

By the Committee on Criminal Justice; and Senator Dockery

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1 A bill to be entitled
2 An act relating to criminal justice; amending s.
3 775.0877, F.S.; revising obsolete references; amending
4 s. 775.25, F.S.; clarifying a reference to a repealed
5 section; amending s. 784.07, F.S.; removing an
6 outdated reference to certain employees in relation to
7 assault and battery of specified persons; amending s.
8 831.16, F.S.; clarifying a cross-reference; clarifying
9 that it is a third-degree felony for a person to
10 knowingly have in his or her possession fewer than 10
11 counterfeit coins with the intent to utter or pass
12 such coins; amending s. 831.17, F.S.; clarifying a
13 cross-reference; clarifying that certain subsequent
14 violations of s. 831.16, F.S., are punishable as a
15 second-degree felony; amending s. 831.18, F.S.;
16 clarifying that the offense of making or possessing
17 instruments for forging bills is punishable as a
18 third-degree felony; amending s. 831.21, F.S.;
19 clarifying that the offense of forging or
20 counterfeiting a doctor's certificate of examination
21 is punishable as a third-degree felony; amending s.
22 831.27, F.S.; correcting a reference relating to the
23 offense of issuing notes; amending s. 838.021, F.S.;
24 correcting grammatical errors; reenacting s. 847.0125,
25 F.S., relating to retail display of materials harmful
26 to minors; amending s. 860.13, F.S.; correcting an
27 obsolete reference; amending s. 865.09, F.S.;
28 correcting a reference; amending s. 893.10, F.S.;
29 removing obsolete language relating to evidence in

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30 possession of controlled substances cases; reenacting
31 s. 914.24(2)(a), F.S., relating to victim and witness
32 protection orders; amending ss. 916.12 and 916.3012,
33 F.S.; revising and clarifying provisions; amending s.
34 918.0155, F.S.; deleting obsolete language directing
35 the Legislature to request the Supreme Court to adopt
36 emergency rules; amending s. 921.0022, F.S.;
37 correcting references in the offense severity ranking
38 chart; reenacting s. 921.141(5)(a), F.S., relating to
39 sentence of death or life imprisonment for capital
40 felonies; amending s. 932.704, F.S.; deleting an
41 obsolete provision relating to the deadline for
42 certifying compliance with the Contraband Forfeiture
43 Act; amending s. 933.18, F.S.; correcting a reference
44 in relation to when a warrant may be issued to search
45 a dwelling; amending s. 933.40, F.S.; replacing
46 obsolete references to "magistrate" with references to
47 "trial court judge"; amending s. 934.03, F.S.;
48 deleting an obsolete cross-reference; defining the
49 term "public utility"; amending s. 938.15, F.S.;
50 clarifying that the term "commission" refers to the
51 Criminal Justice Standards and Training Commission;
52 amending s. 943.051, F.S.; clarifying a reference to a
53 repealed section; amending s. 943.053, F.S.; removing
54 an obsolete reference; amending s. 943.0581, F.S.;
55 clarifying provisions; reenacting s. 943.0582(3)(a)
56 and (5), F.S., relating to prearrest, postarrest, or
57 teen court diversion program expunction; reenacting s.
58 943.135(4)(b), F.S., relating to requirements for

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59 continued employment; amending s. 944.053, F.S.;

60 updating obsolete provisions; reenacting s. 944.28(1),

61 F.S., relating to gain-time; amending ss. 944.708,

62 944.801, and 945.10, F.S.; replacing obsolete

63 references to the Department of Labor and Employment

64 Security with references to the Agency for Workforce

65 Innovation; reenacting s. 947.06, F.S., relating to

66 when the Florida Parole Commission may meet and act;

67 amending s. 949.071, F.S.; correcting a federal

68 statutory citation; amending s. 957.07, F.S.;

69 replacing an obsolete reference to the Correctional

70 Privatization Commission with a reference to the

71 Department of Management Services; amending s.

72 985.486, F.S.; correcting references concerning

73 intensive residential treatment programs for offenders

74 less than 13 years of age; amending s. 985.632, F.S.;

75 removing a reference to a repealed provision; removing

76 obsolete provisions; reenacting s. 985.686(2)(b),

77 F.S., relating to county and state responsibility for

78 juvenile detention; amending ss. 815.03, 817.554,

79 828.17, 831.30, 877.22, 893.02, 921.20, 944.023,

80 944.474, 947.16, 951.23, 951.231, 960.003, and

81 984.225, F.S.; correcting cross-references; providing

82 an effective date.

83

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

85

86 Section 1. Paragraph (c) of subsection (1) of section

87 775.0877, Florida Statutes, is amended to read:

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88 775.0877 Criminal transmission of HIV; procedures;
89 penalties.-

90 (1) In any case in which a person has been convicted of or
91 has pled nolo contendere or guilty to, regardless of whether
92 adjudication is withheld, any of the following offenses, or the
93 attempt thereof, which offense or attempted offense involves the
94 transmission of body fluids from one person to another:

95 (c) Section 800.04~~(1), (2), and (3)~~, relating to lewd or
96 lascivious offenses committed upon or in the presence of persons
97 ~~lewd, lascivious, or indecent assault or act upon any person~~
98 less than 16 years of age,

99
100 the court shall order the offender to undergo HIV testing, to be
101 performed under the direction of the Department of Health in
102 accordance with s. 381.004, unless the offender has undergone
103 HIV testing voluntarily or pursuant to procedures established in
104 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
105 rule providing for HIV testing of criminal offenders or inmates,
106 subsequent to her or his arrest for an offense enumerated in
107 paragraphs (a)-(n) for which she or he was convicted or to which
108 she or he pled nolo contendere or guilty. The results of an HIV
109 test performed on an offender pursuant to this subsection are
110 not admissible in any criminal proceeding arising out of the
111 alleged offense.

112 Section 2. Section 775.25, Florida Statutes, is amended to
113 read:

114 775.25 Prosecutions for acts or omissions.-A sexual
115 predator or sexual offender who commits any act or omission in
116 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.

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117 944.607, or former s. 947.177 may be prosecuted for the act or
118 omission in the county in which the act or omission was
119 committed, the county of the last registered address of the
120 sexual predator or sexual offender, or the county in which the
121 conviction occurred for the offense or offenses that meet the
122 criteria for designating a person as a sexual predator or sexual
123 offender. In addition, a sexual predator may be prosecuted for
124 any such act or omission in the county in which he or she was
125 designated a sexual predator.

126 Section 3. Subsection (2) of section 784.07, Florida
127 Statutes, is amended to read:

128 784.07 Assault or battery of law enforcement officers,
129 firefighters, emergency medical care providers, public transit
130 employees or agents, or other specified officers;
131 reclassification of offenses; minimum sentences.-

132 (2) Whenever any person is charged with knowingly
133 committing an assault or battery upon a law enforcement officer,
134 a firefighter, an emergency medical care provider, a traffic
135 accident investigation officer as described in s. 316.640, a
136 nonsworn law enforcement agency employee who is certified as an
137 agency inspector, a blood alcohol analyst, or a breath test
138 operator while such employee is in uniform and engaged in
139 processing, testing, evaluating, analyzing, or transporting a
140 person who is detained or under arrest for DUI, a law
141 enforcement explorer, a traffic infraction enforcement officer
142 as described in s. 316.640, a parking enforcement specialist as
143 defined in s. 316.640, a person licensed as a security officer
144 as defined in s. 493.6101 and wearing a uniform that bears at
145 least one patch or emblem that is visible at all times that

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146 clearly identifies the employing agency and that clearly
147 identifies the person as a licensed security officer, or a
148 security officer employed by the board of trustees of a
149 community college, while the officer, firefighter, emergency
150 medical care provider, ~~intake officer~~, traffic accident
151 investigation officer, traffic infraction enforcement officer,
152 inspector, analyst, operator, law enforcement explorer, parking
153 enforcement specialist, public transit employee or agent, or
154 security officer is engaged in the lawful performance of his or
155 her duties, the offense for which the person is charged shall be
156 reclassified as follows:

157 (a) In the case of assault, from a misdemeanor of the
158 second degree to a misdemeanor of the first degree.

159 (b) In the case of battery, from a misdemeanor of the first
160 degree to a felony of the third degree.

161 (c) In the case of aggravated assault, from a felony of the
162 third degree to a felony of the second degree. Notwithstanding
163 any other provision of law, any person convicted of aggravated
164 assault upon a law enforcement officer shall be sentenced to a
165 minimum term of imprisonment of 3 years.

166 (d) In the case of aggravated battery, from a felony of the
167 second degree to a felony of the first degree. Notwithstanding
168 any other provision of law, any person convicted of aggravated
169 battery of a law enforcement officer shall be sentenced to a
170 minimum term of imprisonment of 5 years.

171 Section 4. Subsection (11) of section 815.03, Florida
172 Statutes, is amended to read:

173 815.03 Definitions.—As used in this chapter, unless the
174 context clearly indicates otherwise:

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175 (11) "Property" means anything of value as defined in s.
176 812.012 ~~812.011~~ and includes, but is not limited to, financial
177 instruments, information, including electronically produced data
178 and computer software and programs in either machine-readable or
179 human-readable form, and any other tangible or intangible item
180 of value.

181 Section 5. Subsection (4) of section 817.554, Florida
182 Statutes, is amended to read:

183 817.554 Fraudulently offering for sale tour or travel-
184 related services.—

185 (4) Any individual or group which meets the standards of
186 organized fraud as defined in s. 817.034 ~~817.036~~ shall be
187 punished as provided in s. 817.034 ~~817.036~~.

188 Section 6. Section 828.17, Florida Statutes, is amended to
189 read:

190 828.17 Officer to arrest without warrant.—Any sheriff or
191 any other peace officer of the state, or any police officer of
192 any city or town of the state, shall arrest without warrant any
193 person found violating any of the provisions of ss. ~~828.04,~~
194 828.08, 828.12, and 828.13-828.16, and the officer making the
195 arrest shall hold the offender until a warrant can be procured,
196 and he or she shall use proper diligence to procure such
197 warrant.

198 Section 7. Section 831.16, Florida Statutes, is amended to
199 read:

200 831.16 Having fewer ~~less~~ than 10 counterfeit coins in
201 possession, with intent to utter.—Whoever has in his or her
202 possession any number of pieces fewer ~~less~~ than 10 of the
203 counterfeit coin mentioned in s. 831.15 ~~the preceding section,~~

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204 knowing the same to be counterfeit, with intent to utter or pass
205 the same as true, or who utters, passes or tenders in payment as
206 true any such counterfeit coin, knowing the same to be false and
207 counterfeit, commits a felony of the third degree, punishable as
208 provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be~~
209 ~~punished by imprisonment in the state prison not exceeding 10~~
210 ~~years, or in the county jail not exceeding 12 months, or by fine~~
211 ~~not exceeding \$1,000.~~

212 Section 8. Section 831.17, Florida Statutes, is amended to
213 read:

214 831.17 Violation of s. 831.16; second conviction.—Whoever
215 having been convicted of either of the offenses mentioned in s.
216 831.16 ~~the preceding section~~, is again convicted of either of
217 the same offenses, committed after the former conviction, and
218 whoever is at the same term of the court convicted upon three
219 distinct charges of said offenses, commits a felony of the
220 second degree, punishable as provided in s. 775.082, s. 775.083,
221 or s. 775.084 ~~shall be deemed a common utterer of counterfeit~~
222 ~~coin and punished by imprisonment in the state prison not~~
223 ~~exceeding 20 years.~~

224 Section 9. Section 831.18, Florida Statutes, is amended to
225 read:

226 831.18 Making or possessing instruments for forging bills.—
227 Whoever engraves, makes, or amends, or begins to engrave, make,
228 or amend, any plate, block, press, or other tool, instrument, or
229 implement, or makes or provides any paper or other material,
230 adapted and designed for the making of a false and counterfeit
231 note, certificate, or other bill of credit, purporting to be
232 issued by lawful authority for a debt of this state, or a false

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233 or counterfeit note or bill, in the similitude of the notes or
234 bills issued by any bank or banking company established in this
235 state, or within the United States, or in any foreign province,
236 state, or government; and whoever has in his or her possession
237 any such plate or block engraved in any part, or any press or
238 other tool, instrument, or any paper or other material adapted
239 and designed as aforesaid, with intent to issue the same, or to
240 cause or permit the same to be used in forging or making any
241 such false and counterfeit certificates, bills, or notes,
242 commits a felony of the third degree, punishable as provided in
243 s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished by~~
244 ~~imprisonment in the state prison not exceeding 10 years, or by~~
245 ~~fine not exceeding \$1,000.~~

246 Section 10. Section 831.21, Florida Statutes, is amended to
247 read:

248 831.21 Forging or counterfeiting doctor's certificate of
249 examination.—Whoever falsely makes, alters, forges, or
250 counterfeits any doctor's certificate or record of examination
251 to an application for a policy of insurance, or knowing such
252 doctor's certificate or record of examination to be falsely
253 made, altered, forged, or counterfeited, passes ~~shall pass,~~
254 utters, utter or publishes ~~publish~~ such certificate as true,
255 with intent to injure or defraud any person, commits a felony of
256 the third degree, punishable as provided in s. 775.082, s.
257 775.083, or s. 775.084 ~~shall be deemed guilty of forgery, and~~
258 ~~upon conviction thereof shall be punished by imprisonment in the~~
259 ~~state penitentiary not exceeding 5 years, or by fine not~~
260 ~~exceeding \$500.~~

261 Section 11. Section 831.27, Florida Statutes, is amended to

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262 read:

263 831.27 Issuing notes.—Whoever issues any note, bill, order,
264 or check, other than foreign bills of exchange and notes or
265 bills of some bank or company incorporated by the laws of this
266 state, or by the laws of the United States, or by the laws of
267 Canada ~~either of the British provinces in North America~~, with
268 intent that the same ~~shall~~ be circulated as currency, commits
269 ~~shall be guilty of~~ a misdemeanor of the second degree,
270 punishable as provided in s. 775.083.

271 Section 12. Section 831.30, Florida Statutes, is amended to
272 read:

273 831.30 Medicinal drugs; fraud in obtaining.—Whoever:

274 (1) Falsely makes, alters, or forges any prescription, as
275 defined in s. 465.003 ~~465.031(2)~~, for a medicinal drug other
276 than a drug controlled by chapter 893;

277 (2) Knowingly causes such prescription to be falsely made,
278 altered, forged, or counterfeited; or

279 (3) Passes, utters, or publishes such prescription or
280 otherwise knowingly holds out such false or forged prescription
281 as true~~;~~

282
283 with intent to obtain such drug commits, ~~shall be guilty of~~ a
284 misdemeanor of the second degree, punishable as provided in s.
285 775.082 or s. 775.083. A second or subsequent conviction
286 constitutes ~~shall constitute~~ a misdemeanor of the first degree,
287 punishable as provided in s. 775.082 or s. 775.083.

288 Section 13. Subsection (1) of section 838.021, Florida
289 Statutes, is amended to read:

290 838.021 Corruption by threat against public servant.—

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291 (1) It is unlawful to harm ~~Whoever unlawfully harms~~ or
292 threaten to threatens unlawful harm ~~to~~ any public servant, ~~to~~
293 his or her immediate family, or ~~to~~ any other person with whose
294 welfare the public servant is interested, ~~with the intent to~~ of
295 purpose:

296 (a) ~~To~~ Influence the performance of any act or omission
297 that ~~which~~ the person believes to be, or that the public servant
298 represents as being, within the official discretion of the
299 public servant, in violation of a public duty, or in performance
300 of a public duty.

301 (b) ~~To~~ Cause or induce the public servant to use or exert,
302 or procure the use or exertion of, any influence upon or with
303 any other public servant regarding any act or omission that
304 ~~which~~ the person believes to be, or that the public servant
305 represents as being, within the official discretion of the
306 public servant, in violation of a public duty, or in performance
307 of a public duty.

308 Section 14. Section 847.0125, Florida Statutes, is
309 reenacted to read:

310 847.0125 Retail display of materials harmful to minors
311 prohibited.—

312 (1) "KNOWINGLY" DEFINED.—As used in this section,
313 "knowingly" means having general knowledge of, reason to know,
314 or a belief or ground for belief which warrants further
315 inspection or inquiry of both:

316 (a) The character and content of any material described
317 herein which is reasonably susceptible of examination by the
318 defendant, and

319 (b) The age of the minor; however, an honest mistake shall

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320 constitute an excuse from liability hereunder if the defendant
321 made a reasonable bona fide attempt to ascertain the true age of
322 such minor.

323 (2) OFFENSES AND PENALTIES.—

324 (a) It is unlawful for anyone offering for sale in a retail
325 establishment open to the general public any book, magazine, or
326 other printed material, the cover of which depicts material
327 which is harmful to minors, to knowingly exhibit such book,
328 magazine, or material in such establishment in such a way that
329 it is on open display to, or within the convenient reach of,
330 minors who may frequent the retail establishment. Such items
331 shall, however, be displayed, either individually or
332 collectively, behind an opaque covering which conceals the book,
333 magazine, or other printed material.

334 (b) It is unlawful for anyone offering for sale in a retail
335 establishment open to the general public any book, magazine, or
336 other printed material, the content of which exploits, is
337 devoted to, or is principally made up of descriptions or
338 depictions of material which is harmful to minors, to knowingly
339 exhibit such book, magazine, or material in such establishment
340 in such a way that it is within the convenient reach of minors
341 who may frequent the retail establishment.

342 (c) A violation of any provision of this section
343 constitutes a misdemeanor of the first degree, punishable as
344 provided in s. 775.082 or s. 775.083.

345 Section 15. Subsection (4) of section 860.13, Florida
346 Statutes, is amended to read:

347 860.13 Operation of aircraft while intoxicated or in
348 careless or reckless manner; penalty.—

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349 (4) It shall be the duty of any court in which there is a
350 conviction for violation of this statute to report such
351 conviction to the Federal Aviation Civil Aeronautics
352 Administration for its guidance and information with respect to
353 the pilot's certificate.

354 Section 16. Subsection (11) of section 865.09, Florida
355 Statutes, is amended to read:

356 865.09 Fictitious name registration.—

357 (11) FORMS.—Registration, cancellation, and renewal shall
358 be made on forms prescribed by the Department of State, which
359 may include the uniform business report, pursuant to s. 606.06,
360 as a means of satisfying the requirement of this section ~~part~~.

361 Section 17. Subsection (4) of section 877.22, Florida
362 Statutes, is amended to read:

363 877.22 Minors prohibited in public places and
364 establishments during certain hours; penalty; procedure.—

365 (4) If a minor violates a curfew and is taken into custody,
366 the minor shall be transported immediately to a police station
367 or to a facility operated by a religious, charitable, or civic
368 organization that conducts a curfew program in cooperation with
369 a local law enforcement agency. After recording pertinent
370 information about the minor, the law enforcement agency shall
371 attempt to contact the parent of the minor and, if successful,
372 shall request that the parent take custody of the minor and
373 shall release the minor to the parent. If the law enforcement
374 agency is not able to contact the minor's parent within 2 hours
375 after the minor is taken into custody, or if the parent refuses
376 to take custody of the minor, the law enforcement agency may
377 transport the minor to her or his residence or proceed as

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378 authorized under part V ~~II~~ of chapter 39.

379 Section 18. Subsection (21) of section 893.02, Florida
380 Statutes, is amended to read:

381 893.02 Definitions.—The following words and phrases as used
382 in this chapter shall have the following meanings, unless the
383 context otherwise requires:

384 (21) "Prescription" means and includes an order for drugs
385 or medicinal supplies written, signed, or transmitted by word of
386 mouth, telephone, telegram, or other means of communication by a
387 duly licensed practitioner licensed by the laws of the state to
388 prescribe such drugs or medicinal supplies, issued in good faith
389 and in the course of professional practice, intended to be
390 filled, compounded, or dispensed by another person licensed by
391 the laws of the state to do so, and meeting the requirements of
392 s. 893.04. The term also includes an order for drugs or
393 medicinal supplies so transmitted or written by a physician,
394 dentist, veterinarian, or other practitioner licensed to
395 practice in a state other than Florida, but only if the
396 pharmacist called upon to fill such an order determines, in the
397 exercise of his or her professional judgment, that the order was
398 issued pursuant to a valid patient-physician relationship, that
399 it is authentic, and that the drugs or medicinal supplies so
400 ordered are considered necessary for the continuation of
401 treatment of a chronic or recurrent illness. However, if the
402 physician writing the prescription is not known to the
403 pharmacist, the pharmacist shall obtain proof to a reasonable
404 certainty of the validity of said prescription. A prescription
405 order for a controlled substance shall not be issued on the same
406 prescription blank with another prescription order for a

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407 controlled substance which is named or described in a different
408 schedule, nor shall any prescription order for a controlled
409 substance be issued on the same prescription blank as a
410 prescription order for a medicinal drug, as defined in s.
411 465.003(8) ~~465.031(5)~~, which does not fall within the definition
412 of a controlled substance as defined in this act.

413 Section 19. Subsections (3) and (4) of section 893.10,
414 Florida Statutes, are renumbered as subsections (2) and (3),
415 respectively, and present subsection (2) of that section is
416 amended to read:

417 893.10 Burden of proof; photograph or video recording of
418 evidence.—

419 ~~(2) In the case of a person charged under s. 893.14(1) with~~
420 ~~the possession of a controlled substance, the label required~~
421 ~~under s. 893.04(1) or s. 893.05(2) is admissible in evidence and~~
422 ~~prima facie evidence that such substance was obtained pursuant~~
423 ~~to a valid prescription form or dispensed by a practitioner~~
424 ~~while acting in the course of his or her professional practice.~~

425 Section 20. Paragraph (a) of subsection (2) of section
426 914.24, Florida Statutes, is reenacted to read:

427 914.24 Civil action to restrain harassment of a victim or
428 witness.—

429 (2) (a) A circuit court, upon motion of the state attorney,
430 shall issue a protective order prohibiting the harassment of a
431 victim or witness in a criminal case if the court, after a
432 hearing, finds by a preponderance of the evidence that
433 harassment of an identified victim or witness in a criminal case
434 exists or that such order is necessary to prevent and restrain
435 an offense under s. 914.22, other than an offense consisting of

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436 misleading conduct, or to prevent and restrain an offense under
437 s. 914.23.

438 Section 21. Subsection (3) of section 916.12, Florida
439 Statutes, is amended to read:

440 916.12 Mental competence to proceed.—

441 (3) In considering the issue of competence to proceed, an
442 examining expert shall first consider and specifically include
443 in his or her report the defendant's capacity to:

444 (a) Appreciate the charges or allegations against the
445 defendant.

446 (b) Appreciate the range and nature of possible penalties,
447 if applicable, that may be imposed in the proceedings against
448 the defendant.

449 (c) Understand the adversarial nature of the legal process.

450 (d) Disclose to counsel facts pertinent to the proceedings
451 at issue.

452 (e) Manifest appropriate courtroom behavior.

453 (f) Testify relevantly.

454
455 ~~(g)~~ In addition, an examining expert shall consider and
456 include in his or her report any other factor deemed relevant by
457 the expert.

458 Section 22. Subsection (3) of section 916.3012, Florida
459 Statutes, is amended to read:

460 916.3012 Mental competence to proceed.—

461 (3) In considering the issue of competence to proceed, an
462 ~~the~~ examining expert ~~experts~~ shall first consider and
463 specifically include in his or her ~~their~~ report the defendant's
464 capacity to:

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465 (a) Appreciate the charges or allegations against the
466 defendant.

467 (b) Appreciate the range and nature of possible penalties,
468 if applicable, that may be imposed in the proceedings against
469 the defendant.

470 (c) Understand the adversarial nature of the legal process.

471 (d) Disclose to counsel facts pertinent to the proceedings
472 at issue.

473 (e) Manifest appropriate courtroom behavior.

474 (f) Testify relevantly.

475

476 ~~(g)~~ In addition, an examining expert shall consider and
477 include in his or her report any other factor deemed relevant by
478 the expert experts.

479 Section 23. Section 918.0155, Florida Statutes, is amended
480 to read:

481 918.0155 Expeditious disposition of particular criminal
482 cases involving a child under age 16.—Every criminal case
483 prosecuted under chapter 782, chapter 784, chapter 787, chapter
484 794, chapter 796, chapter 800, chapter 827, or chapter 847 which
485 involves the abuse of a child or unlawful sexual contact or acts
486 performed in the presence of, with, or upon a child under the
487 age of 16 shall be heard and disposed of as expeditiously as
488 possible. ~~The Legislature requests the Supreme Court to adopt~~
489 ~~emergency rules regarding the expeditious handling of the~~
490 ~~matters enumerated in this section.~~

491 Section 24. Paragraphs (b) and (d) of subsection (3) of
492 section 921.0022, Florida Statutes, are amended to read:

493 921.0022 Criminal Punishment Code; offense severity ranking

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chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony	Description
	Degree	

379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
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517.07	3rd	Registration of securities and furnishing of prospectus required.
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590.28(1)	3rd	Willful, malicious, or Intentional burning <u>of lands</u> .
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784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.

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812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more
but less than \$300, taken from
unenclosed curtilage of dwelling.

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812.015(7) 3rd Possession, use, or attempted use of an
antishoplifting or inventory control
device countermeasure.

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817.234(1)(a)2. 3rd False statement in support of insurance
claim.

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526

817.481(3)(a) 3rd Obtain credit or purchase with false,
expired, counterfeit, etc., credit card,
value over \$300.

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817.52(3) 3rd Failure to redeliver hired vehicle.

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817.54 3rd With intent to defraud, obtain mortgage
note, etc., by false representation.

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817.60(5) 3rd Dealing in credit cards of another.

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817.60(6)(a) 3rd Forgery; purchase goods, services with false card.

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817.61 3rd Fraudulent use of credit cards over \$100 or more within 6 months.

537

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826.04 3rd Knowingly marries or has sexual intercourse with person to whom related.

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831.01 3rd Forgery.

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831.02 3rd Uttering forged instrument; utters or publishes alteration with intent to defraud.

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831.07 3rd Forging bank bills, checks, drafts, or promissory notes.

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831.08 3rd Possessing 10 or more forged notes, bills, checks, or drafts.

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831.09 3rd Uttering forged notes, bills, checks,

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drafts, or promissory notes.

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550

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

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832.05 (3) (a) 3rd Cashing or depositing item with intent to defraud.

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843.08 3rd Falsely impersonating an officer.

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893.13 (2) (a) 2. 3rd Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.

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893.147 (2) 3rd Manufacture or delivery of drug paraphernalia.

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(d) LEVEL 4

Florida Statute Felony Description Degree

561

562

316.1935 (3) (a) 2nd Driving at high speed or with wanton

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disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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499.0051(1) 3rd Failure to maintain or deliver pedigree papers.

499.0051(2) 3rd Failure to authenticate pedigree papers.

499.0051(6) 2nd Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

784.07(2)(b) 3rd Battery of law enforcement officer, firefighter, ~~intake officer,~~ etc.

784.074(1)(c) 3rd Battery of sexually violent predators facility staff.

784.075 3rd Battery on detention or commitment facility staff.

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787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115 (2) (c)	3rd	Possessing firearm on school property.
800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an

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unoccupied structure; unarmed; no assault or battery.

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810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

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810.06 3rd Burglary; possession of tools.

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810.08(2)(c) 3rd Trespass on property, armed with firearm or dangerous weapon.

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812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

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812.014(2)(c)4.- 3rd Grand theft, 3rd degree, a will, 10. firearm, motor vehicle, livestock, etc.

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812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

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817.563(1) 3rd Sell or deliver substance other than

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controlled substance agreed upon,
 excluding s. 893.03(5) drugs.

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817.568 (2) (a) 3rd Fraudulent use of personal
 identification information.

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620

817.625 (2) (a) 3rd Fraudulent use of scanning device or
 reencoder.

621

622

828.125 (1) 2nd Kill, maim, or cause great bodily harm
 or permanent breeding disability to any
 registered horse or cattle.

623

624

837.02 (1) 3rd Perjury in official proceedings.

625

626

837.021 (1) 3rd Make contradictory statements in
 official proceedings.

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838.022 3rd Official misconduct.

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630

839.13 (2) (a) 3rd Falsifying records of an individual in
 the care and custody of a state agency.

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839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.

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893.03(1)(a), (b), or (d), (2)(a),
(2)(b), or (2)(c)4. drugs).

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914.14(2) 3rd Witnesses accepting bribes.

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914.22(1) 3rd Force, threaten, etc., witness, victim,
or informant.

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914.23(2) 3rd Retaliation against a witness, victim,
or informant, no bodily injury.

651

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918.12 3rd Tampering with jurors.

653

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934.215 3rd Use of two-way communications device to
facilitate commission of a crime.

655

656

657 Section 25. Paragraph (a) of subsection (5) of section

658 921.141, Florida Statutes, is reenacted to read:

659 921.141 Sentence of death or life imprisonment for capital
660 felonies; further proceedings to determine sentence.-

661 (5) AGGRAVATING CIRCUMSTANCES.-Aggravating circumstances
662 shall be limited to the following:

663 (a) The capital felony was committed by a person previously

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664 convicted of a felony and under sentence of imprisonment or
665 placed on community control or on felony probation.

666 Section 26. Section 921.20, Florida Statutes, is amended to
667 read:

668 921.20 Classification summary; Parole Commission.—As soon
669 as possible after a prisoner has been placed in the custody of
670 the Department of Corrections, the classification board shall
671 furnish a classification summary to the Parole Commission for
672 use as provided in s. 945.25 ~~947.14~~. The summary shall include
673 the criminal, personal, social, and environmental background and
674 other relevant factors considered in classifying the prisoner
675 for a penal environment best suited for the prisoner's rapid
676 rehabilitation.

677 Section 27. Paragraph (a) of subsection (11) of section
678 932.704, Florida Statutes, is amended to read:

679 932.704 Forfeiture proceedings.—

680 (11) (a) The Department of Law Enforcement, in consultation
681 with the Florida Sheriffs Association and the Florida Police
682 Chiefs Association, shall develop guidelines and training
683 procedures to be used by state and local law enforcement
684 agencies and state attorneys in implementing the Florida
685 Contraband Forfeiture Act. ~~Each state or local law enforcement~~
686 ~~agency that files civil forfeiture actions under the Florida~~
687 ~~Contraband Forfeiture Act shall file, by December 31, 1995, a~~
688 ~~certificate signed by the agency head or his or her designee,~~
689 ~~which represents that the agency's policies and procedures are~~
690 ~~in compliance with the guidelines.~~ Each state or local law
691 enforcement agency that seizes property for the purpose of
692 forfeiture shall periodically review seizures of assets made by

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693 the agency's law enforcement officers, settlements, and
694 forfeiture proceedings initiated by the agency, to determine
695 whether such seizures, settlements, and forfeitures comply with
696 the Florida Contraband Forfeiture Act and the guidelines adopted
697 under this subsection. The determination of whether an agency
698 will file a civil forfeiture action must be the sole
699 responsibility of the head of the agency or his or her designee.

700 Section 28. Subsection (7) of section 933.18, Florida
701 Statutes, is amended to read:

702 933.18 When warrant may be issued for search of private
703 dwelling.—No search warrant shall issue under this chapter or
704 under any other law of this state to search any private dwelling
705 occupied as such unless:

706 (7) One or more of the following ~~misdemeanor~~ child abuse
707 offenses is being committed there:

708 (a) Interference with custody, in violation of s. 787.03.

709 (b) Commission of an unnatural and lascivious act with a
710 child, in violation of s. 800.02.

711 (c) Exposure of sexual organs to a child, in violation of
712 s. 800.03. If, during a search pursuant to a warrant issued
713 under this section, a child is discovered and appears to be in
714 imminent danger, the law enforcement officer conducting such
715 search may remove the child from the private dwelling and take
716 the child into protective custody pursuant to chapter 39. The
717 term "private dwelling" shall be construed to include the room
718 or rooms used and occupied, not transiently but solely as a
719 residence, in an apartment house, hotel, boardinghouse, or
720 lodginghouse. No warrant shall be issued for the search of any
721 private dwelling under any of the conditions hereinabove

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722 mentioned except on sworn proof by affidavit of some creditable
723 witness that he or she has reason to believe that one of said
724 conditions exists, which affidavit shall set forth the facts on
725 which such reason for belief is based.

726 Section 29. Subsections (5) and (8) of section 933.40,
727 Florida Statutes, are amended to read:

728 933.40 Agriculture warrants.—

729 (5) Agriculture warrants may be signed by any person
730 competent to issue search warrants under s. 933.01, either
731 manually, by signature stamp, or by electronic signature. The
732 trial court judge ~~or magistrate~~, upon examination of the
733 application and proofs submitted, if satisfied that probable
734 cause exists for the issuing of one or more agriculture
735 warrants, shall issue such agriculture warrants with his or her
736 signature and office affixed thereto. Such agriculture warrants
737 may be served and executed by employees of the department, with
738 the assistance of third parties supervised by department
739 employees, and shall authorize department employees with such
740 assistance to undertake all actions authorized by the warrant.

741 (8) An agriculture warrant shall be effective for 60 days
742 and shall authorize multiple executions of the warrant prior to
743 its expiration. An agriculture warrant may be extended or
744 renewed by the trial court judge ~~or magistrate~~ who signed and
745 issued the original warrant upon his or her satisfaction ~~of such~~
746 ~~official~~ that probable cause continues to exist for the
747 reissuance of the warrant. Such warrant must be returned to the
748 issuing official prior to the expiration date specified in the
749 warrant or within the extended or renewed time.

750 Section 30. Paragraph (g) of subsection (2) of section

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751 934.03, Florida Statutes, is amended to read:

752 934.03 Interception and disclosure of wire, oral, or
753 electronic communications prohibited.-

754 (2)

755 (g) It is lawful under ss. 934.03-934.09 for an employee
756 of:

757 1. An ambulance service licensed pursuant to s. 401.25, a
758 fire station employing firefighters as defined by s. 633.30, a
759 public utility ~~as defined by ss. 365.01 and 366.02~~, a law
760 enforcement agency as defined by s. 934.02(10), or any other
761 entity with published emergency telephone numbers;

762 2. An agency operating an emergency telephone number "911"
763 system established pursuant to s. 365.171; or

764 3. The central abuse hotline operated pursuant to s.
765 39.201~~7~~

766

767 to intercept and record incoming wire communications; however,
768 such employee may intercept and record incoming wire
769 communications on designated "911" telephone numbers and
770 published nonemergency telephone numbers staffed by trained
771 dispatchers at public safety answering points only. It is also
772 lawful for such employee to intercept and record outgoing wire
773 communications to the numbers from which such incoming wire
774 communications were placed when necessary to obtain information
775 required to provide the emergency services being requested. For
776 the purpose of this paragraph, the term "public utility" has the
777 same meaning as provided in s. 366.02 and includes a person,
778 partnership, association, or corporation now or hereafter owning
779 or operating equipment or facilities in the state for conveying

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780 or transmitting messages or communications by telephone or
781 telegraph to the public for compensation.

782 Section 31. Section 938.15, Florida Statutes, is amended to
783 read:

784 938.15 Criminal justice education for local government.—In
785 addition to the costs provided for in s. 938.01, municipalities
786 and counties may assess an additional \$2 for expenditures for
787 criminal justice education degree programs and training courses,
788 including basic recruit training, for their respective officers
789 and employing agency support personnel, provided such education
790 degree programs and training courses are approved by the
791 employing agency administrator, on a form provided by the
792 Criminal Justice Standards and Training Commission, for local
793 funding.

794 (1) Workshops, meetings, conferences, and conventions
795 shall, on a form approved by the Criminal Justice Standards and
796 Training Commission for use by the employing agency, be
797 individually approved by the employing agency administrator
798 prior to attendance. The form shall include, but not be limited
799 to, a demonstration by the employing agency of the purpose of
800 the workshop, meeting, conference, or convention; the direct
801 relationship of the training to the officer's job; the direct
802 benefits the officer and agency will receive; and all
803 anticipated costs.

804 (2) The Criminal Justice Standards and Training Commission
805 may inspect and copy the documentation of independent audits
806 conducted of the municipalities and counties which make such
807 assessments to ensure that such assessments have been made and
808 that expenditures are in conformance with the requirements of

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809 this subsection and with other applicable procedures.

810 Section 32. Paragraph (b) of subsection (3) of section
811 943.051, Florida Statutes, is amended to read:

812 943.051 Criminal justice information; collection and
813 storage; fingerprinting.—

814 (3)

815 (b) A minor who is charged with or found to have committed
816 the following offenses shall be fingerprinted and the
817 fingerprints shall be submitted to the department:

818 1. Assault, as defined in s. 784.011.

819 2. Battery, as defined in s. 784.03.

820 3. Carrying a concealed weapon, as defined in s. 790.01(1).

821 4. Unlawful use of destructive devices or bombs, as defined
822 in s. 790.1615(1).

823 5. Negligent treatment of children, as defined in former s.
824 827.05.

825 6. Assault or battery on a law enforcement officer, a
826 firefighter, or other specified officers, as defined in s.
827 784.07(2)(a) and (b).

828 7. Open carrying of a weapon, as defined in s. 790.053.

829 8. Exposure of sexual organs, as defined in s. 800.03.

830 9. Unlawful possession of a firearm, as defined in s.
831 790.22(5).

832 10. Petit theft, as defined in s. 812.014(3).

833 11. Cruelty to animals, as defined in s. 828.12(1).

834 12. Arson, as defined in s. 806.031(1).

835 13. Unlawful possession or discharge of a weapon or firearm
836 at a school-sponsored event or on school property as defined in
837 s. 790.115.

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838 Section 33. Subsection (6) of section 943.053, Florida
839 Statutes, is reenacted to read:

840 943.053 Dissemination of criminal justice information;
841 fees.—

842 (6) Notwithstanding any other provision of law, the
843 department shall provide to the ~~Florida~~ Department of Revenue
844 ~~Child Support Enforcement~~ access to Florida criminal records
845 which are not exempt from disclosure under chapter 119, and to
846 such information as may be lawfully available from other states
847 via the National Law Enforcement Telecommunications System, for
848 the purpose of locating subjects who owe or potentially owe
849 support, as defined in s. 409.2554, or to whom such obligation
850 is owed pursuant to Title IV-D of the Social Security Act. Such
851 information may be provided to child support enforcement
852 authorities in other states for these specific purposes.

853 Section 34. Subsection (6) of section 943.0581, Florida
854 Statutes, is amended to read:

855 943.0581 Administrative expunction.—

856 (6) An application or endorsement under this section is not
857 admissible as evidence in any judicial or administrative
858 proceeding and may not ~~or otherwise~~ be construed in any way as
859 an admission of liability in connection with an arrest.

860 Section 35. Paragraph (a) of subsection (3) and subsection
861 (5) of section 943.0582, Florida Statutes, are reenacted to
862 read:

863 943.0582 Prearrest, postarrest, or teen court diversion
864 program expunction.—

865 (3) The department shall expunge the nonjudicial arrest
866 record of a minor who has successfully completed a prearrest or

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867 postarrest diversion program if that minor:

868 (a) Submits an application for prearrest or postarrest
869 diversion expunction, on a form prescribed by the department,
870 signed by the minor's parent or legal guardian, or by the minor
871 if he or she has reached the age of majority at the time of
872 applying.

873 (5) This section operates retroactively to permit the
874 expunction of any nonjudicial record of the arrest of a minor
875 who has successfully completed a prearrest or postarrest
876 diversion program on or after July 1, 2000; however, in the case
877 of a minor whose completion of the program occurred before the
878 effective date of this section, the application for prearrest or
879 postarrest diversion expunction must be submitted within 6
880 months after the effective date of this section.

881 Section 36. Paragraph (b) of subsection (4) of section
882 943.135, Florida Statutes, is reenacted to read:

883 943.135 Requirements for continued employment.—

884 (4)

885 (b) Any person who qualifies under paragraph (a) may, for
886 purposes of meeting the minimum mandatory continuing training or
887 education requirements of this section, at the option of an
888 employing agency, associate with that agency for the sole
889 purpose of securing continuing training or education as required
890 by this section and for allowing the agency to report completion
891 of the education or training to the Criminal Justice Standards
892 and Training Commission. The employing agency with which the
893 person has associated shall submit proof of completion of any
894 education or training so obtained for purposes of demonstrating
895 compliance with this section and shall indicate that the person

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896 for whom the credits are reported has secured the training under
897 the special status authorized by this section. An employing
898 agency may require any person so associated to attend continuing
899 training or education at the person's own expense and may
900 determine the courses or training that a person is to attend
901 while associated with the agency. Any person who is permitted to
902 associate with an employing agency for purposes of obtaining and
903 reporting education or continuing training credits while serving
904 in an elected or appointed public office shall not be considered
905 to be employed by the employing agency or considered by the
906 association with the employing agency to maintain an office
907 under s. 5(a), Art. II of the State Constitution.

908 Section 37. Subsection (5) of section 944.023, Florida
909 Statutes, is amended to read:

910 944.023 Comprehensive correctional master plan.-

911 (5) The comprehensive correctional master plan shall
912 project by year the total operating and capital outlay costs
913 necessary for constructing a sufficient number of prison beds to
914 avoid a deficiency in prison beds. Included in the master plan
915 which projects operating and capital outlay costs shall be a
916 siting plan which shall assess, rank, and designate appropriate
917 sites pursuant to s. 944.095-~~(2)(a)-(k)~~. The master plan shall
918 include an assessment of the department's current capability for
919 providing the degree of security necessary to ensure public
920 safety and should reflect the levels of security needed for the
921 forecasted admissions of various types of offenders based upon
922 sentence lengths and severity of offenses. The plan shall also
923 provide construction options for targeting violent and habitual
924 offenders for incarceration while providing specific

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925 alternatives for the various categories of lesser offenders.

926 Section 38. Subsection (4) of section 944.053, Florida
927 Statutes, is amended to read:

928 944.053 Forestry Work Camps.—

929 (4) Forestry Work Camps shall house minimum custody inmates
930 and medium custody inmates who are not serving a sentence for,
931 or who have not been previously convicted of, sexual battery
932 pursuant to s. 794.011 ~~or any sexual offense specified in s.~~
933 ~~917.012(1), unless they have successfully completed a treatment~~
934 ~~program pursuant to s. 917.012.~~

935 Section 39. Subsection (1) of section 944.28, Florida
936 Statutes, is reenacted to read:

937 944.28 Forfeiture of gain-time and the right to earn gain-
938 time in the future.—

939 (1) If a prisoner is convicted of escape, or if the
940 clemency, conditional release as described in chapter 947,
941 probation or community control as described in chapter 948,
942 provisional release as described in s. 944.277, parole, or
943 control release as described in s. 947.146 granted to the
944 prisoner is revoked, the department may, without notice or
945 hearing, declare a forfeiture of all gain-time earned according
946 to the provisions of law by such prisoner prior to such escape
947 or his or her release under such clemency, conditional release,
948 probation, community control, provisional release, control
949 release, or parole.

950 Section 40. Subsection (2) of section 944.474, Florida
951 Statutes, is amended to read:

952 944.474 Legislative intent; employee wellness program; drug
953 and alcohol testing.—

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954 (2) Under no circumstances shall employees of the
955 department test positive for illegal use of controlled
956 substances. An employee of the department may not be under the
957 influence of alcohol while on duty. In order to ensure that
958 these prohibitions are adhered to by all employees of the
959 department and notwithstanding s. 112.0455, the department may
960 develop a program for the random drug testing of all employees.
961 The department may randomly evaluate employees for the
962 contemporaneous use or influence of alcohol through the use of
963 alcohol tests and observation methods. Notwithstanding s.
964 112.0455(5)(a), the department may develop a program for the
965 reasonable suspicion drug testing of employees who are in
966 safety-sensitive or special risk positions, as defined in s.
967 112.0455(5), for the controlled substances listed in s.
968 893.03(3)(d). The reasonable suspicion drug testing authorized
969 by this subsection shall be conducted in accordance with s.
970 112.0455, but may also include testing upon reasonable suspicion
971 based on violent acts or violent behavior of an employee who is
972 on or off duty. The department shall adopt rules pursuant to ss.
973 120.536(1) and 120.54 that are necessary to administer this
974 subsection.

975 Section 41. Section 944.708, Florida Statutes, is amended
976 to read:

977 944.708 Rules.—The Department of Corrections and the Agency
978 for Workforce Innovation ~~Department of Labor and Employment~~
979 ~~Security~~ shall adopt ~~promulgate~~ rules to implement the
980 provisions of ss. 944.701-944.707.

981 Section 42. Paragraph (h) of subsection (3) of section
982 944.801, Florida Statutes, is amended to read:

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983 944.801 Education for state prisoners.-

984 (3) The responsibilities of the Correctional Education
985 Program shall be to:

986 (h) Develop a written procedure for selecting programs to
987 add to or delete from the vocational curriculum. The procedure
988 shall include labor market analyses which demonstrate the
989 projected demand for certain occupations and the projected
990 supply of potential employees. In conducting these analyses, the
991 department shall evaluate the feasibility of adding vocational
992 education programs which have been identified by the Agency for
993 Workforce Innovation ~~Department of Labor and Employment Security~~
994 or a regional coordinating council as being in undersupply in
995 this state. The department shall periodically reevaluate the
996 vocational education programs in major institutions to determine
997 which of the programs support and provide relevant skills to
998 inmates who could be assigned to a correctional work program
999 that is operated as a Prison Industry Enhancement Program.

1000 Section 43. Paragraph (d) of subsection (3) of section
1001 945.10, Florida Statutes, is amended to read:

1002 945.10 Confidential information.-

1003 (3) Due to substantial concerns regarding institutional
1004 security and unreasonable and excessive demands on personnel and
1005 resources if an inmate or an offender has unlimited or routine
1006 access to records of the Department of Corrections, an inmate or
1007 an offender who is under the jurisdiction of the department may
1008 not have unrestricted access to the department's records or to
1009 information contained in the department's records. However,
1010 except as to another inmate's or offender's records, the
1011 department may permit limited access to its records if an inmate

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1012 or an offender makes a written request and demonstrates an
1013 exceptional need for information contained in the department's
1014 records and the information is otherwise unavailable.

1015 Exceptional circumstances include, but are not limited to:

1016 (d) The requested records contain information required to
1017 process an application or claim by the inmate or offender with
1018 the Internal Revenue Service, the Social Security
1019 Administration, the Agency for Workforce Innovation ~~Department~~
1020 ~~of Labor and Employment Security~~, or any other similar
1021 application or claim with a state agency or federal agency.

1022 Section 44. Section 947.06, Florida Statutes, is reenacted
1023 to read:

1024 947.06 Meeting; when commission may act.—The commission
1025 shall meet at regularly scheduled intervals and from time to
1026 time as may otherwise be determined by the chair. The making of
1027 recommendations to the Governor and Cabinet in matters relating
1028 to modifications of acts and decisions of the chair as provided
1029 in s. 947.04(1) shall be by a majority vote of the commission.
1030 No prisoner shall be placed on parole except as provided in ss.
1031 947.172 and 947.174 by a panel of no fewer than two
1032 commissioners appointed by the chair. All matters relating to
1033 the granting, denying, or revoking of parole shall be decided in
1034 a meeting at which the public shall have the right to be
1035 present. Victims of the crime committed by the inmate shall be
1036 permitted to make an oral statement or submit a written
1037 statement regarding their views as to the granting, denying, or
1038 revoking of parole. Persons not members or employees of the
1039 commission or victims of the crime committed by the inmate may
1040 be permitted to participate in deliberations concerning the

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1041 granting and revoking of paroles only upon the prior written
1042 approval of the chair of the commission. To facilitate the
1043 ability of victims and other persons to attend commission
1044 meetings, the commission shall meet in various counties
1045 including, but not limited to, Broward, Duval, Escambia,
1046 Hillsborough, Leon, Miami-Dade, Orange, and Palm Beach, with the
1047 location chosen being as close as possible to the location where
1048 the parole-eligible inmate committed the offense for which the
1049 parole-eligible inmate was sentenced. The commission shall adopt
1050 rules governing the oral participation of victims and the
1051 submission of written statements by victims.

1052 Section 45. Paragraph (a) of subsection (4) of section
1053 947.16, Florida Statutes, is amended to read:

1054 947.16 Eligibility for parole; initial parole interviews;
1055 powers and duties of commission.-

1056 (4) A person who has become eligible for an initial parole
1057 interview and who may, according to the objective parole
1058 guidelines of the commission, be granted parole shall be placed
1059 on parole in accordance with the provisions of this law; except
1060 that, in any case of a person convicted of murder, robbery,
1061 burglary of a dwelling or burglary of a structure or conveyance
1062 in which a human being is present, aggravated assault,
1063 aggravated battery, kidnapping, sexual battery or attempted
1064 sexual battery, incest or attempted incest, an unnatural and
1065 lascivious act or an attempted unnatural and lascivious act,
1066 lewd and lascivious behavior, assault or aggravated assault when
1067 a sexual act is completed or attempted, battery or aggravated
1068 battery when a sexual act is completed or attempted, arson, or
1069 any felony involving the use of a firearm or other deadly weapon

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1070 or the use of intentional violence, at the time of sentencing
1071 the judge may enter an order retaining jurisdiction over the
1072 offender for review of a commission release order. This
1073 jurisdiction of the trial court judge is limited to the first
1074 one-third of the maximum sentence imposed. When any person is
1075 convicted of two or more felonies and concurrent sentences are
1076 imposed, then the jurisdiction of the trial court judge as
1077 provided herein applies to the first one-third of the maximum
1078 sentence imposed for the highest felony of which the person was
1079 convicted. When any person is convicted of two or more felonies
1080 and consecutive sentences are imposed, then the jurisdiction of
1081 the trial court judge as provided herein applies to one-third of
1082 the total consecutive sentences imposed.

1083 (a) In retaining jurisdiction for the purposes of this act,
1084 the trial court judge shall state the justification with
1085 individual particularity, and such justification shall be made a
1086 part of the court record. A copy of such justification shall be
1087 delivered to the department together with the commitment issued
1088 by the court pursuant to s. 944.17 ~~944.16~~.

1089 Section 46. Subsection (2) of section 949.071, Florida
1090 Statutes, is amended to read:

1091 949.071 Definition of "state" as used in s. 949.07; further
1092 declaration relating to interstate compacts.—

1093 (2) It is hereby recognized and further declared that
1094 pursuant to the consent and authorization contained in s. 112
1095 ~~111(b)~~ of Title 4 of the United States Code ~~as added by Pub. L.~~
1096 ~~No. 970-84th Congress, Ch. 941-2d Session~~, this state shall be a
1097 party to the Interstate Compact for Adult Offender Supervision,
1098 with any additional jurisdiction legally joining in the compact

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1099 when such jurisdiction enacts the compact in accordance with the
1100 terms thereof.

1101 Section 47. Paragraph (e) of subsection (9) of section
1102 951.23, Florida Statutes, is amended to read:

1103 951.23 County and municipal detention facilities;
1104 definitions; administration; standards and requirements.—

1105 (9) INMATE COMMISSARY AND WELFARE FUND.—

1106 (e) The officer in charge shall be responsible for an audit
1107 of the fiscal management of the commissary by a disinterested
1108 party on an annual basis, which shall include certification of
1109 compliance with the pricing requirements of paragraph ~~(1)~~(b)
1110 ~~above~~. Appropriate transaction records and stock inventory shall
1111 be kept current.

1112 Section 48. Paragraph (c) of subsection (1) of section
1113 951.231, Florida Statutes, is amended to read:

1114 951.231 County residential probation program.—

1115 (1) Any prisoner who has been sentenced under s. 921.18 to
1116 serve a sentence in a county residential probation center as
1117 described in s. 951.23 shall:

1118 (c) Participate in and complete the program required by s.
1119 958.045 ~~958.04(4)~~, if required by the supervisor of the center.

1120 Section 49. Subsection (4) of section 957.07, Florida
1121 Statutes, is amended to read:

1122 957.07 Cost-saving requirements.—

1123 (4) The Department of Corrections shall provide a report
1124 detailing the state cost to design, finance, acquire, lease,
1125 construct, and operate a facility similar to the private
1126 correctional facility on a per diem basis. This report shall be
1127 provided to the Auditor General in sufficient time that it may

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1128 be certified to the Department of Management Services ~~commission~~
1129 to be included in the request for proposals.

1130 Section 50. Paragraph (b) of subsection (3) of section
1131 960.003, Florida Statutes, is amended to read:

1132 960.003 HIV testing for persons charged with or alleged by
1133 petition for delinquency to have committed certain offenses;
1134 disclosure of results to victims.-

1135 (3) DISCLOSURE OF RESULTS.-

1136 (b) At the time that the results are disclosed to the
1137 victim or the victim's legal guardian, or to the parent or legal
1138 guardian of a victim if the victim is a minor, the same
1139 immediate opportunity for face-to-face counseling which must be
1140 made available under s. 381.004~~(3)~~~~(e)~~ to those who undergo HIV
1141 testing shall also be afforded to the victim or the victim's
1142 legal guardian, or to the parent or legal guardian of the victim
1143 if the victim is a minor.

1144 Section 51. Subsections (6) and (7) of section 984.225,
1145 Florida Statutes, are amended to read:

1146 984.225 Powers of disposition; placement in a staff-secure
1147 shelter.-

1148 (6) The department is deemed to have exhausted the
1149 reasonable remedies offered under this chapter if, at the end of
1150 the commitment period, the parent, guardian, or legal custodian
1151 continues to refuse to allow the child to remain at home or
1152 creates unreasonable conditions for the child's return. If, at
1153 the end of the commitment period, the child is not reunited with
1154 his or her parent, guardian, or custodian due solely to the
1155 continued refusal of the parent, guardian, or custodian to
1156 provide food, clothing, shelter, and parental support, the child

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1157 is considered to be threatened with harm as a result of such
1158 acts or omissions, and the court shall direct that the child be
1159 handled in every respect as a dependent child. Jurisdiction
1160 shall be transferred to the Department of Children and Family
1161 Services, and the child's care shall be governed under the
1162 relevant provisions ~~parts II and III~~ of chapter 39.

1163 (7) The court shall review the child's commitment once
1164 every 45 days as provided in s. 984.20. The court shall
1165 determine whether ~~if~~ the parent, guardian, or custodian has
1166 reasonably participated in and financially contributed to the
1167 child's counseling and treatment program. The court shall also
1168 determine whether the department's efforts to reunite the family
1169 have been reasonable. If the court finds an inadequate level of
1170 support or participation by the parent, guardian, or custodian
1171 prior to the end of the commitment period, the court shall
1172 direct that the child be handled in every respect as a dependent
1173 child. Jurisdiction shall be transferred to the Department of
1174 Children and Family Services, and the child's care shall be
1175 governed under the relevant provisions ~~parts II and III~~ of
1176 chapter 39.

1177 Section 52. Section 985.486, Florida Statutes, is amended
1178 to read:

1179 985.486 Intensive residential treatment programs for
1180 offenders less than 13 years of age; prerequisite for
1181 commitment.—No child who is eligible for commitment to an
1182 intensive residential treatment program for offenders less than
1183 13 years of age under ~~as established in~~ s. 985.483(1), may be
1184 committed to any intensive residential treatment program for
1185 offenders less than 13 years of age under ~~as established in~~ s.

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1186 985.483~~7~~ unless such program has been established by the
1187 department through existing resources or specific appropriation~~7~~
1188 for such program.

1189 Section 53. Paragraph (a) of subsection (4) and subsection
1190 (7) of section 985.632, Florida Statutes, are amended to read:

1191 985.632 Quality assurance and cost-effectiveness.—

1192 (4) (a) The department ~~of Juvenile Justice~~, in consultation
1193 with the Office of Economic and Demographic Research~~7~~ and
1194 contract service providers, shall develop a cost-effectiveness
1195 model and apply the model to each commitment program. Program
1196 recidivism rates shall be a component of the model. The cost-
1197 effectiveness model shall compare program costs to client
1198 outcomes and program outputs. It is the intent of the
1199 Legislature that continual development efforts take place to
1200 improve the validity and reliability of the cost-effectiveness
1201 model ~~and to integrate the standard methodology developed under~~
1202 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

1203 ~~(7) No later than November 1, 2001, the department shall~~
1204 ~~submit a proposal to the Legislature concerning funding~~
1205 ~~incentives and disincentives for the department and for~~
1206 ~~providers under contract with the department. The~~
1207 ~~recommendations for funding incentives and disincentives shall~~
1208 ~~be based upon both quality assurance performance and cost-~~
1209 ~~effectiveness performance. The proposal should strive to achieve~~
1210 ~~consistency in incentives and disincentives for both department-~~
1211 ~~operated and contractor-provided programs. The department may~~
1212 ~~include recommendations for the use of liquidated damages in the~~
1213 ~~proposal; however, the department is not presently authorized to~~
1214 ~~contract for liquidated damages in non-hardware secure~~

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1215 ~~facilities until January 1, 2002.~~

1216 Section 54. Paragraph (b) of subsection (2) of section
1217 985.686, Florida Statutes, is reenacted to read:

1218 985.686 Shared county and state responsibility for juvenile
1219 detention.—

1220 (2) As used in this section, the term:

1221 (b) "Fiscally constrained county" means a county within a
1222 rural area of critical economic concern as designated by the
1223 Governor pursuant to s. 288.0656 or each county for which the
1224 value of a mill will raise no more than \$5 million in revenue,
1225 based on the certified school taxable value certified pursuant
1226 to s. 1011.62(4)(a)1.a., from the previous July 1.

1227 Section 55. This act shall take effect July 1, 2010.