

By Senator Peaden

1-1415-02

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 detainees to be segregated from other
11 patients; amending s. 394.929, F.S.; revising a
12 catchline; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:
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16 Section 1. Section 394.913, Florida Statutes, is
17 amended to read:

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

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

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

14 (a) At least 545 days prior to the anticipated release
15 from total confinement of a person serving a sentence in the
16 custody of the Department of Corrections, except that in the
17 case of persons who are totally confined for a period of less
18 than 545 days, written notice must be given as soon as
19 practicable ~~The anticipated release from total confinement of~~
20 ~~a person who has been convicted of a sexually violent offense,~~
21 ~~except that in the case of persons who have been returned to~~
22 ~~total confinement for no more than 90 days, written notice~~
23 ~~must be given as soon as practicable following the person's~~
24 ~~return to confinement; or~~

25 (b) At least 180 days prior to the anticipated release
26 from total confinement of a person committed to the custody of
27 the Department of Juvenile Justice; or

28 ~~(c)(b)~~ At least 180 days prior to the anticipated
29 hearing regarding possible release of a person committed to
30 the custody of the department who has been found not guilty by
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1 reason of insanity or mental incapacity of a sexually violent
2 offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 394.917 Determination; commitment procedure;
30 mistrials; housing; counsel and costs in indigent appellate
31 cases.--

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

17 Section 3. Section 394.929, Florida Statutes, is
18 amended to read:

19 394.929 Program ~~Department of Children and Family~~
20 ~~Services responsible for~~ costs.--The Department of Children
21 and Family Services is responsible for all costs relating to
22 the evaluation and treatment of persons committed to the
23 department's custody as sexually violent predators. A county
24 is not obligated to fund costs for psychological examinations,
25 expert witnesses, court-appointed counsel, or other costs
26 required by this part. Other costs for psychological
27 examinations, expert witnesses, and court-appointed counsel
28 required by this part shall be paid from state funds
29 appropriated by general law.

30 Section 4. This act shall take effect July 1, 2002.

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LEGISLATIVE SUMMARY

Changes the length of time 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 practicable for all persons who have been convicted of a sexually violent offense and in total confinement for a described period of time in the Department of Corrections.