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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2014	.	
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The Committee on Appropriations (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Protecting Our Children and Adults from Sexual Predators Act."

Section 2. Subsection (3) of section 394.913, Florida Statutes, is amended to read:

394.913 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing



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11 multidisciplinary teams; information to be provided to
12 multidisciplinary teams.—

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

15 (b) Each team shall include, but need is not be limited to,
16 two licensed psychiatrists or psychologists or one licensed
17 psychiatrist and one licensed psychologist who shall each have
18 experience in or relevant to the evaluation or treatment of
19 persons with mental abnormalities. The department shall provide
20 annual training to the members of the multidisciplinary team on
21 topics, including, but not limited to, research on sexual
22 offenses or offenders, clinical evaluation methods, and the
23 civil commitment process. Members of the team who are hired on
24 contract are limited to 1-year contracts. Such contracts may be
25 renewed. The department shall regularly provide feedback to each
26 multidisciplinary team member and formally evaluate annually the
27 performance of each member of the multidisciplinary team. Such
28 evaluations must include, but need not be limited to, the
29 member's:

30 1. Scope of knowledge and understanding of clinical
31 research regarding risk factors for sexual deviance and
32 recidivism;

33 2. Ability to identify relevant clinical data from review
34 of criminal records and other information, including
35 recommendations of law enforcement and insights from victim
36 advocates; and

37 3. Ability to apply clinical information in a structured
38 assessment of both static risk factors and dynamic predictors of
39 recidivism.



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40 (c) The department shall maintain data on each case on the
41 recommendations of the clinical evaluators in their clinical
42 evaluations, the final recommendations of the multidisciplinary
43 team, the petitions filed by state attorneys, and the results of
44 those petitions. The department shall analyze, at least
45 annually, this data to assess inter-rater reliability between
46 clinical evaluators and the level of agreement between an
47 individual evaluator's recommendation and the multidisciplinary
48 team's recommendation for the same individual. The department
49 shall also assess trends in multidisciplinary team
50 recommendations, state attorneys filings, and the results of
51 such filings. The state attorneys shall provide information to
52 the department regarding filings and their results as necessary
53 to maintain this data.

54 (d) The multidisciplinary team shall assess and evaluate
55 each person referred to the team. The department shall
56 prioritize the assessment and evaluation of persons referred
57 under subsection (1) based upon the person's release date. The
58 assessment and evaluation must ~~shall~~ include a review of the
59 person's institutional history and treatment record, if any, the
60 person's criminal background, and any other factor that is
61 relevant to the determination of whether the ~~such~~ person is a
62 sexually violent predator.

63 (e) ~~(e)~~ Before recommending that a person meets the
64 definition of a sexually violent predator, the person must be
65 offered a personal interview. If the person agrees to
66 participate in a personal interview, at least one member of the
67 team who is a licensed psychiatrist or psychologist must conduct
68 a personal interview of the person. If the person refuses to



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69 fully participate in a personal interview, the multidisciplinary
70 team shall ~~may~~ proceed with its recommendation without the a
71 ~~personal~~ interview ~~of the person~~.

72 (f) After all clinical evaluations have been completed, the
73 department shall provide to the state attorney a written
74 assessment and recommendation as to whether the person meets the
75 definition of a sexually violent predator.

76 1. The department must recommend that the state attorney
77 file a petition for civil commitment if at least two members of
78 the multidisciplinary team determine that the person meets the
79 definition of a sexually violent predator.

80 2. When the department determines that a person who has
81 received a clinical evaluation does or does not meet the
82 definition of a sexually violent predator, the written
83 assessment and recommendation shall be sent to the state
84 attorney. If the state attorney questions, in writing, the
85 determination that the person does or does not meet the
86 definition of a sexually violent predator, the multidisciplinary
87 team must reexamine the case before a final written assessment
88 and recommendation is provided to the state attorney.

89 (g) ~~(d)~~ The Attorney General's Office shall serve as legal
90 counsel to the multidisciplinary team.

91 (h) ~~(e)~~ 1. After all clinical evaluations have been
92 completed, but at least 1 month before the person's scheduled
93 release date, if the referral date is at least 90 days before
94 the person's expiration of sentence, the multidisciplinary team
95 shall provide to the state attorney ~~Within 180 days after~~
96 ~~receiving notice, there shall be a written assessment and~~
97 recommendation as to whether the person meets the definition of



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98 a sexually violent predator ~~and a written recommendation, which~~
99 ~~shall be provided to the state attorney. If the referral date is~~
100 ~~less than 90 days before the person's expiration of sentence,~~
101 ~~the multidisciplinary team shall provide to the state attorney a~~
102 ~~written assessment and recommendation as to whether the person~~
103 ~~meets the definition of a sexually violent predator as soon as~~
104 ~~is practicable before the person's expiration of sentence. The~~
105 written recommendation shall be provided by the Department of
106 Children and Families ~~Family Services~~ and must ~~shall~~ include the
107 written report of the multidisciplinary team.

108 ~~2. Notwithstanding subparagraph 1., in the case of a person~~
109 ~~for whom the written assessment and recommendation has not been~~
110 ~~completed at least 365 days before his or her release from total~~
111 ~~confinement, the department shall prioritize the assessment of~~
112 ~~that person based upon the person's release date.~~

113 Section 3. Section 1005.10, Florida Statutes, is created to
114 read:

115 1005.10 Sexual predator and sexual offender notification;
116 nonpublic colleges, universities, and schools.-Each nonpublic
117 college, university, and school shall inform students and
118 employees at the school's orientation session and on their
119 website of the existence of the Department of Law Enforcement
120 sexual predator and sexual offender registry website and the
121 toll-free telephone number that gives access to sexual predator
122 and sexual offender public information pursuant to s. 943.043.

123 Section 4. Section 1006.695, Florida Statutes, is created
124 to read:

125 1006.695 Sexual predator and sexual offender notification;
126 public colleges, universities, and schools.-Each public college,



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127 university, and school shall inform students and employees at
128 the school's orientation session and on their website of the
129 existence of the Department of Law Enforcement sexual predator
130 and sexual offender registry website and the toll-free telephone
131 number that gives access to sexual predator and sexual offender
132 public information pursuant to s. 943.043.

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

134
135 ===== T I T L E A M E N D M E N T =====

136 And the title is amended as follows:

137 Delete everything before the enacting clause
138 and insert:

139 A bill to be entitled

140 An act relating to sexually violent predators;
141 providing a short title; amending s. 394.913, F.S.;
142 requiring the Department of Children and Families to
143 provide training to the members of the
144 multidisciplinary team; limiting the term of contract
145 of multidisciplinary team members who contract with
146 the department to 1 year; providing that such
147 contracts may be renewed; requiring the department to
148 maintain data on each case on the recommendations of
149 the clinical evaluators; requiring state attorneys to
150 provide the department with specified information;
151 requiring the department to prioritize assessments
152 based on release dates; requiring the
153 multidisciplinary team to proceed without a personal
154 interview under certain circumstances; requiring the
155 department to send to the state attorney a written



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156 assessment and determination as to whether a person
157 meets the definition of a sexually violent predator;
158 requiring the department to recommend that the state
159 attorney file a civil commitment petition under
160 certain circumstances; requiring the multidisciplinary
161 team to reexamine the case under certain
162 circumstances; revising timeframes for the written
163 assessment; creating s. 1005.10, F.S.; requiring
164 nonpublic colleges, universities, and schools to
165 inform students and employees of the Florida
166 Department of Law Enforcement sexual predator and
167 sexual offender registry website and toll-free
168 telephone number; creating s. 1006.695, F.S.;
169 requiring public colleges, universities, and schools
170 to inform students and employees of the Florida
171 Department of Law Enforcement sexual predator and
172 sexual offender registry website and toll-free
173 telephone number; providing an effective date.