

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Harrell offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (3) of section 394.913, Florida
 8 Statutes, is amended, to read:

9 394.913 Notice to state attorney and multidisciplinary
 10 team of release of sexually violent predator; establishing
 11 multidisciplinary teams; information to be provided to
 12 multidisciplinary teams.—

13 (2) The agency having jurisdiction shall provide the
 14 multidisciplinary team with the following information:

15 (a) The person's name; identifying characteristics;
 16 anticipated future residence; the type of supervision the person

Amendment No.

17 will receive in the community, if any; and the person's offense
18 history;

19 (b) The person's criminal history, including police
20 reports, victim statements, presentence investigation reports,
21 postsentence investigation reports, if available, and any other
22 documents containing facts of the person's criminal incidents or
23 indicating whether the criminal incidents included sexual acts
24 or were sexually motivated;

25 (c) Mental health, mental status, and medical records,
26 including all clinical records and notes concerning the person;

27 (d) Documentation of institutional adjustment and any
28 treatment received and, in the case of an adjudicated delinquent
29 committed to the Department of Juvenile Justice, copies of the
30 most recent performance plan and performance summary; and

31 (e) If the person was returned to custody after a period
32 of supervision, documentation of adjustment during supervision
33 and any treatment received.

34 (3) (a) The department shall prioritize the assessment and
35 evaluation of persons referred under subsection (1) based upon
36 their release dates.

37 (b) ~~(a)~~ The secretary or his or her designee shall establish
38 a multidisciplinary team or teams.

39 (c) ~~(b)~~ Each team shall include, but is not limited to, two
40 licensed psychiatrists or psychologists or one licensed
41 psychiatrist and one licensed psychologist who shall each have
42 experience in or relevant to the evaluation or treatment of

Amendment No.

43 persons with mental abnormalities. The department shall provide
44 annual training to all members of the multidisciplinary team on
45 topics including but not limited to research on sexual
46 offending, clinical evaluation methods, and the civil commitment
47 process.

48 (d) Members of the team who are hired on contract are
49 limited to 1-year contracts which may be renewed. The department
50 shall regularly provide feedback to each multidisciplinary team
51 member and formally evaluate the member's performance at least
52 annually. Such evaluations must include, but need not be limited
53 to, the member's:

54 1. Scope of knowledge and understanding of clinical
55 research regarding risk factors for sexual deviance and
56 recidivism;

57 2. Ability to identify relevant clinical data from review
58 of criminal records and other information, including
59 recommendations of law enforcement and insights from victim
60 advocates; and

61 3. Ability to apply clinical information in a structured
62 assessment of both static risk factors and dynamic predictors of
63 sexual recidivism.

64 (e) The multidisciplinary team shall assess and evaluate
65 each person referred to the team. The assessment and evaluation
66 shall include a review of the person's institutional history and
67 treatment record, if any, the person's criminal background, and
68 any other factor that is relevant to the determination of

Amendment No.

69 whether such person is a sexually violent predator. The
70 multidisciplinary team may consult with law enforcement agencies
71 and victim advocate groups during the assessment and evaluation
72 process. A member of the multidisciplinary team may conduct a
73 clinical evaluation of the person. A second clinical evaluation
74 must be conducted if a member of the multidisciplinary team
75 questions the conclusion of the first clinical evaluation. All
76 members of the multidisciplinary team shall review, at a
77 minimum, the information provided in subsection (2) and any
78 clinical evaluations before making a recommendation.

79 (f) ~~(e)~~ Before recommending that a person meets the
80 definition of a sexually violent predator, the person must be
81 offered a personal interview. If the person agrees to
82 participate in a personal interview, at least one member of the
83 team who is a licensed psychiatrist or psychologist must conduct
84 a personal interview of the person. If the person refuses to
85 fully participate in a personal interview, the multidisciplinary
86 team may proceed with its recommendation without a personal
87 interview of the person.

88 (g) The multidisciplinary team shall give equal
89 consideration in the evaluation and assessment of an offender
90 whose sexually violent offense was an attempt, criminal
91 solicitation, or conspiracy, in violation of s. 777.04, to
92 commit a sexually violent offense enumerated in s. 394.912(9) as
93 it does in the evaluation and assessment of an offender who
94 completed such an enumerated sexually violent offense. A rule

Amendment No.

95 or policy may not be established which reduces the level of
96 consideration because the sexually violent offense was an
97 attempt, criminal solicitation, or conspiracy.

98 (h) After all clinical evaluations have been completed,
99 the department shall provide to the state attorney a written
100 assessment and recommendation as to whether the person meets the
101 definition of a sexually violent predator.

102 1. The multidisciplinary team must recommend that the
103 state attorney file a petition for civil commitment if at least
104 two members of the multidisciplinary team determine that the
105 person meets the definition of a sexually violent predator.

106 2. If the multidisciplinary team recommends that a person
107 who has received a clinical evaluation does or does not meet the
108 definition of a sexually violent predator, the written
109 assessment and recommendation shall be sent to the state
110 attorney. If the state attorney in writing questions the
111 recommendation that the person does or does not meet the
112 definition of a sexually violent predator, the multidisciplinary
113 team must reexamine the case before a final written assessment
114 and recommendation is provided to the state attorney.

115 (i) The department shall maintain data by case on the
116 recommendations of the clinical evaluators in their clinical
117 evaluations, the final recommendations of the multidisciplinary
118 team, the petitions filed by state attorneys, and the results of
119 those petitions. The department shall at least annually analyze
120 this data to assess inter-rater reliability between clinical

Amendment No.

121 evaluators and the level of agreement between an individual
122 evaluator's recommendation and the multidisciplinary team's
123 recommendation for the same individual. The department shall
124 also assess trends in multidisciplinary team recommendations,
125 state attorneys' filing, and the results of such filings. State
126 attorneys shall provide information to the department regarding
127 filings and their results as necessary for the department to
128 maintain this data.

129 (j)(d) The Attorney General's Office shall serve as legal
130 counsel to the multidisciplinary team.

131 (k)(e)1. After all clinical evaluations have been completed
132 but at least one month prior to the person's scheduled release
133 date, provided the referral date is 90 days or more from the
134 person's scheduled release date, the multidisciplinary team
135 shall provide to the state attorney ~~Within 180 days after~~
136 ~~receiving notice, there shall be a written assessment and~~
137 ~~recommendation as to whether the person meets the definition of~~
138 ~~a sexually violent predator and a written recommendation, which~~
139 ~~shall be provided to the state attorney. If the referral date is~~
140 ~~less than 90 days from the person's scheduled release date, the~~
141 ~~multidisciplinary team shall provide to the state attorney a~~
142 ~~written assessment and recommendation as to whether the person~~
143 ~~meets the definition of a sexually violent predator as soon as~~
144 ~~is practicable prior to the person's scheduled release date. The~~
145 written recommendation shall be provided by the Department of

Amendment No.

146 Children and Families ~~Family Services~~ and must ~~shall~~ include the
147 written report of the multidisciplinary team.

148 ~~2. Notwithstanding subparagraph 1., in the case of a~~
149 ~~person for whom the written assessment and recommendation has~~
150 ~~not been completed at least 365 days before his or her release~~
151 ~~from total confinement, the department shall prioritize the~~
152 ~~assessment of that person based upon the person's release date.~~

153 Section 2. Subsection (2) of section 394.9135, Florida
154 Statutes, is amended to read:

155 394.9135 Immediate releases from total confinement;
156 transfer of person to department; time limitations on
157 assessment, notification, and filing petition to hold in
158 custody; filing petition after release.-

159 (2) Within 72 hours after transfer, the multidisciplinary
160 team shall assess whether the person meets the definition of a
161 sexually violent predator. If the multidisciplinary team
162 determines that the person does not meet the definition of a
163 sexually violent predator, that person shall be immediately
164 released. If at least two members of the multidisciplinary team,
165 after all clinical evaluations have been conducted, determine
166 ~~determines~~ that the person meets the definition of a sexually
167 violent predator, the team shall provide the state attorney, as
168 designated by s. 394.913, with its written assessment and
169 recommendation within the 72-hour period or, if the 72-hour
170 period ends after 5 p.m. on a working day or on a weekend or
171 holiday, within the next working day thereafter.

513813 - h7021-strike.docx

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Amendment No.

172 Section 3. Section 394.914, Florida Statutes, is amended
173 to read:

174 394.914 Petition; contents.—After Following receipt from
175 the multidisciplinary team of the written assessment and
176 positive or negative recommendation as to whether the person
177 meets the definition of a sexually violent predator ~~from the~~
178 ~~multidisciplinary team~~, the state attorney, in accordance with
179 s. 394.913, may file a petition with the circuit court alleging
180 that the person is a sexually violent predator and stating facts
181 sufficient to support such allegation. No fee shall be charged
182 for the filing of a petition under this section.

183 Section 4. Section 394.930, Florida Statutes, is amended
184 to read:

185 394.930 Authority to adopt rules.—The Department of
186 Children and Family Services shall adopt rules for:

187 (1) Procedures that must be followed by members of the
188 multidisciplinary teams when assessing and evaluating persons
189 subject to this part.~~†~~

190 (2) Education and training requirements for members of the
191 multidisciplinary teams and professionals who assess and
192 evaluate persons under this part.~~†~~

193 (3) The criteria that must exist in order for a
194 multidisciplinary team to recommend to a state attorney that a
195 petition should be filed to involuntarily commit a person under
196 this part. The criteria shall include, but are not limited to,
197 whether:

513813 - h7021-strike.docx

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Amendment No.

198 (a) The person has a propensity to engage in future acts
199 of sexual violence.~~†~~

200 (b) The person should be placed in a secure, residential
201 facility.~~†~~and

202 (c) The person needs long-term treatment and care.

203 (4) The designation of secure facilities for sexually
204 violent predators who are subject to involuntary commitment
205 under this part.~~†~~

206 (5) The components of the basic treatment plan for all
207 committed persons under this part.~~†~~

208 (6) The protocol to inform a person that he or she is
209 being examined to determine whether he or she is a sexually
210 violent predator under this part.

211 (7) Procedures and requirements for selecting, contracting
212 with, providing routine feedback to, and evaluating members of
213 the multidisciplinary team who are under contract with the
214 department.

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

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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An act relating to sexually violent predators; amending s.

222

394.913, F.S.; requiring the department to prioritize

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assessments and evaluations based upon the person's release

Amendment No.

224 date; specifying experience, training, and contracting
225 requirements for the multidisciplinary team; authorizing the
226 multidisciplinary team to consult with law enforcement agencies
227 and victim advocate groups as part of the assessment and
228 evaluation process; authorizing a clinical evaluation; requiring
229 a second clinical evaluation under certain circumstances;
230 mandating review of information by the multidisciplinary team
231 before making a recommendation to the state attorney; requiring
232 the multidisciplinary team to give equal consideration to an
233 attempt, criminal solicitation, or conspiracy to commit certain
234 offenses as it does to the commission of such offenses;
235 requiring the multidisciplinary team to provide the state
236 attorney with a recommendation as to whether the person meets
237 the definition of a sexually violent predator; requiring the
238 multidisciplinary team to recommend that the state attorney file
239 a civil commitment petition under certain circumstances;
240 requiring the multidisciplinary team to send a recommendation to
241 the state attorney for further review under certain
242 circumstances if a person does or does not meet the definition
243 of a sexually violent predator; requiring the multidisciplinary
244 team to reexamine the case under certain circumstances;
245 requiring the department to maintain and annually assess certain
246 data; requiring state attorneys to provide information to the
247 department so that they may maintain the required data; revising
248 the timeframes for the written assessment; amending s. 394.9135,
249 F.S.; specifying the process for determining if a person meets

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7021 (2014)

Amendment No.

250 the definition of a sexually violent predator when that person's
251 release is imminent; amending 394.914, F.S.; authorizing the
252 state attorney to file a petition for civil commitment
253 regardless of the multidisciplinary team's recommendation;
254 amending s. 394.930, F.S.; authorizing the Department of
255 Children and Families to adopt rules for selecting, contracting
256 with, providing routine feedback to, and evaluating
257 multidisciplinary team members; providing an effective date.