

1 A bill to be entitled

2 An act relating to sexually violent predators;
3 amending s. 394.913, F.S.; specifying experience,
4 training, and contracting requirements for the
5 multidisciplinary team; authorizing the
6 multidisciplinary team to consult with law enforcement
7 agencies and victim advocate groups as part of the
8 assessment and evaluation process; authorizing a
9 clinical evaluation; requiring a second clinical
10 evaluation under certain circumstances; mandating
11 review of information by the multidisciplinary team
12 before making a recommendation to the state attorney;
13 requiring the multidisciplinary team to provide the
14 state attorney with a recommendation as to whether the
15 person meets the definition of a sexually violent
16 predator; requiring the multidisciplinary team to
17 recommend that the state attorney file a civil
18 commitment petition under certain circumstances;
19 requiring the multidisciplinary team to send a
20 recommendation to the state attorney for further
21 review under certain circumstances if a person does
22 not meet the definition of a sexually violent
23 predator; requiring the multidisciplinary team to
24 reexamine the case under certain circumstances;
25 amending s. 394.9135, F.S.; specifying the process for
26 determining if a person meets the definition of a

HB 7021

2014

27 sexually violent predator when that person's release
28 is imminent; amending 394.914, F.S.; authorizing the
29 state attorney to file a petition for civil commitment
30 regardless of the multidisciplinary team's
31 recommendation; amending s. 394.930, F.S.; authorizing
32 the Department of Children and Families to adopt rules
33 for selecting, contracting with, providing routine
34 feedback to, and evaluating multidisciplinary team
35 members; providing an effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Subsection (3) of section 394.913, Florida
40 Statutes, is amended to read:

41 394.913 Notice to state attorney and multidisciplinary
42 team of release of sexually violent predator; establishing
43 multidisciplinary teams; information to be provided to
44 multidisciplinary teams.—

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

47 (a) The person's name; identifying characteristics;
48 anticipated future residence; the type of supervision the person
49 will receive in the community, if any; and the person's offense
50 history;

51 (b) The person's criminal history, including police
52 reports, victim statements, presentence investigation reports,

53 postsentence investigation reports, if available, and any other
54 documents containing facts of the person's criminal incidents or
55 indicating whether the criminal incidents included sexual acts
56 or were sexually motivated;

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

59 (d) Documentation of institutional adjustment and any
60 treatment received and, in the case of an adjudicated delinquent
61 committed to the Department of Juvenile Justice, copies of the
62 most recent performance plan and performance summary; and

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

66 (3) (a) The secretary or his or her designee shall
67 establish a multidisciplinary team or teams.

68 (b) Each team shall include, but is not limited to, two
69 licensed psychiatrists or psychologists or one licensed
70 psychiatrist and one licensed psychologist who shall each have
71 experience in or relevant to the evaluation or treatment of
72 persons with mental abnormalities. The department shall provide
73 annual training to all members of the multidisciplinary team
74 regarding the civil commitment process.

75 (c) The term of a contract between the department and a
76 member of the multidisciplinary team may not exceed 1 year;
77 however, the contract may be renewed if the member's performance
78 is satisfactory. The department shall regularly provide feedback

79 to each multidisciplinary team member and formally evaluate the
80 member's performance at least annually. A performance evaluation
81 is based on, at a minimum, the quality of the team member's
82 research, analysis, and reasoning, adherence to professional
83 standards, and compliance with technical and procedural
84 requirements.

85 (d) The multidisciplinary team shall assess and evaluate
86 each person referred to the team. The assessment and evaluation
87 shall include a review of the person's institutional history and
88 treatment record, if any, the person's criminal background, and
89 any other factor that is relevant to the determination of
90 whether such person is a sexually violent predator. The
91 multidisciplinary team may consult with law enforcement agencies
92 and victim advocate groups during the assessment and evaluation
93 process. A member of the multidisciplinary team may conduct a
94 clinical evaluation of the person. A second clinical evaluation
95 must be conducted if a member of the multidisciplinary team
96 questions the conclusion of the first clinical evaluation. All
97 members of the multidisciplinary team shall review, at a
98 minimum, the information provided in subsection (2) and any
99 clinical evaluations before making a recommendation.

100 (e)~~(e)~~ Before recommending that a person meets the
101 definition of a sexually violent predator, the person must be
102 offered a personal interview. If the person agrees to
103 participate in a personal interview, at least one member of the
104 team who is a licensed psychiatrist or psychologist must conduct

HB 7021

2014

105 a personal interview of the person. If the person refuses to
106 fully participate in a personal interview, the multidisciplinary
107 team may proceed with its recommendation without a personal
108 interview of the person.

109 (f) After all clinical evaluations have been completed,
110 the multidisciplinary team shall provide to the state attorney a
111 written assessment and recommendation as to whether the person
112 meets the definition of a sexually violent predator.

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

117 2. If the multidisciplinary team recommends that a person
118 who has received a clinical evaluation does not meet the
119 definition of a sexually violent predator, the written
120 assessment and recommendation shall be sent to the state
121 attorney. If the state attorney in writing questions the
122 recommendation that the person does not meet the definition of a
123 sexually violent predator, the multidisciplinary team must
124 reexamine the case before a final written assessment and
125 recommendation is provided to the state attorney.

126 (g)-(d) The Attorney General's Office shall serve as legal
127 counsel to the multidisciplinary team.

128 (h)-(e)1. Within 180 days after receiving notice, there
129 shall be a written assessment as to whether the person meets the
130 definition of a sexually violent predator and a written

131 recommendation, which shall be provided to the state attorney.
 132 The written recommendation shall be provided by the Department
 133 of Children and Families ~~Family Services~~ and shall include the
 134 written report of the multidisciplinary team.

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

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

142 394.9135 Immediate releases from total confinement;
 143 transfer of person to department; time limitations on
 144 assessment, notification, and filing petition to hold in
 145 custody; filing petition after release.-

146 (2) Within 72 hours after transfer, the multidisciplinary
 147 team shall assess whether the person meets the definition of a
 148 sexually violent predator. If the multidisciplinary team
 149 determines that the person does not meet the definition of a
 150 sexually violent predator, that person shall be immediately
 151 released. If at least two members of the multidisciplinary team,
 152 after all clinical evaluations have been conducted, determine
 153 ~~determines~~ that the person meets the definition of a sexually
 154 violent predator, the team shall provide the state attorney, as
 155 designated by s. 394.913, with its written assessment and
 156 recommendation within the 72-hour period or, if the 72-hour

157 | period ends after 5 p.m. on a working day or on a weekend or
 158 | holiday, within the next working day thereafter.

159 | Section 3. Section 394.914, Florida Statutes, is amended
 160 | to read:

161 | 394.914 Petition; contents.—After ~~Following~~ receipt from
 162 | the multidisciplinary team of the written assessment and
 163 | positive or negative recommendation as to whether the person
 164 | meets the definition of a sexually violent predator ~~from the~~
 165 | ~~multidisciplinary team~~, the state attorney, in accordance with
 166 | s. 394.913, may file a petition with the circuit court alleging
 167 | that the person is a sexually violent predator and stating facts
 168 | sufficient to support such allegation. No fee shall be charged
 169 | for the filing of a petition under this section.

170 | Section 4. Section 394.930, Florida Statutes, is amended
 171 | to read:

172 | 394.930 Authority to adopt rules.—The Department of
 173 | Children and Family Services shall adopt rules for:

174 | (1) Procedures that must be followed by members of the
 175 | multidisciplinary teams when assessing and evaluating persons
 176 | subject to this part.~~†~~

177 | (2) Education and training requirements for members of the
 178 | multidisciplinary teams and professionals who assess and
 179 | evaluate persons under this part.~~†~~

180 | (3) The criteria that must exist in order for a
 181 | multidisciplinary team to recommend to a state attorney that a
 182 | petition should be filed to involuntarily commit a person under

183 this part. The criteria shall include, but are not limited to,
 184 whether:

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

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

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

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

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

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

198 (7) Procedures and requirements for selecting, contracting
 199 with, providing routine feedback to, and evaluating members of
 200 the multidisciplinary team who are under contract with the
 201 department.

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