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2 An act relating to sexual battery; authorizing  
3 the court to sentence a defendant to be treated  
4 with medroxyprogesterone acetate (MPA) if the  
5 defendant is convicted of sexual battery;  
6 providing for mandatory treatment with  
7 medroxyprogesterone acetate (MPA) upon a  
8 subsequent conviction of sexual battery;  
9 providing for voluntary physical castration as  
10 an alternative penalty under specified  
11 circumstances; providing for medical  
12 determination of medroxyprogesterone acetate  
13 (MPA) treatment; providing for commencement,  
14 continuation, and termination of treatment;  
15 defining "prior conviction"; prohibiting the  
16 failure or refusal to appear for or allow the  
17 administration of medroxyprogesterone acetate  
18 (MPA); providing penalties; providing for  
19 severability of provisions held invalid;  
20 providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. (1) Notwithstanding any other law, the  
25 court:

26 (a) May sentence a defendant to be treated with  
27 medroxyprogesterone acetate (MPA), according to a schedule of  
28 administration monitored by the Department of Corrections, if  
29 the defendant is convicted of sexual battery as described in  
30 s. 794.011, Florida Statutes.

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1           (b) Shall sentence a defendant to be treated with  
2 medroxyprogesterone acetate (MPA), according to a schedule of  
3 administration monitored by the Department of Corrections, if  
4 the defendant is convicted of sexual battery as described in  
5 s. 794.011, Florida Statutes, and the defendant has a prior  
6 conviction of sexual battery under s. 794.011, Florida  
7 Statutes.

8 If the court sentences a defendant to be treated with  
9 medroxyprogesterone acetate (MPA), the penalty may not be  
10 imposed in lieu of, or reduce, any other penalty prescribed  
11 under s. 794.011, Florida Statutes. However, in lieu of  
12 treatment with medroxyprogesterone acetate (MPA), the court  
13 may order the defendant to undergo physical castration upon  
14 written motion by the defendant providing the defendant's  
15 intelligent, knowing, and voluntary consent to physical  
16 castration as an alternative penalty.

17           (2)(a) An order of the court sentencing a defendant to  
18 medroxyprogesterone acetate (MPA) treatment under subsection  
19 (1), shall be contingent upon a determination by a court  
20 appointed medical expert, that the defendant is an appropriate  
21 candidate for treatment. Such determination is to be made not  
22 later than sixty days from the imposition of sentence.  
23 Notwithstanding the statutory maximum periods of incarceration  
24 as provided in s. 775.082, F.S., an order of the court  
25 sentencing a defendant to medroxyprogesterone acetate (MPA)  
26 treatment shall specify the duration of treatment for a  
27 specific term of years, or in the discretion of the court, up  
28 to the life of the defendant.

29           (b) In all cases involving defendants sentenced to a  
30 period of incarceration, the administration of treatment with  
31 medroxyprogesterone acetate (MPA) shall commence not later

1 than one week prior to the defendant's release from prison or  
2 other institution.

3 (3) The Department of Corrections shall provide the  
4 services necessary to administer medroxyprogesterone acetate  
5 (MPA) treatment. Nothing contained in this section shall be  
6 construed to require the continued administration of  
7 medroxyprogesterone acetate (MPA) treatment when it is not  
8 medically appropriate.

9 (4) As used in this section, the term "prior  
10 conviction" means a conviction for which sentence was imposed  
11 separately prior to the imposition of the sentence for the  
12 current offense and which was sentenced separately from any  
13 other conviction that is to be counted as a prior conviction  
14 under this section.

15 (5) If a defendant whom the court has sentenced to be  
16 treated with medroxyprogesterone acetate (MPA) fails or  
17 refuses to:

18 (a) Appear as required by the Department of  
19 Corrections for purposes of administering the  
20 medroxyprogesterone acetate (MPA); or

21 (b) Allow the administration of medroxyprogesterone  
22 acetate (MPA),

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24 the defendant is guilty of a felony of the second degree,  
25 punishable as provided in s. 775.082, s. 775.083, or s.  
26 775.084, Florida Statutes.

27 Section 2. If any provision of this act or the  
28 application thereof to any person or circumstance is held  
29 invalid, the invalidity shall not affect other provisions or  
30 applications of the act which can be given effect without the

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1 invalid provision or application, and to this end the  
2 provisions of this act are declared severable.

3           Section 3. This act shall take effect for offenses  
4 committed on or after October 1, 1997.

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