

Bill No. SB 2566

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	<b>Senate Amendment (with title amendment)</b>		
14	Between page 76, line 31, and page 77, line 1,		
15			
16	insert:		
17	Section 45. 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 46. Section 216.1365, Florida Statutes is  
4 repealed.

5 Section 47. 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.

7  
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 48. 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.

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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 49. 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 50. 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.)

25  
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 3, line 24, 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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