

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; mandating review of  
6 information by the multidisciplinary team prior to  
7 making a recommendation to the state attorney;  
8 requiring a second clinical evaluation under certain  
9 circumstances; authorizing the multidisciplinary team  
10 to consult with law enforcement agencies and victim  
11 advocate groups as part of the assessment and  
12 evaluation process; requiring the multidisciplinary  
13 team to produce and provide to the state attorney a  
14 written assessment and recommendation as to whether  
15 the 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 in instances when at least two  
19 members of the multidisciplinary team determine that a  
20 person is a sexually violent predator; requiring the  
21 multidisciplinary team to send any recommendations  
22 that a person does not meet the definition of a  
23 sexually violent predator to an assistant state  
24 attorney for further review; requiring the  
25 multidisciplinary team to reexamine the case if the  
26 assistant state attorney questions the negative

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 recommendation of the multidisciplinary team in  
 28 writing; amending s. 394.9135, F.S.; specifying the  
 29 process for determining if a person meets the  
 30 definition of a sexually violent predator when that  
 31 person's release from total confinement becomes  
 32 immediate; amending 394.914, F.S.; authorizing the  
 33 state attorney to file a petition for civil commitment  
 34 regardless of the multidisciplinary team's  
 35 recommendation; amending s. 394.930, F.S.; authorizing  
 36 the department to adopt rules regarding selecting,  
 37 contracting with, providing routine feedback to, and  
 38 evaluating contracted members of the multidisciplinary  
 39 team; providing an effective date.

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

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 43 Section 1. Paragraphs (c), (d), and (e) of subsection (3)  
 44 of section 394.913, Florida Statutes, are redesignated as  
 45 paragraphs (e), (g), and (h), respectively, paragraph (b) is  
 46 amended, and new paragraphs (c), (d), and (f) are added to that  
 47 subsection to read:

48 394.913 Notice to state attorney and multidisciplinary  
 49 team of release of sexually violent predator; establishing  
 50 multidisciplinary teams; information to be provided to  
 51 multidisciplinary teams.—

52 (2) The agency having jurisdiction shall provide the

53 multidisciplinary team with the following information:

54 (a) The person's name; identifying characteristics;  
 55 anticipated future residence; the type of supervision the person  
 56 will receive in the community, if any; and the person's offense  
 57 history;

58 (b) The person's criminal history, including police  
 59 reports, victim statements, presentence investigation reports,  
 60 postsentence investigation reports, if available, and any other  
 61 documents containing facts of the person's criminal incidents or  
 62 indicating whether the criminal incidents included sexual acts  
 63 or were sexually motivated;

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

66 (d) Documentation of institutional adjustment and any  
 67 treatment received and, in the case of an adjudicated delinquent  
 68 committed to the Department of Juvenile Justice, copies of the  
 69 most recent performance plan and performance summary; and

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

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

75 (b) Each team shall include, but is not limited to, two  
 76 licensed psychiatrists or psychologists or one licensed  
 77 psychiatrist and one licensed psychologist who shall each have  
 78 experience in or relevant to evaluating or treating persons with

79 mental abnormalities. The department shall provide annual  
 80 training to all members of the multidisciplinary team about the  
 81 civil commitment process.

82 (c) Contracts with any contracted members of the  
 83 multidisciplinary team shall be for a term no longer than one  
 84 year but may be renewed if performance is satisfactory. The  
 85 department shall regularly provide feedback to each  
 86 multidisciplinary team member and formally evaluate their  
 87 performance at least annually. Performance evaluations shall be  
 88 based on, at a minimum, the quality of the team member's  
 89 research, analysis, and reasoning, adherence to professional  
 90 standards, and compliance with technical and procedural  
 91 requirements.

92 (d) The multidisciplinary team shall assess and evaluate  
 93 each person referred to the team. The assessment and evaluation  
 94 shall include a review of the person's institutional history and  
 95 treatment record, if any, the person's criminal background, and  
 96 any other factor that is relevant to the determination of  
 97 whether such person is a sexually violent predator. All members  
 98 of the multidisciplinary team shall review at a minimum the  
 99 information provided in subsection (2) and any clinical  
 100 evaluations by a member of the multidisciplinary team prior to  
 101 making a recommendation. A second clinical evaluation shall be  
 102 conducted if any member of the multidisciplinary team questions  
 103 the conclusion of the first clinical evaluation. The  
 104 multidisciplinary team may consult with law enforcement agencies

105 and victim advocate groups during the assessment and evaluation  
 106 process.

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

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

116 2. If the multidisciplinary team recommends that a person  
 117 does not meet the definition of a sexually violent predator, the  
 118 written assessment and recommendation shall be sent to an  
 119 assistant state attorney with experience prosecuting sexual  
 120 offenses. If the assistant state attorney questions the negative  
 121 recommendation of the multidisciplinary team in writing, the  
 122 multidisciplinary team must reexamine the case before a final  
 123 written assessment and recommendation is provided to the state  
 124 attorney.

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

127 394.9135 Immediate releases from total confinement;  
 128 transfer of person to department; time limitations on  
 129 assessment, notification, and filing petition to hold in  
 130 custody; filing petition after release.—

131 (2) Within 72 hours after transfer, the multidisciplinary  
 132 team shall assess whether the person meets the definition of a  
 133 sexually violent predator. If the multidisciplinary team  
 134 determines that the person does not meet the definition of a  
 135 sexually violent predator, that person shall be immediately  
 136 released. If at least two members of the multidisciplinary team,  
 137 after all clinical evaluations have been conducted, determine  
 138 ~~determines~~ that the person meets the definition of a sexually  
 139 violent predator, the team shall provide the state attorney, as  
 140 designated by s. 394.913, with its written assessment and  
 141 recommendation within the 72-hour period or, if the 72-hour  
 142 period ends after 5 p.m. on a working day or on a weekend or  
 143 holiday, within the next working day thereafter.

144 Section 3. Section 394.914, Florida Statutes, is amended  
 145 to read:

146 394.914 Petition; contents.—Following receipt of the  
 147 written assessment and positive or negative recommendation from  
 148 the multidisciplinary team, the state attorney, in accordance  
 149 with s. 394.913, may file a petition with the circuit court  
 150 alleging that the person is a sexually violent predator and  
 151 stating facts sufficient to support such allegation. No fee  
 152 shall be charged for the filing of a petition under this  
 153 section.

154 Section 4. Subsection (6) of section 394.930, Florida  
 155 Statutes, is amended, and a new subsection (7) is added to that  
 156 section, to read:

157 |           394.930 Authority to adopt rules.—The Department of  
 158 | Children and Family Services shall adopt rules for:

159 |           (6) The protocol to inform a person that he or she is  
 160 | being examined to determine whether he or she is a sexually  
 161 | violent predator under this part;~~-~~

162 |           (7) Procedures and requirements for selecting, contracting  
 163 | with, providing routine feedback to, and evaluating contracted  
 164 | members of the multidisciplinary team.

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

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