

By Senator Sobel

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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 evaluate contracted members of the multidisciplinary
11 team; providing requirements for such evaluations;
12 requiring the multidisciplinary team to proceed
13 without a personal interview under certain
14 circumstances; providing that a person meets the
15 definition of a sexually violent predator if a
16 specified number of multidisciplinary team members
17 make such a finding; creating s. 1005.10, F.S.;
18 requiring nonpublic colleges, universities, and
19 schools to inform students and employees of the
20 Florida Department of Law Enforcement sexual predator
21 and sexual offender registry website and toll-free
22 number; creating s. 1006.695, F.S.; requiring public
23 colleges, universities, and schools to inform students
24 and employees of the Florida Department of Law
25 Enforcement sexual predator and sexual offender
26 registry website and toll-free number; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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

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

35 394.913 Notice to state attorney and multidisciplinary team
36 of release of sexually violent predator; establishing
37 multidisciplinary teams; information to be provided to
38 multidisciplinary teams.—

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

41 (b) Each team shall include, but need is not be limited to,
42 two licensed psychiatrists or psychologists or one licensed
43 psychiatrist and one licensed psychologist. The department shall
44 provide training to the members of the multidisciplinary team.
45 Members of the team who are hired on contract are limited to 1-
46 year contracts. Such contracts may be renewed. The department
47 shall evaluate annually the performance of each member of the
48 multidisciplinary team. Such evaluations must include, but need
49 not be limited to, the member's:

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

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

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

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59 sexual recidivism; and

60 4. Recommendations compared retrospectively to the
61 subsequent records of the offenders who were assessed.

62 (c) The multidisciplinary team shall assess and evaluate
63 each person referred to the team. The assessment and evaluation
64 must ~~shall~~ include a review of the person's institutional
65 history and treatment record, if any, the person's criminal
66 background, and any other factor that is relevant to the
67 determination of whether the ~~such~~ person is a sexually violent
68 predator.

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

78 (e) ~~(d)~~ The Attorney General's Office shall serve as legal
79 counsel to the multidisciplinary team.

80 (f) ~~(e)~~ 1. Within 180 days after receiving notice, there
81 shall be a written assessment as to whether the person meets the
82 definition of a sexually violent predator and a written
83 recommendation, which shall be provided to the state attorney.
84 The person meets the definition of a sexually violent predator
85 if two or more members of the multidisciplinary team find the
86 person meets the definition. The written recommendation shall be
87 provided by the Department of Children and Families ~~Family~~

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88 ~~Services~~ and shall include the written report of the
89 multidisciplinary team.

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

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

97 1005.10 Sexual predator and sexual offender notification;
98 nonpublic colleges, universities, and schools.—Each nonpublic
99 college, university, and school shall inform students and
100 employees at the school's orientation session of the existence
101 of the Department of Law Enforcement sexual predator and sexual
102 offender registry website and the toll-free telephone number
103 that gives access to sexual predator and sexual offender public
104 information pursuant to s. 943.043.

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

107 1006.695 Sexual predator and sexual offender notification;
108 public colleges, universities, and schools.—Each public college,
109 university, and school shall inform students and employees at
110 the school's orientation session of the existence of the
111 Department of Law Enforcement sexual predator and sexual
112 offender registry website and the toll-free telephone number
113 that gives access to sexual predator and sexual offender public
114 information pursuant to s. 943.043.

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