

1 (a) The person's name; identifying characteristics;
2 anticipated future residence; the type of supervision the
3 person will receive in the community, if any; and the person's
4 offense history;

5 (b) The person's criminal history, including police
6 reports, victim statements, presentence investigation reports,
7 postsentence investigation reports, if available, and any
8 other documents containing facts of the person's criminal
9 incidents or indicating whether the criminal incidents
10 included sexual acts or were sexually motivated;

11 (c) Mental health, mental status, and medical records,
12 including all clinical records and notes concerning the
13 person;

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

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

22 Section 2. Section 394.9223, Florida Statutes, is
23 created to read:

24 394.9223 Use of force.--

25 (1) An employee or agent of a secure facility, or an
26 employee of a state or of a local law enforcement agency, is
27 authorized to apply physical force upon a person confined in a
28 secure facility under this part only when and to the extent
29 that it reasonably appears necessary. This includes the use of
30 nonlethal devices such as chemical agents and electronic
31 devices after employees have been trained in the appropriate

1 use of such electronic devices. Deadly force may be used only
2 in defense of oneself or another. Circumstances under which
3 physical force may be used include:

4 (a) Defending himself or herself or another against
5 imminent use of unlawful force.

6 (b) Preventing a person committed to the custody of
7 the department from escaping.

8 (c) Preventing damage to property.

9 (d) Quelling a disturbance.

10 (e) Overcoming physical resistance to a lawful
11 command.

12 (f) Administering medical treatment by or under the
13 supervision of a physician or his or her designee only when
14 such treatment is:

15 1. Necessary to protect the health of others, as in
16 the case of contagious or venereal diseases; or

17 2. Offered in satisfaction of a duty to protect the
18 person against self-inflicted injury or death.

19 (2) Following any use of force, a qualified health
20 care provider shall examine any person physically involved to
21 determine the extent of injury, if any, and shall prepare a
22 report that includes, but need not be limited to, a statement
23 of whether further examination by a physician is necessary.
24 Any noticeable physical injury shall be examined by a
25 physician who shall prepare a report documenting the extent
26 and cause of the injury and the treatment prescribed. Such
27 report shall be completed within 5 working days after the
28 incident and shall be submitted to the facility superintendent
29 for investigation as appropriate.

30 (3) Each person who applied physical force or was
31 responsible for making the decision to apply physical force

1 upon a committed person shall prepare, date, and sign an
2 independent report within 5 working days after the incident.
3 The report shall be delivered to the facility superintendent,
4 who shall conduct an investigation and shall determine whether
5 force was appropriately used. Copies of the report and the
6 facility superintendent's evaluation shall be kept in the
7 resident's file. A record of each incident involving an
8 employee's use of force and the facility superintendent's
9 evaluation shall be kept in the employee's file.

10 (4) An employee of a secure facility for sexually
11 violent predators who, with malicious intent:

12 (a) Commit a battery upon a facility resident commits
13 a misdemeanor of the first degree, punishable as provided in
14 s. 775.082 or s. 775.083.

15 (b) Commit a battery or inflict cruel or inhuman
16 treatment by neglect or otherwise, and in so doing cause great
17 bodily harm, permanent disability, or permanent disfigurement
18 to a resident, commit a felony of the third degree, punishable
19 as provided in s. 775.082, s. 775.083, or s. 775.084.

20 Section 3. Section 921.245, Florida Statutes, is
21 created to read:

22 921.245 Felony judgments; sexually motivated
23 offense.--Each judgment of guilt for a felony offense must
24 contain a written finding by the court indicating whether the
25 criminal act was sexually motivated.

26 Section 4. This act shall take effect upon becoming a
27 law.

SENATE SUMMARY

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3 Revises laws relating to the sexually violent predator
4 program. Provides that any information concerning sexual
5 acts and sexual motivation in a person's criminal history
6 be provided to the multidisciplinary team that assesses
7 and makes recommendations as to whether a person is a
8 sexually violent predator. Provides for the use of
9 physical force against a person committed as a sexually
10 violent predator and specifies the circumstances when
11 force may be used. Provides for an examination by a
12 health provider, a report to be prepared, and an
13 investigation following the use of force. Provides for
14 criminal penalties when force is used with malicious
15 intent. Requires that each judgment of guilt for a felony
16 offense contains a written finding on whether the act was
17 sexually motivated.
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