

HB 5021

2006

1 A bill to be entitled

2 An act relating to sexually violent predators; amending s.
3 394.916, F.S.; providing that a trial in a proceeding to
4 commit a sexually violent predator may be continued once
5 if specified conditions are met; providing that no
6 additional continuances may be granted unless a court
7 finds that a manifest injustice would occur; providing for
8 a determination of competency to proceed in such a
9 commitment trial; providing for placement of incompetent
10 persons in secure forensic mental health facilities until
11 competence is restored; creating s. 394.9171, F.S.;
12 providing for committed sexually violent predators to
13 petition for transfer to commitment to secure forensic
14 mental health facilities; provides that such a transfer is
15 the equivalent of an involuntary inpatient placement under
16 a specified provision; creating s. 394.932, F.S.;
17 requiring the Justice Administrative Commission to
18 maintain a registry of mental health and other experts;
19 providing for advertising of the registry; requiring the
20 commission to advise registry users that it is their
21 responsibility to verify a listed person's qualifications;
22 providing for electronic publication; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:
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27 Section 1. Subsection (2) of section 394.916, Florida
 28 Statutes, is amended, and subsection (6) is added to that
 29 section, to read:

30 394.916 Trial; counsel and experts; indigent persons;
 31 competence to proceed; jury.--

32 (2) The trial may be continued once upon the request of
 33 either party for not more than 90 days upon ~~and~~ a showing of
 34 good cause, or by the court on its own motion in the interests
 35 of justice, when the person will not be substantially
 36 prejudiced. No additional continuances may be granted unless the
 37 court finds that a manifest injustice would otherwise occur.

38 (6) Upon the filing of a suggestion of incompetency, or
 39 upon the court's own motion, the court shall hold a hearing to
 40 determine by clear and convincing evidence whether the person is
 41 competent to proceed. In considering whether the person is
 42 competent to proceed, the court shall consider the factors in s.
 43 916.12(3) and any other factors deemed relevant by the experts.
 44 If the court determines that the person is incompetent to
 45 proceed, the person shall be placed in a secure forensic mental
 46 health facility operated under chapter 916 until such time as
 47 the person's competence to proceed is restored.

48 Section 2. Section 394.9171, Florida Statutes, is created
 49 to read:

50 394.9171 Transfer to secure forensic mental health
 51 facility.--At any time after commitment, a person committed
 52 under this part may petition the court for transfer to a secure
 53 forensic mental health facility operated under chapter 916. If
 54 the court finds that the committed person's mental condition is

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55 such that the person is incapable of meaningful participation in
56 the sex offender treatment, then the person shall be transferred
57 to a secure forensic mental health facility operated under
58 chapter 916 until such time as the person's competence to
59 proceed is restored. Such transfer shall be the equivalent of an
60 involuntary inpatient placement pursuant to s. 394.467.

61 Section 3. Section 394.932, Florida Statutes, is created
62 to read:

63 394.932 Registry of experts.--The Justice Administrative
64 Commission shall maintain a registry of mental health and other
65 experts who are available and willing to provide examinations
66 and expert testimony in proceedings held under this part. The
67 commission shall advertise the registry in professional trade
68 publications on a periodic basis and shall list the name and
69 contact information for all persons holding themselves out to be
70 qualified to provide examinations and expert testimony pursuant
71 to this part upon request. It shall be the sole responsibility
72 of parties using the services of a person listed on the registry
73 to verify the qualifications of that person. The commission
74 shall advise all parties that use the registry that it has not
75 verified the professional qualifications of the persons listed
76 on the registry and that it is the party's responsibility to
77 verify the person's professional qualifications. The commission
78 may electronically publish the names and contact information of
79 persons requesting to be listed on the registry.

80 Section 4. This act shall take effect July 1, 2006.