

**HOUSE OF REPRESENTATIVES
CRIMINAL JUSTICE &
CORRECTIONS COUNCIL**
1999 SUMMARY OF PASSED LEGISLATION



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May 1999*

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COMMITTEE ON CORRECTIONS

1999 End-of-Session Summary

Bills that Passed Both Houses

CS/HB 253--County and Municipal Jails by Corrections; Trovillion (CS/SB 292 by Bronson)

House Committee(s) of Reference: Corrections; Crime & Punishment; Community Affairs; Criminal Justice Appropriations

The bill addresses issues concerning county and municipal jails. The bill provides that the gain-time granted to county prisoners be at the discretion of the board of county commissioners.

The bill deletes the requirement that boards of county commissioners, when adopting policy for extra good time allowances for meritorious conduct or exceptional industry for county and municipal prisoners, be in accordance with the existing policy of the Department of Corrections for such awards for state prisoners.

The bill provides that a knowingly and willfully refusal to obey rules governing prisoner conduct, by any prisoner in a county and municipal jail, may be prosecuted as a second degree misdemeanor. It moves the granting of gain time by county commissioners from mandatory to discretionary.

The bill also provides that prisoners in a county or municipal correctional facility who knowingly on two or more occasions violates a conduct rule as set forth in Chapter 13 of the Florida Jail Model Standards may be punished as a second degree misdemeanor.

This bill takes effect July 1, 1999.

HB 2133--Correctional Work Programs by Peaden (passed as CS/SB 1604 by Criminal Justice Committee; Silver & Others)

House Committee(s) of Reference: Corrections; Criminal Justice Appropriations
The bill deletes the statutory authority of the Department of Corrections to enter into contracts with private sector businesses to operate Prison Industry Enhancement (PIE) Programs.

It provides PRIDE Enterprises (PRIDE), the statutory authority to enter into contracts with the private sector to operate PIE programs. It authorizes PRIDE to seek federal certification to administer PIE programs in Florida, rather than the department.

The bill provides statutory provisions that are necessary in order to seek the PIE certificate. It authorizes PRIDE to enter into leases directly with the Board of Trustees of the Internal Improvement Trust Fund for a period of at least 20 years for lands currently subject to specific leases.

It authorizes PRIDE to seek tax-exempt financing for the construction of buildings or capital improvements for correctional work programs and PIE programs on state-owned lands. In such cases, the state would retain a secured interest in such an investment by holding a lien against any structure or improvement that used tax-exempt financing or state funds.

The bill authorizes the department to sell any surplus food items cultivated by inmates to PRIDE. It also authorizes PRIDE to establish and operate work camps for jails. The work camps would use jail inmates for labor in correctional work programs or PIE programs. PRIDE would directly enter into contracts with local governments and the sheriffs or jail administrators to operate work camps for the respective jurisdictions.

The provisions of the act would take effect on July 1, 1999.

HB 2161--Department of Corrections Reorganization by Corrections; Trovillion (passed as CS/SB 1742 by Criminal Justice Committee; Brown-Waite)

House Committee(s) of Reference: Governmental Operations; General Government Appropriations

The bill authorizes the reorganization of the Department of Corrections. The secretary of the department would have increased flexibility in determining the middle- and upper-management organizational structure of the department and the administration of state appropriations to the department to perform its functions and duties.

The bill narrows the department's administrative structure at the regional level by deleting the requirement that there be five regional offices in the state, deleting the requirement that there be five regional directors, and deleting the current statutory requirement that each region have six division directors.

It provides for the rights and needs of crime victims to be a high priority of the department. It moves the responsibility of overseeing the inmate grievance procedure from the department's Office of the Inspector General to the Office of the General Counsel.

The bill requires the department to provide certain minimum services and programs for persons visiting inmates at correctional facilities. It requires the secretary to determine any deficiencies in the family visitation program and submit budget recommendations to

the Legislature for any improvements to visitation services and programs. The inmate welfare trust fund is explicitly permitted to be used for visitation services and programs.

The bill deletes a reference to “planning” and “designing” in the department’s authorization to contract with government agencies to perform work and other projects.

The bill transfers the Gadsden Correctional Institution currently under contract with the department to the Correctional Privatization Commission by July 1, 1999. It requests the Division of Statutory Revision to change the word “superintendent” to “warden” in selected statutory references.

The bill also prohibits the use of tobacco products by inmates, employees and visitors in state and private correctional facilities in “prohibited” areas. The bill provides authorization to the department and private prisons to adopt rules and policies in order to meet the provisions of the bill. The bill also requires the DOC and private vendors operating state correctional facilities to make smoking-cessation assistance available to inmates. Full implementation of the provisions regarding tobacco is to be by January 1, 2000.

The bill requires the Office of Program Policy Analysis and Government Accountability to conduct a performance review of the department’s reorganization efforts. It provides statutory intent that correctional facilities under contract to the Correctional Privatization Commission become property of the state upon expiration of the lease and that for certain correctional facilities, a payment (from CPC funds) in lieu of taxes, shall be paid to certain local taxing authorities.

This bill takes effect upon becoming law.

COMMITTEE ON CRIME & PUNISHMENT

1999 End-of-Session Summary

Bills that Passed Both Houses

CS/HB 13--Restitution

by Crime & Punishment; Heyman (CS/SB 744 by Criminal Justice; Campbell)

House Committee(s) of Reference: Crime & Punishment; Judiciary

The bill provides that in misdemeanor cases, the court shall retain jurisdiction for any specified period not to exceed five years. Currently, in misdemeanor cases a court does not have authority to enforce restitution orders after six months for a second degree misdemeanor or after one year for a first degree misdemeanor.

The effective date of this bill is October 1, 1999.

CS/CS/HB 23--Children's Protection Act of 1999

by Family Law & Children; Crime & Punishment; Ball (passed as CS/SB 170 by Criminal Justice; Bronson)

House Committee(s) of Reference: Crime & Punishment; Family Law & Children; Criminal Justice Appropriations

The bill redefines lewd, lascivious, or indecent assault into four new categories proscribing four types of lewd acts committed against children, by degree of severity.

The bill increases the penalty for certain lewd and lascivious offenses when the defendant is over 18, but reduces the penalty in certain cases, when both parties are minors.

The effective date of this bill is October 1, 1999.

CS/HB 49--Criminal Use of Personal ID Information

by Crime & Punishment; Trovillion & Others (CS/SB 286 by Criminal Justice; Campbell & Others)

House Committee(s) of Reference: Crime & Punishment; Judiciary; Criminal Justice Appropriations

CS/HB 49 makes it a third-degree felony to fraudulently use, or possess with intent to fraudulently use, any personal identification information without consent.

The bill makes it a first-degree misdemeanor to use or attempt to use personal identification information to harass an individual. "Harass" is specifically defined by the bill to exclude the use of personal identification information for accepted commercial purposes or for constitutionally protected conduct.

The bill defines the term "personal identification information" very broadly to include: name, address, social security number, date of birth, driver's license or identification number, any account number, passport number, telecommunication identifying information, etc.

The effective date of this bill is July 1, 1999.

HB 67--Sport Shooting Ranges by Fuller (SB 776 by Bronson)

House Committee(s) of Reference: Crime & Punishment; Judiciary

The bill provides that sport shooting ranges shall be permitted to continue in operation in violation of local law if the shooting range was not in violation of existing law at the time "of the enactment of the ordinance."

The bill relieves sport shooting ranges from civil and criminal liability for any claim of noise pollution, if the range was in compliance with any local noise control laws or ordinances at the time of construction and initial operation, and the range experienced no substantial change in the nature of use.

The bill prohibits state courts from enjoining the use or operation of a sport shooting range on the basis of nuisance claims brought on by noise or noise pollution, if the range was in compliance with any noise control laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

The bill exempts sport shooting ranges from the regulatory changes that limit outdoor noise levels if the new regulations were passed after the time of construction and initial operation.

The bill prohibits any person from bringing a nuisance claim against a sport shooting ranges in which there has been no substantial change in the nature of use from its initial operation. The bill does not exempt shooting ranges from actions for negligence or recklessness in the operation of the range.

The effective date is upon becoming a law.

HB 79--Airbag Antitheft Act **by Stafford (CS/SB 244 by Criminal Justice; Campbell)**

House Committee(s) of Reference: Crime & Punishment; Criminal Justice
Appropriations

HB 79 creates the "Airbag Antitheft Act." The bill defines a "salvaged" airbag as an airbag that has been removed from a motor vehicle. The bill requires any person, who is engaged in the business of purchasing, selling, or installing salvaged airbags to maintain a manual or electronic record of the purchase, sale, or installation. This record must be kept for thirty-six months following the transaction, and may be inspected by law enforcement officers or other authorized agency representatives. Any person who sells a salvaged airbag must disclose to the purchaser that the airbag is salvaged. Moreover, information contained in the record must be provided, upon request, to an insurer or consumer.

The bill provides that any person who fails to maintain complete and accurate records, to provide information within the record, or to disclose that an airbag is salvaged commits a first degree misdemeanor. Furthermore, any person who knowingly possesses, sells, or installs a stolen uninstalled airbag, any airbag with a missing or altered identification number, or an airbag taken from a stolen motor vehicle commits a third degree felony.

The effective date of this bill is October 1, 1999.

CS/CS/HB 113--Felons/Increased Prison Terms **by Corrections; Crime & Punishment; Crist & Others (CS/SB 194** **by Criminal Justice; Webster)**

House Committee(s) of Reference: Crime & Punishment; Corrections; Criminal
Justice Appropriations

CS/CS/HB 113 amends section 775.087(2), F.S., to require a judge to impose a minimum term of imprisonment of ten years, instead of the current three years, for any person who possesses a firearm or "destructive device" at any time during the course of an enumerated offense or during an attempt to commit any of the enumerated felonies. The enumerated felonies include escape, burglary and most violent crimes. However, if the enumerated offense is aggravated assault, or burglary of a conveyance, or possession of a firearm by a felon, the minimum penalty remains three years and is not increased to 10 years by the bill. The mandatory penalty only applies to the offender who either possessed the firearm on his or her person, or who had the firearm within immediate physical reach with ready access and who had the intent to use the firearm during the offense.

The bill provides that a minimum sentence of 20 years must be imposed if an offender discharges a firearm during the course of one of the enumerated felonies.

The bill further provides that a minimum sentence of 25 years, and up to a life sentence, must be imposed if the firearm that an offender possesses during the course of an enumerated felony is discharged causing death or great bodily harm. The 20 and 25 year minimum mandatory sentences apply for all the enumerated felonies including aggravated assault and burglary of a conveyance.

The minimum mandatory sentences do not prohibit a judge from imposing a greater sentence as authorized by law.

The bill adds trafficking in illegal drugs and capital importation of illegal drugs to the enumerated crimes that can qualify an offender for the new minimum mandatory sentences if the offense occurred with a firearm.

The bill also increases the minimum sentence for the possession of a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun during the course of an enumerated felony from 8 years to 15 years. If the machine gun is fired during the course of the felony, the mandatory penalty is 20 years, and if the machine gun is fired causing death or great bodily harm, the minimum sentence is 25 years to life.

The bill provides that the Legislature intends for the new minimum mandatory sentences to be imposed for each qualifying count and the court is required to impose the minimum mandatory sentences consecutive to any other term of imprisonment imposed for any other felony offense. State attorneys are required to prepare a report relating to the sentencing of offenders to the minimum mandatory terms and the report must be sent annually by the state attorneys to the Governor and the Legislature.

The Department of Corrections may spend up to \$500,000 to provide public service announcements to advertise the minimum mandatory penalties provided by the bill. The Governor shall place the announcements in the areas of the state that will be most affected by the bill.

The effective date of this bill is July 1, 1999, except as otherwise provided.

**CS/HB 121--Three-Strike Violent Felony Offender Act
by Corrections; Crist & Others (CS/SB 1746 by Criminal Justice;
Lee)**

House Committee(s) of Reference: Crime & Punishment; Corrections; Criminal Justice Appropriations

CS/HB 121 amends s. 775.084 F.S., to create a new “three time violent felony offender” enhanced penalty that is in addition to the already existing enhanced penalties for habitual felony offenders, habitual violent felony offenders, and career criminals provided for within the same section. The bill requires a judge to impose the statutory maximum sentence for a new violent felony if the offender committed at least two prior enumerated violent felonies. Thus, the mandatory penalties would be five years for a third degree felony, 15 years for a second degree felony, 30 years for a first degree felony, and life in prison for a life felony.

Section 775.084(5) F.S., currently provides that for the purposes of determining whether an offender qualifies for an enhanced penalty prior felonies are counted only if they were sentenced on separate occasions even if the crimes occurred on separate days. This method of counting prior offenses has not been changed.

The bill provides that any person convicted of aggravated assault or aggravated battery upon a law enforcement officer must be sentenced to a minimum mandatory prison term of three years or five years respectively.

The bill provides for a three year minimum mandatory prison term for aggravated assault or aggravated battery against a person 65 years of age or older.

The bill requires a minimum mandatory prison sentence of ten years for a defendant convicted of sexual battery if the offender has a previous conviction for sexual battery or attempted sexual battery within ten years before committing the second sexual battery.

The bill provides for a three year minimum mandatory prison sentence for the possession or sale of the following:

1. 25 to 2,000 pounds of cannabis (marijuana) plants;
2. between 300 to 2,000 cannabis plants;
3. 28 to 200 grams of cocaine; or
4. 4 to 14 grams of heroin, opium, morphine or a related drug.

The bill provides for a seven year minimum mandatory prison sentence for the possession or sale of the following:

1. 2,000 or more cannabis plants;
2. 2,000 to 10,000 pounds of cannabis; or
3. 200 to 400 grams of cocaine

The bill provides for a 15 year minimum mandatory prison sentence for the possession or sale of the following:

1. 10,000 or more cannabis plants; or
2. 14 to 28 grams of opium, heroin, or morphine;

The bill creates similar three and seven year mandatory penalties for possession or sale of methaqualone, phencyclidine, amphetamines, and flunitrazepam (roofies).

The bill also requires Clerks of the Court to notify Immigration and Naturalization Services whenever an alien is convicted of or enters a plea for a felony or misdemeanor offense.

The effective date of this bill is July 1, 1999.

HB 135--Controlled Substances/Child Care by Levine (passed as SB 134 by Klein)

House Committee(s) of Reference: Crime & Punishment; Corrections; Criminal Justice Appropriations

The bill moves a misplaced statutory provision relating to the illegal sale or possession with intent to sell certain controlled substances within 1,000 feet of a child care facility. The misplaced provision requires that a sign clearly identify a child care facility before an enhanced penalty may apply. The bill places this requirement for a sign to be posted in the paragraph that actually enhances the penalty instead of in its current unrelated subsection.

This act shall take effect upon becoming a law.

HB 147--Pretrial Intervention Programs by Alexander & Others (passed as CS/SB 60 by Criminal Justice; Brown-Waite)

House Committee(s) of Reference: Crime & Punishment; Corrections; Criminal Justice Appropriations

The bill revises the statute governing pretrial intervention programs to authorize the court or the state attorney to deny the admission of a defendant to a pretrial substance abuse and treatment intervention program if the defendant has rejected any prior offer of admission to such program.

The effective date of this bill is July 1, 1999.

**CS/HB 183--Sexual Battery/Prejudice/Penalties
by Crime & Punishment; Fasano (CS/SB 912 by Criminal Justice;
Latvala)**

House Committee(s) of Reference: Crime & Punishment; Corrections; Criminal Justice Appropriations

CS/HB 183 amends Section 775.085 to provide that crimes evidencing prejudice, also known as "hate crimes", shall be reclassified to the next highest degree instead of being "punishable as if it were" a felony of the next highest degree.

The committee substitute amends Section 794.023 to provide that sexual battery committed by more than one person shall be reclassified to the next higher degree instead of being "punishable as if it were a felony of the next highest degree.

The effective date of this bill is July 1, 1999.

**CS/HB 327--Conflict of Interest/Indigents
by Crime & Punishment; Warner (CS/SB 1910 by Judiciary;
Campbell)**

House Committee(s) of Reference: Crime & Punishment; Criminal Justice Appropriations

The committee substitute to HB 327 will amend section 27.53 to provide that when a public defender files a motion to withdraw due to a conflict of interest, the court should review the motion and may inquire into the adequacy of the public defender's representations regarding the conflict without requiring the disclosure of any confidential communications. The bill also provides that, after the inquiry, the court is to permit withdrawal unless the court determines that the claimed conflict is not prejudicial to the indigent client.

The committee substitute requires each circuit conflict committee to assess the conflict representation in its circuit and determine whether another system would be more cost-effective, offer greater administrative control and provide higher quality representation in conflict cases. Each committee is required to report its findings to the legislature by February 1, 2000.

This act shall take effect upon becoming law.

**CS/HB 389--Trooper Robert Smith Act
by Judiciary; Cantens (passed as CS/SB 748 by Criminal Justice;
Diaz-Balart & Others)**

House Committee(s) of Reference: Crime & Punishment; Judiciary; Criminal Justice Appropriations

The bill amends s. 907.041 to broaden court authority to order pretrial detention without bond, particularly for DUI manslaughter, violations of supervision and for persons who may not appear for trial or for persons who pose a risk of physical harm to the community.

The bill eliminates the 90-day cap placed on pretrial detention for defendants who pose a danger to the community. The bill eliminates the requirement that pretrial detention orders may be issued, only, pursuant to motion by the state attorney. Consequently, pretrial detention orders may issue after any bail hearing, so long as the court makes the required findings of fact.

The bill repeals Rule 3.131 & 3.132 of the Florida Rules of Criminal Procedure relating to pretrial release and pretrial detention to the extent that they are inconsistent with the bill.

This act has an effective date of October 1, 1999, except as otherwise provided.

**CS/HBs 421 & 485--Voluntary Intoxication/Defense
by Crime & Punishment; Lacasa and Others (CS/SB 54 by Criminal
Justice; Lee & Others)**

House Committee(s) of Reference: Crime & Punishment; Judiciary

CS/HB 421 provides that voluntary intoxication resulting from the consumption of alcohol or a controlled substance is not a defense to any offense. The bill provides that evidence of voluntary intoxication is not admissible to show that the defendant lacked the specific intent to commit an offense and is not admissible to show that the defendant was insane at the time of the offense except when the use of a controlled substance was pursuant to a lawful prescription issued to the defendant.

The bill takes effect October 1, 1999.

**CS/HB 425--Robbery by Sudden Snatching
by Judiciary; Sanderson & Others (CS/SB 772 by Criminal Justice;
Rossin)**

House Committee(s) of Reference: Crime & Punishment; Judiciary; Criminal Justice Appropriations

The bill creates a new offense of “robbery by sudden snatching.”

The bill defines “sudden snatching” as taking possession of money or other property from the victim, when the victim was aware of the taking. The bill further provides that in order to satisfy the definition of “sudden snatching,” it is not necessary to show that:

1. The offender used any amount of force beyond that effort necessary to obtain possession of the money or other property; or
2. There was any resistance offered by the victim to the offender or injury to the victim’s person.

The bill makes robbery by sudden snatching a second-degree felony if the offender carried a firearm or other deadly weapon. The bill makes the typical purse snatching offense a third-degree felony instead of a second-degree misdemeanor of petit theft, ranked as a level 5 offense in the offense severity ranking chart.

The bill provides an effective date of October 1, 1999.

HB 781--Court Costs/Community Service by Heyman (passed as SB 936 by Gutman)

House Committee(s) of Reference: Crime & Punishment; Criminal Justice
Appropriations

The bill amends s. 938.30, F.S. by allowing a judge to convert a person’s court-ordered obligation to pay court costs to an obligation to perform community service after examining the person under oath and determining his or her inability to pay.

The bill also amends the provision of s. 938.30 which authorizes the assessment of administrative cost in enforcing compliance by specifying that the court may assess reimbursement for the costs of processing bench warrants and pickup orders.

The bill has an effective date of July 1, 1999.

CS/HB 1441--Cable TV Services by Crime & Punishment; Kyle (passed as CS/SB 1606 by Criminal Justice; Silver)

House Committee(s) of Reference: Utilities & Communication (withdrawn); Crime &
Punishment; Judiciary; Criminal Justice Appropriations

The committee substitute makes it a third degree felony to willfully receive, intercept or assist in intercepting cable services without authority if the offender has previously been convicted of a misdemeanor for the same offense.

The committee substitute makes it a third degree felony to knowingly possess five or more devices that are "primarily useful" for the unauthorized reception of cable services. The intentional possession of 50 such devices is made a second degree felony. A person may receive up to five years in prison for committing a third degree felony and up to 15 years in prison for a second degree felony.

The committee substitute provides that the civil award of up to \$10,000 for a violation of this section and up to \$50,000 for a willful violation committed for commercial advantage may be recovered for each violation and is not a cumulative amount for all violations.

The bill takes effect on July 1, 1999.

**HB 2187--Capital Collateral Representation
by Crime & Punishment; Ball & Others (passed as CS/CS/SB 2054
by Judiciary; Criminal Justice; Burt)**

House Committee(s) of Reference: Crime & Punishment (PCB 99-04), Judiciary, Criminal Justice Appropriations

The Capital Collateral Regional Counsel (CCRC) represents defendants who have been sentenced to death in postconviction proceedings attacking the legality of the judgment and sentence in state courts and federal courts. In 1998, the legislature created a statewide registry of private criminal defense attorneys to provide representation to indigent defendants in postconviction proceedings when CCRC is unable to do so in a timely manner. HB 2187 makes several changes to the amount of compensation which an attorney appointed from the registry is entitled to receive.

The bill also provides that an attorney who is permitted to withdraw from a capital case prior to full performance of the attorney's duties, shall deliver all files to the successor attorney within 15 days after notice from the successor attorney. The bill also provides that the court shall monitor the performance of assigned counsel to ensure that the defendant is receiving quality representation. Further, the bill renames the Commission on the Administration of Justice in Capital Cases to the Commission on Capital Cases.

The effective date of this bill is July 1, 1999.

**HB 2189--Retailers/Customer Privacy/Videos
by Diaz de la Portilla (passed as CS/SB 1706 by Criminal Justice;
Meek)**

House Committee(s) of Reference: Crime & Punishment

This bill makes it a first degree misdemeanor for any retail sales establishment or an employee of the establishment to directly observe or make use of video cameras or other surveillance devices to observe or record customers who are using the retail sales establishment's dressing room, fitting room, changing room or rest room.

The bill takes effect July 1, 1999.

COMMITTEE ON JUVENILE JUSTICE

1999 End-of-Session Summary

Bills that Passed Both Houses

HOUSE BILLS 137, 395, 1033, and 2007 PASSED IN HB 349.

HB 1505--Children/Prearrest Diversion Program **by Barreiro (Passed as SB 1178 by Silver)**

House Committee of Reference: Juvenile Justice; Crime and Punishment; Criminal Justice Appropriations

This bill creates s. 985.3065, F.S., prearrest diversion programs, which may be established by law enforcement agencies or school districts in cooperation with the state attorney's office. Any youth alleged to have committed a delinquent act may be required to surrender his driver's license or refrain from driving for up to 90 days. If the youth fails to comply with the requirements of the program, the state attorney may notify the Department of Highway Safety and Motor Vehicles in writing to suspend the driver's license for up to 90 days.

This bill takes effect July 1, 1999.

HB 1769--Discretionary Direct File Criteria for Juveniles **by Juvenile Justice; Merchant (Passed as SB 130 by Klein)**

House Committee(s) of Reference: Crime and Punishment; Corrections; Criminal Justice Appropriations

This bill authorizes the State Attorney to direct file the charge of auto theft in adult court against a juvenile 14 to 15 years of age, if the juvenile has had at least one previous adjudication of delinquency for auto theft.

This bill takes effect July 1, 1999.

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION

1999 End-of-Session Summary Bills that Passed Both Houses

HB 349--Weapons & Firearms/School Property by Law Enforcement & Crime Prevention; Futch & Others (CS/SB 204 by Silver; SB 1540 by Dawson-White)

House Committee(s) of Reference: Juvenile Justice; Criminal Justice Appropriations

The bill provides that a minor charged with possessing or discharging a firearm on school property be held in secure detention, and a probable cause hearing be held within 24 hours after the child is taken into custody. At the hearing, the court may order that the child continue in secure detention for a period of 21 days, during which time the appropriate medical, psychiatric, psychological, or substance abuse examination can take place and a written report can be completed.

This bill increases the penalty for a minor charged with possession of a firearm, for a second or subsequent offense, from a first degree misdemeanor to a third degree felony. The bill also increases the allowable time in detention to three days for a first offense, and 15 days for a second or subsequent offense. It also recommends community service hours for such an offense to be performed in an emergency room or other medical environment that deals with trauma patients and gunshot wounds.

For offenses involving the use or possession of a firearm, the bill requires the juvenile to serve at least 15 days in secure detention for a first offense, and 21 days for a second or subsequent offense. The bill further provides that such juvenile offenders may be subject to placement on community control or in a nonresidential commitment program.

Under this bill, educational/technical and vocational work-related programs must be taught year round, five hours a day and five days a week. The Department of Juvenile Justice (DJJ) must assist youth with post-release job placement, and work in partnership with local businesses and trade groups in the development and operation of educational/technical and vocational work-related programs. The Juvenile Justice Accountability Board (JJAB) will study types of effective vocational and work programs and report to the Legislature and DJJ by January 31, 2000.

This bill provides that youth committed to juvenile justice facilities receive educational and vocational training on a 12-month basis, 250 days yearly. Youth committed to DJJ facilities must participate in statewide assessment testing. The bill also requires the

state board to adopt rules for high quality and effective education programs for youth committed to DJJ facilities by August 1, 1999. It also directs Department of Education to develop model contracts for the delivery of services, and requires youth in DJJ facilities to have school records and assessments included with them upon entering and exiting commitment programs. Under this bill, committed youth may earn a GED prior to release with any associated fees waived.

The bill reallocates revenue from the Florida Education Finance Program (FEFP) and categorical program appropriations to provide a proportionate or minimum share to Juvenile Justice education programs for delivery of educational services. The bill also provides for students with disabilities to be funded at the highest exceptional student weight for which the student qualifies.

In addition, the bill requires DOE, in coordination with the DJJ, to develop and conduct quality assurance site visits. Further, the bill directs the Department of Management Services to review existing facilities to determine the adequacy of the facilities for educational use. The bill also directs the Juvenile Justice Accountability Board to study the extent and nature of education programs for committed youth.

This bill revises employment screening and eligibility standards for the Department of Juvenile Justice (DJJ). The bill also authorizes the DJJ to expend funds for crime prevention activities, but prohibits such expenditures from being used for lobbying purposes. The bill also streamlines the current procedure for addressing violations of aftercare supervision, and authorizes law enforcement officers to take juveniles into custody for violating conditions of home detention, or for absconding from a commitment program. In addition, this bill improves access to juvenile records by law enforcement agencies, and provides that fingerprints of juveniles processed through assessment centers may be submitted to the Florida Department of Law Enforcement (FDLE). Also, this bill authorizes the DJJ to establish a direct support organization to provide support for the juvenile justice system.

This bill takes effect July 1, 1999.

HB 391--Criminal History Information by Law Enforcement & Crime Prevention; Futch (CS/CS/SB1936 by Brown-Waite)

House Committee(s) of Reference: Judiciary; Criminal Justice Appropriations

House Bill 391 amends s. 943.053, F.S., to require the Department of Law Enforcement to provide to each office of the Public Defender on-line access to state criminal records, that are not otherwise exempt from disclosure under Chapter 119 or confidential under law. The bill provides that access to the on-line information shall be used solely to support the statutory duties of the public defender or any attorney assigned to

represent a person who is determined to be indigent under s. 27.52, F.S. The bill requires the agency to which access has been provided to bear the costs of establishing and maintaining on-line access.

House Bill 391 also extends FDLE's Firearms Purchase Program by eight months, through June 1, 2000. It allows FDLE to reduce the charge for background checks, or suspend the collection of the fee altogether, to reflect any payment from the federal government for supplementing the National Instant Criminal Background Check System.

House Bill 391 also makes several technical changes to the statutes, addresses new federal laws, and defines FDLE's role with regard to the Criminal Justice Network. The bill clarifies that criminal history records pertaining to any of the "dangerous crimes" set forth in section 907.041, F.S., may not be sealed or expunged. The bill more precisely defines the meaning of "previously" being adjudicated guilty of a criminal offense which would preclude the sealing or expunging of criminal history records.

The bill gives FDLE a role in implementing the "Foley Amendment," which is a federal law to facilitate background checks for volunteers and employees of entities dealing with children, the elderly, or those with disabilities. The bill ratifies the National Crime Prevention and Privacy Compact and designates FDLE as the criminal history record repository for purposes of the contract.

The bill specifically defines FDLE's role with regard to the Criminal Justice Network, providing authority to manage the network and enter into relationships with non-criminal justice entities, so as to make products, programs, and services available over the network to criminal justice agencies.

The bill shall become effective on July 1, 1999.

CS/HB 11--Arrest Warrants/Issuance by Law Enforcement & Crime Prevention; Trovillion & Others (CS/SB 738 by Campbell)

House Committee(s) of Reference: Law Enforcement & Crime Prevention; Crime & Punishment; Criminal Justice Appropriations

House Bill 11 amends s. 901.02, F.S., by adding that a court may issue a warrant for a person's arrest when a misdemeanor summons has been returned unserved. Further, the bill specifies that a warrant is deemed issued when it is signed by the court.

The bill creates s. 901.36, F.S., to provide that it is a first degree misdemeanor offense for a person arrested or lawfully detained to give a false name or otherwise falsely identify himself or herself to a law enforcement officer or county jail personnel. This

offense is enhanced to a third degree felony in the event the giving of the false name or otherwise false identification results in adversely affecting another person.

The bill further provides that for a violation of s. 901.36, F.S., the court may order restitution and the correction of public records which contain the false name or false identification given, and that a person adversely affected by the unlawful use of his or her name or other identification may request from the court any orders necessary to correct any public record.

This bill has an effective date of July 1, 1999.

HB 71--Homicide/Vehicular & Vessel by Stafford (passed as SB 72 by Campbell)

House Committee(s) of Reference: Law Enforcement & Crime Prevention; Crime & Punishment; Criminal Justice Appropriations

The bill increases the penalty for vehicular or vessel homicide from a third degree felony to a second degree felony. The bills also increases the penalty for vehicular and vessel homicide from a second degree felony to a first degree felony when the driver fails to render aid or fails to give information if the driver knew or should have known that an accident occurred. The bill would not change the offense severity level rankings under the Criminal Punishment Code for these offenses.

The effective date of this bill is October 1, 1999.

HB 229--Weapons & Firearms/Nonresidents by Crady (passed as SB 954 by Bronson)

**House Committee(s) of Reference: Law Enforcement & Crime Prevention;
Transportation & Economic Development Appropriations**

House Bill 229 provides that a U.S. citizen who is not a resident of Florida may carry a concealed weapon or firearm in this state, provided the person is 21 years of age or older and has a valid concealed weapons license from his or her state of residence. The bill further provides that when the holder of a valid concealed weapons license from another state establishes legal residence in the state of Florida, the license from the previous state remains in effect in Florida for a period of 90 days. Finally, the bill limits the applicability of these provisions only to those states which have reciprocity with the state of Florida with respect to the issuance of a concealed weapon or concealed firearms permit.

The effective date of this bill is July 1, 1999.

HB 1451--Less-Lethal Munitions **by Johnson** (passed as SB 1866 by Webster)

**House Committee(s) of Reference: Law Enforcement & Crime Prevention;
Governmental Operations; Criminal Justice Appropriations**

This bill specifies that “deadly force” shall not include the discharge of a firearm, loaded with a “less-lethal munition,” by a law enforcement officer or correctional officer during and within the scope of his or her official duties. This bill defines “less-lethal munition” to mean “a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.”

The bill creates an affirmative defense for a law enforcement officer or correctional officer in any civil or criminal action arising out of the use of any less-lethal munition in good faith during and within the scope of his or her official duties.

This bill takes effect on July 1, 1999.
