

By Senator Peaden

41-1247-01

1 A bill to be entitled
2 An act relating to sexually violent offenders;
3 amending s. 394.913, F.S.; requiring the agency
4 with jurisdiction over a person convicted of a
5 sexually violent offense to provide earlier
6 notice of the offender's anticipated release;
7 revising the time for preparing the assessment
8 as to whether the offender is a sexually
9 violent predator; amending s. 394.917, F.S.;
10 requiring the Department of Children and Family
11 Services to detain sexually violent predators
12 in a secure facility segregated from other
13 patients; providing an effective date.

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

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17 Section 1. Section 394.913, Florida Statutes, is
18 amended to read:

19 394.913 Notice to state attorney and multidisciplinary
20 team of release of sexually violent predator; establishing
21 multidisciplinary teams; information to be provided to
22 multidisciplinary teams.--

23 (1) The agency with jurisdiction over a person who has
24 been convicted of a sexually violent offense shall give
25 written notice to the multidisciplinary team, and a copy to
26 the state attorney of the circuit where that person was last
27 convicted of a sexually violent offense. If the person has
28 never been convicted of a sexually violent offense in this
29 state but has been convicted of a sexually violent offense in
30 another state or in federal court, the agency with
31 jurisdiction shall give written notice to the

1 multidisciplinary team and a copy to the state attorney of the
2 circuit where the person was last convicted of any offense in
3 this state. If the person is being confined in this state
4 pursuant to interstate compact and has a prior or current
5 conviction for a sexually violent offense, the agency with
6 jurisdiction shall give written notice to the
7 multidisciplinary team and a copy to the state attorney of the
8 circuit where the person plans to reside upon release or, if
9 no residence in this state is planned, the state attorney in
10 the circuit where the facility from which the person to be
11 released is located. Except as provided in s. 394.9135, the
12 written notice must be given to the multidisciplinary team and
13 the state attorney at least 30 months ~~365 days~~ or, in the case
14 of an adjudicated committed delinquent, at least 180 ~~90~~ days
15 before:

16 (a) The anticipated release from total confinement of
17 a person who has been convicted of a sexually violent offense,
18 except that in the case of persons who have been returned to
19 total confinement for no more than 180 ~~90~~ days, written notice
20 must be given as soon as practicable following the person's
21 return to confinement; or

22 (b) The anticipated hearing regarding possible release
23 of a person who has been found not guilty by reason of
24 insanity or mental incapacity of a sexually violent offense.

25 (2) The agency with jurisdiction shall provide the
26 multidisciplinary team with the following information:

27 (a) The person's name; identifying characteristics;
28 anticipated future residence; the type of supervision the
29 person will receive in the community, if any; and the person's
30 offense history;

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1 (b) The person's criminal history, including police
2 reports, victim statements, presentence investigation reports,
3 postsentence investigation reports, if available, and any
4 other documents containing facts of the person's criminal
5 incidents;

6 (c) Mental health, mental status, and medical records,
7 including all clinical records and notes concerning the
8 person;

9 (d) Documentation of institutional adjustment and any
10 treatment received and, in the case of an adjudicated
11 delinquent committed to the Department of Juvenile Justice,
12 copies of the most recent performance plan and performance
13 summary; and

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

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

19 (b) Each team shall include, but is not limited to,
20 two licensed psychiatrists or psychologists or one licensed
21 psychiatrist and one licensed psychologist. The
22 multidisciplinary team shall assess and evaluate each person
23 referred to the team. The assessment and evaluation shall
24 include a review of the person's institutional history and
25 treatment record, if any, the person's criminal background,
26 and any other factor that is relevant to the determination of
27 whether such person is a sexually violent predator.

28 (c) Before recommending that a person meets the
29 definition of a sexually violent predator, the person must be
30 offered a personal interview. If the person agrees to
31 participate in a personal interview, at least one member of

1 the team who is a licensed psychiatrist or psychologist must
2 conduct a personal interview of the person. If the person
3 refuses to fully participate in a personal interview, the
4 multidisciplinary team may proceed with its recommendation
5 without a personal interview of the person.

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

8 (e) Within 180 ~~90~~ days after receiving notice, there
9 shall be a written assessment as to whether the person meets
10 the definition of a sexually violent predator and a written
11 recommendation, which shall be provided to the state attorney.
12 The written recommendation shall be provided by the Department
13 of Children and Family Services and shall include the written
14 report of the multidisciplinary team.

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

19 Section 2. Subsection (2) of section 394.917, Florida
20 Statutes, is amended to read:

21 394.917 Determination; commitment procedure;
22 mistrials; housing; counsel and costs in indigent appellate
23 cases.--

24 (2) If the court or jury determines that the person is
25 a sexually violent predator, upon the expiration of the
26 incarcerative portion of all criminal sentences and
27 disposition of any detainers other than detainers for
28 deportation by the United States Immigration and
29 Naturalization Service, the person shall be committed to the
30 custody of the Department of Children and Family Services for
31 control, care, and treatment until such time as the person's

1 mental abnormality or personality disorder has so changed that
2 it is safe for the person to be at large. At all times,
3 sexually violent predators who are detained or committed for
4 control, care, and treatment by the Department of Children and
5 Family Services under this section shall be kept in a secure
6 facility segregated from patients who are not detained or
7 committed under this section.

8 Section 3. This act shall take effect July 1, 2001.

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11 SENATE SUMMARY

12 Requires that the agency with jurisdiction over a person
13 convicted of a sexually violent offense notify the state
14 attorney 30 months rather than 1 year before the
15 offender's anticipated release. Requires that the
16 assessment as to whether the offender is a sexually
17 violent predator be provided to the state attorney 180
18 days after such notice. Requires that the Department of
19 Children and Family Services detain sexually violent
20 predators in a secure facility segregated from other
21 patients.
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