

By Senator Book

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1 A bill to be entitled
2 An act relating to involuntary civil commitment of
3 sexually violent predators; creating s. 394.9131,
4 F.S.; requiring the Department of Children and
5 Families to enroll certain persons for a specified
6 time in a prerelease treatment program developed by
7 the department under certain circumstances; providing
8 requirements for such program; requiring the
9 department to coordinate with the Department of
10 Corrections to ensure access to such program;
11 requiring that the program be delivered remotely by
12 video conference; amending s. 394.918, F.S.; creating
13 a rebuttable presumption that it is not safe for a
14 person to be at large if the person has not completed
15 a hierarchal advancing treatment plan; creating s.
16 394.9181, F.S.; requiring certain persons to complete
17 a hierarchal advancing treatment plan before being
18 released; providing requirements for such plan;
19 requiring primary treating clinicians and clinical
20 directors or their specified designees to review a
21 person's treatment plan and progress and prepare a
22 status report for the person's clinical file; amending
23 s. 394.930, F.S.; requiring the Department of Children
24 and Families to adopt rules; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 394.9131, Florida Statutes, is created

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30 to read:

31 394.9131 Mandatory prerelease treatment program for persons
32 in custody of the Department of Corrections.-

33 (1) Upon written notice of the anticipated release of a
34 person from the Department of Corrections being provided to a
35 state attorney and a multidisciplinary team pursuant to s.
36 394.913(1), the department must enroll such person for a minimum
37 of 12 weeks in a prerelease treatment program developed by the
38 department if a multidisciplinary team has determined that such
39 person meets the definition of a sexually violent predator
40 pursuant to s. 394.913.

41 (2) The prerelease treatment program must include evidence-
42 based psychological therapies developed by clinical staff at the
43 Florida Civil Commitment Center and include, at a minimum,
44 counseling directed towards sex offender specific issues and
45 general psychological issues.

46 (3) The department shall coordinate with the Department of
47 Corrections to ensure access to the prerelease treatment program
48 for such persons. The prerelease treatment program must be
49 delivered remotely by video conference.

50 Section 2. Subsection (5) is added to section 394.918,
51 Florida Statutes, to read:

52 394.918 Examinations; notice; court hearings for release of
53 committed persons; burden of proof.-

54 (5) At the probable cause hearing under subsection (3) and
55 the trial under subsection (4), there is a rebuttable
56 presumption that the person's mental condition remains such that
57 it is not safe for the person to be at large if the person has
58 not completed all series in the hierarchal advancing treatment

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59 plan pursuant to s. 394.9181.

60 Section 3. Section 394.9181, Florida Statutes, is created
61 to read:

62 394.9181 Hierarchal advancing treatment plan for committed
63 persons; requirements; components.-

64 (1) If a multidisciplinary team determines that a person
65 meets the definition of a sexually violent predator pursuant to
66 s. 394.913 and the person is committed under this part
67 subsequent to a trial, the person may not be released before
68 completing the entire series of a hierarchal advancing treatment
69 plan developed by the department.

70 (2) The hierarchal advancing treatment plan must:

71 (a) Consist of a series of hierarchically advancing stages
72 of treatment and rehabilitation;

73 (b) Include cognitive-behavioral therapy and relapse
74 prevention therapy tailored to meet the needs of each committed
75 person. Each committed person must receive a comprehensive
76 assessment that allows the department to develop an
77 individualized treatment plan for the person;

78 (c) Afford group and, where indicated, individual
79 counseling directed toward sex offender specific issues, as well
80 as substance use disorder and general psychological issues; and

81 (d) In addition to structured counseling activities, offer
82 vocational therapy and therapeutic recreational activities.

83 (3) At least annually, the primary treating clinician of
84 each committed person and the clinical director or his or her
85 licensed psychologist or psychiatrist designee must review the
86 person's treatment plan and progress and prepare a status report
87 to be included in the person's clinical file, with notation of

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88 any adjustments made in the person's treatment plan as a result
89 of the review.

90 Section 4. Section 394.930, Florida Statutes, is amended to
91 read:

92 394.930 Authority to adopt rules.—The Department of
93 Children and Families shall adopt rules for all of the
94 following:

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

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

101 (3) The criteria that must exist in order for a
102 multidisciplinary team to recommend to a state attorney that a
103 petition should be filed to involuntarily commit a person under
104 this part. The criteria shall include, but are not limited to,
105 whether:

106 (a) The person has a propensity to engage in future acts of
107 sexual violence;

108 (b) The person should be placed in a secure, residential
109 facility; and

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

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

114 (5) The components of the basic treatment plan, in addition
115 to the components required in the hierarchal advancing treatment
116 plan under s. 394.9181, for all committed persons under this

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117 part.~~†~~

118 (6) The components of the prerelease treatment program
119 required under s. 394.9131, including the components specified
120 in s. 394.9131(2), and the provision of such treatment program
121 in coordination with the Department of Corrections.

122 (7) The protocol to inform a person that he or she is being
123 examined to determine whether he or she is a sexually violent
124 predator under this part.

125 Section 5. This act shall take effect July 1, 2022.