

CHAPTER 2014-3

Committee Substitute for Senate Bill No. 524

An act relating to sexually violent predators; providing a short title; amending s. 394.913, F.S.; requiring the Department of Children and Families to provide training to the members of the multidisciplinary team; limiting the term of contract of multidisciplinary team members who contract with the department to 1 year; providing that such contracts may be renewed; requiring the department to maintain data on each case on the recommendations of the clinical evaluators; requiring state attorneys to provide the department with specified information; requiring the multidisciplinary team to prioritize assessments based on release dates; requiring the multidisciplinary team to proceed without a personal interview under certain circumstances; requiring the multidisciplinary team to provide the state attorney with a written assessment and recommendation as to whether a person meets the definition of a sexually violent predator within specified timeframes; requiring the department to recommend that the state attorney file a civil commitment petition under certain circumstances; requiring the department to send the recommendation and assessment to the state attorney for further review; requiring the multidisciplinary team to reexamine the case under certain circumstances; conforming provisions to changes made by the act; creating s. 1005.10, F.S.; requiring nonpublic colleges, universities, and schools to inform students and employees of the Florida Department of Law Enforcement sexual predator and sexual offender registry website and toll-free telephone number; creating s. 1006.695, F.S.; requiring Florida College System institutions, state universities, and career centers to inform students and employees of the Florida Department of Law Enforcement sexual predator and sexual offender registry website and toll-free telephone number; providing an effective date.

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

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

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

(b) Each team shall include, but need is not be limited to, two licensed psychiatrists or psychologists or one licensed psychiatrist and one licensed

psychologist who shall each have experience in or relevant to the evaluation or treatment of persons with mental abnormalities. The department shall provide annual training to the members of the multidisciplinary team on topics, including, but not limited to, research on sexual offenses or offenders, clinical evaluation methods, and the civil commitment process. Members of the team who are hired on contract are limited to 1-year contracts. Such contracts may be renewed. The department shall regularly provide feedback to each multidisciplinary team member and formally evaluate annually the performance of each member of the multidisciplinary team. Such evaluations must include, but need not be limited to, the member's:

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

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

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

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

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

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

(f) The multidisciplinary team shall complete all clinical evaluations and provide the state attorney a written assessment and recommendation as to whether the person meets the definition of a sexually violent predator at least 1 month before the person's scheduled release date from the Department of Corrections, the Department of Juvenile Justice, or the Department of Children and Families. The multidisciplinary team shall complete all clinical evaluations and provide the state attorney a written assessment and recommendation as to whether the person meets the definition of a sexually violent predator at least 24 hours before the person's scheduled release date from a county or municipal jail.

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

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

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

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

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

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

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

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

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

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

Approved by the Governor April 1, 2014.

Filed in Office Secretary of State April 1, 2014.