

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR ORANGE  
COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

CASE # \_\_\_\_\_

-v-

\_\_\_\_\_,  
A Child.  
\_\_\_\_\_ /

**DISCLOSURE AND NOTIFICATION OR POSSIBLE FUTURE APPLICABILITY OF  
JIMMY RYCE ACT CIVIL COMMITMENT PROCEDURES TO ABOVE-NAMED CHILD**

I understand that an adjudication on these charges may subject the above-named Child to a later civil procedure and loss of said Child's liberty as a violent sexual predator after said Child is adjudicated delinquent to which said child is agreeing by pleading to these charges. The above-named child understands that there is no way of knowing at this time whether the State Attorney's Office may seek to keep said child confined after the delinquency adjudication. The above-named Child's lawyer has explained the following to said Child in regard to this possible civil commitment:

1. The offense, or offenses, to which the above-named Child is pleading maybe defined as a "sexually violent offense: under Fla. Stat. §394.
2. In order for the Child to be subjected to the requirements of Fla. Stat. 394.910-§394.931, the Child must have been adjudicated delinquent for a sexually violent offense after trial, guilty plea, or pleas of no contest in any state. The above-named Child understands that he or she does not have to be committed for the sexually violent offense, just adjudicated delinquent.

3. Sexually violent offense means:
- (a) Murder of a human being while engaged in sexual battery in violation of Fla. Stat. §782.04(1)(a)2;
  - (b) Kidnaping of a child under age 13, and in the course of that offense, committing:
    - 1. Sexual battery; or
    - 2. A lewd, lascivious, or indecent assault or act upon or in the presence of the Child;
  - (c) Committing the offense of false imprisonment upon a child under the age of 13 and, in the course of that offense, committing:
    - 1. Sexual battery; or
    - 2. A lewd, lascivious, or indecent assault or act upon or in the presence of the Child;
  - (d) Sexual battery in violation of Fla. Stat. §794.011.
  - (e) Lewd, lascivious, or indecent assault or act upon or in the presence of a child in violation of Fla. Stat. §800.04.
  - (f) An attempt, criminal solicitation, or conspiracy, in violation of Fla. Stat. §777.04, for a sexual violent offense;
  - (g) Any conviction for a felony offense in effect at any time before October 1, 1998, which is comparable to a sexually violent offense as listed in (a)-(f) above or any federal conviction in another state for a felony offense that in this state would be a sexually violent offense.
  - (h) Any criminal act that, either at the time of sentencing for the offense or

subsequently during civil commitment proceedings under this part, has been determined beyond a reasonable doubt to have been sexually motivated. Fla. Stat. §394.921(9) (2002).

4. The above-named Child understands that all of the Child's available records will be reviewed and the Child will be examined by a multi-disciplinary team including two psychiatrists or psychologists, or one psychiatrist and one psychologist, who will be chosen by the Department of Children and Family Service and whose legal counsel is the Florida Attorney General. The multi-disciplinary team determines whether or not to recommend each person they assess as meeting the definition of a sexually violent predator. Fla. Stat. §394.913 (2002).
5. The mental health report will go to the State Attorney's Office who will decide whether it wants to try to keep the above-named Child confined by having said child civilly committed to the Department of Children and Family Services for a longer, and indefinite time period. If the State Attorney's Office chooses to attempt to keep the above-named Child so confined, it must file a Petition with the civil court. Fla. Stat. §394.9135 (2002).
6. In any such civil commitment proceeding the presiding judge shall determine the question of whether there is probable cause to believe that the above-named Child continues to pose a danger to the community as a sexually violent predator. The Court may conduct a hearing in this matter. In a hearing, the Child has a right to a lawyer, and, if the Child cannot afford a lawyer, a lawyer will be appointed to represent the Child. If the judge

decides that the Child continues to pose a danger to the community, the Child will be held in a “secure facility,” pending trial without pre-trial release, segregated from patients not committed as sexually violent predators. Fla. Stat. §394.915 (2002).

7. Within 30 days after the determination of probable cause, the Court shall conduct a trial to determine whether the above-named child is a sexually violent predator. At all adversarial proceedings under this Act, the person subject to this Act is entitled to the assistance of a lawyer. The above-named Child or the State Attorney has the right to demand that the trial be before a jury of 6 members. A demand for jury trial must be filed, in writing, at least 5 days before the trial. If no demand is made, the trial shall be to the court. Fla. Stat. §394.916 (2002).
8. In any such civil commitment proceeding, the State will have to prove that the above-named Child continues to be a danger to the community by “clear and convincing” evidence. The burden the State Attorney has to prove that said Child is a “sexually violent predator” by clear and convincing evidence, is not as high a burden as proving a criminal offense “beyond a reasonable doubt.” Fla. Stat. §394.917 (2002).
9. If the determination is made by a jury, the verdict must be unanimous. If the jury is unable to reach a unanimous verdict, the court must declare a mistrial and poll the jury. If a majority of the jury would find the person is a sexually violent predator, the State Attorney may refile the petition and proceed according to the provisions of this part. The determination that a person is a

sexually violent predator may be appealed. Fla. Stat. §394.917 (2002).

10. If the court or jury determines that the above-named Child is a sexually violent predator, upon the expiration of the commitment of the Juvenile, said Child shall be committed to the custody of the Department of Children and Family Services for control, care, and treatment until such time as the above-named Child's mental abnormality or personality disorder has so changed that is safe for the child to be at large. Fla. Stat. §394.917 (2002).

This notification of possible CIVIL COMMITMENT TO THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES FOLLOWING AN ADJUDICATION and explanation of the commitment proceedings of Fla. Stat. §394, the Jimmy Ryce Act, by my attorney, \_\_\_\_\_ is to be incorporated and included as part of my plea agreement of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Attorney for Juvenile

\_\_\_\_\_  
Juvenile's Printed Name

\_\_\_\_\_  
Parent / Guardian

\_\_\_\_\_  
Signature of Juvenile

\_\_\_\_\_  
Date