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1
2 An act relating to sexually violent predators;
3 providing a short title; amending s. 394.913, F.S.;
4 requiring the Department of Children and Families to
5 provide training to the members of the
6 multidisciplinary team; limiting the term of contract
7 of multidisciplinary team members who contract with
8 the department to 1 year; providing that such
9 contracts may be renewed; requiring the department to
10 maintain data on each case on the recommendations of
11 the clinical evaluators; requiring state attorneys to
12 provide the department with specified information;
13 requiring the multidisciplinary team to prioritize
14 assessments based on release dates; requiring the
15 multidisciplinary team to proceed without a personal
16 interview under certain circumstances; requiring the
17 multidisciplinary team to provide the state attorney
18 with a written assessment and recommendation as to
19 whether a person meets the definition of a sexually
20 violent predator within specified timeframes;
21 requiring the department to recommend that the state
22 attorney file a civil commitment petition under
23 certain circumstances; requiring the department to
24 send the recommendation and assessment to the state
25 attorney for further review; requiring the
26 multidisciplinary team to reexamine the case under
27 certain circumstances; conforming provisions to
28 changes made by the act; creating s. 1005.10, F.S.;
29 requiring nonpublic colleges, universities, and

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30 schools to inform students and employees of the
31 Florida Department of Law Enforcement sexual predator
32 and sexual offender registry website and toll-free
33 telephone number; creating s. 1006.695, F.S.;
34 requiring Florida College System institutions, state
35 universities, and career centers to inform students
36 and employees of the Florida Department of Law
37 Enforcement sexual predator and sexual offender
38 registry website and toll-free telephone number;
39 providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. This act may be cited as the "Protecting Our
44 Children and Adults from Sexual Predators Act."

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

47 394.913 Notice to state attorney and multidisciplinary team
48 of release of sexually violent predator; establishing
49 multidisciplinary teams; information to be provided to
50 multidisciplinary teams.—

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

53 (b) Each team shall include, but need is not be limited to,
54 two licensed psychiatrists or psychologists or one licensed
55 psychiatrist and one licensed psychologist who shall each have
56 experience in or relevant to the evaluation or treatment of
57 persons with mental abnormalities. The department shall provide
58 annual training to the members of the multidisciplinary team on

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59 topics, including, but not limited to, research on sexual
60 offenses or offenders, clinical evaluation methods, and the
61 civil commitment process. Members of the team who are hired on
62 contract are limited to 1-year contracts. Such contracts may be
63 renewed. The department shall regularly provide feedback to each
64 multidisciplinary team member and formally evaluate annually the
65 performance of each member of the multidisciplinary team. Such
66 evaluations must include, but need not be limited to, the
67 member's:

68 1. Scope of knowledge and understanding of clinical
69 research regarding risk factors for sexual deviance and
70 recidivism;

71 2. Ability to identify relevant clinical data from review
72 of criminal records and other information, including
73 recommendations of law enforcement and insights from victim
74 advocates; and

75 3. Ability to apply clinical information in a structured
76 assessment of both static risk factors and dynamic predictors of
77 recidivism.

78 (c) The department shall maintain data on each case on the
79 recommendations of the clinical evaluators in their clinical
80 evaluations, the final recommendations of the multidisciplinary
81 team, the petitions filed by state attorneys, and the results of
82 those petitions. The department shall analyze, at least
83 annually, this data to assess inter-rater reliability between
84 clinical evaluators and the level of agreement between an
85 individual evaluator's recommendation and the multidisciplinary
86 team's recommendation for the same individual. The department
87 shall also assess trends in multidisciplinary team

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88 recommendations, state attorneys filings, and the results of
89 such filings. The state attorneys shall provide information to
90 the department regarding filings and their results as necessary
91 to maintain this data.

92 (d) The multidisciplinary team shall assess and evaluate
93 each person referred to the team. The multidisciplinary team
94 shall prioritize the assessment and evaluation of persons
95 referred under subsection (1) based upon the person's release
96 date. The assessment and evaluation must shall include a review
97 of the person's institutional history and treatment record, if
98 any, the person's criminal background, and any other factor that
99 is relevant to the determination of whether the such person is a
100 sexually violent predator.

101 (e) ~~(e)~~ Before recommending that a person meets the
102 definition of a sexually violent predator, the person must be
103 offered a personal interview. If the person agrees to
104 participate in a personal interview, at least one member of the
105 team who is a licensed psychiatrist or psychologist must conduct
106 a personal interview of the person. If the person refuses to
107 fully participate in a personal interview, the multidisciplinary
108 team shall may proceed with its recommendation without the a
109 personal interview of the person.

110 (f) The multidisciplinary team shall complete all clinical
111 evaluations and provide the state attorney a written assessment
112 and recommendation as to whether the person meets the definition
113 of a sexually violent predator at least 1 month before the
114 person's scheduled release date from the Department of
115 Corrections, the Department of Juvenile Justice, or the
116 Department of Children and Families. The multidisciplinary team

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117 shall complete all clinical evaluations and provide the state
118 attorney a written assessment and recommendation as to whether
119 the person meets the definition of a sexually violent predator
120 at least 24 hours before the person's scheduled release date
121 from a county or municipal jail.

122 1. The department must recommend that the state attorney
123 file a petition for civil commitment if at least two members of
124 the multidisciplinary team determine that the person meets the
125 definition of a sexually violent predator.

126 2. When the department determines that a person who has
127 received a clinical evaluation does or does not meet the
128 definition of a sexually violent predator, the written
129 assessment and recommendation shall be sent to the state
130 attorney. If the state attorney questions, in writing, the
131 determination that the person does or does not meet the
132 definition of a sexually violent predator, the multidisciplinary
133 team must reexamine the case before a final written assessment
134 and recommendation is provided to the state attorney.

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

137 ~~(c)1. Within 180 days after receiving notice, there shall~~
138 ~~be a written assessment as to whether the person meets the~~
139 ~~definition of a sexually violent predator and a written~~
140 ~~recommendation, which shall be provided to the state attorney.~~
141 ~~The written recommendation shall be provided by the Department~~
142 ~~of Children and Family Services and shall include the written~~
143 ~~report of the multidisciplinary team.~~

144 ~~2. Notwithstanding subparagraph 1., in the case of a person~~
145 ~~for whom the written assessment and recommendation has not been~~

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146 ~~completed at least 365 days before his or her release from total~~
147 ~~confinement, the department shall prioritize the assessment of~~
148 ~~that person based upon the person's release date.~~

149 Section 3. Section 1005.10, Florida Statutes, is created to
150 read:

151 1005.10 Sexual predator and sexual offender notification;
152 nonpublic colleges, universities, and schools.—Each nonpublic
153 college, university, and school shall inform students and
154 employees at orientation and on its website of the existence of
155 the Department of Law Enforcement sexual predator and sexual
156 offender registry website and the toll-free telephone number
157 that gives access to sexual predator and sexual offender public
158 information pursuant to s. 943.043.

159 Section 4. Section 1006.695, Florida Statutes, is created
160 to read:

161 1006.695 Sexual predator and sexual offender notification;
162 Florida College System institutions, state universities, and
163 career centers.—Each Florida College System institution as
164 defined in s. 1000.21, state university as defined in s.
165 1000.21, and career center as provided in s. 1001.44 shall
166 inform students and employees at orientation and on its website
167 of the existence of the Department of Law Enforcement sexual
168 predator and sexual offender registry website and the toll-free
169 telephone number that gives access to sexual predator and sexual
170 offender public information pursuant to s. 943.043.

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