

By Senator Klein

28-1694-00

1 A bill to be entitled
2 An act relating to sexually violent predators;
3 amending s. 216.1365, F.S.; requiring the
4 Criminal Justice Estimating Conference to
5 project future bed needs and other program
6 needs for sexually violent predators; amending
7 s. 775.089, F.S.; redefining the term "victim,"
8 for purposes of restitution payments from the
9 Crimes Compensation Trust Fund, to include any
10 victim of an offense committed by an offender
11 who is alleged, at any time following the
12 offense, to be a sexually violent predator;
13 amending s. 394.913, F.S.; increasing the
14 period of time for the multidisciplinary team
15 to determine if an offender is a sexually
16 violent predator; amending s. 394.930, F.S.;
17 requiring the Department of Children and Family
18 Services to adopt rules for continuing
19 education and training for members of
20 multidisciplinary teams and other professionals
21 who evaluate sexually violent predators;
22 amending s. 394.931, F.S.; requiring the
23 Department of Children and Family Services to
24 implement a long-term study to determine the
25 effectiveness of involuntary civil commitment
26 of sexually violent predators; providing an
27 effective date.
28
29 Be It Enacted by the Legislature of the State of Florida:
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31

1 Section 1. Section 216.1365, Florida Statutes, is
2 amended to read:

3 216.1365 Criminal Justice Estimating Conference;
4 development of discharge and civil commitment information
5 pursuant to part V, ch. 394.--The Criminal Justice Estimating
6 Conference, created under this chapter, shall continually
7 develop official information relating to the number of
8 eligible discharges and the projected number of civil
9 commitments pursuant to the civil proceedings provided in the
10 Jimmy Ryce Act of 1998 under part V of chapter 394. The
11 conference shall also project future bed needs and other
12 critical program needs for purposes of determining necessary
13 appropriations.

14 Section 2. Paragraph (c) of subsection (1) of section
15 775.089, Florida Statutes, is amended to read:

16 775.089 Restitution.--

17 (1)

18 (c) The term "victim" as used in this section and in
19 any provision of law relating to restitution means each person
20 who suffers property damage or loss, monetary expense, or
21 physical injury or death as a direct or indirect result of the
22 defendant's offense or criminal episode, and also includes the
23 victim's estate if the victim is deceased, and the victim's
24 next of kin if the victim is deceased as a result of the
25 offense. The term also includes the victim of an offense
26 committed by an offender who, at any time following the
27 offense, is alleged to be a sexually violent predator and for
28 whom involuntary civil commitment is sought under part V of
29 chapter 394.

30 Section 3. Paragraph (e) of subsection (3) of section
31 394.913, Florida Statutes, is amended to read:

1 394.913 Notice to state attorney and multidisciplinary
2 team of release of sexually violent predator; establishing
3 multidisciplinary teams; information to be provided to
4 multidisciplinary teams.--

5 (3)

6 (e) Within 90 ~~45~~ days after receiving notice, there
7 shall be a written assessment as to whether the person meets
8 the definition of a sexually violent predator and a written
9 recommendation, which shall be provided to the state attorney.
10 The written recommendation shall be provided by the Department
11 of Children and Family Services and shall include the written
12 report of the multidisciplinary team.

13
14 The provisions of this section are not jurisdictional, and
15 failure to comply with them in no way prevents the state
16 attorney from proceeding against a person otherwise subject to
17 the provisions of this part.

18 Section 4. Section 394.930, Florida Statutes, is
19 amended to read:

20 394.930 Authority to adopt rules.--The Department of
21 Children and Family Services shall adopt rules for:

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

25 (2) Continuing education requirements for members of
26 the multidisciplinary teams and any additional training
27 required for professionals who assess and evaluate persons
28 under this part;

29 ~~(3)~~~~(2)~~ The criteria that must exist in order for a
30 multidisciplinary team to recommend to a state attorney that a
31 petition should be filed to involuntarily commit a person

1 under this part. The criteria shall include, but are not
2 limited to, whether:

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

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

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

8 (4)~~(3)~~ The designation of secure facilities for
9 sexually violent predators who are subject to involuntary
10 commitment under this part;

11 (5)~~(4)~~ The components of the basic treatment plan for
12 all committed persons under this part;

13 (6)~~(5)~~ The protocol to inform a person that he or she
14 is being examined to determine whether he or she is a sexually
15 violent predator under this part.

16 Section 5. Section 394.931, Florida Statutes, is
17 amended to read:

18 394.931 Quarterly reports.--Beginning July 1, 1999,
19 the Department of Corrections shall collect information and
20 compile quarterly reports with statistics profiling inmates
21 released the previous quarter who fit the criteria and were
22 referred to the Department of Children and Family Services
23 pursuant to this act. The quarterly reports must be produced
24 beginning October 1, 1999. At a minimum, the information that
25 must be collected and compiled for inclusion in the reports
26 includes: whether the qualifying offense was the current
27 offense or the prior offense; the most serious sexual offense;
28 the total number of distinct victims of the sexual offense;
29 whether the victim was known to the offender; whether the
30 sexual act was consensual; whether the sexual act involved
31 multiple victims; whether direct violence was involved in the

1 sexual offense; the age of each victim at the time of the
2 offense; the age of the offender at the time of the first
3 sexual offense; whether a weapon was used; length of time
4 since the most recent sexual offense; and the total number of
5 prior and current sexual-offense convictions. In addition, the
6 Department of Children and Family Services shall implement a
7 long-term study to determine the overall efficacy of the
8 provisions of this part.

9 Section 6. This act shall take effect July 1, 2000.

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11 SENATE SUMMARY

12 Requires that the Criminal Justice Estimating Conference
13 project future needs of the program to involuntarily
14 commit sexually violent predators. For purposes of
15 restitution payments from the Crimes Compensation Trust
16 Fund, redefines the term "victim" to include any victim
17 of an offense committed by an offender who is alleged, at
18 any time following the offense, to be a sexually violent
19 predator. Increases, from 45 days to 90 days, the time
20 during which the multidisciplinary team must determine
21 whether an offender is a sexually violent predator.
22 Requires that the Department of Children and Family
23 Services adopt rules for continuing education
24 requirements for professionals who evaluate sexually
25 violent predators. Requires that the department implement
26 a long-term study to determine the effectiveness of
27 involuntarily committing sexually violent predators.