

1 A bill to be entitled

2 An act relating to sexually violent predators; amending s.  
3 394.916, F.S.; providing that a trial in a proceeding to  
4 commit a sexually violent predator may be continued once  
5 if specified conditions are met; providing that no  
6 additional continuances may be granted unless a court  
7 finds that a manifest injustice would occur; providing for  
8 a determination of competency to proceed in such a  
9 commitment trial; providing for placement of incompetent  
10 persons in secure forensic mental health facilities until  
11 competence is restored; creating s. 394.9171, F.S.;  
12 providing for committed sexually violent predators to  
13 petition for transfer to commitment to secure forensic  
14 mental health facilities; provides that such a transfer is  
15 the equivalent of an involuntary inpatient placement under  
16 a specified provision; creating s. 394.932, F.S.;  
17 requiring the Justice Administrative Commission to  
18 maintain a registry of mental health and other experts;  
19 providing for advertising of the registry; requiring the  
20 commission to advise registry users that it is their  
21 responsibility to verify a listed person's qualifications;  
22 providing for electronic publication; providing an  
23 effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
26

27 Section 1. Subsection (2) of section 394.916, Florida  
 28 Statutes, is amended, and subsection (6) is added to that  
 29 section, to read:

30 394.916 Trial; counsel and experts; indigent persons;  
 31 competence to proceed; jury.--

32 (2) The trial may be continued once upon the request of  
 33 either party for not more than 90 days upon ~~and~~ a showing of  
 34 good cause, or by the court on its own motion in the interests  
 35 of justice, when the person will not be substantially  
 36 prejudiced. No additional continuances may be granted unless the  
 37 court finds that a manifest injustice would otherwise occur.

38 (6) Upon the filing of a suggestion of incompetency, or  
 39 upon the court's own motion, the court shall hold a hearing to  
 40 determine whether the person is competent to proceed. In  
 41 considering whether the person is competent to proceed, the  
 42 court shall consider the factors in s. 916.12(3) and any other  
 43 factors deemed relevant by the experts. If the court determines  
 44 that the person is incompetent to proceed, the person shall be  
 45 placed in a secure forensic mental health facility operated  
 46 under chapter 916 until such time as the person's competence to  
 47 proceed is restored.

48 Section 2. Section 394.9171, Florida Statutes, is created  
 49 to read:

50 394.9171 Transfer to secure forensic mental health  
 51 facility.--At any time after commitment, a person committed  
 52 under this part may petition the court for transfer to a secure  
 53 forensic mental health facility operated under chapter 916. If  
 54 the court finds that the committed person's mental condition is

55 such that the person is incapable of meaningful participation in  
56 the sex offender treatment, then the person shall be transferred  
57 to a secure forensic mental health facility operated under  
58 chapter 916 until such time as the person's competence to  
59 proceed is restored. Such transfer shall be the equivalent of an  
60 involuntary inpatient placement pursuant to s. 394.467.

61 Section 3. Section 394.932, Florida Statutes, is created  
62 to read:

63 394.932 Registry of experts.--The Justice Administrative  
64 Commission shall maintain a registry of mental health and other  
65 experts who are available and willing to provide examinations  
66 and expert testimony in proceedings held under this part. The  
67 commission shall advertise the registry in professional trade  
68 publications on a periodic basis and shall list the name and  
69 contact information for all persons holding themselves out to be  
70 qualified to provide examinations and expert testimony pursuant  
71 to this part upon request. It shall be the sole responsibility  
72 of parties using the services of a person listed on the registry  
73 to verify the qualifications of that person. The commission  
74 shall advise all parties that use the registry that it has not  
75 verified the professional qualifications of the persons listed  
76 on the registry and that it is the party's responsibility to  
77 verify the person's professional qualifications. The commission  
78 may electronically publish the names and contact information of  
79 persons requesting to be listed on the registry.

80 Section 4. This act shall take effect July 1, 2006.