense of the anticipated release of a sexually violent offender, as follows:

- The amendment clarifies the responsibility of the agency with jurisdiction over a person who has been convicted of a sexually violent offense to give written notice to the multidisciplinary team and the state attorney;
- Clarifies that the written notice must be provided as soon as practicable after receipt into custody of such person in a local detention facility;
- Provides minimum requirements for member of the multidisciplinary team;
- Requires primary team members to provide a written assessment and recommendation to DCF, which is then forwarded to the state attorney within 180 days from receiving notice. The assessment and recommendation must also include a victim impact statement which is to be prepared by the by the victim advocate on the team.
- Provides the victim advocate with the ability to veto the team's determination that the person does not meet the definition of a sexually violent predator. In such a case, the victim advocate's veto must be sent to the state attorney with the team's assessment and recommendation.

The bill amends F.S. 394.9135, which provides for the detention of persons convicted of a sexual violent offense past their release date.

- The amendment would permit the state attorney to petition a judge for a probable cause finding to order the taking into custody and transport of any person who was serving a

sentence under the custody DOC or DJJ and was released for a local detention facility or not assessed due to mistake, oversight, or intentional act.

The bill amends F.S. 394.926 as follows:

- Requires that the victim of a violent sexual predator shall be notified of release information and when the predator is taken into custody by DCF.
- Requires that DCF provide the same notification to DOC's Office of Community Corrections and the local sheriff in which the predator intends to live, or if unknown, to the sheriff of the county where the predator was convicted.

The bill amends F.S. 394.931 to include:

- Beginning July 1, 2014, DOC shall collect the necessary information to produce an annual report to the Legislature documenting recidivism rates for offenders referred to and released from civil commitment facilities.

SB 524: Sexually Violent Predators

Introducers: Senators Eleanor Sobel and Nancy Detert

Last action: Scheduled on the Judiciary Committee agenda for 2/4/2014

Related House Bill(s): 7021

Named the "Protecting Our Children from Sexual Predators Act". The Bill amends F.S. 394.913 as follows:

- The amendment would require the Department of Children and Families to provide training to the members of the multidisciplinary team and places a limit on the term of contract of multidisciplinary team members who contract with the department to 1 year. However, the contracts may be renewed for additional 1 year periods.
- DCF would also be required to conduct annual evaluations of all multidisciplinary team members.
- The amendment also provides that a person meets the definition of a "sexually violent predator" if two or more team members find that the person meets the definition.

The Bill also creates F.S. 1006.10 and 1006.995 which requires nonpublic and public colleges, universities, and schools to inform students and employees of the Florida Department of Law Enforcement sexual predator and sexual offender registry website and toll-free number.

CS/SB 526: Sexual Offenses

Introducer: Senator Rob Bradley

Last action: Scheduled on the Judiciary Committee agenda for 2/4/2014

Related House Bills: 7017 and 7027

The Bill amends F.S. 794.011 (Sexual Battery) by:

- Creating and revising new offenses involving sexual battery and lewd or lascivious battery and molestation;

- Authorizing a state attorney to move a court to make a written finding that an offense was a sexually motivated offense under certain circumstances;
- Prohibiting the award of gain-time for certain offenses;
- Requiring split sentence for certain sexual offenses.

SB 528: Sex Offenses

Introducer: Senator Greg Evers

(Last action: Scheduled on the Judiciary Committee agenda for 2/4/2014)

Related House Bill: 7025

The bill amends F.S. 775.21 (Sexual Predator Act) by:

- Requires disclosure of additional information during the sexual predator registration process, such as electronic mail addresses, internet identifiers, tattoos, scars, palm prints and the make, model, registration number and tag number of vehicles owned by the predator and/or vehicles that the predator has access to;
- Adds additional offenses to the list of sexual offender qualifying offenses;
- Provides criminal penalties for knowingly providing false registration information by act or omission;
- Revising the criteria applicable to provisions that allow removal of the requirement to register as a sexual offender or sexual predator;

The bill amends F.S. 943.0435 (Sex Offender Registration) by:

- Adding additional offenses to the list of qualifying offenses;
- Requiring disclosure of additional sexual offender registration information;
- Requiring that a sexual offender who is unable to secure or update a driver license or identification card within a specified period to report a change in certain information to the local sheriff's office within a specified period of time of such change and confirm that he or she also reported such information to the Department of Highway Safety and Motor Vehicles;
- Providing additional requirements for sexual offenders intending to reside outside of the United States;
- Revising criteria applicable to provisions that allow removal of the requirement to register as a sexual offender;
- Tolling the registration period during the offender's term of incarceration, commitment to a residential program, civil commitment, or detention pursuant to F.S. Ch. 985;
- Providing criminal penalties for knowingly providing false registration information by act or omission.

The bill amends F.S. 943.04354 (Removal of Requirement of Sex Offender/Predator Registration) by revising the criteria applicable to provisions that allow removal of the requirement to register as a sexual offender or sexual predator.

The bill amends F.S.S. 944.606 (Sex Offender Notification upon Release) and 944.607 (Notification to FDLE of Information on Sexual Offenders) by:

- Adding additional offenses to the list of sexual offender qualifying offenses;
- Requiring disclosure of additional registration information;
- Providing criminal penalties for knowingly providing false registration information by act or omission.

Amends F.S.S. 985.481 (Notification upon release of Sexual Offenders Adjudicated Delinquent) and 985.4815 (Notification to FDLE of Information on Sexual Offenders Adjudicated Delinquent) by:

- Requiring disclosure of additional registration information by certain sexual offender adjudicated delinquent and certain juvenile sexual offenders;
- Providing criminal penalties for knowingly providing false registration information by act or omission.