

Bill No. HB 2125, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Klein moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 84, between lines 2 and 3,		
15			
16	insert:		
17	Section 52. Subsection (5) of section 216.136, Florida		
18	Statutes, is amended to read:		
19	216.136 Consensus estimating conferences; duties and		
20	principals.--		
21	(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--		
22	(a) Duties.--The Criminal Justice Estimating		
23	Conference shall:		
24	1. Develop such official information relating to the		
25	criminal justice system, including forecasts of prison		
26	admissions by offense categories specified in Rule 3.701,		
27	Florida Rules of Criminal Procedure, as the conference		
28	determines is needed for the state planning and budgeting		
29	system.		
30	2. <u>Develop such official information relating to the</u>		
31	<u>number of eligible discharges and the projected number of</u>		

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1 civil commitments for determining space needs pursuant to the
2 civil proceedings provided under part V. of chapter 394.

3 Section 53. Section 216.1365, Florida Statutes is
4 repealed.

5 Section 54. Section 960.07, Florida Statutes, is
6 amended to read:

7 960.07 Filing of claims for compensation.--

8 (1) A claim for compensation may be filed by a person
9 eligible for compensation as provided in s. 960.065 or, if
10 such person is a minor, by his or her parent or guardian or,
11 if the person entitled to make a claim is mentally
12 incompetent, by the person's guardian or such other individual
13 authorized to administer his or her estate.

14 (2) Except as provided in subsection (3), a claim must
15 be filed not later than 1 year after:

16 (a) The occurrence of the crime upon which the claim
17 is based.

18 (b) The death of the victim or intervenor.

19 (c) The death of the victim or intervenor is
20 determined to be the result of a crime, and the crime occurred
21 after June 30, 1994.

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23 However, for good cause the department may extend the time for
24 filing for a period not exceeding 2 years after such
25 occurrence.

26 (3) Notwithstanding the provisions of subsection (2)
27 and regardless of when the crime occurred, if the victim or
28 intervenor was under the age of 18 at the time the crime upon
29 which the claim is based occurred, a claim may be filed in
30 accordance with this subsection.

31 (a) The victim's or intervenor's parent or guardian

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1 may file a claim on behalf of the victim or intervenor while
2 the victim or intervenor is less than 18 years of age; or
3 (b) When a victim or intervenor who was under the age
4 of 18 at the time the crime occurred reaches the age of 18,
5 the victim or intervenor has 1 year within which to file a
6 claim.

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8 For good cause, the department may extend the time period
9 allowed for filing a claim under paragraph (b) for an
10 additional period not to exceed 1 year.

11 (4) The provisions of subsection (2) notwithstanding,
12 and regardless of when the crime occurred, a victim of a
13 sexually violent offense as defined in s. 394.912, may file a
14 claim for compensation for counseling or other mental health
15 services within one year after the filing of a petition under
16 s. 394.914, to involuntarily civilly commit the individual who
17 perpetrated the sexually violent offense.

18 (5)(4) Claims may be filed in the Tallahassee office
19 of the department in person or by mail. Any employee of the
20 department receiving a claim for compensation shall,
21 immediately upon receipt of such claim, mail the claim to the
22 department at its office in Tallahassee. In no event and
23 under no circumstances shall the rights of a claimant under
24 this chapter be prejudiced or lost by the failure or delay of
25 the employees of the department in mailing claims to the
26 department in Tallahassee.

27 (6)(5) Upon filing of a claim pursuant to this
28 chapter, in which there is an identified offender, the
29 department shall promptly notify the state attorney of the
30 circuit wherein the crime is alleged to have occurred. If
31 within 10 days after such notification such state attorney

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1 advises the department that a criminal prosecution or
 2 delinquency petition is pending upon the same alleged crime
 3 and requests that action by the department be deferred, the
 4 department shall defer all proceedings under this chapter
 5 until such time as a trial verdict or delinquency adjudication
 6 has been rendered, and shall so notify such state attorney and
 7 claimant. When a trial verdict or delinquency adjudication has
 8 been rendered, such state attorney shall promptly notify the
 9 department. Nothing in this subsection shall limit the
 10 authority of the department to grant emergency awards pursuant
 11 to s. 960.12.

12 ~~(7)(6)~~ The state attorney's office shall aid claimants
 13 in the filing and processing of claims, as may be required.

14 Section 55. Paragraph (e) of subsection (3) of section
 15 394.913, Florida Statutes, is amended to read:

16 394.913 Notice to state attorney and multidisciplinary
 17 team of release of sexually violent predator; establishing
 18 multidisciplinary teams; information to be provided to
 19 multidisciplinary teams.--

20 (3)
 21 (e) Within 90 ~~45~~ days after receiving notice, there
 22 shall be a written assessment as to whether the person meets
 23 the definition of a sexually violent predator and a written
 24 recommendation, which shall be provided to the state attorney.
 25 The written recommendation shall be provided by the Department
 26 of Children and Family Services and shall include the written
 27 report of the multidisciplinary team.

28
 29 The provisions of this section are not jurisdictional, and
 30 failure to comply with them in no way prevents the state
 31 attorney from proceeding against a person otherwise subject to

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1 the provisions of this part.

2 Section 56. Section 394.930, Florida Statutes, is
3 amended to read:

4 394.930 Authority to adopt rules.--The Department of
5 Children and Family Services shall adopt rules for:

6 (1) Procedures that must be followed by members of the
7 multidisciplinary teams when assessing and evaluating persons
8 subject to this part;

9 (2) Education and training requirements for members of
10 the multidisciplinary teams and professionals who assess and
11 evaluate persons under this part;

12 (3)~~(2)~~ The criteria that must exist in order for a
13 multidisciplinary team to recommend to a state attorney that a
14 petition should be filed to involuntarily commit a person
15 under this part. The criteria shall include, but are not
16 limited to, whether:

17 (a) The person has a propensity to engage in future
18 acts of sexual violence;

19 (b) The person should be placed in a secure,
20 residential facility; and

21 (c) The person needs long-term treatment and care.

22 (4)~~(3)~~ The designation of secure facilities for
23 sexually violent predators who are subject to involuntary
24 commitment under this part;

25 (5)~~(4)~~ The components of the basic treatment plan for
26 all committed persons under this part;

27 (6)~~(5)~~ The protocol to inform a person that he or she
28 is being examined to determine whether he or she is a sexually
29 violent predator under this part.

30 Section 57. Section 394.931, Florida Statutes, is
31 amended to read:

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1 394.931 Quarterly reports.--Beginning July 1, 1999,
2 the Department of Corrections shall collect information and
3 compile quarterly reports with statistics profiling inmates
4 released the previous quarter who fit the criteria and were
5 referred to the Department of Children and Family Services
6 pursuant to this act. The quarterly reports must be produced
7 beginning October 1, 1999. At a minimum, the information that
8 must be collected and compiled for inclusion in the reports
9 includes: whether the qualifying offense was the current
10 offense or the prior offense; the most serious sexual offense;
11 the total number of distinct victims of the sexual offense;
12 whether the victim was known to the offender; whether the
13 sexual act was consensual; whether the sexual act involved
14 multiple victims; whether direct violence was involved in the
15 sexual offense; the age of each victim at the time of the
16 offense; the age of the offender at the time of the first
17 sexual offense; whether a weapon was used; length of time
18 since the most recent sexual offense; and the total number of
19 prior and current sexual-offense convictions. In addition, the
20 Department of Children and Family Services shall implement a
21 long-term study to determine the overall efficacy of the
22 provisions of this part.

23
24 (Redesignate subsequent sections.)

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26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 5, line 7, after the semicolon,

30
31 insert:

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1 repealing s. 216.1365, F.S.; requiring the
2 Criminal Justice Estimating Conference to
3 project future bed needs and other program
4 needs for sexually violent predators; amending
5 s. 216.136, F.S.; requiring the Criminal
6 Justice Estimating Conference to project future
7 bed needs and other program needs for sexually
8 violent predators; amending s. 960.07, F.S.;
9 expanding the time within which a victim of an
10 offense committed by a sexually violent
11 predator may apply for compensation from the
12 Crimes Compensation Trust Fund; amending s.
13 394.913, F.S.; increasing the period of time
14 for the multidisciplinary team to determine if
15 an offender is a sexually violent predator;
16 amending s. 394.930, F.S.; requiring the
17 Department of Children and Family Services to
18 adopt rules for education and training for
19 members of multidisciplinary teams and other
20 professionals who evaluate sexually violent
21 predators; amending s. 394.931, F.S.; requiring
22 the Department of Children and Family Services
23 to implement a long-term study to determine the
24 effectiveness of involuntary civil commitment
25 of sexually violent predators;

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