

1 A bill to be entitled
2 An act relating to sexually violent predators;
3 amending s. 394.912, F.S.; limiting the definition of
4 the term "sexually violent offense," for purposes of
5 sexually violent predator provisions, to felony
6 offenses; amending s. 394.913, F.S.; providing for
7 prioritization of written assessment and
8 recommendation for a person scheduled or up for review
9 for release when the assessment and recommendation
10 have not been completed within a specified period;
11 amending s. 394.9135, F.S.; revising provisions
12 relating to petitions to hold a person in custody
13 following release and transfer to the Department of
14 Children and Family Services to provide for extension
15 of certain time periods that expire after normal
16 business hours; amending s. 394.917, F.S.; deleting an
17 exception for detainers for deportation by the United
18 States Bureau of Citizenship and Immigration Services
19 to provisions requiring sexually violent predators to
20 be committed to the custody of the Department of
21 Children and Family Services upon the expiration of
22 the incarcerative portion of all criminal sentences
23 and disposition of any detainers; creating s.
24 394.9265, F.S.; prohibiting the knowing and
25 intentional bringing of contraband into or its removal
26 from the grounds of any facility for commitment or
27 detention of sexually violent predators; specifying
28 items that constitute contraband; providing criminal

29 penalties for violations; providing exceptions;
 30 providing an effective date.

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32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Paragraph (h) of subsection (9) of section
 35 394.912, Florida Statutes, is amended to read:

36 394.912 Definitions.—As used in this part, the term:

37 (9) "Sexually violent offense" means:

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

42 Section 2. Paragraph (e) of subsection (3) of section
 43 394.913, Florida Statutes, is amended to read:

44 394.913 Notice to state attorney and multidisciplinary
 45 team of release of sexually violent predator; establishing
 46 multidisciplinary teams; information to be provided to
 47 multidisciplinary teams.—

48 (3)

49 (e)1. Within 180 days after receiving notice, there shall
 50 be a written assessment as to whether the person meets the
 51 definition of a sexually violent predator and a written
 52 recommendation, which shall be provided to the state attorney.
 53 The written recommendation shall be provided by the Department
 54 of Children and Family Services and shall include the written
 55 report of the multidisciplinary team.

56 2. Notwithstanding subparagraph 1., in the case of a
 57 person for whom the written assessment and recommendation has
 58 not been completed at least 365 days before his or her release
 59 from total confinement, the department shall prioritize the
 60 assessment of that person based upon the person's release date.

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

63 394.9135 Immediate releases from total confinement;
 64 transfer of person to department; time limitations on
 65 assessment, notification, and filing petition to hold in
 66 custody; filing petition after release.—

67 (2) Within 72 hours after transfer, the multidisciplinary
 68 team shall assess whether the person meets the definition of a
 69 sexually violent predator. If the multidisciplinary team
 70 determines that the person does not meet the definition of a
 71 sexually violent predator, that person shall be immediately
 72 released. If the multidisciplinary team determines that the
 73 person meets the definition of a sexually violent predator, the
 74 team shall provide the state attorney, as designated by s.
 75 394.913, with its written assessment and recommendation within
 76 the 72-hour period or, if the 72-hour period ends after 5 p.m.
 77 on a working day or on a weekend or holiday, within the next
 78 working day thereafter.

79 (3) Within 48 hours after receipt of the written
 80 assessment and recommendation from the multidisciplinary team,
 81 the state attorney, as designated in s. 394.913, may file a
 82 petition with the circuit court alleging that the person is a
 83 sexually violent predator and stating facts sufficient to

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84 support such allegation. If a petition is not filed within 48
85 hours after receipt of the written assessment and recommendation
86 by the state attorney, the person shall be immediately released,
87 except that, if the 48-hour period ends after 5 p.m. on a
88 working day or on a weekend or holiday, the petition may be
89 filed on the next working day without resulting in the person's
90 release. If a petition is filed pursuant to this section and the
91 judge determines that there is probable cause to believe that
92 the person is a sexually violent predator, the judge shall order
93 the person be maintained in custody and held in an appropriate
94 secure facility for further proceedings in accordance with this
95 part.

96 Section 4. Subsection (2) of section 394.917, Florida
97 Statutes, is amended to read:

98 394.917 Determination; commitment procedure; mistrials;
99 housing; counsel and costs in indigent appellate cases.—

100 (2) If the court or jury determines that the person is a
101 sexually violent predator, upon the expiration of the
102 incarcerative portion of all criminal sentences and disposition
103 of any detainers ~~other than detainers for deportation by the~~
104 ~~United States Bureau of Citizenship and Immigration Services,~~
105 the person shall be committed to the custody of the Department
106 of Children and Family Services for control, care, and treatment
107 until such time as the person's mental abnormality or
108 personality disorder has so changed that it is safe for the
109 person to be at large. At all times, persons who are detained or
110 committed under this part shall be kept in a secure facility
111 segregated from patients of the department who are not detained

112 or committed under this part.

113 Section 5. Section 394.9265, Florida Statutes, is created
 114 to read:

115 394.9265 Introduction or removal of certain articles
 116 unlawful; penalty.-

117 (1) Except as authorized by law or as specifically
 118 authorized by the person in charge of a secure facility
 119 providing secure confinement and treatment under this part, it
 120 is unlawful to knowingly and intentionally bring into any
 121 facility providing secure confinement and treatment under this
 122 part, or to take or attempt to take or send therefrom, any of
 123 the following articles:

124 (a) Any intoxicating beverage or beverage that causes or
 125 may cause an intoxicating effect;

126 (b) Any controlled substance as defined in chapter 893; or

127 (c) Any firearm or weapon.

128 (2) A person who violates this section commits a felony of
 129 the third degree, punishable as provided in s. 775.082, s.
 130 775.083, or s. 775.084.

131 Section 6. This act shall take effect July 1, 2012.