

1 A bill to be entitled

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

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27 certain circumstances; conforming provisions to  
 28 changes made by the act; creating s. 1005.10, F.S.;  
 29 requiring nonpublic colleges, universities, and  
 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.

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

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  
 48 team 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  
 52 establish a multidisciplinary team or teams.

53           (b) Each team shall include, but need ~~is~~ not be limited  
54 to, 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  
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  
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 ~~shall~~ must 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  
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 ~~(e)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~~  
145 ~~person for whom the written assessment and recommendation has~~  
146 ~~not been completed at least 365 days before his or her release~~  
147 ~~from total confinement, the department shall prioritize the~~  
148 ~~assessment of that person based upon the person's release date.~~

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