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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/09/2012 11:38 PM

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Senator Storms moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (e) of subsection (3) of section  
394.913, Florida Statutes, is amended to read:

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

(3)

(e)1. Within 180 days after receiving notice, there shall  
be a written assessment as to whether the person meets the



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14 definition of a sexually violent predator and a written  
15 recommendation, which shall be provided to the state attorney.  
16 The written recommendation shall be provided by the Department  
17 of Children and Family Services and shall include the written  
18 report of the multidisciplinary team.

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

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

26 394.9135 Immediate releases from total confinement;  
27 transfer of person to department; time limitations on  
28 assessment, notification, and filing petition to hold in  
29 custody; filing petition after release.—

30 (2) Within 72 hours after transfer, the multidisciplinary  
31 team shall assess whether the person meets the definition of a  
32 sexually violent predator. If the multidisciplinary team  
33 determines that the person does not meet the definition of a  
34 sexually violent predator, that person shall be immediately  
35 released. If the multidisciplinary team determines that the  
36 person meets the definition of a sexually violent predator, the  
37 team shall provide the state attorney, as designated by s.  
38 394.913, with its written assessment and recommendation within  
39 the 72-hour period or, if the 72-hour period ends after 5 p.m.  
40 on a working day or on a weekend or holiday, within the next  
41 working day thereafter.

42 (3) Within 48 hours after receipt of the written assessment



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43 and recommendation from the multidisciplinary team, the state  
44 attorney, as designated in s. 394.913, may file a petition with  
45 the circuit court alleging that the person is a sexually violent  
46 predator and stating facts sufficient to support such  
47 allegation. If a petition is not filed within 48 hours after  
48 receipt of the written assessment and recommendation by the  
49 state attorney, the person shall be immediately released, except  
50 that, if the 48-hour period ends after 5 p.m. on a working day  
51 or on a weekend or holiday, the petition may be filed on the  
52 next working day without resulting in the person's release. If a  
53 petition is filed pursuant to this section and the judge  
54 determines that there is probable cause to believe that the  
55 person is a sexually violent predator, the judge shall order the  
56 person be maintained in custody and held in an appropriate  
57 secure facility for further proceedings in accordance with this  
58 part.

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

61 394.917 Determination; commitment procedure; mistrials;  
62 housing; counsel and costs in indigent appellate cases.—

63 (2) If the court or jury determines that the person is a  
64 sexually violent predator, upon the expiration of the  
65 incarcerative portion of all criminal sentences and disposition  
66 of any detainers ~~other than detainers for deportation by the~~  
67 ~~United States Bureau of Citizenship and Immigration Services,~~  
68 the person shall be committed to the custody of the Department  
69 of Children and Family Services for control, care, and treatment  
70 until such time as the person's mental abnormality or  
71 personality disorder has so changed that it is safe for the



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72 person to be at large. At all times, persons who are detained or  
73 committed under this part shall be kept in a secure facility  
74 segregated from patients of the department who are not detained  
75 or committed under this part.

76 Section 4. Section 394.9265, Florida Statutes, is created  
77 to read:

78 394.9265 Introduction or removal of certain articles  
79 unlawful; penalty.—

80 (1) Except as authorized by law or as specifically  
81 authorized by the person in charge of a secure facility  
82 providing secure confinement and treatment under this part, it  
83 is unlawful to knowingly and intentionally bring into any  
84 facility providing secure confinement and treatment under this  
85 part, or to take or attempt to take or send therefrom, any of  
86 the following articles:

87 (a) Any intoxicating beverage or beverage that causes or  
88 may cause an intoxicating effect;

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

90 (c) Any firearm or weapon.

91 (2) A person who violates this section commits a felony of  
92 the third degree, punishable as provided in s. 775.082, s.  
93 775.083, or s. 775.084.

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

95  
96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:

98 Delete everything before the enacting clause  
99 and insert:

100 A bill to be entitled



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101 An act relating to sexually violent predators;  
102 amending s. 394.913, F.S.; providing for  
103 prioritization of written assessment and  
104 recommendation for a person scheduled or up for review  
105 for release when the assessment and recommendation  
106 have not been completed within a specified period;  
107 amending s. 394.9135, F.S.; revising provisions  
108 relating to petitions to hold a person in custody  
109 following release and transfer to the Department of  
110 Children and Family Services to provide for extension  
111 of certain time periods that expire after normal  
112 business hours; amending s. 394.917, F.S.; deleting an  
113 exception for detainers for deportation by the United  
114 States Bureau of Citizenship and Immigration Services  
115 to provisions requiring sexually violent predators to  
116 be committed to the custody of the Department of  
117 Children and Family Services upon the expiration of  
118 the incarcerative portion of all criminal sentences  
119 and disposition of any detainers; creating s.  
120 394.9265, F.S.; prohibiting the knowing and  
121 intentional bringing of contraband into or its removal  
122 from the grounds of any facility for commitment or  
123 detention of sexually violent predators; specifying  
124 items that constitute contraband; providing criminal  
125 penalties for violations; providing exceptions;  
126 providing an effective date.