

By the Committee on Appropriations; and Senators Sobel and Detert

576-01911-14

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1 A bill to be entitled
2 An act relating to sexually violent predators;
3 providing a short title; amending s. 394.913, F.S.;
4 requiring the Department of Children and Families to
5 provide training to the members of the
6 multidisciplinary team; limiting the term of contract
7 of multidisciplinary team members who contract with
8 the department to 1 year; providing that such
9 contracts may be renewed; requiring the department to
10 maintain data on each case on the recommendations of
11 the clinical evaluators; requiring state attorneys to
12 provide the department with specified information;
13 requiring the department to prioritize assessments
14 based on release dates; requiring the
15 multidisciplinary team to proceed without a personal
16 interview under certain circumstances; requiring the
17 department to send to the state attorney a written
18 assessment and determination as to whether a person
19 meets the definition of a sexually violent predator;
20 requiring the department to recommend that the state
21 attorney file a civil commitment petition under
22 certain circumstances; requiring the multidisciplinary
23 team to reexamine the case under certain
24 circumstances; revising timeframes for the written
25 assessment; creating s. 1005.10, F.S.; requiring
26 nonpublic colleges, universities, and schools to
27 inform students and employees of the Florida
28 Department of Law Enforcement sexual predator and
29 sexual offender registry website and toll-free

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30 telephone number; creating s. 1006.695, F.S.;

31 requiring public colleges, universities, and schools

32 to inform students and employees of the Florida

33 Department of Law Enforcement sexual predator and

34 sexual offender registry website and toll-free

35 telephone number; providing an effective date.

36

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

38

39 Section 1. This act may be cited as the "Protecting Our

40 Children and Adults from Sexual Predators Act."

41 Section 2. Subsection (3) of section 394.913, Florida

42 Statutes, is amended to read:

43 394.913 Notice to state attorney and multidisciplinary team

44 of release of sexually violent predator; establishing

45 multidisciplinary teams; information to be provided to

46 multidisciplinary teams.-

47 (3) (a) The secretary or his or her designee shall establish

48 a multidisciplinary team or teams.

49 (b) Each team shall include, but need is not be limited to,

50 two licensed psychiatrists or psychologists or one licensed

51 psychiatrist and one licensed psychologist who shall each have

52 experience in or relevant to the evaluation or treatment of

53 persons with mental abnormalities. The department shall provide

54 annual training to the members of the multidisciplinary team on

55 topics, including, but not limited to, research on sexual

56 offenses or offenders, clinical evaluation methods, and the

57 civil commitment process. Members of the team who are hired on

58 contract are limited to 1-year contracts. Such contracts may be

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59 renewed. The department shall regularly provide feedback to each
60 multidisciplinary team member and formally evaluate annually the
61 performance of each member of the multidisciplinary team. Such
62 evaluations must include, but need not be limited to, the
63 member's:

64 1. Scope of knowledge and understanding of clinical
65 research regarding risk factors for sexual deviance and
66 recidivism;

67 2. Ability to identify relevant clinical data from review
68 of criminal records and other information, including
69 recommendations of law enforcement and insights from victim
70 advocates; and

71 3. Ability to apply clinical information in a structured
72 assessment of both static risk factors and dynamic predictors of
73 recidivism.

74 (c) The department shall maintain data on each case on the
75 recommendations of the clinical evaluators in their clinical
76 evaluations, the final recommendations of the multidisciplinary
77 team, the petitions filed by state attorneys, and the results of
78 those petitions. The department shall analyze, at least
79 annually, this data to assess inter-rater reliability between
80 clinical evaluators and the level of agreement between an
81 individual evaluator's recommendation and the multidisciplinary
82 team's recommendation for the same individual. The department
83 shall also assess trends in multidisciplinary team
84 recommendations, state attorneys filings, and the results of
85 such filings. The state attorneys shall provide information to
86 the department regarding filings and their results as necessary
87 to maintain this data.

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88 (d) The multidisciplinary team shall assess and evaluate
89 each person referred to the team. The department shall
90 prioritize the assessment and evaluation of persons referred
91 under subsection (1) based upon the person's release date. The
92 assessment and evaluation must ~~shall~~ include a review of the
93 person's institutional history and treatment record, if any, the
94 person's criminal background, and any other factor that is
95 relevant to the determination of whether the ~~such~~ person is a
96 sexually violent predator.

97 (e) ~~(e)~~ Before recommending that a person meets the
98 definition of a sexually violent predator, the person must be
99 offered a personal interview. If the person agrees to
100 participate in a personal interview, at least one member of the
101 team who is a licensed psychiatrist or psychologist must conduct
102 a personal interview of the person. If the person refuses to
103 fully participate in a personal interview, the multidisciplinary
104 team shall ~~may~~ proceed with its recommendation without the ~~a~~
105 ~~personal~~ interview ~~of the person~~.

106 (f) After all clinical evaluations have been completed, the
107 department shall provide to the state attorney a written
108 assessment and recommendation as to whether the person meets the
109 definition of a sexually violent predator.

110 1. The department must recommend that the state attorney
111 file a petition for civil commitment if at least two members of
112 the multidisciplinary team determine that the person meets the
113 definition of a sexually violent predator.

114 2. When the department determines that a person who has
115 received a clinical evaluation does or does not meet the
116 definition of a sexually violent predator, the written

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117 assessment and recommendation shall be sent to the state
118 attorney. If the state attorney questions, in writing, the
119 determination that the person does or does not meet the
120 definition of a sexually violent predator, the multidisciplinary
121 team must reexamine the case before a final written assessment
122 and recommendation is provided to the state attorney.

123 (g)~~(d)~~ The Attorney General's Office shall serve as legal
124 counsel to the multidisciplinary team.

125 (h)~~(e)~~1. After all clinical evaluations have been
126 completed, but at least 1 month before the person's scheduled
127 release date, if the referral date is at least 90 days before
128 the person's scheduled release date, the multidisciplinary team
129 shall provide to the state attorney ~~Within 180 days after~~
130 ~~receiving notice, there shall be a written assessment and~~
131 recommendation as to whether the person meets the definition of
132 a sexually violent predator ~~and a written recommendation, which~~
133 ~~shall be provided to the state attorney.~~ If the referral date is
134 less than 90 days before the person's expiration of sentence,
135 the multidisciplinary team shall provide to the state attorney a
136 written assessment and recommendation as to whether the person
137 meets the definition of a sexually violent predator as soon as
138 is practicable before the person's expiration of sentence. The
139 written recommendation shall be provided by the Department of
140 Children and Families ~~Family Services~~ and must ~~shall~~ include the
141 written report of the multidisciplinary team.

142 ~~2. Notwithstanding subparagraph 1., in the case of a person~~
143 ~~for whom the written assessment and recommendation has not been~~
144 ~~completed at least 365 days before his or her release from total~~
145 ~~confinement, the department shall prioritize the assessment of~~

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146 ~~that person based upon the person's release date.~~

147 Section 3. Section 1005.10, Florida Statutes, is created to
148 read:

149 1005.10 Sexual predator and sexual offender notification;
150 nonpublic colleges, universities, and schools.-Each nonpublic
151 college, university, and school shall inform students and
152 employees at the school's orientation session and on their
153 website of the existence of the Department of Law Enforcement
154 sexual predator and sexual offender registry website and the
155 toll-free telephone number that gives access to sexual predator
156 and sexual offender public information pursuant to s. 943.043.

157 Section 4. Section 1006.695, Florida Statutes, is created
158 to read:

159 1006.695 Sexual predator and sexual offender notification;
160 public colleges, universities, and schools.-Each public college,
161 university, and school shall inform students and employees at
162 the school's orientation session and on their website of the
163 existence of the Department of Law Enforcement sexual predator
164 and sexual offender registry website and the toll-free telephone
165 number that gives access to sexual predator and sexual offender
166 public information pursuant to s. 943.043.

167 Section 5. This act shall take effect July 1, 2014.