

ENROLLED
CS/CS/HB 1097

2012 Legislature

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2 An act relating to sexually violent predators;
3 amending s. 394.913, F.S.; providing for
4 prioritization of written assessment and
5 recommendation for a person scheduled or up for review
6 for release when the assessment and recommendation
7 have not been completed within a specified period;
8 amending s. 394.9135, F.S.; revising provisions
9 relating to petitions to hold a person in custody
10 following release and transfer to the Department of
11 Children and Family Services to provide for extension
12 of certain time periods that expire after normal
13 business hours; amending s. 394.917, F.S.; deleting an
14 exception for detainers for deportation by the United
15 States Bureau of Citizenship and Immigration Services
16 to provisions requiring sexually violent predators to
17 be committed to the custody of the Department of
18 Children and Family Services upon the expiration of
19 the incarcerative portion of all criminal sentences
20 and disposition of any detainers; creating s.
21 394.9265, F.S.; prohibiting the knowing and
22 intentional bringing of contraband into or its removal
23 from the grounds of any facility for commitment or
24 detention of sexually violent predators; specifying
25 items that constitute contraband; providing criminal
26 penalties for violations; providing exceptions;
27 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 (e) of subsection (3) of section
32 394.913, Florida Statutes, is amended to read:

33 394.913 Notice to state attorney and multidisciplinary
34 team of release of sexually violent predator; establishing
35 multidisciplinary teams; information to be provided to
36 multidisciplinary teams.—

37 (3)

38 (e)1. Within 180 days after receiving notice, there shall
39 be a written assessment as to whether the person meets the
40 definition of a sexually violent predator and a written
41 recommendation, which shall be provided to the state attorney.
42 The written recommendation shall be provided by the Department
43 of Children and Family Services and shall include the written
44 report of the multidisciplinary team.

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

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

52 394.9135 Immediate releases from total confinement;
53 transfer of person to department; time limitations on
54 assessment, notification, and filing petition to hold in
55 custody; filing petition after release.—

56 (2) Within 72 hours after transfer, the multidisciplinary

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57 | team shall assess whether the person meets the definition of a
58 | sexually violent predator. If the multidisciplinary team
59 | determines that the person does not meet the definition of a
60 | sexually violent predator, that person shall be immediately
61 | released. If the multidisciplinary team determines that the
62 | person meets the definition of a sexually violent predator, the
63 | team shall provide the state attorney, as designated by s.
64 | 394.913, with its written assessment and recommendation within
65 | the 72-hour period or, if the 72-hour period ends after 5 p.m.
66 | on a working day or on a weekend or holiday, within the next
67 | working day thereafter.

68 | (3) Within 48 hours after receipt of the written
69 | assessment and recommendation from the multidisciplinary team,
70 | the state attorney, as designated in s. 394.913, may file a
71 | petition with the circuit court alleging that the person is a
72 | sexually violent predator and stating facts sufficient to
73 | support such allegation. If a petition is not filed within 48
74 | hours after receipt of the written assessment and recommendation
75 | by the state attorney, the person shall be immediately released,
76 | except that, if the 48-hour period ends after 5 p.m. on a
77 | working day or on a weekend or holiday, the petition may be
78 | filed on the next working day without resulting in the person's
79 | release. If a petition is filed pursuant to this section and the
80 | judge determines that there is probable cause to believe that
81 | the person is a sexually violent predator, the judge shall order
82 | the person be maintained in custody and held in an appropriate
83 | secure facility for further proceedings in accordance with this
84 | part.

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85 Section 3. Subsection (2) of section 394.917, Florida
86 Statutes, is amended to read:

87 394.917 Determination; commitment procedure; mistrials;
88 housing; counsel and costs in indigent appellate cases.—

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

102 Section 4. Section 394.9265, Florida Statutes, is created
103 to read:

104 394.9265 Introduction or removal of certain articles
105 unlawful; penalty.—

106 (1) Except as authorized by law or as specifically
107 authorized by the person in charge of a secure facility
108 providing secure confinement and treatment under this part, it
109 is unlawful to knowingly and intentionally bring into any
110 facility providing secure confinement and treatment under this
111 part, or to take or attempt to take or send therefrom, any of
112 the following articles:

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113 (a) Any intoxicating beverage or beverage that causes or
114 may cause an intoxicating effect;

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

116 (c) Any firearm or weapon.

117 (2) A person who violates this section commits a felony of
118 the third degree, punishable as provided in s. 775.082, s.
119 775.083, or s. 775.084.

120 Section 5. This act shall take effect July 1, 2012.