

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Sobel, Chair
Senator Hays, Vice Chair

MEETING DATE: Tuesday, January 14, 2014
TIME: 10:00 a.m.—12:00 noon
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Sobel, Chair; Senator Hays, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Detert, Diaz de la Portilla, Grimsley, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 522 Grimsley	<p>Involuntary Civil Commitment of Sexually Violent Predators; Requiring the agency with jurisdiction over a person who has been convicted of a sexually violent offense to give written notice to the multidisciplinary team as soon as practicable after receipt into custody of such person in a local detention facility; providing for certain released persons to be taken into custody by the Department of Children and Families; requiring the department to provide written notice of placement of a person in the department's custody for a commitment hearing to a victim of such person; requiring the Department of Corrections to collect recidivism information and prepare an annual report by a specified date, etc.</p> <p>CF 01/14/2014 Fav/CS JU AP</p>	Fav/CS Yeas 9 Nays 0
2	SB 524 Sobel	<p>Sexually Violent Predators; Citing this act as the "Protecting Our Children from Sexual Predators Act"; requiring the Department of Children and Families to provide training to the members of the multidisciplinary team; limiting the term of contract of multidisciplinary team members who contract with the department to 1 year; providing that such contracts may be renewed; requiring nonpublic 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, etc.</p> <p>CF 01/14/2014 Favorable JU AP</p>	Favorable Yeas 9 Nays 0
3	Status of Elder Issues Charles T. Corley, Secretary, Department of Elder Affairs		Discussed

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.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 522

INTRODUCER: Children, Families, and Elder Affairs Committee; and Senators Grimsley and Detert

SUBJECT: Involuntary Civil Commitment of Sexually Violent Predators

DATE: January 14, 2014 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Fav/CS
2.			JU	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 522 aims to better protect children and other citizens from sexually violent predators. The current Sexually Violent Predator Program was found to have weaknesses that allowed some sexually violent predators to avoid evaluation and civil commitment. Some of these predators went on to commit new sexual crimes. These weaknesses were raised in the Sun Sentinel series on August 20, 2013, entitled “Sex Predators Unleashed,” a joint meeting of the Senate Judiciary and Children, Families, and Elder Affairs committee held September 24, 2013, and an internal review by the Department of Children and Families dated September 23, 2013.

The bill addresses problems with the sexually violent predator program by making major policy changes. First, the bill expands the criteria for civil commitment consideration to include offenders who are serving a sentence in county jail and who have a history of committing a sexually violent offense. Second, in certain circumstances the bill will allow placement of persons who have been inadvertently released from custody without evaluation into civil detention for evaluation. Third, the multidisciplinary teams within the Department of Children and Families will be expanded to include assistant state attorneys, law enforcement officers, and victim advocates. This is intended to help the evaluation teams make better decisions as to whether the person is a sexually violent predator who is likely to commit new sexual crimes unless kept in secure confinement. Finally, the bill requires better notification to communities and victims when violent sexual predators complete their treatment and are released into the community. The bill is expected to have a significant fiscal impact and is effective July 1, 2014.

II. Present Situation:

Trends in Sex Offenses, Prison Sentences, and Recidivism

Over the last decade or so the prevalence of sexual violence in Florida, as measured by new prison admissions, has declined. This declining trend, however, reversed in the last couple of years. The largest increase in prison admissions for sex crimes is attributed to the offense of traveling to meet a minor met on the Internet for the purposes of sex. The steep rise for this particular crime (14 in FY 2010-11 to 154 in FY 2012-13) may be due to sting operations conducted by law enforcement officials.

Less than six percent of annual prison admissions are for a sex offense. The two most common sex crimes resulting in incarceration include: lewd and lascivious battery with the victim between 12 and 15 years of age; and sexual battery by an adult when the victim is under 12 years of age.

Criminal laws governing sex offenders are predominantly found in Chapters 794 (Sexual battery), 796 (Prostitution), 800 (Lewd offenses) and 847 (Obscenity and pornography), F.S. The 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 age to a third degree felony punishable up to 5 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. The average prison sentence for sex offenders is longer than in the past and is currently at 12.7 years.

The Department of Corrections' current three-year recidivism rate for sex offenders is 34 percent. In other words, 34 percent of the sex offenders released from prison returned to prison for another offense (not necessarily a new sex crime) within 3 years of their release.

According to 2012 research conducted by Jill S. Levenson, Ph.D., the 5-year sexual recidivism rate for sex offenders in Florida is 5.2 percent. In other words, after 5 years, 5.2 percent were re-arrested for a new sexual crime. This calculation was based on a sample of 500 convicted sex offenders.

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

On March 1, 2006, the Legislature's Office of Economic and Demographic Research (EDR) released a report entitled *Factors Relating to the Sentencing of Sex Offenders*. In that report EDR found that a variety of factors influence prosecution, conviction, and sentencing of sex offenses:

- Sex offenses share some characteristics with other serious offenses such as murder and robbery. The defendants face potentially lengthy prison terms. Therefore, defendants are motivated to fight the charges with whatever resources are at their disposal. Trial rates are highest for these three offenses.
- Law enforcement and prosecutorial resources gravitate towards these most serious cases. With the attention and time devoted to these cases, any problems with the evidence or proceedings associated with the case are more likely to be revealed and utilized by the defense.

- Sex offenses are also different from other offenses. The type of sanction and the length of sentence is often mitigated, and high proportions of defendants have at least some counts dismissed.
- One difficulty unique to the prosecution and conviction of sexual offenses is the young age of most of the victims. Data reviewed by EDR indicated that the average age of the victims was 13.4 years old and that 83 percent were 15 or younger.
- EDR found that 85 percent of the victims knew the offender, which creates another difficulty in prosecuting many sexual offense cases, as victims may not cooperate in the prosecution of a loved one or family member. Successful prosecution usually requires the victim to testify in court. Since many of the victims are children, many of whom know the offender, victim's families often consider the trauma of repeatedly revisiting the crimes in a public forum too difficult. Also, 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.
- Even though mitigation may result in a lower sanction than desired by the prosecution, the conviction may require the offender to register as a sex offender.

Legal Basis for Civil Commitment of Sexually Violent Predators

- Florida's Sexually Violent Predator Program (SVPP) was modeled after the Kansas civil commitment statute that was found constitutional by the United States Supreme Court in *Kansas v. Hendricks*, 521 U.S. 346 (1997). The legislation authorizing civil commitment of sexually violent predators (ss. 394.910 – 394.932, F.S.) became effective on January 1, 1999.
- A sexually violent predator is an offender who has been convicted of an offense that is statutorily designated as a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes him or her likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.
- In *Kansas v. Hendricks*, 521 U.S. 346 (1997), the United States Supreme Court held that the Kansas commitment statute was civil in nature, not criminal. Therefore, civil commitment of a sexually violent predator after the completion of criminal incarceration was not double jeopardy.
- The Court recognized that states may provide for forcible civil detention of people who have a mental illness or mental abnormality that makes them unable to control their behavior, and who thereby pose a danger to the public health and safety.
- The Court noted that the Kansas Legislature took great care to confine only a narrow class of particularly dangerous individuals after meeting the strictest procedural standards.
- In *Kansas v. Crane*, 534 U.S. 407 (2002), the Court held that the Constitution requires proof that a sexual offender has serious difficulty in controlling behavior, and that the proof must be sufficient to distinguish the dangerous sexual offender whose serious mental illness, abnormality, or disorder subjects him to civil commitment from the dangerous but typical recidivist convicted in an ordinary criminal case.
- In *Westerheide v. State*, 831 So.2d 93 (Fla. 2002), the Florida Supreme Court relied upon *Kansas v. Hendricks* in finding that Florida's civil commitment statute meets both federal

and state constitutional requirements for involuntary civil commitment of sexually violent predators.

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

- The Sexually Violent Predator Program (SVPP) was created by legislation passed in 1998 that became effective on January 1, 1999.
- The SVPP was originally housed in the Martin Treatment Center and operated by Liberty Behavioral Health Care under contract with the Department of Children and Families (DCF). Some detainees who were awaiting commitment proceedings were housed at the South Bay Sexually Violent Predator Detainee Unit, a unit of South Bay Correctional Facility operated by Geo Group, Inc.
- In late 2000, the program moved to the Florida Civil Commitment Center (FCCC) in Arcadia, Florida, a larger facility at which both detainees and committed Sexually Violent Predators (SVPs) were housed.
- During early years, the number of detainees significantly outnumbered the number of committed sexually violent predators. This caused problems because many detainees would not participate in sex offender treatment programs for fear of making incriminatory statements about their sexually violent activities that could be used against them during their commitment trial.
- There were reports of lax security resulting in violence, introduction of contraband, and general disorder within the facility. In late 2004, a number of inmates moved into the prison yard in protest of a fire marshal's directive that they have fewer personal items in their rooms. These inmates lived in the yard for months until they were forcibly removed by several hundred law enforcement and correctional officers.
- DCF terminated its contract with Liberty Healthcare Group in 2006 and selected 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 to replace the aging existing facility. The new FCCC, opened in April 2009, is a modern facility designed specifically for the SVPP. It has a population capacity of 720.
- There are currently 658 persons in the FCCC, including 577 sexually violent predators and 81 persons who are detained while awaiting their commitment trial.
- The current treatment program is a sequential program with four stages of treatment, each of which builds on the prior stages. Completion of the entire program takes at least 6 years.
- From 2004 to 2009, DCF was a defendant in a federal class action lawsuit alleging unconstitutional conditions of confinement, violations of the ADA, and a lack of opportunities for treatment. The lawsuit was settled and voluntarily dismissed by the plaintiffs in 2009 because of the improvements in conditions and treatment opportunities since it was filed in 2004.

Referral and Commitment Process for Sexually Violent Predators

Step 1 - Referral:

Referring agency gives notice to appropriate state attorney and DCF multidisciplinary team (MDT) of upcoming release of a person in total confinement who has been convicted,

adjudicated delinquent, or found not guilty by reason of insanity of at least one of the sexually violent offenses listed in s. 394.912(9), F.S., at any time. The referring agency provides MDT with information and documentation about the referred person as required by s. 394.913, F.S.

- The Department of Corrections notice at least 545 days before release from incarceration; the Department of Juvenile Justice notice at least 180 days before release from residential commitment; DCF notice at least 180 days before hearing regarding release of person found not guilty by reason of insanity. Notice must be given as soon as practicable if confinement is shorter than these time frames.

Step 2 – MDT Review:

- DCF staff reviews documents provided by referring agency to ensure that information is complete, and obtains any missing or otherwise relevant information.
- Completed packets are reviewed by at least two persons, each of whom is a licensed psychiatrist or a licensed psychologist, to assess whether the referred person may meet the statutory commitment criteria of “suffer(ing) from a 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.”
- MDT reviews initial assessment. If MDT finds that the person may meet 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 consented to by the subject, and a risk assessment using the Static 99 instrument.
- MDT makes recommendation to state attorney within 180 days after referral. Recommendation that person meets commitment criteria can be made only if majority of MDT, including at least one clinical evaluator, determines that person meets commitment criteria.

Step 3 – Commitment Trial:

- State attorney receives MDT recommendation and decides whether to file a commitment petition with the court.
- If petition is filed, court determines whether there is probable cause for commitment.
- If court finds probable cause, commitment trial must be held within 30 days. One continuance of no more than 120 days may be allowed by the court.
- If probable cause is found, person will be transferred to DCF secure custody in detainee status if trial is not held before release from current sentence or other confinement.
- Person is entitled to representation by counsel (public defender if indigent), and either party may elect trial by a six-person jury.
- Judge or jury determines whether there is clear and convincing evidence that the person meets sexually violent predator (SVP) criteria. Jury finding that person is an SVP must be unanimous.

Step 4 – After Commitment Trial:

- Person who is found to be an SVP is committed to the custody of DCF upon expiration of sentence or, if detained by DCF, is moved to commitment status.
- Once in DCF custody, SVP is transferred to Florida Civil Commitment Center for secure custody and treatment. The SVP's status is reviewed by the court at least annually. SVP may be discharged at any time if the court determines at a non-jury trial that his condition has so changed that it is safe for him to be at large and that he will not engage in acts of sexual violence if discharged.
- Person who is not found to be an SVP remains in custody of referring agency until expiration of sentence, or is released immediately if in detainee status. Any requirements for community supervision or sex offender/sex predator registration must be satisfied.

Number and Flow of SVPP Cases as of August 31, 2013

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

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

Of the 4,171 cases that required a clinical evaluation:

- MDT recommended that 1,607 cases met commitment criteria.
- MDT recommended that 2,477 cases did not meet commitment criteria.
- 87 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 6 cases in which the MDT recommended that commitment criteria was not met.
 - The State Attorney did not file a petition in 70 cases.
 - A decision as to whether a petition will be filed is pending in 40 cases.

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 Florida Civil Commitment Center pending trial.
 - 21 petitions are otherwise pending trial.
 - 30 persons are dead or out-of-state.

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

- 575 sexually violent predators are committed to the SVPP Center.
- 1 person is in the SVPP Center by stipulated agreement.
- 4 sexually violent predators are awaiting the end of their prison sentence before commitment.
- 140 sexually violent predators 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 persons were committed but later determined to no longer meet criteria.
- 32 persons are deceased or out of state.
- 22 persons were returned to prison for other reasons.

Current status of the respondents in the 1,509 petitions that 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:

Section 1: Section 394.913, F.S., currently describes the referral process for agencies (DOC, DJJ, and DCF) to notify DCF's Sexually Violent Predator Program (SVPP) of the upcoming release of a person who has been convicted of a sexually violent offense. This includes the time frames for referral as well as the information that must be provided to the SVPP. It also describes the SVPP's multidisciplinary team (MDT), including the composition of the team and the evaluation and assessment process that is used. The bill substantively amends s. 394.913, F.S., in five ways:

- Provides that local detention facilities must notify the SVPP as soon as practicable after it receives a person who has committed a sexually violent offense into custody. This recognizes that persons are confined in jail for short lengths of time. The addition of a time frame for jails is necessary because referral of sexually violent offenders from jails is added to the law in Section 5 of the bill.
- Designates the current members of the MDT (at least two members, each of whom is a licensed psychiatrist or a licensed psychologist) as primary members, and requires the addition of three advisory members with the following qualifications: (1) an assistant state attorney with at least 5 years of sexual offense prosecution experience; (2) a law enforcement officer with at least 10 years of sexual offense investigation experience; and (3) a victim advocate with a master's or doctoral degree in social work, psychology, sociology, or a related field and at least 5 years of experience representing sexual violence victims.
- Requires a victim impact statement prepared by the victim advocate to be provided to the state attorney along with the evaluation and assessment that is prepared by the primary members of the MDT.
- Requires the MDT to give equal weight to attempts, criminal solicitations, and conspiracies to commit a sexually violent offense as it does to completed sexually violent offenses. This was included because the SVPP had in the past screened out attempted sexually violent offenses from full evaluation. The department has now changed their practices to include such offenses.
- Provides that the victim advocate can veto the decision of the MDT when the team finds the person does not meet the definition of a sexually violent predator. If this occurs, the

department will submit the team's recommendation and that of the victim advocate to the state attorney for consideration for filing of civil commitment of the person.

Section 2: Section 394.9135, F.S., currently describes the procedure and timeframes if the immediate release of a sexually violent offender is ordered before the commitment consideration process is initiated. The process only applies to offenders who are released from one of the referring agencies (DOC, DJJ, and DCF).

The bill amends s. 394.9135, F.S., to add a process to allow referral of a person who is released from a local detention facility even though the person is in DOC or DJJ custody. This could occur, for example, if a DOC inmate is temporarily confined in a county jail to attend a resentencing hearing and the judge orders his or her release. Normally, the jail would transfer custody back to DOC or DJJ for out processing and the agency would initiate immediate release civil commitment proceedings under s. 394.3195, F.S. However, the agencies do not have jurisdiction to do so if the person is released directly from the jail.

The new process requires the state attorney to file a petition within 120 hours of the erroneous release stating either: (1) that the person is statutorily required to be referred for commitment consideration, but was not referred because of mistake, oversight, or intentional act; or (2) that the person had previously been referred for commitment consideration, but was released through mistake, oversight, or intentional act rather than being transferred to DCF custody. If the judge finds probable cause to believe that the person was required to be considered for civil commitment, the judge must order that the person be taken into the custody of DCF. When the person is in DCF custody, the evaluation and assessment process is conducted as required by the existing immediate release procedures.

Section 3: Section 394.926, F.S., currently requires DCF to notify the victim, or the family of a deceased victim, of the release of a sexually violent predator. It also requires DCF to notify DOC and the Parole Commission if appropriate of the release of a sexually violent predator who has an active or pending term of community supervision. The bill amends the release notification requirement to improve public safety in two ways:

- It expands the category of persons for whom notification of release must be given to include any person who is detained in DCF custody to be considered for commitment as a sexually violent predator, but who has not been found to be a sexually violent predator.
- It requires DCF to give notice of the release of a committed sexually violent predator or of a person who is detained for SVP commitment consideration to the sheriff of the county in which the person intends to reside. If the intended residence is not known, the notice must be given to the sheriff of the county in which the person was last convicted.

Section 4: Section 394.931, F.S., requires DOC to produce quarterly reports that provide information about inmates who were referred to DCF for civil commitment consideration. The required information is related to the circumstances of the sexual offense and the inmate's history of committing sexual offenses. The bill creates a new requirement for DOC to prepare an annual report regarding recidivism of persons referred to and released from the civil commitment facility. For purposes of the report, recidivism is defined as return to prison or community supervision for a new sexual offense. The first report will be due by July 1, 2015, and must

include: (1) a separate report of recidivism of detained and committed persons; and (2) an analysis of technical violations.

Section 5: Section 394.912, F.S., provides the following definitions for the Sexually Violent Predator Act:

- Subsection (1) of s. 394.912 defines “agency with jurisdiction” to include DOC, DJJ, or DCF when the agency releases a person from its custody.
- Subsection (9) defines “sexually violent offense” to include designated sexual offenses, similar offenses in other jurisdictions, and sexually motivated offenses.
- Subsection (11) defines “total confinement” to mean that the person is being held in a physically secure facility operated or contractually operated by DOC, DJJ, or DCF. The term also includes persons who are serving a sentence of incarceration in DOC or DJJ custody but who are being held in another secure facility for any reason.

The Sexually Violent Predator Act requires the agency with jurisdiction to refer a person who has been convicted of a sexually violent offense and who is being released from total confinement for any offense to DCF for civil commitment proceedings. Because “agency with jurisdiction” currently can only apply to DOC, DJJ, or DCF, the Act does not require or permit referral of persons who are being released from serving a sentence in a local detention facility.

The bill amends the definition of “agency with jurisdiction” to include local detention facilities that release a person who:

- Is serving a sentence for any offense other than DUI (s. 316.193, F.S.) or worthless checks (s. 832.05, F.S.) and is a designated sexual predator or sexual offender as the result of being convicted of a sexually violent offense; or
- Is serving a sentence for any offense for which the state attorney has given the detention facility notice that, in its opinion, the offense was a sexually motivated offense.

The process for referral is the same for local detention facilities as for DOC, DJJ, and DCF, except that notification to the SVPP must be made as soon as practicable as required by the amendment to s. 394.913, F.S. in the bill.

The bill also amends the definition of “total confinement” in two ways:

- It includes confinement in a local detention facility.
- It includes situations in which the agency or a court determines that a person should have been released at an earlier date, such as when DOC or a court recalculates an inmate’s award of gain time. This provision will apply only if the person would have been subject to the Sexually Violent Predator Act at the time he should have been released. This change is needed due to the Florida Supreme Court’s opinion in *Larimore v. State*, 3 So.3d 101 (Fla. 2009). DOC referred Larimore to DCF for civil commitment consideration after he was scheduled for release as a result of reinstatement of gain time that had previously been deemed forfeited. The court found that Larimore was not in lawful custody at the time of his release because he should have been released at an earlier date. Because Larimore was not in

lawful custody at the time of his release, the Court found that he was not subject to civil commitment under the Act.

Section 6 is a savings clause to ensure that a finding that one portion of the bill is invalid will not result in invalidation of the other portions.

Section 7 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:

If additional persons are detained and civilly committed at the Florida Civil Commitment Center, the private vendor operating center could see increased revenues.

C. Government Sector Impact:

State Government

The bill would increase the number of persons evaluated. A renewed emphasis on public safety required by the bill along with the expansion of the program to selected persons serving sentences in county jails would increase the number of persons evaluated and committed over time. To the extent that the bill increases the number of persons evaluated to be sexually violent predators, the bill would increase costs to the state. The Department of Children and Families would see increased costs for the multidisciplinary evaluation teams and the detaining and treating of sexually violent predators. The judicial system, including the state court system, the state attorneys, the public defenders, and the Justice Administrative Commission would also see increased costs.

Estimate of Additional Sexually Violent Predators

The bill will likely result in more persons entering the sexually violent predator program. An unknown number of additional persons required to be evaluated by the department due to other changes in the bill, such as increasing the size and composition of the multidisciplinary teams. The bill expands the sexually violent predator program to certain individuals in county jails. To estimate the number of persons in jails that would enter the program, the Legislature’s Office of Program Performance and Government Accountability (OPPAGA) reviewed data on persons in jail with selected offenses. OPPAGA identified 890 persons currently in county jails that were found to meet the criteria in the bill to be evaluated as a SVP.¹ County jail sentences are usually less than one year so the number of persons on an annual basis may be similar to the number meeting the new criteria found by OPPAGA. Some of these persons in county jail however could be sentenced to time served and therefore be released from custody before an evaluation.

The evaluation, filing and commitment rates for the jail population may be different from what the program has experienced to date. Most of the referrals to the department come from the state prison system. These persons would have primarily committed felonies, while the jail population is predominately guilty of misdemeanors. The rates for referring, filing, and commitment may be lower for the new population than the population in the program to date which would result in fewer program participants from county jails. A factor that could increase the number of new participants would be an increase in the rate of commitment recommendations due to changes in the multidisciplinary teams and department procedures.

Table 1 below shows the number of persons referred to the department for evaluation, the number that were recommended for commitment by the department, the number filed by the state attorney, and the number of commitments since the beginning of the program in 1999.² If new population from the jails experiences similar rates for commitment recommendation, filing, and civil commitments, Table 1 shows the estimated number for new program participants.

Table 1. Estimated Number of New Evaluations, Filings and Commitments

	History of SVP (1999-2013)	Percent	Jail Population Estimate
Persons evaluated by DCF	47,932	100%	890
Recommended for commitment by DCF	1,607	3.4%	30

¹ Office of Program Policy analysis and Gov’t Accountability, Florida Legislature, Research Memorandum, *Potential Number of Referrals from Jails to the Department of Children and Families’ Sexually Violent Predator Program*. (Dec. 30, 2013).

² Presentation to the Senate Committee on Children, Families and Elder Affairs and the Senate Judiciary Committee, (Sept. 24, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

	History of SVP (1999-2013)	Percent	Jail Population Estimate
Filed by state attorneys	1,509	3.1%	28
Civil commitments	575	1.2%	11

Department of Children and Families

The department will see increased costs for the evaluations of additional persons required to be assessed under the bill and the cost of housing additional sexually violent predators. The department spent \$30.9 million on the sexually violent predator program to evaluate and house SVPs. The department will experience increased costs in the evaluations, detention, and commitment of sexually violent predators.

The costs associated with evaluations involve staff time, contracted evaluators, travel expenses, and office space. Currently, the department evaluates approximately 3,500 individuals per year.³ The department estimates that each evaluation costs an average of \$910.⁴ Evaluations that include face to face interviews with the individual cost more than those without face to face interviews. At a unit cost of \$910, the 890 estimated new participants from county jail would cost the state \$809,900.

The costs associated with the detention and commitment of sexually violent predators would be for housing, security and treatment. The department contracts with a private vendor to operate the Florida Civil Commitment Center. The cost per day for both detainees and committed persons is \$99.86 per day or \$36,449 each year.

It cannot be determined how long the new program participants will be detained in the Florida Civil Commitment Center awaiting evaluations and hearings. Of the estimated new 890 participants, many will likely be released after evaluation. If evaluations took an average of two weeks and the estimated 890 new participants were held and evaluated evenly throughout the year, then 34 additional participants would be screened at the center every two weeks (890/26). The cost of these estimated 34 additional detainees would be \$1.2 million on an annual basis.

If the new program participants are evaluated and adjudicated at similar rates to historical program participants, 11 new commitments would be made each year. At the current annual cost, these new commitments would cost the state \$400,939. The current capacity of the Florida Civil Commitment Center is 720 and the current census is 647.⁵ If the program needs to house more than the capacity of the current center, additional resources will be needed. The amount cannot be determined at this point because the state could

³ Correspondence from the Department of Children and Families, (Dec. 6, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁴ *Id.*

⁵ Correspondence with the Senate Appropriations Committee on Health and Human Services, (Jan. 10, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

build a new facility, use of an existing state facility not in use, or contract with a private vendor to build or convert a private facility.

Judicial costs

The judicial system would also see increased costs under the bill due to more cases filed for civil commitment by the state attorney. The increased judicial costs would include additional judge and staff time for the state courts system and staff time and case related costs for the state attorneys and public defenders.

The Florida Supreme Court uses a workload formula to estimate the need for new judges. The formula is based on the expected number of hours/minutes needed for a judge to adjudicate different case types. The court formula shows that sexually violent predator cases take an average of 16.9 hours.⁶ Using historical rates of filing for civil commitment, the new jail population required to be evaluated under the bill would result in an estimated 28 additional filings each year. Using the standard of 2,080 hours per work year, one new judge would be able to preside over 123 additional sexually violent predator cases. When the legislature has established and funded additional circuit judges in the past, an estimated cost of \$250,000 per year per judge has been used. This includes the judge and a judicial assistant, and associated expenses. If one judge can preside over 123 sexually violent predator cases each year, the judicial cost per case would be \$2,032 (\$250,000/123). The estimated cost of 28 additional filings each year would be \$56,896. This need for judicial resources could be more if other changes in the bill or operational changes in the department result in more persons are referred for civil commitment.

Assistant state attorneys and their legal assistants must prepare the case and participate in the judicial hearing. The Florida Prosecuting Attorneys Association estimated the cost per sexually violent predator case using the number of cases per attorney and the costs per attorney is currently \$1,486. With an estimated 30 new cases due to expanding the program to the county jail population, the state attorneys would incur a cost of \$44,580.

Most persons determined to be sexually violent predators are indigent and are represented by the public defender's office. The Public Defenders Association provided information from the 2nd circuit. That circuit's cost per case was \$8,566. With an estimated 30 new cases due to expanding the program to the county jail population, the public defenders statewide would incur a cost of \$256,980. These costs are significantly higher than those of the state attorney even though the staff costs are similar between an assistant state attorney and an assistant public defender. The information from the 2nd circuit may not be representative of all public defender offices.

In addition to the attorney time, state attorney and public defender offices incur case related costs, such as expert witnesses, recording depositions, and transcripts. Such costs are paid by the Justice Administrative Commission. During state fiscal year 2011-2012,

⁶ Correspondence with the Office of State Courts Administrator, (Nov. 20, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

the state paid \$2,739,940 in case related costs for 575 sexually violent predator cases.⁷ While the cases can continue more than one year, the annual cost per case is estimated to be \$4,765. If there are an additional 30 cases due to expanding the program to the county jail population, the state could incur an additional \$142,950.

Table 2 shows the total estimated costs to the state for evaluating an estimated 890 county jail inmates for the sexually violent predator program would be \$2.9 million per year.

Table 2. Estimated Additional Costs

Department of Children and Families Costs	
Evaluations	\$809,900
Cost of estimated 34 new detainees	\$1,239,266
Cost of estimated 11 new commitments	\$400,939
DCF Subtotal	\$2,450,105
State Courts System – additional judicial resources	\$56,896
State Attorney – staff and expenses	\$44,580
Public Defender – staff and expenses	\$256,980
Justice Administrative Commission – case related costs	\$142,950
Total	\$2,951,511

Local Government

The counties may experience an increase in costs as their county jails will be required to gather and transmit jail inmate information to the Department of Children and Families for sexually violent predator evaluations. The cost of this duty is indeterminate, but is not expected to be significant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.913, 394.9135, 394.926, 394.931, and 394.912.

⁷ Correspondence from the Justice Administrative Commission, (Dec.6, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

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 Children, Families, and Elder Affairs on January 14, 2014:

- Provides that the victim advocate can veto the decision of the multidisciplinary team when the team finds the person does not meet the definition of a sexually violent predator. If this occurs, the department will submit the team's recommendation and that of the victim advocate to the state attorney for consideration for filing of civil commitment of the person.

- B. **Amendments:**

None.



727614

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2014	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs
(Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete line 188

and insert:

(5) The victim advocate on the multidisciplinary team may veto the decision of the team when the team determines that the person does not meet the definition of a sexually violent predator. In such cases, the department will provide the recommendation of the multidisciplinary team and the determination of the victim advocate to the state attorney.



727614

11 (6) ~~(4)~~ ~~The provisions of~~ This section is ~~are~~ not

12

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

14 And the title is amended as follows:

15 Delete line 24

16 and insert:

17 of such offenses; allowing the victim advocate to veto
18 the finding by the multidisciplinary team that the
19 person does not meet the definition of a sexually
20 violent predator; amending s. 394.9135, F.S.;

By Senator Grimsley

21-00489F-14

2014522__

1 A bill to be entitled
 2 An act relating to involuntary civil commitment of
 3 sexually violent predators; amending s. 394.913, F.S.;
 4 requiring the agency with jurisdiction over a person
 5 who has been convicted of a sexually violent offense
 6 to give written notice to the multidisciplinary team
 7 as soon as practicable after receipt into custody of
 8 such person in a local detention facility; designating
 9 certain licensed professionals as "primary members" of
 10 the multidisciplinary team; expanding the membership
 11 of the multidisciplinary team to include three
 12 advisory members; requiring that advisory members
 13 demonstrate certain qualifications; requiring the
 14 primary members of the multidisciplinary team to
 15 prepare a written assessment as to whether a person
 16 who has been convicted of a sexually violent offense
 17 meets the definition of a sexually violent predator
 18 and to submit a written recommendation to the state
 19 attorney; requiring the victim advocate to prepare a
 20 victim impact statement; requiring the
 21 multidisciplinary team to give equal consideration to
 22 an attempt, criminal solicitation, or conspiracy to
 23 commit certain offenses as it does to the commission
 24 of such offenses; amending s. 394.9135, F.S.;
 25 providing for certain released persons to be taken
 26 into custody by the Department of Children and
 27 Families; authorizing the state attorney to file,
 28 within a specific timeframe, a petition alleging that
 29 a person released from a local detention facility was

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30 not referred as required before release because of a
 31 mistake, oversight, or intentional act or was referred
 32 for commitment consideration but released rather than
 33 transferred to custody, as required, due to a mistake,
 34 oversight, or intentional act; requiring a judge to
 35 order that a person so released be taken into custody
 36 and delivered to an appropriate secure facility under
 37 certain circumstances; amending s. 394.926, F.S.;
 38 requiring the department to provide written notice of
 39 placement of a person in the department's custody for
 40 a commitment hearing to a victim of such person;
 41 requiring the department to notify the Department of
 42 Corrections of the release of a sexually violent
 43 predator or a person who is in custody pending
 44 sexually violent predator commitment proceedings;
 45 requiring the Department of Children and Families to
 46 send notification of the release of a sexually violent
 47 predator, or a person who is in custody pending
 48 sexually violent predator commitment proceedings, to
 49 the sheriff of the county in which such person intends
 50 to reside; amending s. 394.931, F.S.; requiring the
 51 Department of Corrections to collect recidivism
 52 information and prepare an annual report by a
 53 specified date; specifying minimum requirements for
 54 the report; requiring the department to provide
 55 necessary information; amending s. 394.912, F.S.;
 56 redefining the term "agency with jurisdiction" to
 57 include an agency that releases certain persons from
 58 the custody of a local detention facility; redefining

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59 the term "total confinement" to include persons being
60 held in a local detention facility and certain persons
61 held in custody beyond their lawful release date;
62 providing severability; providing an effective date.

63
64 Be It Enacted by the Legislature of the State of Florida:

65
66 Section 1. Section 394.913, Florida Statutes, is amended to
67 read:

68 394.913 Notice to state attorney and multidisciplinary team
69 of release of sexually violent predator; establishing
70 multidisciplinary teams; information to be provided to
71 multidisciplinary teams; requirement for recommendation and
72 victim impact statement.—

73 (1) The agency with jurisdiction over a person who has been
74 convicted of a sexually violent offense shall give written
75 notice to the multidisciplinary team, and shall provide a copy
76 of the notice to the state attorney of the circuit in which
77 where that person was last convicted of a sexually violent
78 offense. If the person has never been convicted of a sexually
79 violent offense in this state but has been convicted of a
80 sexually violent offense in another state or in federal court,
81 the agency with jurisdiction shall give written notice to the
82 multidisciplinary team and a copy to the state attorney of the
83 circuit in which where the person was last convicted of any
84 offense in this state. If the person is being confined in this
85 state pursuant to interstate compact and has a prior or current
86 conviction for a sexually violent offense, the agency with
87 jurisdiction shall give written notice to the multidisciplinary

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88 team and shall provide a copy to the state attorney of the
89 circuit in which where the person plans to reside upon release
90 or, if no residence in this state is planned, the state attorney
91 in the circuit in which where the facility from which the person
92 to be released is located. Except as provided in s. 394.9135,
93 the written notice shall must be given:

94 (a) At least 545 days before prior to the anticipated
95 release from total confinement of a person serving a sentence in
96 the custody of the Department of Corrections, except that in the
97 case of a person persons who is are totally confined for a
98 period of less than 545 days, written notice must be given as
99 soon as practicable;

100 (b) As soon as practicable after receipt into custody of a
101 person who is sentenced to confinement in a local detention
102 facility;

103 (c) ~~(b)~~ At least 180 days before prior to the anticipated
104 release from residential commitment of a person committed to the
105 custody of the Department of Juvenile Justice, except that in
106 the case of a person persons who is are committed to a low or
107 moderate risk facility, written notice must be given as soon as
108 practicable; or

109 (d) ~~(e)~~ At least 180 days before prior to the anticipated
110 hearing regarding possible release of a person committed to the
111 custody of the department who has been found not guilty by
112 reason of insanity or mental incapacity of a sexually violent
113 offense.

114 (2) The agency having jurisdiction shall provide the
115 multidisciplinary team with the following information:

116 (a) The person's name; identifying characteristics;

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117 anticipated future residence; the type of supervision the person
118 will receive in the community, if any; and the person's offense
119 history;

120 (b) The person's criminal history, including police
121 reports, victim statements, presentence investigation reports,
122 postsentence investigation reports, if available, and any other
123 documents containing facts of the person's criminal incidents or
124 indicating whether the criminal incidents included sexual acts
125 or were sexually motivated;

126 (c) Mental health, mental status, and medical records,
127 including all clinical records and notes concerning the person;

128 (d) Documentation of institutional adjustment and any
129 treatment received and, in the case of an adjudicated delinquent
130 committed to the Department of Juvenile Justice, copies of the
131 most recent performance plan and performance summary; and

132 (e) If the person was returned to custody after a period of
133 supervision, documentation of adjustment during supervision and
134 any treatment received.

135 (3) (a) The secretary or his or her designee shall establish
136 a multidisciplinary team or teams.

137 (b) Each team shall include, but need not be limited to,
138 two licensed psychiatrists or psychologists or one licensed
139 psychiatrist and one licensed psychologist as primary members.
140 The team shall include as advisory members an assistant state
141 attorney with at least 5 years' experience prosecuting sexual
142 offenses; a certified law enforcement officer with at least 10
143 years' experience investigating sexual offenses; and a victim
144 advocate who has a master's or doctoral degree in social work,
145 psychology, sociology, or a related field and at least 5 years'

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146 experience representing victims of sexual violence. The
147 multidisciplinary team shall assess and evaluate each person
148 referred to the team. The assessment and evaluation ~~must shall~~
149 include a review of the person's institutional history and
150 treatment record, if any, the person's criminal background, and
151 any other factor that is relevant to the determination of
152 whether ~~the such~~ person is a sexually violent predator.

153 (c) Before recommending that a person meets the definition
154 of a sexually violent predator, the person must be offered a
155 personal interview. If the person agrees to participate in a
156 personal interview, at least one member of the team who is a
157 licensed psychiatrist or psychologist must conduct a personal
158 interview of the person. If the person refuses to fully
159 participate in a personal interview, the multidisciplinary team
160 may proceed with its recommendation without ~~the a personal~~
161 ~~interview of the person.~~

162 (d) The Attorney General's Office shall serve as legal
163 counsel to the multidisciplinary team.

164 (e)1. Within 180 days after receiving notice, the primary
165 members shall prepare ~~there shall be~~ a written assessment as to
166 whether the person meets the definition of a sexually violent
167 predator and make a written recommendation, which shall be
168 provided by the department to the state attorney. The written
169 recommendation ~~shall be provided by the Department of Children~~
170 ~~and Family Services and~~ shall include the written report of the
171 primary members of the multidisciplinary team, as well as a
172 victim impact statement prepared by the victim's advocate.

173 2. Notwithstanding subparagraph 1., in the case of a person
174 for whom the written assessment and recommendation has not been

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 175 completed at least 365 days before his or her release from total
 176 confinement, the department shall prioritize the assessment of
 177 that person based upon the person's release date.

178 (4) The multidisciplinary team shall give equal
 179 consideration in the evaluation and assessment of an offender
 180 whose sexually violent offense was an attempt, criminal
 181 solicitation, or conspiracy, in violation of s. 777.04, to
 182 commit a sexually violent offense enumerated in s. 394.912(9) as
 183 it does in the evaluation and assessment of an offender who
 184 completed such an enumerated sexually violent offense. A rule or
 185 policy may not be established which reduces the level of
 186 consideration because the sexually violent offense was an
 187 attempt, criminal solicitation, or conspiracy.

188 (5)(4) The provisions of This section is are not
 189 jurisdictional, and failure to comply with it them in no way
 190 prevents the state attorney from proceeding against a person
 191 otherwise subject to the provisions of this part.

192 Section 2. Section 394.9135, Florida Statutes, is amended
 193 to read:

194 394.9135 Immediate releases from total confinement;
 195 transfer of person to department; time limitations on
 196 assessment, notification, and filing petition to hold in
 197 custody; filing petition after release; order into custody of
 198 department after release.-

199 (1) (a) If the anticipated release from total confinement of
 200 a person who has been convicted of a sexually violent offense
 201 becomes immediate for any reason, the agency with jurisdiction
 202 shall upon immediate release from total confinement transfer
 203 that person to the custody of the department ~~of Children and~~

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 204 ~~Family Services~~ to be held in an appropriate secure facility.

205 (b) If a person who committed a sexually violent offense
 206 and who is serving an incarcerative sentence under the custody
 207 of the Department of Corrections or the Department of Juvenile
 208 Justice is released from a local detention facility, the state
 209 attorney, as designated in s. 394.913, may file a petition with
 210 the circuit court within 120 hours after the person's release
 211 alleging that:

212 1. Section 394.913 or this section requires that the person
 213 be referred for consideration for civil commitment before
 214 release and the person was not referred because of mistake,
 215 oversight, or intentional act; or

216 2. The person was referred for commitment consideration
 217 and, through mistake, oversight, or intentional act, was
 218 released rather than transferred to the custody of the
 219 Department of Children and Families as required by this part.

220
 221 If the judge determines that there is probable cause to believe
 222 the person was released in contravention of s. 394.913 or this
 223 section, the judge shall order the person to be taken into
 224 custody and delivered to an appropriate secure facility
 225 designated by the Department of Children and Families.

226 (2) Within 72 hours after transfer pursuant to paragraph
 227 (1) (a) or receipt into the department's custody pursuant to
 228 paragraph (1) (b), the multidisciplinary team shall assess
 229 whether the person meets the definition of a sexually violent
 230 predator as defined in s. 394.912. If the multidisciplinary team
 231 determines that the person does not meet the definition of a
 232 sexually violent predator, that person shall be immediately

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233 released. If the multidisciplinary team determines that the
 234 person meets the definition of a sexually violent predator, the
 235 team shall provide the state attorney, as designated by s.
 236 394.913, with its written assessment and recommendation within
 237 the 72-hour period or, if the 72-hour period ends after 5 p.m.
 238 on a working day or on a weekend or holiday, within the next
 239 working day ~~thereafter~~.

240 (3) Within 48 hours after receipt of the written assessment
 241 and recommendation from the multidisciplinary team, the state
 242 attorney, as designated in s. 394.913, may file a petition with
 243 the circuit court alleging that the person is a sexually violent
 244 predator and stating facts sufficient to support the such
 245 allegation. If a petition is not filed within 48 hours after
 246 receipt of the written assessment and recommendation by the
 247 state attorney, the person shall be immediately released, except
 248 that, if the 48-hour period ends after 5 p.m. on a working day
 249 or on a weekend or holiday, the petition may be filed on the
 250 next working day without resulting in the person's release. If a
 251 petition is filed pursuant to this section and the judge
 252 determines that there is probable cause to believe that the
 253 person is a sexually violent predator, the judge shall order
 254 that the person be maintained in custody and held in an
 255 appropriate secure facility for further proceedings in
 256 accordance with this part.

257 (4) ~~The provisions of~~ This section is are not
 258 jurisdictional, and failure to comply with the time limitations,
 259 which results in the release of a person who has been convicted
 260 of a sexually violent offense, ~~is not~~ dispositive of the case
 261 and does not prevent the state attorney from proceeding against

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262 a person otherwise subject to ~~the provisions of~~ this part.

263 Section 3. Section 394.926, Florida Statutes, is amended to
 264 read:

265 394.926 Notice to victims of release of persons committed
 266 as sexually violent predators or in custody for commitment
 267 proceedings; notice to Department of Corrections and Parole
 268 Commission; notice to sheriff.-

269 (1) As soon as is practicable, the department shall give
 270 written notice of the release of a person who is committed as a
 271 sexually violent predator, or who is in the department's custody
 272 based upon a court finding of probable cause to believe that the
 273 person is a sexually violent predator, to any victim of the
 274 committed person who is alive and whose address is known to the
 275 department or, if the victim is deceased, to the victim's
 276 family, if the family's address is known to the department.
 277 Failure to notify is not a reason for postponement of release.
 278 This section does not create a cause of action against the state
 279 or an employee of the state acting within the scope of the
 280 employee's employment as a result of the failure to notify
 281 pursuant to this part.

282 (2) The department shall immediately give written notice to
 283 the Department of Corrections' Office of Community Corrections
 284 of the release of a person who is committed as ~~If~~ a sexually
 285 violent predator, or who is in the department's custody based
 286 upon a court finding of probable cause to believe that the
 287 person is a sexually violent predator, who has an active or
 288 pending term of probation, community control, parole,
 289 conditional release, or other court-ordered or postprison
 290 release supervision ~~is released from custody, the department~~

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291 ~~must immediately notify the Department of Corrections' Office of~~
 292 ~~Community Corrections in Tallahassee. The Parole Commission must~~
 293 ~~also be immediately notified of the release any releases of any~~
 294 ~~such a sexually violent predator who has an active or pending~~
 295 ~~term of parole, conditional release, or other postprison release~~
 296 ~~supervision that is administered by the Parole Commission.~~

297 (3) The department shall give written notice of the release
 298 of a person who is committed as a sexually violent predator, or
 299 who is in the department's custody based upon a court finding of
 300 probable cause to believe that the person is a sexually violent
 301 predator, to the sheriff of the county in which the person
 302 intends to reside or, if unknown, the sheriff of the county in
 303 which the person was last convicted.

304 Section 4. Section 394.931, Florida Statutes, is amended to
 305 read:

306 394.931 Quarterly and annual reports.—

307 (1) Beginning July 1, 1999, The Department of Corrections
 308 shall collect information and compile quarterly reports with
 309 statistics profiling inmates released the previous quarter who
 310 fit the criteria and were referred to the Department of Children
 311 and Families ~~Family Services~~ pursuant to this act. ~~The quarterly~~
 312 ~~reports must be produced beginning October 1, 1999.~~ At a
 313 minimum, the information that must be collected and compiled for
 314 inclusion in the reports includes: whether the qualifying
 315 offense was the current offense or the prior offense; the
 316 offender's most serious sexual offense; the total number of
 317 distinct victims of the sexual offense; whether the victim was
 318 known to the offender; whether the sexual act was consensual;
 319 whether the sexual act involved multiple victims; whether direct

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320 violence was involved in the sexual offense; the age of each
 321 victim at the time of the offense; the age of the offender at
 322 the time of the first sexual offense; whether a weapon was used;
 323 length of time since the most recent sexual offense; and the
 324 total number of prior and current ~~sexual offense~~ ~~sexual offense~~
 325 ~~convictions.~~ In addition, the department ~~of Children and Family~~
 326 ~~Services~~ shall implement a long-term study to determine the
 327 overall efficacy of ~~the provisions of~~ this part.

328 (2) (a) Beginning July 1, 2014, the Department of
 329 Corrections shall collect information necessary to produce an
 330 annual report to the Legislature documenting recidivism rates
 331 for offenders referred to and released from the civil
 332 confinement facility. The Department of Children and Families
 333 shall provide the necessary offender information to the
 334 Department of Corrections to facilitate the recidivism report.

335 (b) The first report shall be submitted to the Legislature
 336 by July 1, 2015, and annually thereafter. At a minimum, the
 337 report must:

338 1. Separately report recidivism rates for persons released
 339 from detention and for persons released from commitment;

340 2. Define recidivism as return to prison or community
 341 supervision for a new sexual offense; and

342 3. Include an analysis of technical violations.

343 Section 5. Subsections (1) and (11) of section 394.912,
 344 Florida Statutes, are amended to read:

345 394.912 Definitions.—As used in this part, the term:

346 (1) "Agency with jurisdiction" means:

347 (a) The agency that releases, upon lawful order or
 348 authority, a person who is serving a sentence in the custody of

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349 the Department of Corrections, a person who was adjudicated
 350 delinquent and is committed to the custody of the Department of
 351 Juvenile Justice, or a person who was involuntarily committed to
 352 the custody of the Department of Children and ~~Families~~ Family
 353 ~~Services~~ upon an adjudication of not guilty by reason of
 354 insanity.

355 (b) The agency that releases, upon lawful order or
 356 authority, a person who is serving a sentence in the custody of
 357 a local detention facility for any offense other than a
 358 violation of s. 316.193 or s. 832.05 and who is:

359 1. Designated as a sexual predator pursuant to s. 775.21 or
 360 a sexual offender pursuant to s. 943.0435 as the result of being
 361 convicted of a sexually violent offense; or

362 2. A person for whom the state attorney has provided the
 363 agency with written notification that the person has been
 364 convicted of committing a sexually violent offense;
 365
 366 unless the person is to be transferred or returned to total
 367 confinement in the custody of the Department of Corrections, the
 368 Department of Juvenile Justice, or the Department of Children
 369 and Families.

370 (c) The agency that releases, upon lawful order or
 371 authority, a person who is serving a sentence in the custody of
 372 a local detention facility and for whom the state attorney has
 373 provided the agency with written notification that, in the
 374 opinion of the state attorney, the offense for which the person
 375 is in custody was a sexually motivated offense.

376 (11) "Total confinement" means that the person is currently
 377 being held in any physically secure facility being operated or

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378 contractually operated for the Department of Corrections, the
 379 Department of Juvenile Justice, or the Department of Children
 380 and Families or in a local detention facility ~~Family Services~~. A
 381 person ~~is shall also be~~ deemed to be in total confinement and
 382 subject to for applicability of provisions under this part if:

383 (a) The person is serving an incarcerative sentence under
 384 the custody of the Department of Corrections or the Department
 385 of Juvenile Justice and is being held in any other secure
 386 facility for any reason; or

387 (b) A court or the agency with jurisdiction determines that
 388 the person who is being held should have been lawfully released
 389 at an earlier date and that the provisions of this part would
 390 have been applicable to the person on the date that he or she
 391 should have been lawfully released.

392 Section 6. If any provision of this act or its application
 393 to any person or circumstance is held invalid, the invalidity
 394 does not affect other provisions or applications of this act
 395 which can be given effect without the invalid provision or
 396 application, and to this end the provisions of this act are
 397 severable.

398 Section 7. This act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/14/14

Meeting Date

Topic Sexual Predators

Bill Number SB522 (if applicable)

Name Ron Book

Amendment Barcode (if applicable)

Job Title

Address 104 West Jefferson

Phone

Street

FL 11

City

State

Zip

E-mail

Speaking: [X] For [] Against [] Information

Representing Lauren's Kids

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/14

Meeting Date

Topic SB

Bill Number 522 (if applicable)

Name GAIL Collette

Amendment Barcode (if applicable)

Job Title Pres R2 Action Committee

Address 7054 Palazzo Reale

Phone 861-305-4939

Street

BB

33437

City

State

Zip

E-mail gail@floridaactioncommittee.org

Speaking: [] For [] Against [X] Information

Representing FLORIDA ACTION COMMITTEE

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/2014
Meeting Date

Topic SVP

Bill Number 522 + 524
(if applicable)

Name Kristin Kanner

Amendment Barcode _____
(if applicable)

Job Title Director of SVP

Address 1317 Winewood Blvd.

Phone _____

Street

Tallahassee FL
City State Zip

E-mail _____

Speaking: For Against Information

Representing Dept. of children + families

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-14-14
Meeting Date

Topic _____

Bill Number SB 522
(if applicable)

Name Lindsey Perkins

Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address _____

Phone (850) 671-4401

Street

City State Zip

E-mail perkins@sstrategies.com

Speaking: For Against Information

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic SVPP Program

Bill Number 502
(if applicable)

Name Dr. Suzanne Kline

Amendment Barcode
(if applicable)

Job Title Former Administrator, SVPP

Address 1280 Timberlane Rd

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Street Tally City FL State Zip

E-mail Dr. Kline@outlook.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

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 Children, Families, and Elder Affairs

BILL: SB 524

INTRODUCER: Senator Sobel

SUBJECT: Sexually Violent Predators

DATE: January 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 524 aims to better protect children and other citizens from sexually violent predators and sex offenders. The Sexually Violent Predator Program was found to have weaknesses that allowed some sexually violent predators to avoid evaluation and civil commitment. Some of these predators went on to commit new sexual crimes. These weaknesses were raised in the Sun Sentinel series on August 20, 2013, entitled "Sex Predators Unleashed," a joint meeting of the Senate Judiciary and Children, Families, and Elder Affairs committee held September 24, 2013, and an internal review by the Department of Children and Families dated September 23, 2013.

The bill addresses problems with the sexually violent predator program by making major policy changes. First, the multidisciplinary team that determines if the person meets the definition of a sexually violent predator is improved. The bill requires that the team members be trained, that contracted team members be limited to one year contracts, and that the Department of Children and Families evaluate team members. The bill requires the multidisciplinary team deem the person a sexually violent predator when two or more members of the five member team find that the person meets the definition. The changes to the multidisciplinary teams will ensure better decisions as to whether the person is a sexually violent predator who is likely to commit new sexual crimes. These changes will likely result in more persons referred to the state attorney for civil commitment hearings. The bill also improves notification to students, parents, and staff at colleges and universities, by requiring such schools to inform students of the Department of Law Enforcement's website where students can find out if there are sexual offenders or predators on or near their campus. The fiscal impact of the bill is indeterminate, but could be significant. The bill would be effective July 1, 2014.

II. Present Situation:

Trends in Sex Offenses, Prison Sentences, and Recidivism

Over the last decade or so the prevalence of sexual violence in Florida, as measured by new prison admissions, has declined. This declining trend, however, reversed in the last couple of years. The largest increase in prison admissions for sex crimes is attributed to the offense of traveling to meet a minor met on the Internet for the purposes of sex. The steep rise for this particular crime (14 in FY 2010-11 to 154 in FY 2012-13) represented a 1,100 percent increase which may, in part, be due to sting operations conducted by law enforcement officials.

Less than six percent of annual prison admissions are for a sex offense. The two most common sex crimes resulting in incarceration include: lewd and lascivious battery with the victim between 12 and 15 years of age; and sexual battery by an adult when the victim is under 12 years of age.

Criminal laws governing sex offenders are predominantly found in Chapters 794 (Sexual battery), 796 (Prostitution), 800 (Lewd offenses) and 847 (Obscenity and pornography), F.S.

The 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 age to a third degree felony punishable up to 5 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.

The average prison sentence for sex offenders is longer than in the past and is currently at 12.7 years.

The Department of Corrections' current three-year recidivism rate for sex offenders is 34 percent. In other words, 34 percent of the sex offenders released from prison did return to prison for another offense (not necessarily a new sex crime) within 3 years of their release.

According to 2012 research conducted by Jill S. Levenson, Ph.D., the 5-year sexual recidivism rate for sex offenders in Florida is 5.2 percent. In other words, after 5 years, 5.2 percent were re-arrested for a new sexual crime. This calculation was based on a sample of 500 convicted sex offenders.

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

On March 1, 2006, the Legislature's Office of Economic and Demographic Research (EDR) released a report entitled *Factors Relating to the Sentencing of Sex Offenders*. In that report EDR found that a variety of factors influence prosecution, conviction, and sentencing of sex offenses:

- Sex offenses share some characteristics with other serious offenses such as murder and robbery. The defendants face potentially lengthy prison terms. Therefore, defendants are motivated to fight the charges with whatever resources are at their disposal. Trial rates are highest for these three offenses.

- Law enforcement and prosecutorial resources gravitate towards these most serious cases. With the attention and time devoted to these cases, any problems with the evidence or proceedings associated with the case are more likely to be revealed and utilized by the defense.
- Sex offenses are also different from other offenses. The type of sanction and the length of sentence is often mitigated, and high proportions of defendants have at least some counts dismissed.
- One unique difficulty in the prosecution and conviction of sexual offenses is the young age of most of the victims. Data reviewed by EDR indicated that the average age of the victims was 13.4 years old and that 83 percent were 15 or younger.
- EDR found that 85 percent of the victims knew the offender, which creates another difficulty in prosecuting many sexual offense cases.
- Successful prosecution usually requires the victim to testify in court. Since many of the victims are children, many of whom know the offender, victim's families often consider the trauma of repeatedly revisiting the crimes in a public forum too difficult. Also, 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.
- Even though mitigation may result in a lower sanction than desired by the prosecution, the conviction may require the offender to register as a sex offender.

Sexual Predator/Offender Registration

Florida's registry laws seek to improve public safety by classifying sex offenders as sexual predators or sexual offenders and subjecting them to registration and notification requirements. All qualifying sexual predators/offenders are listed on a public registry website maintained by FDLE. The website provides the public with email notifications when an offender moves close to any address; and offers to the public various search capabilities.

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

Who is a sexual predator or sexual offender?

A person is designated as 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.

FDLE determines a person is a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997 (the date the modern registry became effective) from the sanction imposed for that offense;
- Establishes/maintains a Florida residence and is subject to registration and/or community/public notification in another state/jurisdiction or is in the custody or control of, or under the supervision of, another state/jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the person was 14 years of age or older.

What are some of the 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 and Internet identifiers, and crime information.
- Sexual predators and some sexual offenders must report to the local sheriff's office quarterly; other sexual offenders must report bi-annually.
- Sexual predators/offenders must update their driver's license or identification card within 48 hours after any change to their residence (permanent, temporary, or transient) or name.
- Generally, sexual predators/offenders are subject to lifetime registration. However, some sexual offenders may petition for removal of registration requirements if they have been released from the latest sanction for at least 25 years, are arrest-free since release, and do not have an adult conviction for a disqualifying offense. Additionally, a small number of persons who were convicted of a qualifying sex offense committed as a young adult may petition for removal of registration requirements if all statutory criteria are met.
- Sexual predators are prohibited from working or volunteering at any place where children regularly congregate.

Sex Offenders under Community Supervision

- An offender may be placed on community supervision after conviction of a felony, either immediately upon sentencing or after serving a prison sentence. Offenders on community supervision report to and are monitored by probation officers employed by the Department of Corrections. Of those sex offenders released from prison in Fiscal Year 2012-13, 66.1 percent had supervision upon release.
- Supervised offenders must comply with statutory terms and conditions as well as special terms and conditions imposed by the sentencing court or, for certain types of post-release supervision, by the Parole Commission.
- The vast majority of sex offenders (94 percent) under supervision were placed there by the judge at the original sentencing. Either the offender was sentenced directly to supervision and had no prison at all or the offender was serving a split sentence (prison with probation to follow).

- A small portion of the sex offenders (6 percent) under supervision were placed there because of a statutory requirement (conditional release).
- As of July 31, 2013, 7740 offenders who are required to register as a sexual offender or a sexual predator were on community supervision, which is 5.3 percent of the total community supervision population of 145,462 offenders.
- As of July 31, 2013, 6315 offenders were on community supervision for committing a sex offense. Of those, 2181 or 34.5 percent were tracked with electronic monitoring, which is a mandatory condition of supervision for certain sex offenses.
- Offenders on community supervision for a sex offense are more likely to have supervision revoked for a technical violation than are other offenders on community supervision. During Fiscal Year 2011-2012, 427 sex offenders had supervision revoked for misconduct, with 74 percent of them revoked for a technical violation and 26 percent revoked for a new crime. By contrast, 34,095 other offenders had community supervision revoked 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 and other places where children regularly congregate;
 - Working or volunteering at any place where children regularly congregate, or
 - Having unsupervised contact with a minor.
- Residency restrictions and employment restrictions apply to offenders who committed certain sex offenses even if they have completed their sentences and are not on community supervision. Local ordinances may impose additional residence restrictions, including wider exclusion zones and additional areas of exclusion.
- 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 the prior approval of the probation officer.

Legal Basis for Civil Commitment of Sexually Violent Predators

- Florida's Sexually Violent Predator Program (SVPP) was modeled after the Kansas civil commitment statute that was found constitutional by the United States Supreme Court in *Kansas v. Hendricks*, 521 U.S. 346 (1997). The legislation authorizing civil commitment of sexually violent predators (ss. 394.910 – 394.932, F.S.) became effective on January 1, 1999.
- A sexually violent predator is an offender who has been convicted of an offense that is statutorily designated as a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes him or her likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.
- In *Kansas v. Hendricks*, 521 U.S. 346 (1997), the United States Supreme Court held that the Kansas commitment statute was civil in nature, not criminal. Therefore, civil commitment of a sexually violent predator after the completion of criminal incarceration was not double jeopardy.
- The Court recognized that states may provide for forcible civil detention of people who have a mental illness or mental abnormality that makes them unable to control their behavior, and who thereby pose a danger to the public health and safety.

- The Court noted that the Kansas Legislature took great care to confine only a narrow class of particularly dangerous individuals after meeting the strictest procedural standards.
- In *Kansas v. Crane*, 534 U.S. 407 (2002), the Court held that the Constitution requires proof that a sexual offender has serious difficulty in controlling behavior, and that the proof must be sufficient to distinguish the dangerous sexual offender whose serious mental illness, abnormality, or disorder subjects him to civil commitment from the dangerous but typical recidivist convicted in an ordinary criminal case.
- In *Westerheide v. State*, 831 So.2d 93 (Fla. 2002), the Florida Supreme Court relied upon *Kansas v. Hendricks* in finding that Florida's civil commitment statute meets both federal and state constitutional requirements for involuntary civil commitment of sexually violent predators.

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

- The Sexually Violent Predator Program (SVPP) was created by legislation passed in 1998 that became effective on January 1, 1999.
- The SVPP was originally housed in the Martin Treatment Center and operated by Liberty Behavioral Health Care under contract with the Department of Children and Families (DCF). Some detainees who were awaiting commitment proceedings were housed at the South Bay Sexually Violent Predator Detainee Unit, a unit of South Bay Correctional Facility operated by Geo Group, Inc.
- In late 2000, the program moved to the Florida Civil Commitment Center (FCCC) in Arcadia, Florida, a larger facility at which both detainees and committed Sexually Violent Predators (SVPs) were housed.
- During early years, the number of detainees significantly outnumbered the number of committed sexually violent predators. This caused problems because many detainees would not participate in sex offender treatment programs for fear of making incriminatory statements about their sexually violent activities that could be used against them during their commitment trial.
- There were reports of lax security resulting in violence, introduction of contraband, and general disorder within the facility. In late 2004, a number of inmates moved into the prison yard in protest of a fire marshal's directive that they have fewer personal items in their rooms. These inmates lived in the yard for months until they were forcibly removed by several hundred law enforcement and correctional officers.
- DCF terminated its contract with Liberty Healthcare Group in 2006 and selected 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 to replace the aging existing facility. The new FCCC, opened in April 2009, is a modern facility designed specifically for the SVPP. It has a population capacity of 720.
- There are currently 647 persons in the FCCC, including 567 sexually violent predators and 80 persons who are detained while awaiting their commitment trial.
- The current treatment program is a sequential program with four stages of treatment, each of which builds on the prior stages. Completion of the entire program takes at least 6 years. The SVPP is currently operated by Geo Care, LLC.
- From 2004 to 2009, DCF was a defendant in a federal class action lawsuit alleging unconstitutional conditions of confinement, violations of the ADA, and a lack of

opportunities for treatment. The lawsuit was settled and voluntarily dismissed by the plaintiffs in 2009 because of the improvements in conditions and treatment opportunities since it was filed in 2004.

Referral and Commitment Process for Sexually Violent Predators

Step 1 - Referral:

Referring agency gives notice to appropriate state attorney and DCF multidisciplinary team (MDT) of upcoming release of a person in total confinement who has been convicted, adjudicated delinquent, or found not guilty by reason of insanity of at least one of the sexually violent offenses listed in s. 394.912(9), F.S., at any time. Referring agency provides MDT with information and documentation about the referred person as required by s. 394.913, F.S.

- Department of Corrections notice at least 545 days before release from incarceration; Department of Juvenile Justice notice at least 180 days before release from residential commitment; DCF notice at least 180 days before hearing regarding release of person found not guilty by reason of insanity. Notice must be given as soon as practicable if confinement is shorter than these time frames.

Step 2 – MDT Review:

- DCF staff reviews documents provided by referring agency to ensure that information is complete, and obtains any missing or otherwise relevant information.
- Completed packet is reviewed by at least two persons, each of whom is a licensed psychiatrist or a licensed psychologist, to assess whether the referred person may meet the statutory commitment criteria of “suffer(ing) from a 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.”
- MDT reviews initial assessment. If MDT finds that the person may meet 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 consented to by the subject, and a risk assessment using the Static 99 instrument.
- MDT makes recommendation to state attorney within 180 days after referral. Recommendation that person meets commitment criteria can be made only if majority of MDT, including at least one clinical evaluator, determines that person meets commitment criteria.

Step 3 – Commitment Trial:

- State attorney receives MDT recommendation and decides whether to file a commitment petition with the court.
- If petition is filed, court determines whether there is probable cause for commitment.
- If court finds probable cause, commitment trial must be held within 30 days. One continuance of no more than 120 days may be allowed by the court.

- If probable cause is found, person will be transferred to DCF secure custody in detainee status if trial is not held before release from current sentence or other confinement.
- Person is entitled to representation by counsel (public defender if indigent), and either party may elect trial by a six-person jury.
- Judge or jury determines whether there is clear and convincing evidence that the person meets sexually violent predator (SVP) criteria. Jury finding that person is an SVP must be unanimous.

Step 4 – After Commitment Trial:

- Person who is found to be an SVP is committed to custody of DCF upon expiration of sentence or, if detained by DCF, is moved to commitment status.
- Once in DCF custody, SVP is transferred to Florida Civil Commitment Center for secure custody and treatment. The SVP's status is reviewed by the court at least annually. SVP may be discharged at any time if the court determines at a non-jury trial that his condition has so changed that it is safe for him to be at large and that he will not engage in acts of sexual violence if discharged.
- Person who is not found to be an SVP remains in custody of referring agency until expiration of sentence, or is released immediately if in detainee status. Any requirements for community supervision or sex offender/sex predator registration must be satisfied.

Number and Flow of SVPP Cases as of August 31, 2013

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

- Multidisciplinary team (MDT) screened out 40,920 cases as not meeting commitment criteria.
- MTD determined that 4,171 cases required a clinical evaluation.

Of the 4,171 cases that required a clinical evaluation:

- MDT recommended that 1,607 cases met commitment criteria.
- MDT recommended that 2,477 cases did not meet commitment criteria.
- 87 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 6 cases in which the MDT recommended that commitment criteria was not met.
 - The State Attorney did not file a petition in 70 cases.
 - A decision as to whether a petition will be filed is pending in 40 cases.

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 Florida Civil Commitment Center pending trial.
 - 21 petitions are otherwise pending trial.

- 30 persons are dead or out-of-state.

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

- 575 sexually violent predators are committed to the SVPP Center.
- 1 person is in the SVPP Center by stipulated agreement.
- 4 sexually violent predators are awaiting the end of their prison sentence before commitment.
- 140 sexually violent predators 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 persons were committed but later determined to no longer meet criteria.
- 32 persons are deceased or out of state.
- 22 persons were returned to prison for other reasons.

Current status of the respondents in the 1,509 petitions that 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:

Section 1 provides that the bill may be cited as the “Protecting Our Children from Sexual Predators Act.”

Section 2 amends s. 394.913, F.S., to require the Department of Children and Families (department) to provide training to members of the multidisciplinary team. The bill also limits contracted members of the team to one year contracts. The bill requires the department to evaluate the members of the team based on their knowledge of risk factors, ability to identify data from the review of records, and apply risk factors, and to compare the team members’ recommendations to the subsequent actions such as the civil commitment and recidivism. These changes should provide for more accurate and consistent evaluations by the multidisciplinary team. The bill also states that the person evaluated meets the definition of a sexually violent predator if two or more members of the multidisciplinary team find the person meets the definition. This will likely result in more cases referred to the state attorney for civil commitment proceedings.

Section 3 amends s. 1005.10, F.S., to require private colleges, universities, and schools to notify students and employees of the website maintained by the Department of Law Enforcement to locate sexual offenders and sexual predators. This will allow students to know if there are sexual offenders and predators on or near the school campus.

Section 4 amends s. 1006.695, F.S., to require public colleges, universities, and schools to notify students and employees of the website maintained by the Department of Law Enforcement to locate sexual offenders and sexual predators. This will allow students to know if there are sexual offenders and predators on or near the school campus.

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 would likely increase the number of persons in the Sexually Violent Predator Program. The bill states that the person evaluated meets the definition of a sexually violent predator if two or more members of the multidisciplinary team find the person meets the definition. This will likely result in more cases referred to the state attorney for civil commitment proceedings. To the extent that the bill increases the number of persons evaluated to be sexually violent predators, the bill would increase costs to the state. The number of new cases as a result of the bill cannot be determined. Current costs for persons evaluated and adjudicated for civil commitment are however, known.

Department of Children and Families

The department will see increased costs for the evaluations of additional persons required to be assessed under the bill and the cost of housing additional sexually violent predators. The department spent \$30.9 million on the sexually violent predator program to evaluate and house SVPs. The department will experience increased costs in the evaluations, detention, and commitment of sexually violent predators.

The costs associated with evaluations involve staff time, contracted evaluators, travel expenses, and office space. Currently, the department evaluates approximately 3,500

individuals per year.¹ The department estimates that each evaluation costs an average of \$910.² Evaluations that include face to face interviews with the individual cost more than those without face to face interviews.

The costs associated with the detention and commitment of sexually violent predators would be for housing, security and treatment. The department contracts with a private vendor to operate the Florida Civil Commitment Center. The cost per day for both detainees and committed persons is \$99.86 or \$36,449 each year. The center has a capacity of 720 and as of November 30, 2013, the census was 647. This leaves 73 vacant beds. If the effect of the bill increases the census beyond the center's capacity, the department may need to procure additional beds at another facility.

Judicial costs

The judicial system would also see increased costs due to more cases filed for civil commitment by the state attorney. The increased judicial costs would include additional judge and staff time for the state courts system and staff time and case related costs for the state attorneys and public defenders.

The Florida Supreme Court uses a workload formula to estimate the need for new judges. The formula is based on the expected number of hours/minutes needed for a judge to adjudicate different case types. The court formula shows that sexually violent predator cases take an average of 16.9 hours.³ Using the standard of 2,080 hours per work year, one new judge would be able to preside over 123 additional sexually violent predator cases. When the legislature has established and funded additional circuit judges in the past, an estimated cost of \$250,000 per year per judge has been used. This includes the judge and a judicial assistant, and associated expenses. If one judge can preside over 123 sexually violent predator cases each year, the cost per case would be \$2,032 (\$250,000/123).

Assistant state attorneys and their legal assistants must prepare their case and participate in the judicial hearing. The Florida Prosecuting Attorneys Association estimated the cost per sexually violent predator case using the number of cases per attorney and the costs per attorney is currently \$1,486.

Most persons determined to be sexually violent predators are indigent and are represented by the public defender. The Public Defenders Association provided cost information from the 2nd circuit. That circuit's cost per case was \$8,566. These costs are significantly higher than those of the state attorney even though the staff costs are similar between an assistant state attorney and an assistant public defender. The information from the 2nd circuit may not be representative of all public defender offices.

¹ Correspondence from the Department of Children and Families, (Dec.6, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

² *Id.*

³ Correspondence with the Office of State Courts Administrator, (Nov. 20, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

In addition to the attorney time, state attorney and public defender offices incur case related costs, such as expert witnesses, depositions, and transcripts. Such costs are paid by the Justice Administrative Commission. During state fiscal year 2011-2012, the state paid \$2,739,940 in case related costs for 575 sexually violent predator cases.⁴ While the cases can continue more than one year, the annual cost per case is estimated to be \$4,765. Table 1 shows the costs for each new evaluation and civil commitment.

Table 1. Unit Costs for Sexually Violent Predator Program

Department of Children and Families evaluation	\$910
Department of Children and Families annual cost for detainees and commitments	\$36,449
State Courts System cost per case	\$2,032
State Attorney – staff and expenses cost per case	\$1,486
Public Defender – staff and expenses cost per case	\$8,566
Justice Administrative Commission – case related costs	\$4,765

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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 Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

⁴ Correspondence from the Justice Administrative Commission, (Dec.6, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

By Senator Sobel

33-00697C-14

2014524__

1 A bill to be entitled
 2 An act relating to sexually violent predators;
 3 providing a short title; amending s. 394.913, F.S.;
 4 requiring the Department of Children and Families to
 5 provide training to the members of the
 6 multidisciplinary team; limiting the term of contract
 7 of multidisciplinary team members who contract with
 8 the department to 1 year; providing that such
 9 contracts may be renewed; requiring the department to
 10 evaluate contracted members of the multidisciplinary
 11 team; providing requirements for such evaluations;
 12 requiring the multidisciplinary team to proceed
 13 without a personal interview under certain
 14 circumstances; providing that a person meets the
 15 definition of a sexually violent predator if a
 16 specified number of multidisciplinary team members
 17 make such a finding; creating s. 1005.10, F.S.;
 18 requiring nonpublic colleges, universities, and
 19 schools to inform students and employees of the
 20 Florida Department of Law Enforcement sexual predator
 21 and sexual offender registry website and toll-free
 22 number; creating s. 1006.695, F.S.; requiring public
 23 colleges, universities, and schools to inform students
 24 and employees of the Florida Department of Law
 25 Enforcement sexual predator and sexual offender
 26 registry website and toll-free number; 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.

33-00697C-14

2014524__

30
 31 Section 1. This act may be cited as the "Protecting Our
 32 Children from Sexual Predators Act."
 33 Section 2. Subsection (3) of section 394.913, Florida
 34 Statutes, is amended to read:
 35 394.913 Notice to state attorney and multidisciplinary team
 36 of release of sexually violent predator; establishing
 37 multidisciplinary teams; information to be provided to
 38 multidisciplinary teams.—
 39 (3) (a) The secretary or his or her designee shall establish
 40 a multidisciplinary team or teams.
 41 (b) Each team shall include, but need ~~is~~ not be limited to,
 42 two licensed psychiatrists or psychologists or one licensed
 43 psychiatrist and one licensed psychologist. The department shall
 44 provide training to the members of the multidisciplinary team.
 45 Members of the team who are hired on contract are limited to 1-
 46 year contracts. Such contracts may be renewed. The department
 47 shall evaluate annually the performance of each member of the
 48 multidisciplinary team. Such evaluations must include, but need
 49 not be limited to, the member's:
 50 1. Scope of knowledge and understanding of clinical
 51 research regarding risk factors for sexual deviance and
 52 recidivism;
 53 2. Ability to identify relevant clinical data from review
 54 of criminal records and other information, including
 55 recommendations of law enforcement and insights from victim
 56 advocates;
 57 3. Ability to apply clinical information in a structured
 58 assessment of both static risk factors and dynamic predictors of

Page 2 of 4

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

33-00697C-14

2014524__

59 sexual recidivism; and

60 4. Recommendations compared retrospectively to the
61 subsequent records of the offenders who were assessed.

62 (c) The multidisciplinary team shall assess and evaluate
63 each person referred to the team. The assessment and evaluation
64 ~~must shall~~ include a review of the person's institutional
65 history and treatment record, if any, the person's criminal
66 background, and any other factor that is relevant to the
67 determination of whether the ~~such~~ person is a sexually violent
68 predator.

69 (d) ~~(e)~~ Before recommending that a person meets the
70 definition of a sexually violent predator, the person must be
71 offered a personal interview. If the person agrees to
72 participate in a personal interview, at least one member of the
73 team who is a licensed psychiatrist or psychologist must conduct
74 a personal interview of the person. If the person refuses to
75 fully participate in a personal interview, the multidisciplinary
76 team ~~shall may~~ proceed with its recommendation without the a
77 ~~personal interview of the person.~~

78 (e) ~~(d)~~ The Attorney General's Office shall serve as legal
79 counsel to the multidisciplinary team.

80 (f) ~~(e)~~ 1. Within 180 days after receiving notice, there
81 shall be a written assessment as to whether the person meets the
82 definition of a sexually violent predator and a written
83 recommendation, which shall be provided to the state attorney.
84 The person meets the definition of a sexually violent predator
85 if two or more members of the multidisciplinary team find the
86 person meets the definition. The written recommendation shall be
87 provided by the Department of Children and Families ~~Family~~

Page 3 of 4

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

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88 ~~Services~~ and shall include the written report of the
89 multidisciplinary team.

90 2. Notwithstanding subparagraph 1., in the case of a person
91 for whom the written assessment and recommendation has not been
92 completed at least 365 days before his or her release from total
93 confinement, the department shall prioritize the assessment of
94 that person based upon the person's release date.

95 Section 3. Section 1005.10, Florida Statutes, is created to
96 read:

97 1005.10 Sexual predator and sexual offender notification;
98 nonpublic colleges, universities, and schools.—Each nonpublic
99 college, university, and school shall inform students and
100 employees at the school's orientation session of the existence
101 of the Department of Law Enforcement sexual predator and sexual
102 offender registry website and the toll-free telephone number
103 that gives access to sexual predator and sexual offender public
104 information pursuant to s. 943.043.

105 Section 4. Section 1006.695, Florida Statutes, is created
106 to read:

107 1006.695 Sexual predator and sexual offender notification;
108 public colleges, universities, and schools.—Each public college,
109 university, and school shall inform students and employees at
110 the school's orientation session of the existence of the
111 Department of Law Enforcement sexual predator and sexual
112 offender registry website and the toll-free telephone number
113 that gives access to sexual predator and sexual offender public
114 information pursuant to s. 943.043.

115 Section 5. This act shall take effect July 1, 2014.

Page 4 of 4

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/2014

Meeting Date

Topic SVP

Bill Number 522 + 524
(if applicable)

Name Kristin Kanner

Amendment Barcode _____
(if applicable)

Job Title Director of SVP

Address 1317 Winewood Blvd.

Phone _____

Street

Tallahassee

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Dept. of children + families

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/14

Meeting Date

Topic _____

Bill Number SB524
(if applicable)

Name Ron Book

Amendment Barcode _____
(if applicable)

Job Title _____

Address 104 West Jefferson

Phone _____

Street

TLH

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Lauven's Kids

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-14-14
Meeting Date

Topic _____

Bill Number SB 524
(if applicable)

Name Lindsey Perkins

Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address _____
Street

Phone (850) 671-4401

City _____ State _____ Zip _____

E-mail perkins@sasstrategy.com

Speaking: For Against Information

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/14
Meeting Date

Topic SENIOR ISSUES
Name JACK McRAY
Job Title _____

Bill Number _____
(if applicable)
Amendment Barcode _____
(if applicable)

Address 200 W. COLLEGE ST. #304
Street
TLH FL 32301
City State Zip

Phone 850-577-5127
E-mail jmcroy@aarp.org

Speaking: For Against Information

Representing AARP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-14-14
Meeting Date

Topic Unlicensed ACFs
Name Susan Anderson
Job Title Deputy State Ombudsman - Legal Affairs

Bill Number _____
(if applicable)
Amendment Barcode _____
(if applicable)

Address 4040 Esplanade Way
Street
Tallahassee FL 32399
City State Zip

Phone 850-414-2054
E-mail andersons@elderaffairs.org

Speaking: For Against Information

Representing Long-Term Care Ombudsman Program

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR THAD ALTMAN
16th District

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
Select Committee on Indian River Lagoon
and Lake Okeechobee Basin

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

January 13, 2014

The Honorable Eleanor Sobel, Chair
Senate Committee on Children, Families, and Elder Affairs
410 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairwoman Sobel:

I respectfully request an excused absence for the Committee on Children, Families, and Elder Affairs meeting on Tuesday, January 14, 2014 at 10:00 am. 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 black ink that reads "Thad Altman".

Thad Altman

cc: Chris Clark, Senate President Chief of Staff, 409 The Capitol
Claude Hendon, Committee Staff Director, 520 Knott Building
Lynn Wells, Committee Administrative Assistant, 520 Knott Building

TA/svb

A handwritten signature in black ink that reads "Eleanor Sobel".

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

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Children, Families, and Elder Affairs

Judge:

Started: 1/14/2014 10:10:57 AM

Ends: 1/14/2014 12:00:34 PM

Length: 01:49:38

10:10:59 AM Meeting called to order
10:11:12 AM Chair Sobel's opening remarks
10:13:43 AM Roll call
10:13:49 AM Tab 1 - SB 522 by Sen. Grimsley/Involuntary Civil Commitment of Sexually Violent Predators
10:14:11 AM Senator Grimsley explains changes in bill
10:15:29 AM Chair Sobel responds
10:16:26 AM Testimony by Ron Book representing Lauren's Kids
10:23:46 AM Chair Sobel asks for further questions
10:24:16 AM SB 522 amendment by Grimsley - barcode 727614
10:24:25 AM Senator Grimsley explains proposed amendment - barcode 727614
10:24:52 AM Chair Sobel asks question pertaining to amendment and asks for questions
10:25:11 AM Senator Detert asks question
10:25:46 AM Chair Sobel responds
10:26:14 AM Senator Dean asks question pertaining to violations
10:26:36 AM Senator Grimsley responds
10:27:05 AM Chair Sobel asks for further questions and public testimony
10:27:53 AM Amendment adopted - barcode 727614 (SB 522)
10:28:31 AM Testimony by Kristin Kanner, Director of SVPP, Dept. of Children and Families
10:29:51 AM Chair Sobel responds about victim advocates
10:30:16 AM Ms. Kanner responds
10:31:27 AM Chair Sobel responds
10:31:38 AM Senator Grimsley makes comment
10:32:13 AM Ms. Kanner responds
10:33:04 AM Chair Sobel comments
10:33:30 AM Lindsey Perkins, Florida Sheriffs Association, waives in support
10:33:52 AM Testimony by Gail Colletta, President, Florida Action Committee
10:37:14 AM Chair Sobel asks for questions
10:37:24 AM Chair Sobel asks question about matrix
10:37:41 AM Ms. Colletta responds
10:38:38 AM Dr. Suzanne Kline, Former Administrator, Sexually Violent Predator Program
10:39:56 AM Chair Sobel asks follow-up question regarding static 99
10:40:05 AM Dr. Kline responds
10:40:56 AM Chair Sobel makes comment
10:41:07 AM Dr. Kline responds
10:42:17 AM Chair Sobel asks for questions
10:42:26 AM Senator Dean asks question
10:43:27 AM Dr. Kline responds
10:44:47 AM Chair Sobel asks follow-up question
10:44:55 AM Dr. Kline responds about program numbers
10:45:45 AM Chair Sobel asks question
10:45:58 AM Ms. Colletta answers question about Senator Bradley's bill (SB 526)
10:46:33 AM Chair Sobel thanks speakers and asks for debate
10:46:50 AM Senator Grimsley waives close
10:47:03 AM Roll call on SB 522
10:47:17 AM SB 522 is reported favorably
10:47:28 AM Tab 2 - SB 524 by Senator Sobel/Sexually Violent Predators
10:47:41 AM Senator Sobel explains bill
10:49:28 AM Chair Grimsley asks for questions
10:49:35 AM Senator Thompson asks questions about college requirements
10:49:54 AM Senator Sobel responds
10:50:07 AM Chair Grimsley asks for further questions and moves to testimony
10:50:43 AM Ms. Kristin Kanner, Director of SVPP, Dept. of Children and Families

10:52:00 AM Senator Sobel responds
10:52:06 AM Ms. Kanner continues remarks about concerns
10:53:48 AM Senator Sobel asks question
10:54:30 AM Ms. Kanner responds
10:55:56 AM Senator Sobel thanks speaker
10:56:07 AM Ms. Kanner responds with closing arguments
10:56:32 AM Senator Dean asks question about clarity
10:57:55 AM Ms. Kanner responds
11:01:15 AM Chair Grimsley thanks speaker
11:01:23 AM Testimony by Ron Book, Lauren's Kids
11:05:24 AM Chair Grimsley asks for debate
11:05:28 AM Senator Sobel closes on SB 524
11:06:53 AM Roll call on SB 524
11:07:11 AM SB 524 reported favorably
11:07:19 AM Tab 3 - Status of Elder Issues
11:08:02 AM Presentation by Mr. Charles T. Corley, Secretary, Department of Elder Affairs
11:18:04 AM Chair Sobel asks question
11:18:11 AM Mr. Corley responds
11:18:58 AM Chair Sobel asks follow-up question about long-term care
11:19:11 AM Mr. Corley responds
11:19:53 AM Chair Sobel asks question
11:20:00 AM Mr. Corley responds
11:20:25 AM Chair Sobel asks question about qualifications
11:20:39 AM Mr. Corley responds
11:21:39 AM Chair Sobel asks for other questions
11:21:47 AM Senator Hays makes comment
11:22:44 AM Chair Sobel asks question
11:22:50 AM Senator Hays responds
11:23:31 AM Mr. Corley responds
11:24:03 AM Chair Sobel makes comment
11:24:23 AM Senator Hays responds
11:24:28 AM Mr. Corley continues presentation
11:26:10 AM Chair Sobel asks question
11:26:17 AM Mr. Corley responds
11:30:27 AM Chair Sobel asks question about waiting list
11:30:32 AM Mr. Corley responds
11:30:50 AM Chair Sobel asks follow-up question
11:30:59 AM Mr. Corley responds about funding for wait list
11:31:24 AM Chair Sobel asks question
11:31:31 AM Mr. Corley continues presentation
11:32:38 AM Chair Sobel asks question
11:32:43 AM Mr. Corley responds
11:33:43 AM Chair Sobel asks question
11:33:49 AM Mr. Corley responds to question about 5-year plan
11:34:15 AM Chair Sobel asks question
11:34:21 AM Mr. Corley responds
11:34:33 AM Chair Sobel remarks
11:35:03 AM Mr. Corley responds
11:36:54 AM Chair Sobel asks question
11:37:01 AM Mr. Corley responds
11:37:08 AM Chair Sobel asks question about Meals on Wheels
11:37:25 AM Mr. Corley responds
11:38:55 AM Chair Sobel asks question
11:39:07 AM Mr. Corley responds
11:42:30 AM Chair Sobel makes comment
11:42:36 AM Mr. Corley continues testimony
11:43:22 AM Chair Sobel asks for questions about presentation
11:43:41 AM Chair Sobel asks question about unlicensed Assisted Living Facilities
11:43:54 AM Mr. Corley responds
11:44:48 AM Chair Sobel makes follow-up comment
11:45:12 AM Mr. Corley responds
11:45:37 AM Chair Sobel asks question

11:45:42 AM Mr. Corley responds
11:45:49 AM Chair Sobel makes comment
11:45:56 AM Mr. Corley makes follow-up comment
11:46:05 AM Chair Sobel coments
11:46:45 AM Testimony by Susan Anderson, Deputy State Ombudsman, Legal Affairs, Department of Elder Affairs
11:46:56 AM Senator Hays comment
11:47:45 AM Chair Sobel responds
11:47:50 AM Senator Hays follow-up comment
11:47:59 AM Chair Sobel thanks speakers
11:48:20 AM Testimony from Jack McRay, AARP
12:00:15 PM Chair Sobel closing comments
12:00:26 PM Motion to rise
12:00:27 PM Meeting adjourned