

1 A bill to be entitled  
2 An act relating to sexually violent predators; amending s.  
3 394.912, F.S.; limiting the definition of the term  
4 "sexually violent offense," for purposes of sexually  
5 violent predator provisions, to felony offenses; amending  
6 s. 394.913, F.S.; providing for prioritization of written  
7 assessment and recommendation for individuals scheduled or  
8 up for review for release when the assessment and  
9 recommendation have not been completed within a specified  
10 period; amending s. 394.9135, F.S.; revising provisions  
11 relating to petitions to hold in custody following release  
12 and transfer to the Department of Children and Family  
13 Services to provide for extension of certain time periods  
14 that expire after normal business hours; creating s.  
15 394.933, F.S.; prohibiting the introduction of contraband  
16 into or its removal from the grounds of any facility for  
17 commitment or detention of sexually violent predators;  
18 specifying items that constitute contraband; providing for  
19 designation of additional articles as contraband;  
20 providing for reasonable searches of individuals or  
21 vehicles entering facilities for contraband; providing for  
22 enforcement of provisions; providing criminal penalties  
23 for violations; amending s. 800.03, F.S.; providing  
24 enhanced criminal penalties for unlawful exposure of  
25 sexual organs violations committed by persons while they  
26 are committed to or detained in facilities for sexually  
27 violent predators; providing an effective date.  
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29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Paragraph (h) of subsection (9) of section  
32 394.912, Florida Statutes, is amended to read:

33 394.912 Definitions.—As used in this part, the term:

34 (9) "Sexually violent offense" means:

35 (h) Any felony criminal act that, either at the time of  
36 sentencing for the offense or subsequently during civil  
37 commitment proceedings under this part, has been determined  
38 beyond a reasonable doubt to have been sexually motivated.

39 Section 2. Subsection (1) of section 394.913, Florida  
40 Statutes, is amended to read:

41 394.913 Notice to state attorney and multidisciplinary  
42 team of release of sexually violent predator; establishing  
43 multidisciplinary teams; information to be provided to  
44 multidisciplinary teams.—

45 (1) (a) The agency with jurisdiction over a person who has  
46 been convicted of a sexually violent offense shall give written  
47 notice to the multidisciplinary team, and a copy to the state  
48 attorney of the circuit where that person was last convicted of  
49 a sexually violent offense. If the person has never been  
50 convicted of a sexually violent offense in this state but has  
51 been convicted of a sexually violent offense in another state or  
52 in federal court, the agency with jurisdiction shall give  
53 written notice to the multidisciplinary team and a copy to the  
54 state attorney of the circuit where the person was last  
55 convicted of any offense in this state. If the person is being  
56 confined in this state pursuant to interstate compact and has a

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57 prior or current conviction for a sexually violent offense, the  
58 agency with jurisdiction shall give written notice to the  
59 multidisciplinary team and a copy to the state attorney of the  
60 circuit where the person plans to reside upon release or, if no  
61 residence in this state is planned, the state attorney in the  
62 circuit where the facility from which the person to be released  
63 is located. Except as provided in s. 394.9135, the written  
64 notice must be given:

65 1.~~(a)~~ At least 545 days prior to the anticipated release  
66 from total confinement of a person serving a sentence in the  
67 custody of the Department of Corrections, except that in the  
68 case of persons who are totally confined for a period of less  
69 than 545 days, written notice must be given as soon as  
70 practicable;

71 2.~~(b)~~ At least 180 days prior to the anticipated release  
72 from residential commitment of a person committed to the custody  
73 of the Department of Juvenile Justice, except that in the case  
74 of persons who are committed to low or moderate risk, written  
75 notice must be given as soon as practicable; or

76 3.~~(e)~~ At least 180 days prior to the anticipated hearing  
77 regarding possible release of a person committed to the custody  
78 of the department who has been found not guilty by reason of  
79 insanity or mental incapacity of a sexually violent offense.

80 (b) The timeframes in paragraph (a) notwithstanding, when  
81 there are individuals for whom the written assessment and  
82 recommendation have not been completed at least 365 days prior  
83 to their release from total confinement, the department shall

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84 prioritize the assessment of those individuals based upon their  
85 release dates.

86 Section 3. Subsections (2) and (3) of section 394.9135,  
87 Florida Statutes, are amended to read:

88 394.9135 Immediate releases from total confinement;  
89 transfer of person to department; time limitations on  
90 assessment, notification, and filing petition to hold in  
91 custody; filing petition after release.—

92 (2) Within 72 hours after transfer, the multidisciplinary  
93 team shall assess whether the person meets the definition of a  
94 sexually violent predator. If the multidisciplinary team  
95 determines that the person does not meet the definition of a  
96 sexually violent predator, that person shall be immediately  
97 released. If the multidisciplinary team determines that the  
98 person meets the definition of a sexually violent predator, the  
99 team shall provide the state attorney, as designated by s.  
100 394.913, with its written assessment and recommendation within  
101 the 72-hour period or, if the 72-hour period ends after 5 p.m.  
102 on a working day or on a weekend or holiday, within the next  
103 working day thereafter.

104 (3) Within 48 hours after receipt of the written  
105 assessment and recommendation from the multidisciplinary team,  
106 the state attorney, as designated in s. 394.913, may file a  
107 petition with the circuit court alleging that the person is a  
108 sexually violent predator and stating facts sufficient to  
109 support such allegation. If a petition is not filed within 48  
110 hours after receipt of the written assessment and recommendation  
111 by the state attorney, the person shall be immediately released,

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112 except that, if the 48-hour period ends after 5 p.m. on a  
 113 working day or on a weekend or holiday, the petition may be  
 114 filed on the next working day without resulting in the person's  
 115 release. If a petition is filed pursuant to this section and the  
 116 judge determines that there is probable cause to believe that  
 117 the person is a sexually violent predator, the judge shall order  
 118 the person be maintained in custody and held in an appropriate  
 119 secure facility for further proceedings in accordance with this  
 120 part.

121 Section 4. Section 394.933, Florida Statutes, is created  
 122 to read:

123 394.933 Introduction or removal of certain articles  
 124 unlawful; penalty.-

125 (1) (a) Except as authorized by law or as specifically  
 126 authorized by the person in charge of a facility, it is unlawful  
 127 to introduce into or upon the grounds of any facility for  
 128 commitment or detention of sexually violent predators under this  
 129 part, or to take or attempt to take or send therefrom, any of  
 130 the following articles, which are declared to be contraband for  
 131 the purposes of this section:

- 132 1. Any intoxicating beverage or beverage that causes or  
 133 may cause an intoxicating effect;
- 134 2. Any controlled substance as defined in chapter 893;
- 135 3. Any firearm or deadly weapon; or
- 136 4. Any other item as determined by the department or the  
 137 agency, and as designated by rule or by written institutional  
 138 policies, to be hazardous to the welfare of clients or the  
 139 operation of the facility.

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140        (b) It is unlawful to transmit to, attempt to transmit to,  
141 or cause or attempt to cause to be transmitted to or received by  
142 any client of any facility under the supervision or control of  
143 the department or agency any article or thing declared by this  
144 section to be contraband, at any place that is outside of the  
145 grounds of such facility, except as authorized by law or as  
146 specifically authorized by the person in charge of such  
147 facility.

148        (2) (a) All individuals or vehicles entering upon the  
149 grounds of any facility to which this section applies may be  
150 subject to reasonable search and seizure of any contraband  
151 materials introduced thereon, for purpose of enforcement of this  
152 section. This paragraph shall be enforced by institutional  
153 security personnel or by a law enforcement officer as defined in  
154 s. 943.10.

155        (b) A person who violates subsection (1) commits a felony  
156 of the third degree, punishable as provided in s. 775.082, s.  
157 775.083, or s. 775.084.

158        Section 5. Section 800.03, Florida Statutes, is amended to  
159 read:

160        800.03 Exposure of sexual organs.—

161        (1) It is unlawful to expose or exhibit one's sexual  
162 organs in public or on the private premises of another, or so  
163 near thereto as to be seen from such private premises, in a  
164 vulgar or indecent manner, or to be naked in public except in  
165 any place provided or set apart for that purpose. A mother's  
166 breastfeeding of her baby does not under any circumstance  
167 violate this section.

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168        (2) (a) Except as provided in paragraph (b), violation of  
169 this section is a misdemeanor of the first degree, punishable as  
170 provided in s. 775.082 or s. 775.083.

171        (b) A violation of this section committed by a person  
172 while he or she is committed to or detained in a facility for  
173 sexually violent predators under part V of chapter 394 is a  
174 felony of the third degree, punishable as provided in s.  
175 775.082, s. 775.083, or s. 775.084 ~~A mother's breastfeeding of~~  
176 ~~her baby does not under any circumstance violate this section.~~

177        Section 6. This act shall take effect upon becoming a law.