

By the Committee on Judiciary; and Senator Crist

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1 A bill to be entitled
2 An act relating to criminal justice; amending s.
3 775.21, F.S.; revising definitions; creating s.
4 794.0701, F.S.; providing that if a person has been
5 convicted of certain specified violations in which the
6 victim of the offense was younger than 16 years of age
7 and the person loiters or prowls within 300 feet of a
8 place where children regularly congregate, he or she
9 commits a misdemeanor of the first degree; providing a
10 criminal penalty; defining terms; amending s. 940.061,
11 F.S.; requiring the Department of Corrections to send
12 the Parole Commission a monthly electronic list
13 containing the names of inmates released from
14 incarceration and offenders who have been terminated
15 from supervision and who may be eligible for
16 restoration of civil rights; repealing s. 944.293,
17 F.S., relating to procedures for initiation of civil
18 rights restoration; amending s. 944.35, F.S.; applying
19 provisions prohibiting sexual misconduct to employees
20 of private correctional facilities; providing
21 penalties; creating s. 945.604, F.S.; defining the
22 term "claim" for purposes of the State of Florida
23 Correctional Medical Authority act; providing for
24 filing and payment of medical claims for payment or
25 underpayment; providing for filing and payment of
26 claims for overpayment; providing for recovery of
27 overpayment of claims; creating s. 945.6041, F.S.;
28 providing definitions; providing limits on
29 reimbursement for certain inmate medical expenses when

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30 there is no contract between the Department of
31 Corrections or a private correctional facility and the
32 health care provider or provider of emergency medical
33 transportation services; amending s. 947.1405, F.S.;
34 revising conditional release restrictions for certain
35 offenders; providing that persons on supervision who
36 are electronically monitored pay for the monitoring;
37 providing exceptions; providing for disposition of
38 funds collected; amending s. 948.001, F.S.; deleting
39 the definition of the term "criminal quarantine
40 community control"; amending s. 775.0877, F.S.;
41 revising the penalty for criminal transmission of HIV;
42 conforming provisions to changes made by the act;
43 amending ss. 384.34, 796.08, and 921.187, F.S.;
44 conforming provisions to changes made by the act;
45 amending s. 948.01, F.S.; providing for development
46 and distribution of uniform order of supervision
47 forms; requiring use of such forms; amending s.
48 948.03, F.S.; providing as a condition of probation,
49 community control, or any other form of court-ordered
50 supervision that an offender live without violating
51 any law; providing that a conviction in a court of law
52 is not necessary for a violation of law to constitute
53 a violation of such a condition; eliminating a
54 requirement that a probation officer consent to
55 possession of a firearm by a probationer with court
56 authorization; requiring that an offender on probation
57 or community control submit to the taking of a
58 digitized photograph; providing for display of such

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59 photographs on the department's public website while
60 the offender is on supervision; providing exceptions;
61 amending s. 948.09, F.S.; revising language relating
62 to payments by persons on supervision for the costs of
63 electronic monitoring services; providing exemptions;
64 conforming a cross-reference; amending s. 948.101,
65 F.S.; deleting provisions relating to criminal
66 quarantine community control; amending s. 948.11,
67 F.S.; deleting provisions relating to criminal
68 quarantine community control; deleting the requirement
69 that for offenders being electronically monitored, the
70 Department of Corrections develop specified procedures
71 concerning offender's noncompliance; deleting a
72 provision allowing the Department of Corrections to
73 contract for local law enforcement assistance with
74 noncompliant offenders; revising language relating to
75 payment for electronic monitoring to conform to
76 changes made by the act; amending s. 948.30, F.S.;

77 revising provisions relating to terms and conditions
78 of probation or community control for certain sex
79 offenses; revising restrictions for certain
80 probationers or community controllees who committed
81 sexual offenses against a minor younger than 16 years
82 of age; amending s. 951.23, F.S.; eliminating the
83 requirements for collection of certain information
84 from the administrator of each county detention
85 facility; correcting a cross-reference; amending s.
86 958.045, F.S.; requiring a report to be submitted to
87 the court concerning an offender's performance while

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88 in youthful offender basic training within a specified
89 period prior to the offender's scheduled release;
90 providing for specified court actions if the
91 offender's performance is satisfactory; amending s.
92 960.292, F.S.; providing for retention of court
93 jurisdiction over certain offenders for a specified
94 period after release from incarceration or supervision
95 for the sole purpose of entering civil restitution
96 orders; amending s. 960.293, F.S.; providing that
97 damages due from an offender for correctional costs be
98 based upon the length of the sentence imposed by the
99 court at the time of sentencing; amending s. 960.297,
100 F.S.; providing a time period in which civil actions
101 for the costs of incarceration may be initiated;
102 providing an effective date.

103
104 Be It Enacted by the Legislature of the State of Florida:

105
106 Section 1. Paragraph (b) of subsection (10) of section
107 775.21, Florida Statutes, is amended to read:

108 775.21 The Florida Sexual Predators Act.—

109 (10) PENALTIES.—

110 (b) A sexual predator who has been convicted of or found to
111 have committed, or has pled nolo contendere or guilty to,
112 regardless of adjudication, any violation, or attempted
113 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
114 the victim is a minor and the defendant is not the victim's
115 parent or guardian; s. 794.011(2), (3), (4), (5), or (8) ~~s.~~
116 ~~794.011, excluding s. 794.011(10);~~ s. 794.05; s. 796.03; s.

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117 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s.
118 847.0145; or s. 985.701(1); or a violation of a similar law of
119 another jurisdiction when the victim of the offense was a minor,
120 and who works, whether for compensation or as a volunteer, at
121 any business where children regularly congregate, school, child
122 care facility ~~day care center~~, park as defined in s. 794.0701,
123 playground, or other place where children regularly congregate,
124 commits a felony of the third degree, punishable as provided in
125 s. 775.082, s. 775.083, or s. 775.084.

126 Section 2. Section 794.0701, Florida Statutes, is created
127 to read:

128 794.0701 Loitering or prowling by persons convicted of
129 certain sex offenses.-

130 (1) Any person who:

131 (a) Has been convicted of a violation of s. 787.01, s.
132 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,
133 regardless of whether adjudication has been withheld, in which
134 the victim of the offense was younger than 16 years of age; and

135 (b) Loiters or prowls as proscribed in s. 856.021 within
136 300 feet of a place where children regularly congregate,
137 including a school, designated public school bus stop, child
138 care facility, playground, or park as defined in s. 794.0701,

139
140 commits a misdemeanor of the first degree, punishable as
141 provided in s. 775.082 or s. 775.083.

142 (2) "Child care facility" has the same meaning as provided
143 in s. 402.302.

144 (3) "Park" means and includes all public and private
145 property specifically designated as being used for park and

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146 recreational purposes and where children regularly congregate.

147 (4) "School" has the same meaning as provided in s. 1003.01
148 and includes a "private school" as defined in s. 1002.01, a
149 "voluntary prekindergarten education program" as described in s.
150 1002.53(3), a "public school" as described in s. 402.3025(1),
151 the Florida School for the Deaf and the Blind, the Florida
152 Virtual School as established in s. 1002.37, and a K-8 Virtual
153 School as established in s. 1002.415, excluding facilities
154 dedicated exclusively to the education of adults.

155 Section 3. Section 940.061, Florida Statutes, is amended to
156 read:

157 940.061 Informing persons about executive clemency and
158 restoration of civil rights.—The Department of Corrections shall
159 inform and educate inmates and offenders on community
160 supervision about the restoration of civil rights. The
161 Department of Corrections shall send the Parole Commission a
162 monthly electronic list containing the names of inmates released
163 from incarceration and offenders who have been terminated from
164 supervision and who may be eligible for restoration of civil
165 rights and assist eligible inmates and offenders on community
166 supervision with the completion of the application for the
167 restoration of civil rights.

168 Section 4. Section 944.293, Florida Statutes, is repealed.

169 Section 5. Paragraph (b) of subsection (3) of section
170 944.35, Florida Statutes, is amended to read:

171 944.35 Authorized use of force; malicious battery and
172 sexual misconduct prohibited; reporting required; penalties.—

173 (3)

174 (b)1. As used in this paragraph, the term "sexual

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175 misconduct" means the oral, anal, or vaginal penetration by, or
176 union with, the sexual organ of another or the anal or vaginal
177 penetration of another by any other object, but does not include
178 an act done for a bona fide medical purpose or an internal
179 search conducted in the lawful performance of the employee's
180 duty.

181 2. Any employee of the department or any employee of a
182 private correctional facility, as defined in s. 944.710, who
183 engages in sexual misconduct with an inmate or an offender
184 supervised by the department in the community, without
185 committing the crime of sexual battery, commits a felony of the
186 third degree, punishable as provided in s. 775.082, s. 775.083,
187 or s. 775.084.

188 3. The consent of the inmate or offender supervised by the
189 department in the community to any act of sexual misconduct may
190 not be raised as a defense to a prosecution under this
191 paragraph.

192 4. This paragraph does not apply to any employee of the
193 department or any employee of a private correctional facility
194 who is legally married to an inmate or an offender supervised by
195 the department in the community, nor does it apply to any
196 employee who has no knowledge, and would have no reason to
197 believe, that the person with whom the employee has engaged in
198 sexual misconduct is an inmate or an offender under community
199 supervision of the department.

200 Section 6. Section 945.604, Florida Statutes, is created to
201 read:

202 945.604 Medical claims.—

203 (1) DEFINITION OF "CLAIM."—As used in this section, for a

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204 noninstitutional health care provider the term "claim" means a
205 paper or electronic billing instrument submitted to the
206 department that consists of the HCFA 1500 data set, or its
207 successor, that has all mandatory entries for a physician
208 licensed under chapter 458, chapter 459, chapter 460, chapter
209 461, or chapter 463 or a psychologist licensed under chapter 490
210 or any appropriate billing instrument that has all mandatory
211 entries for any other noninstitutional health care provider. For
212 an institutional health care provider, the term "claim" means a
213 paper or electronic billing instrument submitted to the
214 department that consists of the UB-92 data set or its successor
215 with entries stated as mandatory by the National Uniform Billing
216 Committee.

217 (2) SUBMISSION DATE.—Claims for payment or underpayment are
218 considered submitted on the date the claim for payment is mailed
219 or electronically transferred to the department by the health
220 care provider. Claims for overpayment are considered submitted
221 on the date the claim for overpayment is mailed or
222 electronically transferred to the health care provider by the
223 department.

224 (3) CLAIMS FOR PAYMENT OR UNDERPAYMENT.—

225 (a) Claims for payment or underpayment must be submitted to
226 the department within 6 months after the following have
227 occurred:

228 1. The discharge of the inmate for inpatient services
229 rendered to the inmate or the date of service for outpatient
230 services rendered to the inmate; and

231 2. The health care provider has been furnished with the
232 correct name and address of the department.

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233 (b) Claims for payment or underpayment must not duplicate a
234 claim previously submitted unless it is determined the original
235 claim was not received or is otherwise lost.

236 (c) The department is not obligated to pay claims for
237 payment or underpayment that were not submitted in accordance
238 with paragraph (a).

239 (4) CLAIMS FOR OVERPAYMENT.-

240 (a) If the department determines that it has made an
241 overpayment to a health care provider for services rendered to
242 an inmate, it must make a claim for such overpayment to the
243 provider's designated location. The department shall provide a
244 written or electronic statement specifying the basis for
245 overpayment. The department must identify the claim or claims,
246 or overpayment claim portion thereof, for which a claim for
247 overpayment is submitted.

248 (b) The department must submit a claim for overpayment to a
249 health care provider within 30 months after the department's
250 payment of the claim, except that claims for overpayment may be
251 submitted beyond that time from providers convicted of fraud
252 pursuant to s. 817.234.

253 (c) Health care providers are not obligated to pay claims
254 for overpayment that were not submitted in accordance with
255 paragraph (b).

256 (d) A health care provider must pay, deny, or contest the
257 department's claim for overpayment within 40 days after the
258 receipt of the claim for overpayment.

259 (e) A health care provider that denies or contests the
260 department's claim for overpayment or any portion of a claim
261 shall notify the department, in writing, within 40 days after

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262 the provider receives the claim. The notice that the claim for
263 overpayment is denied or contested must identify the contested
264 portion of the claim and the specific reason for contesting or
265 denying the claim and, if contested, must include a request for
266 additional information.

267 (f) All contested claims for overpayment must be paid or
268 denied within 120 days after receipt of the claim. Failure to
269 pay or deny the claim for overpayment within 140 days after
270 receipt creates an uncontestable obligation to pay the claim.

271 (g) The department may not reduce payment to the health
272 care provider for other services unless the provider agrees to
273 the reduction or fails to respond to the department's claim for
274 overpayment as required by this subsection.

275 (5) NONWAIVER OF PROVISIONS.—The provisions of this section
276 may not be waived, voided, or nullified by contract.

277 Section 7. Section 945.6041, Florida Statutes, is created
278 to read:

279 945.6041 Inmate medical services.—

280 (1) As used in this section, the term:

281 (a) "Emergency medical transportation services" includes,
282 but is not limited to, services rendered by ambulances,
283 emergency medical services vehicles, and air ambulances as those
284 terms are defined in s. 401.23.

285 (b) "Health care provider" has the same meaning as provided
286 in s. 766.105.

287 (2) (a) If no contract for the provision of inmate medical
288 services exists between the department and a health care
289 provider or between a private correctional facility, as defined
290 in s. 944.710, and a health care provider, compensation for such

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291 services may not exceed 110 percent of the Medicare allowable
292 rate.

293 (b) Notwithstanding paragraph (a), if no contract for the
294 provision of inmate medical services exists between the
295 department and a health care provider or between a private
296 correctional facility, as defined in s. 944.710, and a health
297 care provider that reported to the Agency for Health Care
298 Administration, through hospital-audited financial data, a
299 negative operating margin for the previous year, compensation
300 for such services may not exceed 125 percent of the Medicare
301 allowable rate.

302 (3) If no contract for emergency medical transportation
303 services exists between the department and an entity that
304 provides emergency medical transportation services or between a
305 private correctional facility, as defined in s. 944.710, and an
306 entity that provides emergency medical transportation services,
307 compensation for such services may not exceed 110 percent of the
308 Medicare allowable rate.

309 (4) This section is not applicable to charges for medical
310 services provided at any hospital operated by the department.

311 Section 8. Paragraphs (a) and (b) of subsection (7) of
312 section 947.1405, Florida Statutes, are amended to read:

313 947.1405 Conditional release program.—

314 (7) (a) Any inmate who is convicted of a crime committed on
315 or after October 1, 1995, or who has been previously convicted
316 of a crime committed on or after October 1, 1995, in violation
317 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
318 847.0145, and is subject to conditional release supervision,
319 shall have, in addition to any other conditions imposed, the

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320 following special conditions imposed by the commission:

321 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission
322 may designate another 8-hour period if the offender's employment
323 precludes the above specified time, and such alternative is
324 recommended by the Department of Corrections. If the commission
325 determines that imposing a curfew would endanger the victim, the
326 commission may consider alternative sanctions.

327 2.a. If the victim was under the age of 18, a prohibition
328 on living within 1,000 feet of a school, child care facility ~~day~~
329 ~~care center~~, park as defined in s. 794.0701, playground,
330 designated public school bus stop, or other place where children
331 regularly congregate. A releasee who is subject to this
332 subparagraph may not relocate to a residence that is within
333 1,000 feet of a public school bus stop.

334 b. Beginning October 1, 2004, the commission or the
335 department may not approve a residence that is located within
336 1,000 feet of a school, child care facility ~~day care center~~,
337 park as defined in s. 794.0701, playground, designated school
338 bus stop, or other place where children regularly congregate for
339 any releasee who is subject to this subparagraph. On October 1,
340 2004, the department shall notify each affected school district
341 of the location of the residence of a releasee 30 days prior to
342 release and thereafter, if the releasee relocates to a new
343 residence, shall notify any affected school district of the
344 residence of the releasee within 30 days after relocation. If,
345 on October 1, 2004, any public school bus stop is located within
346 1,000 feet of the existing residence of such releasee, the
347 district school board shall relocate that school bus stop.
348 Beginning October 1, 2004, a district school board may not

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349 establish or relocate a public school bus stop within 1,000 feet
350 of the residence of a releasee who is subject to this
351 subparagraph. The failure of the district school board to comply
352 with this subparagraph shall not result in a violation of
353 conditional release supervision.

354 3. Active participation in and successful completion of a
355 sex offender treatment program with qualified practitioners
356 specifically trained to treat sex offenders, at the releasee's
357 own expense. If a qualified practitioner is not available within
358 a 50-mile radius of the releasee's residence, the offender shall
359 participate in other appropriate therapy.

360 4. A prohibition on any contact with the victim, directly
361 or indirectly, including through a third person, unless approved
362 by the victim, the offender's therapist, and the sentencing
363 court.

364 5. If the victim was under the age of 18, a prohibition
365 against contact with children under the age of 18 without review
366 and approval by the commission. The commission may approve
367 supervised contact with a child under the age of 18 if the
368 approval is based upon a recommendation for contact issued by a
369 qualified practitioner who is basing the recommendation on a
370 risk assessment. Further, the sex offender must be currently
371 enrolled in or have successfully completed a sex offender
372 therapy program. The commission may not grant supervised contact
373 with a child if the contact is not recommended by a qualified
374 practitioner and may deny supervised contact with a child at any
375 time. When considering whether to approve supervised contact
376 with a child, the commission must review and consider the
377 following:

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378 a. A risk assessment completed by a qualified practitioner.
379 The qualified practitioner must prepare a written report that
380 must include the findings of the assessment and address each of
381 the following components:

382 (I) The sex offender's current legal status;

383 (II) The sex offender's history of adult charges with
384 apparent sexual motivation;

385 (III) The sex offender's history of adult charges without
386 apparent sexual motivation;

387 (IV) The sex offender's history of juvenile charges,
388 whenever available;

389 (V) The sex offender's offender treatment history,
390 including a consultation from the sex offender's treating, or
391 most recent treating, therapist;

392 (VI) The sex offender's current mental status;

393 (VII) The sex offender's mental health and substance abuse
394 history as provided by the Department of Corrections;

395 (VIII) The sex offender's personal, social, educational,
396 and work history;

397 (IX) The results of current psychological testing of the
398 sex offender if determined necessary by the qualified
399 practitioner;

400 (X) A description of the proposed contact, including the
401 location, frequency, duration, and supervisory arrangement;

402 (XI) The child's preference and relative comfort level with
403 the proposed contact, when age-appropriate;

404 (XII) The parent's or legal guardian's preference regarding
405 the proposed contact; and

406 (XIII) The qualified practitioner's opinion, along with the

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407 basis for that opinion, as to whether the proposed contact would
408 likely pose significant risk of emotional or physical harm to
409 the child.

410

411 The written report of the assessment must be given to the
412 commission.

413 b. A recommendation made as a part of the risk-assessment
414 report as to whether supervised contact with the child should be
415 approved;

416 c. A written consent signed by the child's parent or legal
417 guardian, if the parent or legal guardian is not the sex
418 offender, agreeing to the sex offender having supervised contact
419 with the child after receiving full disclosure of the sex
420 offender's present legal status, past criminal history, and the
421 results of the risk assessment. The commission may not approve
422 contact with the child if the parent or legal guardian refuses
423 to give written consent for supervised contact;

424 d. A safety plan prepared by the qualified practitioner,
425 who provides treatment to the offender, in collaboration with
426 the sex offender, the child's parent or legal guardian, and the
427 child, when age appropriate, which details the acceptable
428 conditions of contact between the sex offender and the child.
429 The safety plan must be reviewed and approved by the Department
430 of Corrections before being submitted to the commission; and

431 e. Evidence that the child's parent or legal guardian, if
432 the parent or legal guardian is not the sex offender,
433 understands the need for and agrees to the safety plan and has
434 agreed to provide, or to designate another adult to provide,
435 constant supervision any time the child is in contact with the

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436 offender.

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438 The commission may not appoint a person to conduct a risk
439 assessment and may not accept a risk assessment from a person
440 who has not demonstrated to the commission that he or she has
441 met the requirements of a qualified practitioner as defined in
442 this section.

443 6. If the victim was under age 18, a prohibition on working
444 for pay or as a volunteer at any school, child care facility ~~day~~
445 ~~care center~~, park as defined in s. 794.0701, playground, or
446 other place where children regularly congregate, as prescribed
447 by the commission.

448 7. Unless otherwise indicated in the treatment plan
449 provided by the sexual offender treatment program, a prohibition
450 on viewing, owning, or possessing any obscene, pornographic, or
451 sexually stimulating visual or auditory material, including
452 telephone, electronic media, computer programs, or computer
453 services that are relevant to the offender's deviant behavior
454 pattern.

455 8. Effective for a releasee whose crime is committed on or
456 after July 1, 2005, a prohibition on accessing the Internet or
457 other computer services until the offender's sex offender
458 treatment program, after a risk assessment is completed,
459 approves and implements a safety plan for the offender's
460 accessing or using the Internet or other computer services.

461 9. A requirement that the releasee must submit two
462 specimens of blood to the Florida Department of Law Enforcement
463 to be registered with the DNA database.

464 10. A requirement that the releasee make restitution to the

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465 victim, as determined by the sentencing court or the commission,
466 for all necessary medical and related professional services
467 relating to physical, psychiatric, and psychological care.

468 11. Submission to a warrantless search by the community
469 control or probation officer of the probationer's or community
470 controllee's person, residence, or vehicle.

471 (b) For a releasee whose crime was committed on or after
472 October 1, 1997, in violation of chapter 794, s. 800.04, s.
473 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
474 conditional release supervision, in addition to any other
475 provision of this subsection, the commission shall impose the
476 following additional conditions of conditional release
477 supervision:

478 1. As part of a treatment program, participation in a
479 minimum of one annual polygraph examination to obtain
480 information necessary for risk management and treatment and to
481 reduce the sex offender's denial mechanisms. The polygraph
482 examination must be conducted by a polygrapher trained
483 specifically in the use of the polygraph for the monitoring of
484 sex offenders, where available, and at the expense of the sex
485 offender. The results of the polygraph examination shall not be
486 used as evidence in a hearing to prove that a violation of
487 supervision has occurred.

488 2. Maintenance of a driving log and a prohibition against
489 driving a motor vehicle alone without the prior approval of the
490 supervising officer.

491 3. A prohibition against obtaining or using a post office
492 box without the prior approval of the supervising officer.

493 4. If there was sexual contact, a submission to, at the

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494 probationer's or community controllee's expense, an HIV test
495 with the results to be released to the victim or the victim's
496 parent or guardian.

497 5. Electronic monitoring of any form when ordered by the
498 commission. Any person being electronically monitored by the
499 department as a result of placement on supervision shall be
500 required to pay the department for electronic monitoring
501 services at a rate that may not exceed the full cost of the
502 monitoring service. Funds collected pursuant to this
503 subparagraph shall be deposited in the General Revenue Fund. The
504 department may exempt a person from the payment of all or any
505 part of the electronic monitoring service if it finds that
506 factors exist as provided in s. 948.09(3).

507 Section 9. Subsections (4) through (10) of section 948.001,
508 Florida Statutes, are renumbered as subsections (3) through (9),
509 respectively, and subsection (3) of that section is amended to
510 read:

511 948.001 Definitions.—As used in this chapter, the term:

512 ~~(3) "Criminal quarantine community control" means intensive~~
513 ~~supervision, by officers with restricted caseloads, with a~~
514 ~~condition of 24-hour-per-day electronic monitoring, and a~~
515 ~~condition of confinement to a designated residence during~~
516 ~~designated hours.~~

517 Section 10. Section 775.0877, Florida Statutes, is amended
518 to read:

519 775.0877 Criminal transmission of HIV; procedures;
520 penalties.—

521 (1) In any case in which a person has been convicted of or
522 has pled nolo contendere or guilty to, regardless of whether

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523 adjudication is withheld, any of the following offenses, or the
524 attempt thereof, which offense or attempted offense involves the
525 transmission of body fluids from one person to another:

526 (a) Section 794.011, relating to sexual battery,

527 (b) Section 826.04, relating to incest,

528 (c) Section 800.04(1), (2), and (3), relating to lewd,
529 lascivious, or indecent assault or act upon any person less than
530 16 years of age,

531 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
532 relating to assault,

533 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
534 relating to aggravated assault,

535 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
536 relating to battery,

537 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
538 relating to aggravated battery,

539 (h) Section 827.03(1), relating to child abuse,

540 (i) Section 827.03(2), relating to aggravated child abuse,

541 (j) Section 825.102(1), relating to abuse of an elderly
542 person or disabled adult,

543 (k) Section 825.102(2), relating to aggravated abuse of an
544 elderly person or disabled adult,

545 (l) Section 827.071, relating to sexual performance by
546 person less than 18 years of age,

547 (m) Sections 796.03, 796.07, and 796.08, relating to
548 prostitution, or

549 (n) Section 381.0041(11)(b), relating to donation of blood,
550 plasma, organs, skin, or other human tissue,

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552 the court shall order the offender to undergo HIV testing, to be
553 performed under the direction of the Department of Health in
554 accordance with s. 381.004, unless the offender has undergone
555 HIV testing voluntarily or pursuant to procedures established in
556 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
557 rule providing for HIV testing of criminal offenders or inmates,
558 subsequent to her or his arrest for an offense enumerated in
559 paragraphs (a)-(n) for which she or he was convicted or to which
560 she or he pled nolo contendere or guilty. The results of an HIV
561 test performed on an offender pursuant to this subsection are
562 not admissible in any criminal proceeding arising out of the
563 alleged offense.

564 (2) The results of the HIV test must be disclosed under the
565 direction of the Department of Health, to the offender who has
566 been convicted of or pled nolo contendere or guilty to an
567 offense specified in subsection (1), the public health agency of
568 the county in which the conviction occurred and, if different,
569 the county of residence of the offender, and, upon request
570 pursuant to s. 960.003, to the victim or the victim's legal
571 guardian, or the parent or legal guardian of the victim if the
572 victim is a minor.

573 (3) An offender who has undergone HIV testing pursuant to
574 subsection (1), and to whom positive test results have been
575 disclosed pursuant to subsection (2), who commits a second or
576 subsequent offense enumerated in paragraphs (1)(a)-(n), commits
577 criminal transmission of HIV, a felony of the third degree,
578 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
579 ~~subsection (7)~~. A person may be convicted and sentenced
580 separately for a violation of this subsection and for the

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581 underlying crime enumerated in paragraphs (1) (a)-(n).

582 (4) An offender may challenge the positive results of an
583 HIV test performed pursuant to this section and may introduce
584 results of a backup test performed at her or his own expense.

585 (5) Nothing in this section requires that an HIV infection
586 have occurred in order for an offender to have committed
587 criminal transmission of HIV.

588 (6) For an alleged violation of any offense enumerated in
589 paragraphs (1) (a)-(n) for which the consent of the victim may be
590 raised as a defense in a criminal prosecution, it is an
591 affirmative defense to a charge of violating this section that
592 the person exposed knew that the offender was infected with HIV,
593 knew that the action being taken could result in transmission of
594 the HIV infection, and consented to the action voluntarily with
595 that knowledge.

596 ~~(7) In addition to any other penalty provided by law for an~~
597 ~~offense enumerated in paragraphs (1) (a)-(n), the court may~~
598 ~~require an offender convicted of criminal transmission of HIV to~~
599 ~~serve a term of criminal quarantine community control, as~~
600 ~~described in s. 948.001.~~

601 Section 11. Subsection (5) of section 384.34, Florida
602 Statutes, is amended to read:

603 384.34 Penalties.—

604 (5) Any person who violates the provisions of s. 384.24(2)
605 commits a felony of the third degree, punishable as provided in
606 s. ss. 775.082, s. 775.083, or s. 775.084, ~~and 775.0877(7)~~. Any
607 person who commits multiple violations of the provisions of s.
608 384.24(2) commits a felony of the first degree, punishable as
609 provided in s. ss. 775.082, s. 775.083, or s. 775.084, ~~and~~

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610 ~~775.0877(7).~~

611 Section 12. Subsection (5) of section 796.08, Florida
612 Statutes, is amended to read:

613 796.08 Screening for HIV and sexually transmissible
614 diseases; providing penalties.—

615 (5) A person who:

616 (a) Commits or offers to commit prostitution; or

617 (b) Procures another for prostitution by engaging in sexual
618 activity in a manner likely to transmit the human
619 immunodeficiency virus,

620

621 and who, prior to the commission of such crime, had tested
622 positive for human immunodeficiency virus and knew or had been
623 informed that he or she had tested positive for human
624 immunodeficiency virus and could possibly communicate such
625 disease to another person through sexual activity commits
626 criminal transmission of HIV, a felony of the third degree,
627 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
628 ~~or s. 775.0877(7).~~ A person may be convicted and sentenced
629 separately for a violation of this subsection and for the
630 underlying crime of prostitution or procurement of prostitution.

631 Section 13. Subsections (2) and (3) of section 921.187,
632 Florida Statutes, are amended to read:

633 921.187 Disposition and sentencing; alternatives;
634 restitution.—

635 ~~(2) In addition to any other penalty provided by law for an~~
636 ~~offense enumerated in s. 775.0877(1)(a)-(n), if the offender is~~
637 ~~convicted of criminal transmission of HIV pursuant to s.~~
638 ~~775.0877, the court may sentence the offender to criminal~~

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639 ~~quarantine community control as described in s. 948.001.~~

640 (2)~~(3)~~ The court shall require an offender to make
641 restitution under s. 775.089, unless the court finds clear and
642 compelling reasons not to order such restitution. If the court
643 does not order restitution, or orders restitution of only a
644 portion of the damages, as provided in s. 775.089, the court
645 shall state the reasons on the record in detail. An order
646 requiring an offender to make restitution to a victim under s.
647 775.089 does not remove or diminish the requirement that the
648 court order payment to the Crimes Compensation Trust Fund under
649 chapter 960.

650 Section 14. Subsection (1) of section 948.01, Florida
651 Statutes, is amended to read:

652 948.01 When court may place defendant on probation or into
653 community control.-

654 (1)(a) Any court of the state having original jurisdiction
655 of criminal actions may at a time to be determined by the court,
656 either with or without an adjudication of the guilt of the
657 defendant, hear and determine the question of the probation of a
658 defendant in a criminal case, except for an offense punishable
659 by death, who has been found guilty by the verdict of a jury,
660 has entered a plea of guilty or a plea of nolo contendere, or
661 has been found guilty by the court trying the case without a
662 jury. If the court places the defendant on probation or into
663 community control for a felony, the department shall provide
664 immediate supervision by an officer employed in compliance with
665 the minimum qualifications for officers as provided in s.
666 943.13. In no circumstances shall a private entity provide
667 probationary or supervision services to felony or misdemeanor

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668 offenders sentenced or placed on probation or other supervision
669 by the circuit court.

670 (b) The department, in consultation with the Office of the
671 State Courts Administrator, shall develop and disseminate to the
672 courts uniform order of supervision forms by July 1 of each
673 year, or as necessary. Courts shall use the uniform order of
674 supervision forms provided by the department for all persons
675 placed on community supervision.

676 Section 15. Subsection (1) of section 948.03, Florida
677 Statutes, is amended to read:

678 948.03 Terms and conditions of probation.—

679 (1) The court shall determine the terms and conditions of
680 probation. Conditions specified in this section do not require
681 oral pronouncement at the time of sentencing and may be
682 considered standard conditions of probation. These conditions
683 may include among them the following, that the probationer or
684 offender in community control shall:

685 (a) Report to the probation and parole supervisors as
686 directed.

687 (b) Permit such supervisors to visit him or her at his or
688 her home or elsewhere.

689 (c) Work faithfully at suitable employment insofar as may
690 be possible.

691 (d) Remain within a specified place.

692 (e) Live without violating any law. A conviction in a court
693 of law shall not be necessary for such a violation of law to
694 constitute a violation of probation, community control, or any
695 other form of court-ordered supervision.

696 (f)~~(e)~~ Make reparation or restitution to the aggrieved

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697 party for the damage or loss caused by his or her offense in an
698 amount to be determined by the court. The court shall make such
699 reparation or restitution a condition of probation, unless it
700 determines that clear and compelling reasons exist to the
701 contrary. If the court does not order restitution, or orders
702 restitution of only a portion of the damages, as provided in s.
703 775.089, it shall state on the record in detail the reasons
704 therefor.

705 (g)~~(f)~~ Effective July 1, 1994, and applicable for offenses
706 committed on or after that date, make payment of the debt due
707 and owing to a county or municipal detention facility under s.
708 951.032 for medical care, treatment, hospitalization, or
709 transportation received by the felony probationer while in that
710 detention facility. The court, in determining whether to order
711 such repayment and the amount of such repayment, shall consider
712 the amount of the debt, whether there was any fault of the
713 institution for the medical expenses incurred, the financial
714 resources of the felony probationer, the present and potential
715 future financial needs and earning ability of the probationer,
716 and dependents, and other appropriate factors.

717 (h)~~(g)~~ Support his or her legal dependents to the best of
718 his or her ability.

719 (i)~~(h)~~ Make payment of the debt due and owing to the state
720 under s. 960.17, subject to modification based on change of
721 circumstances.

722 (j)~~(i)~~ Pay any application fee assessed under s.
723 27.52(1)(b) and attorney's fees and costs assessed under s.
724 938.29, subject to modification based on change of
725 circumstances.

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726 (k)~~(j)~~ Not associate with persons engaged in criminal
727 activities.

728 (l)~~(k)~~ 1. Submit to random testing as directed by the
729 correctional probation officer or the professional staff of the
730 treatment center where he or she is receiving treatment to
731 determine the presence or use of alcohol or controlled
732 substances.

733 2. If the offense was a controlled substance violation and
734 the period of probation immediately follows a period of
735 incarceration in the state correction system, the conditions
736 shall include a requirement that the offender submit to random
737 substance abuse testing intermittently throughout the term of
738 supervision, upon the direction of the correctional probation
739 officer as defined in s. 943.10(3).

740 (m)~~(l)~~ Be prohibited from possessing, carrying, or owning
741 any firearm unless authorized by the court ~~and consented to by~~
742 ~~the probation officer.~~

743 (n)~~(m)~~ Be prohibited from using intoxicants to excess or
744 possessing any drugs or narcotics unless prescribed by a
745 physician. The probationer or community controllee shall not
746 knowingly visit places where intoxicants, drugs, or other
747 dangerous substances are unlawfully sold, dispensed, or used.

748 (o)~~(n)~~ Submit to the drawing of blood or other biological
749 specimens as prescribed in ss. 943.325 and 948.014, and
750 reimburse the appropriate agency for the costs of drawing and
751 transmitting the blood or other biological specimens to the
752 Department of Law Enforcement.

753 (p) Submit to the taking of a digitized photograph by the
754 department as a part of the offender's records. This photograph

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755 may be displayed on the department's public website while the
756 offender is on a form of court-ordered supervision, with the
757 exception of offenders on pretrial intervention supervision, or
758 who would otherwise be exempt from public records due to
759 provisions in s. 119.07.

760 Section 16. Subsections (2) and (7) of section 948.09,
761 Florida Statutes, are amended to read:

762 948.09 Payment for cost of supervision and rehabilitation.-

763 (2) Any person being electronically monitored by the
764 department as a result of placement on supervision ~~community~~
765 ~~control~~ shall be required to pay the department for electronic
766 monitoring services at a rate ~~as a surcharge an amount~~ that may
767 not exceed the full cost of the monitoring service in addition
768 to the cost of supervision fee as directed by the sentencing
769 court. Funds collected pursuant to this subsection ~~The surcharge~~
770 shall be deposited in the General Revenue Fund. The department
771 may exempt a person from the payment of all or any part of the
772 electronic monitoring service if it finds that factors exist as
773 provided in subsection (3).

774 (7) The department shall establish a payment plan for all
775 costs ordered by the courts for collection by the department and
776 a priority order for payments, except that victim restitution
777 payments authorized under s. 948.03(1) (f) ~~(e)~~ take precedence
778 over all other court-ordered payments. The department is not
779 required to disburse cumulative amounts of less than \$10 to
780 individual payees established on this payment plan.

781 Section 17. Section 948.101, Florida Statutes, is amended
782 to read:

783 948.101 Terms and conditions of community control ~~and~~

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784 ~~criminal quarantine community control.~~

785 (1) The court shall determine the terms and conditions of
786 community control. Conditions specified in this subsection do
787 not require oral pronouncement at the time of sentencing and may
788 be considered standard conditions of community control.

789 ~~(a)~~ The court shall require intensive supervision and
790 surveillance for an offender placed into community control,
791 which may include but is not limited to:

792 (a)1. Specified contact with the parole and probation
793 officer.

794 (b)2. Confinement to an agreed-upon residence during hours
795 away from employment and public service activities.

796 (c)3. Mandatory public service.

797 (d)4. Supervision by the Department of Corrections by means
798 of an electronic monitoring device or system.

799 (e)5. The standard conditions of probation set forth in s.
800 948.03 or s. 948.30.

801 ~~(b) For an offender placed on criminal quarantine community~~
802 ~~control, the court shall require:~~

803 ~~1. Electronic monitoring 24 hours per day.~~

804 ~~2. Confinement to a designated residence during designated~~
805 ~~hours.~~

806 (2) The enumeration of specific kinds of terms and
807 conditions does not prevent the court from adding thereto any
808 other terms or conditions that the court considers proper.
809 However, the sentencing court may only impose a condition of
810 supervision allowing an offender convicted of s. 794.011, s.
811 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in
812 another state if the order stipulates that it is contingent upon

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813 the approval of the receiving state interstate compact
814 authority. The court may rescind or modify at any time the terms
815 and conditions theretofore imposed by it upon the offender in
816 community control. However, if the court withholds adjudication
817 of guilt or imposes a period of incarceration as a condition of
818 community control, the period may not exceed 364 days, and
819 incarceration shall be restricted to a county facility, a
820 probation and restitution center under the jurisdiction of the
821 Department of Corrections, a probation program drug punishment
822 phase I secure residential treatment institution, or a community
823 residential facility owned or operated by any entity providing
824 such services.

825 ~~(3) The court may place a defendant who is being sentenced~~
826 ~~for criminal transmission of HIV in violation of s. 775.0877 on~~
827 ~~criminal quarantine community control. The Department of~~
828 ~~Corrections shall develop and administer a criminal quarantine~~
829 ~~community control program emphasizing intensive supervision with~~
830 ~~24-hour-per-day electronic monitoring. Criminal quarantine~~
831 ~~community control status must include surveillance and may~~
832 ~~include other measures normally associated with community~~
833 ~~control, except that specific conditions necessary to monitor~~
834 ~~this population may be ordered.~~

835 Section 18. Section 948.11, Florida Statutes, is amended to
836 read:

837 948.11 Electronic monitoring devices.—

838 (1)~~(a)~~ The Department of Corrections may, at its
839 discretion, electronically monitor an offender sentenced to
840 community control.

841 ~~(b) The Department of Corrections shall electronically~~

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842 ~~monitor an offender sentenced to criminal quarantine community~~
843 ~~control 24 hours per day.~~

844 ~~(2) Any offender placed on community control who violates~~
845 ~~the terms and conditions of community control and is restored to~~
846 ~~community control may be supervised by means of an electronic~~
847 ~~monitoring device or system.~~

848 ~~(3) For those offenders being electronically monitored, the~~
849 ~~Department of Corrections shall develop procedures to determine,~~
850 ~~investigate, and report the offender's noncompliance with the~~
851 ~~terms and conditions of sentence 24 hours per day. All reports~~
852 ~~of noncompliance shall be immediately investigated by a~~
853 ~~community control officer.~~

854 ~~(4) The Department of Corrections may contract with local~~
855 ~~law enforcement agencies to assist in the location and~~
856 ~~apprehension of offenders who are in noncompliance as reported~~
857 ~~by the electronic monitoring system. This contract is intended~~
858 ~~to provide the department a means for providing immediate~~
859 ~~investigation of noncompliance reports, especially after normal~~
860 ~~office hours.~~

861 ~~(2)(5)~~ Any person being electronically monitored by the
862 department as a result of placement on supervision ~~community~~
863 ~~control~~ shall be required to pay the department for electronic
864 monitoring services ~~a surcharge~~ as provided in s. 948.09(2).

865 ~~(3)(6)~~ For probationers, community controllees, or
866 conditional releasees who have current or prior convictions for
867 violent or sexual offenses, the department, in carrying out a
868 court or commission order to electronically monitor an offender,
869 must use a system that actively monitors and identifies the
870 offender's location and timely reports or records the offender's

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871 presence near or within a crime scene or in a prohibited area or
872 the offender's departure from specified geographic limitations.
873 Procurement of electronic monitoring services under this
874 subsection shall be by competitive procurement in accordance
875 with invitation to bid as defined in s. 287.057.

876 (4)~~(7)~~ A person who intentionally alters, tampers with,
877 damages, or destroys any electronic monitoring equipment
878 pursuant to court or commission order, unless such person is the
879 owner of the equipment, or an agent of the owner, performing
880 ordinary maintenance and repairs, commits a felony of the third
881 degree, punishable as provided in s. 775.082, s. 775.083, or s.
882 775.084.

883 Section 19. Paragraph (b) of subsection (1) and subsection
884 (3) of section 948.30, Florida Statutes, are amended to read:

885 948.30 Additional terms and conditions of probation or
886 community control for certain sex offenses.—Conditions imposed
887 pursuant to this section do not require oral pronouncement at
888 the time of sentencing and shall be considered standard
889 conditions of probation or community control for offenders
890 specified in this section.

891 (1) Effective for probationers or community controllees
892 whose crime was committed on or after October 1, 1995, and who
893 are placed under supervision for violation of chapter 794, s.
894 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
895 must impose the following conditions in addition to all other
896 standard and special conditions imposed:

897 (b) If the victim was under the age of 18, a prohibition on
898 living within 1,000 feet of a school, child care facility ~~day~~
899 ~~care center~~, park as defined in s. 794.0701, playground, or

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900 other place where children regularly congregate, as prescribed
901 by the court. The 1,000-foot distance shall be measured in a
902 straight line from the offender's place of residence to the
903 nearest boundary line of the school, child care facility ~~day~~
904 ~~care center~~, park as defined in s. 794.0701, playground, or
905 other place where children regularly congregate. The distance
906 may not be measured by a pedestrian route or automobile route.

907 (3) Effective for a probationer or community controllee
908 whose crime was committed on or after September 1, 2005, and
909 who:

910 (a) Is placed on probation or community control for a
911 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
912 or s. 847.0145 and the unlawful sexual activity involved a
913 victim younger than 16 ~~15~~ years of age ~~or younger~~ and the
914 offender is 18 years of age or older;

915 (b) Is designated a sexual predator pursuant to s. 775.21;
916 or

917 (c) Has previously been convicted of a violation of chapter
918 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and
919 the unlawful sexual activity involved a victim younger than 16
920 ~~15~~ years of age ~~or younger~~ and the offender is 18 years of age
921 or older,

922
923 the court must order, in addition to any other provision of this
924 section, mandatory electronic monitoring as a condition of the
925 probation or community control supervision.

926 Section 20. Subsection (2) and paragraph (e) of subsection
927 (9) of section 951.23, Florida Statutes, are amended to read:

928 951.23 County and municipal detention facilities;

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929 definitions; administration; standards and requirements.—

930 (2) COLLECTION OF INFORMATION.—In conjunction with the
931 administrators of county detention facilities, the Department of
932 Corrections shall develop an instrument for the collection of
933 information from the administrator of each county detention
934 facility. Whenever possible, the information shall be
935 transmitted by the administrator to the Department of
936 Corrections electronically or in a computer readable format. The
937 information shall be provided on a monthly basis and shall
938 include, but is not limited to, the following:

939 (a) The number of persons housed per day who are:

940 1. Felons sentenced to cumulative sentences of
941 incarceration of 364 days or less.

942 2. Felons sentenced to cumulative sentences of
943 incarceration of 365 days or more.

944 3. Sentenced misdemeanants.

945 4. Awaiting trial on at least one felony charge.

946 5. Awaiting trial on misdemeanor charges only.

947 6. Convicted felons and misdemeanants who are awaiting
948 sentencing.

949 7. Juveniles.

950 8. State parole violators.

951 9. State inmates who were transferred from a state
952 correctional facility, as defined in s. 944.02, to the county
953 detention facility.

954 ~~(b) The number of persons housed per day, admitted per~~
955 ~~month, and housed on the last day of the month, by age, race,~~
956 ~~sex, country of citizenship, country of birth, and immigration~~
957 ~~status classified as one of the following:~~

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- 958 ~~1. Permanent legal resident of the United States.~~
- 959 ~~2. Legal visitor.~~
- 960 ~~3. Undocumented or illegal alien.~~
- 961 ~~4. Unknown status.~~
- 962 (b)~~(e)~~ The number of persons housed per day:
- 963 1. Pursuant to part I of chapter 394, "The Florida Mental
- 964 Health Act."
- 965 2. Pursuant to chapter 397, "Substance Abuse Services."
- 966 ~~(d) The cost per day for housing a person in the county~~
- 967 ~~detention facility.~~
- 968 ~~(e) The number of persons admitted per month, and the~~
- 969 ~~number of persons housed on the last day of the month, by age,~~
- 970 ~~race, and sex, who are:~~
- 971 ~~1. Felons sentenced to cumulative sentences of~~
- 972 ~~incarceration of 364 days or less.~~
- 973 ~~2. Felons sentenced to cumulative sentences of~~
- 974 ~~incarceration of 365 days or more.~~
- 975 ~~3. Sentenced misdemeanants.~~
- 976 ~~4. Awaiting trial on at least one felony charge.~~
- 977 ~~5. Awaiting trial on misdemeanor charges only.~~
- 978 ~~6. Convicted felons and misdemeanants who are awaiting~~
- 979 ~~sentencing.~~
- 980 ~~7. Juveniles.~~
- 981 ~~8. State parole violators.~~
- 982 ~~9. State inmates who were transferred from a state~~
- 983 ~~correctional facility, as defined in s. 944.02, to the county~~
- 984 ~~detention facility.~~
- 985 ~~(f) The number of persons admitted per month, by age, race,~~
- 986 ~~and sex:~~

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987 ~~1. Pursuant to part I of chapter 394, "The Florida Mental~~
988 ~~Health Act."~~

989 ~~2. Pursuant to chapter 397, "Substance Abuse Services."~~

990 (9) INMATE COMMISSARY AND WELFARE FUND.—

991 (e) The officer in charge shall be responsible for an audit
992 of the fiscal management of the commissary by a disinterested
993 party on an annual basis, which shall include certification of
994 compliance with the pricing requirements of paragraph ~~(1)~~(b)
995 ~~above~~. Appropriate transaction records and stock inventory shall
996 be kept current.

997 Section 21. Paragraph (c) of subsection (5) of section
998 958.045, Florida Statutes, is amended to read:

999 958.045 Youthful offender basic training program.—

1000 (5)

1001 (c) The portion of the sentence served prior to placement
1002 in the basic training program may not be counted toward program
1003 completion. Within 30 days before to the scheduled completion of
1004 the basic training program, the department shall submit a report
1005 to the court that describes the offender's performance. If the
1006 offender's performance has been satisfactory, the court shall
1007 issue an order modifying the sentence imposed and placing the
1008 offender on probation effective upon the offender's successful
1009 completion of the remainder of the program. ~~Upon the offender's~~
1010 ~~completion of the basic training program, the department shall~~
1011 ~~submit a report to the court that describes the offender's~~
1012 ~~performance. If the offender's performance has been~~
1013 ~~satisfactory, the court shall issue an order modifying the~~
1014 ~~sentence imposed and placing the offender on probation.~~ The term
1015 of probation may include placement in a community residential

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1016 program. If the offender violates the conditions of probation,
1017 the court may revoke probation and impose any sentence that it
1018 might have originally imposed.

1019 Section 22. Subsection (2) of section 960.292, Florida
1020 Statutes, is amended to read:

1021 960.292 Enforcement of the civil restitution lien through
1022 civil restitution lien order.—The civil restitution lien shall
1023 be made enforceable by means of a civil restitution lien order.

1024 (2) Upon motion by the state, upon petition of the local
1025 subdivision, crime victim, or aggrieved party, or on its own
1026 motion, the court in which the convicted offender is convicted
1027 shall enter civil restitution lien orders in favor of crime
1028 victims, the state, its local subdivisions, and other aggrieved
1029 parties. The court shall retain continuing jurisdiction over the
1030 convicted offender for the sole purpose of entering civil
1031 restitution lien orders for the duration of the sentence and up
1032 to 5 years from release from incarceration or supervision,
1033 whichever occurs later.

1034 Section 23. Paragraph (b) of subsection (2) of section
1035 960.293, Florida Statutes, is amended to read:

1036 960.293 Determination of damages and losses.—

1037 (2) Upon conviction, a convicted offender is liable to the
1038 state and its local subdivisions for damages and losses for
1039 incarceration costs and other correctional costs.

1040 (b) If the conviction is for an offense other than a
1041 capital or life felony, a liquidated damage amount of \$50 per
1042 day of the convicted offender's sentence shall be assessed
1043 against the convicted offender and in favor of the state or its
1044 local subdivisions. Damages shall be based upon the length of

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1045 the sentence imposed by the court at the time of sentencing.

1046 Section 24. Section 960.297, Florida Statutes, is amended
1047 to read:

1048 960.297 Authorization for governmental right of restitution
1049 for costs of incarceration.—

1050 (1) The state and its local subdivisions, in a separate
1051 civil action or as counterclaim in any civil action, may seek
1052 recovery of the damages and losses set forth in s. 960.293.

1053 (2) For those convicted offenders convicted before July 1,
1054 1994, the state and its local subdivisions, in a separate civil
1055 action or as a counterclaim in any civil action, may seek
1056 recovery of the damages and losses set forth in s. 960.293, for
1057 the convicted offender's remaining sentence after July 1, 1994.

1058 (3) Civil actions authorized by the section may be
1059 commenced anytime during the offender's incarceration and up to
1060 5 years after the date of the offender's release from
1061 incarceration or supervision, whichever occurs later.

1062 Section 25. This act shall take effect July 1, 2009.