

By the Committee on Children and Families; and Senators Peadar and Crist

300-2246-02

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 residential commitment of a person committed to the  
27 custody of the Department of Juvenile Justice, except that in  
28 the case of persons who are committed to low or moderate risk,  
29 written notice must be given as soon as practicable; or

30 (c) ~~(b)~~ At least 180 days prior to the anticipated  
31 hearing regarding possible release of a person committed to

1 the custody of the department who has been found not guilty by  
2 reason of insanity or mental incapacity of a sexually violent  
3 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          persons ~~sexually violent predators~~ who are detained or  
15          ~~committed for control, care, and treatment by the Department~~  
16          ~~of Children and Family Services~~ under this part ~~section~~ shall  
17          be kept in a secure facility segregated from patients of the  
18          department who are not detained or committed under this part  
19          ~~section~~.

20          Section 3. Section 394.929, Florida Statutes, is  
21          amended to read:

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

3 Section 4. This act shall take effect July 1, 2002.  
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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 Senate Bill 1824

8 Changes the time frame for the notification to the state  
9 attorney and Department of Children and Family Services of the  
10 anticipated release of juvenile offenders who are committed to  
11 low or moderate risk level commitment programs from 180 days  
12 to as soon as practicable.  
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