

By the Committee on Children and Families; and Senator Peaden

300-1912-01

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.

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 18 months prior to the anticipated
14 release from total confinement in the custody of the
15 Department of Corrections of a person who has been convicted
16 of a sexually violent offense, except that in the case of
17 persons who are totally confined in the Department of
18 Corrections for a period of less than 18 months, written
19 notice must be given as soon as practicable. Written notice
20 must be given to the multidisciplinary team at least 180 days
21 prior to 365 days or, in the case of an adjudicated committed
22 delinquent, at least 90 days before:

23 (a) The anticipated release from total confinement of
24 a person adjudicated delinquent as a juvenile who has been
25 convicted of a sexually violent offense, except that in the
26 case of persons who have been returned to total confinement
27 for no more than 90 days, written notice must be given as soon
28 as practicable following the person's return to confinement;
29 or

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

4 (2) The agency with jurisdiction shall provide the
5 multidisciplinary team with the following information:

6 (a) The person's name; identifying characteristics;
7 anticipated future residence; the type of supervision the
8 person will receive in the community, if any; and the person's
9 offense history;

10 (b) The person's criminal history, including police
11 reports, victim statements, presentence investigation reports,
12 postsentence investigation reports, if available, and any
13 other documents containing facts of the person's criminal
14 incidents;

15 (c) Mental health, mental status, and medical records,
16 including all clinical records and notes concerning the
17 person;

18 (d) Documentation of institutional adjustment and any
19 treatment received and, in the case of an adjudicated
20 delinquent committed to the Department of Juvenile Justice,
21 copies of the most recent performance plan and performance
22 summary; and

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

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

28 (b) Each team shall include, but is not limited to,
29 two licensed psychiatrists or psychologists or one licensed
30 psychiatrist and one licensed psychologist. The
31 multidisciplinary team shall assess and evaluate each person

1 referred to the team. The assessment and evaluation shall
2 include a review of the person's institutional history and
3 treatment record, if any, the person's criminal background,
4 and any other factor that is relevant to the determination of
5 whether such person is a sexually violent predator.

6 (c) Before recommending that a person meets the
7 definition of a sexually violent predator, the person must be
8 offered a personal interview. If the person agrees to
9 participate in a personal interview, at least one member of
10 the team who is a licensed psychiatrist or psychologist must
11 conduct a personal interview of the person. If the person
12 refuses to fully participate in a personal interview, the
13 multidisciplinary team may proceed with its recommendation
14 without a personal interview of the person.

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

17 (e) Within 180 ~~90~~ days after receiving notice, there
18 shall be a written assessment as to whether the person meets
19 the definition of a sexually violent predator and a written
20 recommendation, which shall be provided to the state attorney.
21 The written recommendation shall be provided by the Department
22 of Children and Family Services and shall include the written
23 report of the multidisciplinary team.

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

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

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1 394.917 Determination; commitment procedure;
2 mistrials; housing; counsel and costs in indigent appellate
3 cases.--

4 (2) If the court or jury determines that the person is
5 a sexually violent predator, upon the expiration of the
6 incarcerative portion of all criminal sentences and
7 disposition of any detainers other than detainers for
8 deportation by the United States Immigration and
9 Naturalization Service, the person shall be committed to the
10 custody of the Department of Children and Family Services for
11 control, care, and treatment until such time as the person's
12 mental abnormality or personality disorder has so changed that
13 it is safe for the person to be at large. At all times,
14 sexually violent predators who are detained or committed for
15 control, care, and treatment by the Department of Children and
16 Family Services under this section shall be kept in a secure
17 facility segregated from patients who are not detained or
18 committed under this section.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1680

Changes the length of time from 30 months to 18 months for providing the written notice to the multidisciplinary team and the state attorney of the release of a person from total confinement who has been convicted of a sexually violent offense.

Requires that the multidisciplinary team and the state attorney receive the written notice as soon as practical for all persons who have been convicted of a sexually violent offense and in total confinement for less than 18 months in the Department of Corrections.

Requires that notification be given to the multidisciplinary team and the state attorney at least 180 days prior to release from confinement for persons found not guilty by reason of insanity or mental incapacity of a sexually violent offense.