

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; amending s. 394.931,
25 F.S.; requiring the Department of Corrections to
26 include specified data in its quarterly reports;
27 requiring the department to publish certain quarterly
28 and annual reports on its public website; providing an
29 effective date.

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

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33 Section 1. Section 394.9131, Florida Statutes, is created
34 to read:

35 394.9131 Mandatory prerelease treatment program for persons
36 in custody of the Department of Corrections.-

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

45 (2) The prerelease treatment program must include evidence-
46 based psychological therapies developed by clinical staff at the
47 Florida Civil Commitment Center and include, at a minimum,
48 counseling directed toward sex offender-specific issues and
49 general psychological issues.

50 (3) The department shall coordinate with the Department of
51 Corrections to ensure access to the prerelease treatment program
52 for such persons. The prerelease treatment program must be
53 delivered remotely by video conference.

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

56 394.918 Examinations; notice; court hearings for release of
57 committed persons; burden of proof.-

58 (5) At the probable cause hearing under subsection (3) and

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59 the trial under subsection (4), there is a rebuttable
60 presumption that the person's mental condition remains such that
61 it is not safe for the person to be at large if the person has
62 not completed the entire series of a hierarchal advancing
63 treatment plan pursuant to s. 394.9181.

64 Section 3. Section 394.9181, Florida Statutes, is created
65 to read:

66 394.9181 Hierarchal advancing treatment plan for committed
67 persons; requirements; components.-

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

74 (2) The hierarchal advancing treatment plan must:

75 (a) Consist of a series of hierarchically advancing stages
76 of treatment and rehabilitation;

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

82 (c) Afford group and, where indicated, individual
83 counseling directed toward sex offender-specific issues, as well
84 as substance use disorder and general psychological issues; and

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

87 (3) At least annually, the primary treating clinician of

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88 each committed person and the clinical director or his or her
89 licensed psychologist or psychiatrist designee shall review the
90 person's treatment plan and progress and shall prepare a status
91 report to be included in the person's clinical file, with
92 notation of any adjustments made in the person's treatment plan
93 as a result of the review.

94 Section 4. Section 394.930, Florida Statutes, is amended to
95 read:

96 394.930 Authority to adopt rules.—The Department of
97 Children and Families shall adopt rules for all of the
98 following:

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

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

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

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

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

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

115 (4) The designation of secure facilities for sexually
116 violent predators who are subject to involuntary commitment

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117 under this part.~~†~~

118 (5) The components of the basic treatment plan, in addition
119 to the components required in the hierarchal advancing treatment
120 plan under s. 394.9181, for all committed persons under this
121 part.~~†~~

122 (6) The components of the prerelease treatment program
123 required under s. 394.9131, including the components specified
124 in s. 394.9131(2), and the provision of such treatment program
125 in coordination with the Department of Corrections.

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

129 Section 5. Section 394.931, Florida Statutes, is amended to
130 read:

131 394.931 Quarterly and annual reports.—The Department of
132 Corrections shall collect information and compile quarterly
133 reports with statistics profiling inmates released the previous
134 quarter who fit the criteria and were referred to the Department
135 of Children and Families pursuant to this act. At a minimum, the
136 information that must be collected and compiled for inclusion in
137 the reports includes: whether the qualifying offense was the
138 current offense or the prior offense; the offender's most
139 serious sexual offense; the total number of distinct victims of
140 the sexual offense; whether the victim was known to the
141 offender; whether the sexual act was consensual; whether the
142 sexual act involved multiple victims; whether direct violence
143 was involved in the sexual offense; the age of each victim at
144 the time of the offense; the age of the offender at the time of
145 the first sexual offense; whether a weapon was used; length of

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146 time since the most recent sexual offense; and the total number
147 of prior and current sexual offense convictions. The Department
148 of Corrections shall compile recidivism data on those referred,
149 detained, or committed to the department. The data must ~~shall~~ be
150 included in the Department of Corrections' quarterly and annual
151 reports, and such reports must be published on the Department of
152 Corrections' public website ~~report~~.

153 Section 6. This act shall take effect July 1, 2023.