

Tab 1	CS/SB 332 by TR, Altman; (Similar to CS/H 0253) Highway Safety						
196208	A	S	UNFAV	CJ, Clemens	Delete L.642:	02/16 02:35 PM	
Tab 2	SB 360 by Clemens; (Similar to CS/H 0685) Victim Assistance						
258592	A	S	RS	CJ, Clemens	Delete L.38 - 40:	02/16 02:35 PM	
640324	SA	S	RCS	CJ, Clemens	Delete L.38 - 43:	02/16 02:35 PM	
Tab 3	SB 408 by Altman (CO-INTRODUCERS) Negron, Joyner, Clemens, Flores, Sachs, Sobel, Soto; Juvenile Civil Citations						
854832	D	S	RCS	CJ, Clemens	Delete everything after	02/16 02:35 PM	
802706	AA	S	RCS	CJ, Clemens	Delete L.103:	02/16 02:35 PM	
Tab 4	SB 1072 by Soto; (Compare to CS/H 0905) Arrest Booking Photographs						
Tab 5	SB 1182 by Latvala; (Similar to CS/H 0073) Controlled Substances						
177732	A	S	RCS	CJ, Evers	Delete L.339 - 343:	02/16 02:35 PM	
Tab 6	SB 1314 by Dean (CO-INTRODUCERS) Margolis, Braynon; (Compare to CS/CS/H 0475) Public Records/Witness to a Felony						
849632	D	S	FAV	CJ, Bradley	Delete everything after	02/16 02:35 PM	
Tab 7	SB 1352 by Smith; (Similar to H 1281) Autism Awareness Training for Law Enforcement Officers						
Tab 8	SB 1382 by Flores; (Identical to H 7075) Victim and Witness Protection						
Tab 9	SB 1500 by Simpson; (Identical to H 4051) Concealed Weapons and Firearms						
Tab 10	SB 1580 by Legg; (Similar to H 0621) First Responders						
Tab 11	SB 1632 by Clemens; (Similar to CS/H 0777) Criminal Justice Standards and Training Commission						
Tab 12	SB 1662 by Bradley; (Identical to H 1333) Sexual Offenders						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Gibson, Vice Chair

MEETING DATE: Tuesday, February 16, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Evers, Chair; Senator Gibson, Vice Chair; Senators Bradley, Brandes, and Clemens

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 332 Transportation / Altman (Similar CS/H 253)	Highway Safety; Revising provisions relating to the passing of a vehicle; exempting bicycles from provisions for passing a vehicle on the right under certain circumstances; revising provisions for turning at intersections; requiring motor vehicle operators to allow a group of bicycles to travel through an intersection under certain circumstances, etc. TR 01/27/2016 Fav/CS CJ 02/08/2016 Not Considered CJ 02/16/2016 Favorable FP	Favorable Yeas 5 Nays 0
2	SB 360 Clemens (Similar CS/H 685)	Victim Assistance; Requiring a law enforcement agency to immediately notify a victim if his or her property is determined to be in the possession of a pawnbroker; requiring the law enforcement agency to provide specified information to the victim, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Fav/CS ACJ FP	Fav/CS Yeas 4 Nays 0
3	SB 408 Altman (Similar S 506)	Juvenile Civil Citations; Requiring, rather than authorizing, a law enforcement officer to issue a civil citation or require participation in a similar diversion program if the officer does not issue a warning or inform a child's guardian or parent of the infraction; requiring a law enforcement officer to receive approval from a supervisor before arresting a child for a first-time misdemeanor, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Fav/CS CF RC	Fav/CS Yeas 3 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, February 16, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1072 Soto (Compare CS/H 905)	Arrest Booking Photographs; Prohibiting a person who publishes or disseminates an arrest booking photograph through a certain medium from soliciting or accepting payment of a fee or other consideration to remove, correct, or modify such photograph; authorizing an action to enjoin publication or dissemination of an arrest booking photograph for a violation of the act; specifying the time limit for the removal of an arrest booking photograph pursuant to a court order; requiring the court to terminate an injunction under certain circumstances, etc. CJ 02/16/2016 Favorable JU RC	Favorable Yeas 4 Nays 0
5	SB 1182 Latvala (Similar CS/H 73)	Controlled Substances; Scheduling Mitragynine and 7-Hydroxymitragynine, constituents of Kratom, in a schedule of controlled substances; providing an exception from scheduling for any drug product approved by the United States Food and Drug Administration which contains Mitragynine or 7-Hydroxymitragynine, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Fav/CS ACJ AP	Fav/CS Yeas 3 Nays 2
6	SB 1314 Dean (Compare CS/CS/H 475)	Public Records/Witness to a Felony; Providing an exemption from public records requirements for personal identifying information of a witness to a felony; prohibiting release of such information to a newspaper; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Amendment Adopted - Temporarily Postponed GO FP	Amendment Adopted - Temporarily Postponed
7	SB 1352 Smith (Similar H 1281)	Autism Awareness Training for Law Enforcement Officers; Requiring the Department of Law Enforcement to establish an online continued employment training component relating to autism spectrum disorder; providing that completion of the training may count toward continued employment instruction requirements, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Favorable ACJ AP	Favorable Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, February 16, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1382 Flores (Identical H 7075, Compare H 1367, S 1294)	Victim and Witness Protection; Increasing the maximum age of victims and witnesses for whom the court may order the use of videotaped testimony and closed circuit television in court proceedings in lieu of testifying in open court; revising the corroboration requirements for certain victim testimony and the admissibility of certain evidence in prosecutions to include specified human trafficking and lewd or lascivious offenses, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Favorable JU FP	Favorable Yeas 5 Nays 0
9	SB 1500 Simpson (Identical H 4051)	Concealed Weapons and Firearms; Revising the areas of an airport where a person is prohibited from openly carrying a handgun or from carrying a concealed weapon or firearm, etc. CJ 02/16/2016 Favorable JU RC	Favorable Yeas 3 Nays 2
10	SB 1580 Legg (Similar H 621)	First Responders; Requiring state agencies to establish a first responder career development plan for certain purposes, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Favorable ACJ AP	Favorable Yeas 5 Nays 0
11	SB 1632 Clemens (Similar CS/H 777)	Criminal Justice Standards and Training Commission; Requiring the Criminal Justice Standards and Training Commission to implement, administer, maintain, and revise a basic abilities examination by a specified date; requiring the commission to set a fee for the basic abilities examination; requiring that examination fees be deposited in the Criminal Justice Standards and Training Trust Fund, etc. CJ 02/16/2016 Favorable ACJ AP	Favorable Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, February 16, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	SB 1662 Bradley (Identical H 1333)	Sexual Offenders; Revising the criteria for a felony offense for which an offender is designated as a sexual predator; revising the criteria for loitering or prowling by certain offenders; modifying the list of offenses for which a sexual offender or sexual predator must be considered by the department for removal from registration requirements; revising the information that the Department of Law Enforcement is required to provide about a sexual offender upon his or her release from incarceration, etc. CJ 02/08/2016 Not Considered CJ 02/16/2016 Favorable ACJ AP	Favorable Yeas 4 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.			
13	Garey, Alan L. (Parkland)	09/30/2019	Temporarily Postponed
14	Upchurch, James R. (Tallahassee)	09/30/2017	Temporarily Postponed
15	Hunter, Donald C. (Naples)	09/30/2017	Temporarily Postponed

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 332

INTRODUCER: Transportation Committee and Senator Altman

SUBJECT: Highway Safety

DATE: February 5, 2016

REVISED: 02/08/16 02/15/16 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 332 seeks to increase the safety of “vulnerable users of a public roadway.” The bill:

- Revises and creates various statutory provisions and penalties relating to traffic control laws and vulnerable users, such as pedestrians and bicyclists;
- Clarifies provisions relating to overtaking and passing vulnerable users, particularly with respect to maintaining the required distance between a passing vehicle and a vulnerable user;
- Sets requirements for making turns at certain locations when passing a vulnerable user;
- Allows drivers to cross the centerline in an identified no-passing zone when passing a vulnerable user;
- Requires appearance at a mandatory hearing for certain infractions contributing to the bodily injury of a vulnerable user;
- Provides a discretionary fine of not more than \$2,500 for a violation under s. 316.192, F.S., related to reckless driving, if the violation contributed to the bodily injury of a vulnerable user;
- Requires law enforcement officers issuing certain citations to note if the violation contributed to the bodily injury of a vulnerable user; and
- Revises cross-references to conform definitions.

The bill has an indeterminate impact on state and local government (see Section V.)

II. Present Situation:

Definitions

Current law defines certain relevant terms for purposes of ch. 316, F.S., relating to traffic control laws, as follows:

- “Vehicle” means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.¹
- “Bicycle” means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.²
- “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.³

The term “bodily injury,” is defined identically in various sections of Florida Statutes to mean:

- A cut, abrasion, bruise, burn, or disfigurement;
- Physical pain;
- Illness;
- Impairment of the function of a bodily member, organ, or mental faculty; or
- Any other injury to the body, no matter how temporary.⁴

The term “vulnerable road user,” as used in provisions relating to crashes involving death or personal injuries, is defined to mean:

- A pedestrian, including a person actually engaged in work upon a highway, upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;
- A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal;
- A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway;
- A farm tractor or similar vehicle designed primarily for farm use;
- A skateboard, roller skates, or in-line skates;
- A horse-drawn carriage;
- An electric personal assistive mobility device; or
- A wheelchair.⁵

¹ Section 316.003(75), F.S.

² Section 316.003(2), F.S.

³ Section 316.003(42), F.S.

⁴ See ss. 501.001(1)(c), F.S., 831.03(1), F.S., and 914.21(1), F.S.

⁵ Section 316.027(1), F.S.

Driving on Right Side of Roadway

Vehicles must generally be driven up the right half of the roadway, with certain exceptions, such as when overtaking and passing another vehicle proceeding in the same direction and when an obstruction exists making it necessary to drive to the left of the center of the highway.⁶ Additionally, any vehicle traveling at less than the normal speed of traffic under existing conditions must be driven in the right-hand lane or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.⁷ A violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60.^{8, 9}

Similarly, any person operating a bicycle upon a roadway at less than normal speed of traffic under existing conditions must be ridden in the lane marked for bicycle use or, if no marked lane exists, as close as practicable to the right-hand curb or edge of the roadway except when:

- Overtaking and passing another bicycle or vehicle traveling in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or
- Reasonably necessary to avoid any condition or potential conflict, including a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.¹⁰

Overtaking and Passing

Section 316.083, F.S., requires the driver of a vehicle overtaking another proceeding in the same direction to appropriately signal,¹¹ pass to the left at a safe distance, and not again drive to the right side of the roadway until safely clear of the overtaken vehicle.¹² When overtaking a bicycle or other nonmotorized vehicle, the driver of the overtaking vehicle must pass at a safe distance of not less than three feet between the vehicle and the bicycle or nonmotorized vehicle.¹³

Right Turns on Red

Generally, a vehicle facing a red signal must stop before entering a crosswalk on the near side of an intersection or, if none, then before entering the intersection, and remain stopped until a green indication is shown. Right turns on red are authorized, but a driver must yield the right-of-way to pedestrians and other traffic. Cities and counties may prohibit right-turns-on-red at any

⁶ Section 316.081(1), F.S.

⁷ Section 316.081(2), F.S.

⁸ Sections 316.081(5) and 318.18(3), F.S.

⁹ A person convicted of a noncriminal violation may not be sentenced to a term of imprisonment or to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in ch. 316, F.S., or by ordinance of any city or county. Section 775.082(5), F.S.

¹⁰ Section 316.2065(5)(a), F.S.

¹¹ Generally, by means of the hand and arm or by signal lamps. See ss. 316.155, 316.156, and 316.157, F.S.

¹² Section 316.083(1), F.S.

¹³ Id.

intersection with notice of the prohibition erected in a location visible to traffic approaching the intersection.¹⁴

No-Passing Zones

A driver is prohibited from driving on the left side of a roadway if signs or markings are in place to define a no-passing zone, or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.¹⁵ The prohibition does not apply when an obstruction exists making it necessary to drive to the left of the center of the highway, or to the driver of a vehicle turning left into or from an alley, private road, or driveway.¹⁶ A no-passing zone violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60.¹⁷

Infractions Requiring Mandatory Hearing

Current law requires appearance at a mandatory hearing for any person cited for the following:

- Any infraction resulting in a crash that causes the death of another;
- Any infraction resulting in a crash that causes “serious bodily injury” of another as defined in s. 316.1933(1), F.S.;¹⁸
- Any infraction for passing a school bus displaying a stop signal, when passing on the side that children enter or exit;
- Any infraction for failure to secure the load being hauled on a vehicle; or
- Any infraction for exceeding certain speed limits by 30 miles per hour or more.¹⁹

III. Effect of Proposed Changes:

Section 1 amends s. 316.003, F.S., to re-define the term “vulnerable user of a public roadway” or “vulnerable user” as:

- A pedestrian, including a person actually engaged in work upon a highway, work upon utility facilities along a highway, or the provision of emergency services within the right-of-way;
- A person operating, or who is a passenger on, a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal;
- A person lawfully operating on a public roadway, crosswalk, or shoulder of the roadway;
- A farm tractor or similar vehicle designed primarily for farm use;

¹⁴ Section 316.074(1), F.S., and s. 316.075(1)(c), F.S.

¹⁵ Section 316.0875(2), F.S. Section 316.0875(1), F.S., authorizes the Florida Department of Transportation and local authorities to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be hazardous and, by appropriate signs or markings on the roadway, to indicate the beginning and end of such zones.

¹⁶ Section 316.0875(3), F.S.

¹⁷ Sections 316.0875(4) and 318.18(3), F.S.

¹⁸ Section 316.1933(1)(b), F.S., defines “serious bodily injury” to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

¹⁹ Section 318.19, F.S.

- A horse-drawn carriage;
- An electric personal assistive mobility device; or
- A wheelchair.

The section also renumbers all of the definitions found in s. 316.003, F.S., to allow for them to be listed in alphabetical order.

Section 2 amends s. 316.027(1)(b), F.S., to repeal the current definition of “vulnerable road user,” and strike “road” from the term to conform to the redefined “vulnerable user” in the broader definition created in s. 316.003, F.S.

Section 3 amends s. 316.083, F.S., to require the driver of a *motor* vehicle overtaking a *person operating* a bicycle or other *vulnerable user* to pass at a safe distance of no less than three feet²⁰ *as measured from anything extending from the motor vehicle or trailer or other item towed by the motor vehicle*. A law enforcement officer issuing a citation for a violation must note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public roadway.

Section 4 revises s. 316.084, F.S., to clarify that the criteria controlling when a vehicle may overtake another vehicle on the right do not prohibit a bicyclist in a bike lane or on the shoulder from passing another vehicle on the right.

Section 5 amends s. 316.0875(3), F.S., to add an additional exclusion from the provisions relating to no-passing zones. The bill allows drivers to “safely and briefly” cross a double yellow striped centerline when passing a vulnerable user in order to provide at least three feet between the motor vehicle and the vulnerable user.

Section 6 revises s. 316.151, F.S., to prohibit a driver overtaking and passing a vulnerable user traveling in the same direction from making a right or left turn unless the turn can be made at a safe distance from the vulnerable user and will not impede the travel of the vulnerable user. The provisions also require the driver to signal as provided in s. 316.155, F.S., and to yield the right of way to a bicycle or pedestrian when crossing a sidewalk, bicycle lane, or bicycle path. A law enforcement officer issuing a citation for a violation must note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public roadway.

Section 7 amends s. 316.1925, F.S., relating to careless driving, to require a law enforcement officer issuing a citation for a violation to note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public roadway.

Section 8 amends s. 316.2065, F.S., regarding bicycle regulations, to clarify that a bicycle is a vehicle to be operated in the same manner as other vehicles with all of the rights and all of the duties incumbent upon operators of other vehicles inured by ch. 316, F.S., except where regulations state otherwise or are clearly not applicable. The bill also extends the prohibition on riding bicycles more than two abreast in the road to bicycle lanes. A new provision is added

²⁰ Section 316.209, F.S., provides that motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane.

allowing a group of four or more cyclists to proceed through a stop sign *as a group*, after coming to a complete stop.

Section 9 creates s. 318.142, F.S., to allow the designated official to impose a fine of not more than \$2,500 for any violation that contributes to the bodily injury of a vulnerable user, in addition to any other penalties imposed under s. 316.192, F.S., relating to reckless driving.

Section 10 amends s. 318.19, F.S., to require appearance at a mandatory hearing for any infraction of s. 316.083, s. 316.0833, or s. 316.1925, F.S., that contributes to the bodily injury of a vulnerable user of a public roadway.

Sections 11 through 35 amend multiple sections of the Florida Statutes, to revise cross-references related to the relocated and revised definitions.

Section 36 provides the bill takes effect on October 1, 2016.

A number of editorial and grammatical revisions to existing statutes are also made in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Offenders of the revised statutes will be subject to penalties including a fine of \$60 per violation. A discretionary fine of up to \$2,500 could be imposed if a violation contributes to the bodily injury of a vulnerable user. A decrease in personal injury and death for vulnerable users may be experienced, as well as a reduction in costs associated with litigating claims for such injury or death.

C. Government Sector Impact:

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill's revisions to penalties associated with the rights and safety of vulnerable users for violations contributing to bodily injuries may result in positive fiscal impacts to local government. The amount of additional fines and resulting positive fiscal impact, as well as any negative fiscal impact due to the need for reprogramming local e-citation systems, is indeterminate at this time.

Similarly, the DHSMV suggests that the bill's revisions to penalties associated with the rights and safety of vulnerable users of public roadways and for violations contributing to bodily injuries may result in positive fiscal impacts to state government. The amount of additional fines and resulting revenues is indeterminate at this time. The DHSMV estimates that the bill will require program and software updates, costing \$57,520.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.027, 316.083, 316.084, 316.0875, 316.151, 316.1925, 316.2065, and 318.19.

This bill creates section 318.142 of the Florida Statutes.

This bill corrects cross-references in the following sections of the Florida Statutes: 215.05, 316.1303, 316.235, 316.545, 316.605, 316.6105, 316.613, 316.622, 316.650, 316.70, 320.01, 320.08, 320.084, 320.38, 322.0261, 322.031, 450.181, 559.903, 655.960, 732.402, 860.065, and 316.072.

The bill reenacts the following sections of the Florida Statutes for the purpose of incorporating amendments made by the act: 318.14 and 318.18.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on January 27, 2016:

The CS:

- Renumbered all of the definitions in s. 316.003, F.S., to accommodate alphabetization which resulted in numerous cross-reference corrections;
- Deleted the definition of “bodily injury”;

- Deleted provisions creating s. 316.0833, F.S., related to turns by motor vehicles, and instead revised s. 316.151, F.S., to prohibit certain turns;
- Added revisions to s. 316.084, F.S., related to bicyclists' ability to pass on the right;
- Added revisions to s. 316.2065, F.S., allowing groups of cyclists to proceed from a stop sign; and
- Removed the \$2000 fine for violations involving bodily injury under ss. 316.083, 316.0833, and 316.1925, F.S., and replaced it with a \$2500 fine for violations of s. 316.192, F.S.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



196208

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/16/2016	.	
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	.	
	.	

The Committee on Criminal Justice (Clemens) recommended the following:

Senate Amendment

Delete line 642
and insert:
bicycle, scooter, or moped lawfully on the roadway;

By the Committee on Transportation; and Senator Altman

596-02693-16

2016332c1

1 A bill to be entitled
 2 An act relating to highway safety; amending s.
 3 316.003, F.S.; providing definitions; amending s.
 4 316.027, F.S.; deleting the definition of the term
 5 "vulnerable road user"; conforming provisions to
 6 changes made by the act; amending s. 316.083, F.S.;
 7 revising provisions relating to the passing of a
 8 vehicle; directing a law enforcement officer issuing a
 9 citation for specified violations to note certain
 10 information on the citation; amending s. 316.084,
 11 F.S.; exempting bicycles from provisions for passing a
 12 vehicle on the right under certain circumstances;
 13 amending s. 316.0875, F.S.; revising exceptions to
 14 provisions for designated no-passing zones; amending
 15 s. 316.151, F.S.; revising provisions for turning at
 16 intersections; directing a law enforcement officer
 17 issuing a citation for specified violations to note
 18 certain information on the citation; amending s.
 19 316.1925, F.S.; revising provisions relating to
 20 careless driving; directing a law enforcement officer
 21 issuing a citation for specified violations to note
 22 certain information on the citation; amending s.
 23 316.2065, F.S.; revising provisions for operation of a
 24 bicycle; requiring motor vehicle operators to allow a
 25 group of bicycles to travel through an intersection
 26 under certain circumstances; creating s. 318.142,
 27 F.S.; providing penalties for specified infractions
 28 contributing to bodily injury of a vulnerable user;
 29 amending s. 318.19, F.S.; requiring a hearing for
 30 specified offenses; directing a law enforcement
 31 officer issuing a citation for specified violations to
 32 note certain information on the citation; amending s.

Page 1 of 56

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02693-16

2016332c1

33 322.0261, F.S., relating to driver improvement
 34 courses; revising the definition of "vulnerable road
 35 users"; amending ss. 212.05, 316.1303, 316.235,
 36 316.545, 316.605, 316.6105, 316.613, 316.622, 316.650,
 37 316.70, 320.01, 320.08, 320.0801, 320.38, 322.031,
 38 450.181, 559.903, 655.960, 732.402, and 860.065, F.S.;
 39 conforming cross-references; reenacting ss.
 40 316.072(4)(b), 316.1923(5), 318.14(2), and
 41 318.18(1)(b), F.S., relating to obedience to and
 42 effect of traffic laws, aggressive careless driving,
 43 noncriminal traffic infractions, and amount of
 44 penalties, respectively, to incorporate amendments
 45 made by the act in references thereto; providing an
 46 effective date.
 47
 48 WHEREAS, the Legislature recognizes that everyone must
 49 share the road, and
 50 WHEREAS, there are laws in place, such as ss. 316.2065 and
 51 316.2068, Florida Statutes, that require certain vulnerable road
 52 users to follow safe practices when operating on the roadways of
 53 the state, and
 54 WHEREAS, there are laws in place that similarly require
 55 persons who operate a vehicle on the highways of the state to
 56 operate the vehicle in a safe manner, and
 57 WHEREAS, it is the intent of the Legislature to amend the
 58 Florida Uniform Traffic Control laws to protect vulnerable road
 59 users while balancing their rights against the rights of those
 60 who choose to travel by motor vehicle, NOW, THEREFORE,
 61

Page 2 of 56

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02693-16

2016332c1

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

63
64 Section 1. Section 316.003, Florida Statutes, is reordered
65 and amended to read:

66 316.003 Definitions.—The following words and phrases, when
67 used in this chapter, shall have the meanings respectively
68 ascribed to them in this section, except where the context
69 otherwise requires:

70 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
71 department (fire patrol), police vehicles, and such ambulances
72 and emergency vehicles of municipal departments, public service
73 corporations operated by private corporations, the Fish and
74 Wildlife Conservation Commission, the Department of
75 Environmental Protection, the Department of Health, the
76 Department of Transportation, and the Department of Corrections
77 as are designated or authorized by their respective department
78 or the chief of police of an incorporated city or any sheriff of
79 any of the various counties.

80 (3)~~(2)~~ BICYCLE.—Every vehicle propelled solely by human
81 power, and every motorized bicycle propelled by a combination of
82 human power and an electric helper motor capable of propelling
83 the vehicle at a speed of not more than 20 miles per hour on
84 level ground upon which any person may ride, having two tandem
85 wheels, and including any device generally recognized as a
86 bicycle though equipped with two front or two rear wheels. The
87 term does not include such a vehicle with a seat height of no
88 more than 25 inches from the ground when the seat is adjusted to
89 its highest position or a scooter or similar device. No person
90 under the age of 16 may operate or ride upon a motorized

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91 bicycle.

92 (7)~~(3)~~ BUS.—Any motor vehicle designed for carrying more
93 than 10 passengers and used for the transportation of persons
94 and any motor vehicle, other than a taxicab, designed and used
95 for the transportation of persons for compensation.

96 (8)~~(4)~~ BUSINESS DISTRICT.—The territory contiguous to, and
97 including, a highway when 50 percent or more of the frontage
98 thereon, for a distance of 300 feet or more, is occupied by
99 buildings in use for business.

100 (4) BICYCLE LANE.—A portion of a roadway or highway that
101 has been designated by pavement markings and signs for the
102 preferential or exclusive use by bicycles.

103 (9)~~(5)~~ CANCELLATION.—Cancellation means that a license
104 which was issued through error or fraud is declared void and
105 terminated. A new license may be obtained only as permitted in
106 this chapter.

107 (14)~~(6)~~ CROSSWALK.—

108 (a) That part of a roadway at an intersection included
109 within the connections of the lateral lines of the sidewalks on
110 opposite sides of the highway, measured from the curbs or, in
111 the absence of curbs, from the edges of the traversable roadway.

112 (b) Any portion of a roadway at an intersection or
113 elsewhere distinctly indicated for pedestrian crossing by lines
114 or other markings on the surface.

115 (15)~~(7)~~ DAYTIME.—The period from a half hour before sunrise
116 to a half hour after sunset. Nighttime means at any other hour.

117 (16)~~(8)~~ DEPARTMENT.—The Department of Highway Safety and
118 Motor Vehicles as defined in s. 20.24. Any reference herein to
119 Department of Transportation shall be construed as referring to

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120 the Department of Transportation, defined in s. 20.23, or the
121 appropriate division thereof.

122 (17)~~(9)~~ DIRECTOR.—The Director of the Division of the
123 Florida Highway Patrol of the Department of Highway Safety and
124 Motor Vehicles.

125 (18)~~(10)~~ DRIVER.—Any person who drives or is in actual
126 physical control of a vehicle on a highway or who is exercising
127 control of a vehicle or steering a vehicle being towed by a
128 motor vehicle.

129 (20)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical
130 mixture that is commonly used or intended for the purpose of
131 producing an explosion and which contains any oxidizing and
132 combustive units or other ingredients in such proportions,
133 quantities, or packing that an ignition by fire, friction,
134 concussion, percussion, or detonator of any part of the compound
135 or mixture may cause such a sudden generation of highly heated
136 gases that the resultant gaseous pressures are capable of
137 producing destructive effect on contiguous objects or of
138 destroying life or limb.

139 (22)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used
140 primarily as a farm implement for drawing plows, mowing
141 machines, and other implements of husbandry.

142 (23)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash
143 point of 70 degrees Fahrenheit or less, as determined by a
144 Tagliabue or equivalent closed-cup test device.

145 (25)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without load
146 plus the weight of any load thereon.

147 (27)~~(15)~~ HOUSE TRAILER.—

148 (a) A trailer or semitrailer which is designed,

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149 constructed, and equipped as a dwelling place, living abode, or
150 sleeping place (either permanently or temporarily) and is
151 equipped for use as a conveyance on streets and highways, or

152 (b) A trailer or a semitrailer the chassis and exterior
153 shell of which is designed and constructed for use as a house
154 trailer, as defined in paragraph (a), but which is used instead,
155 permanently or temporarily, for the advertising, sales, display,
156 or promotion of merchandise or services or for any other
157 commercial purpose except the transportation of property for
158 hire or the transportation of property for distribution by a
159 private carrier.

160 (28)~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and
161 adapted exclusively for agricultural, horticultural, or
162 livestock-raising operations or for lifting or carrying an
163 implement of husbandry and in either case not subject to
164 registration if used upon the highways.

165 (29)~~(17)~~ INTERSECTION.—

166 (a) The area embraced within the prolongation or connection
167 of the lateral curblines; or, if none, then the lateral boundary
168 lines of the roadways of two highways which join one another at,
169 or approximately at, right angles; or the area within which
170 vehicles traveling upon different highways joining at any other
171 angle may come in conflict.

172 (b) Where a highway includes two roadways 30 feet or more
173 apart, then every crossing of each roadway of such divided
174 highway by an intersecting highway shall be regarded as a
175 separate intersection. In the event such intersecting highway
176 also includes two roadways 30 feet or more apart, then every
177 crossing of two roadways of such highways shall be regarded as a

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178 separate intersection.

179 (30)~~(18)~~ LANED HIGHWAY.—A highway the roadway of which is
180 divided into two or more clearly marked lanes for vehicular
181 traffic.

182 (31)~~(19)~~ LIMITED ACCESS FACILITY.—A street or highway
183 especially designed for through traffic and over, from, or to
184 which owners or occupants of abutting land or other persons have
185 no right or easement, or only a limited right or easement, of
186 access, light, air, or view by reason of the fact that their
187 property abuts upon such limited access facility or for any
188 other reason. Such highways or streets may be parkways from
189 which trucks, buses, and other commercial vehicles are excluded;
190 or they may be freeways open to use by all customary forms of
191 street and highway traffic.

192 (32)~~(20)~~ LOCAL AUTHORITIES.—Includes all officers and
193 public officials of the several counties and municipalities of
194 this state.

195 (38)~~(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a
196 self-propelled vehicle not operated upon rails or guideway, but
197 not including any bicycle, motorized scooter, electric personal
198 assistive mobility device, swamp buggy, or moped. For purposes
199 of s. 316.1001, "motor vehicle" has the same meaning as in s.
200 320.01(1)(a).

201 (39)~~(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or
202 saddle for the use of the rider and designed to travel on not
203 more than three wheels in contact with the ground, but excluding
204 a tractor or a moped.

205 (42)~~(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs,
206 signals, markings, and devices, not inconsistent with this

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207 chapter, placed or erected by authority of a public body or
208 official having jurisdiction for the purpose of regulating,
209 warning, or guiding traffic.

210 (43)~~(24)~~ OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device,
211 whether manually, electrically, or mechanically operated, by
212 which traffic is alternately directed to stop and permitted to
213 proceed.

214 (44)~~(25)~~ OPERATOR.—Any person who is in actual physical
215 control of a motor vehicle upon the highway, or who is
216 exercising control over or steering a vehicle being towed by a
217 motor vehicle.

218 (45)~~(26)~~ OWNER.—A person who holds the legal title of a
219 vehicle, or, in the event a vehicle is the subject of an
220 agreement for the conditional sale or lease thereof with the
221 right of purchase upon performance of the conditions stated in
222 the agreement and with an immediate right of possession vested
223 in the conditional vendee or lessee, or in the event a mortgagor
224 of a vehicle is entitled to possession, then such conditional
225 vendee, or lessee, or mortgagor shall be deemed the owner, for
226 the purposes of this chapter.

227 (46)~~(27)~~ PARK OR PARKING.—The standing of a vehicle,
228 whether occupied or not, otherwise than temporarily for the
229 purpose of and while actually engaged in loading or unloading
230 merchandise or passengers as may be permitted by law under this
231 chapter.

232 (47)~~(28)~~ PEDESTRIAN.—Any person afoot.

233 (48)~~(29)~~ PERSON.—Any natural person, firm, copartnership,
234 association, or corporation.

235 (49)~~(30)~~ PNEUMATIC TIRE.—Any tire in which compressed air

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236 is designed to support the load.

237 ~~(50)(31)~~ POLE TRAILER.—Any vehicle without motive power
238 designed to be drawn by another vehicle and attached to the
239 towing vehicle by means of a reach or pole, or by being boomed
240 or otherwise secured to the towing vehicle, and ordinarily used
241 for transporting long or irregularly shaped loads such as poles,
242 pipes, or structural members capable, generally, of sustaining
243 themselves as beams between the supporting connections.

244 ~~(51)(32)~~ POLICE OFFICER.—Any officer authorized to direct
245 or regulate traffic or to make arrests for violations of traffic
246 regulations, including Florida highway patrol officers,
247 sheriffs, deputy sheriffs, and municipal police officers.

248 ~~(52)(33)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
249 provided in paragraph (74)(b) ~~(53)(b)~~, any privately owned way
250 or place used for vehicular travel by the owner and those having
251 express or implied permission from the owner, but not by other
252 persons.

253 ~~(53)(34)~~ RADIOACTIVE MATERIALS.—Any materials or
254 combination of materials which emit ionizing radiation
255 spontaneously in which the radioactivity per gram of material,
256 in any form, is greater than 0.002 microcuries.

257 ~~(54)(35)~~ RAILROAD.—A carrier of persons or property upon
258 cars operated upon stationary rails.

259 ~~(55)(36)~~ RAILROAD SIGN OR SIGNAL.—Any sign, signal, or
260 device erected by authority of a public body or official, or by
261 a railroad, and intended to give notice of the presence of
262 railroad tracks or the approach of a railroad train.

263 ~~(56)(37)~~ RAILROAD TRAIN.—A steam engine, electric or other
264 motor, with or without cars coupled thereto, operated upon

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265 rails, except a streetcar.

266 ~~(57)(38)~~ RESIDENCE DISTRICT.—The territory contiguous to,
267 and including, a highway, not comprising a business district,
268 when the property on such highway, for a distance of 300 feet or
269 more, is, in the main, improved with residences or residences
270 and buildings in use for business.

271 ~~(58)(39)~~ REVOCATION.—Revocation means that a licensee's
272 privilege to drive a motor vehicle is terminated. A new license
273 may be obtained only as permitted by law.

274 ~~(59)(40)~~ RIGHT-OF-WAY.—The right of one vehicle or
275 pedestrian to proceed in a lawful manner in preference to
276 another vehicle or pedestrian approaching under such
277 circumstances of direction, speed, and proximity as to give rise
278 to danger of collision unless one grants precedence to the
279 other.

280 ~~(60)(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used
281 for drawing other vehicles and not so constructed as to carry
282 any load thereon, either independently or as any part of the
283 weight of a vehicle or load so drawn.

284 ~~(61)(42)~~ ROADWAY.—That portion of a highway improved,
285 designed, or ordinarily used for vehicular travel, exclusive of
286 the berm or shoulder. In the event a highway includes two or
287 more separate roadways, the term "roadway" as used herein refers
288 to any such roadway separately, but not to all such roadways
289 collectively.

290 ~~(62)(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby
291 the front wheels of one vehicle rest in a secured position upon
292 another vehicle. All of the wheels of the towing vehicle are
293 upon the ground, and only the rear wheels of the towed vehicle

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294 rest upon the ground. Such combinations may include one full
295 mount, whereby a smaller transport vehicle is placed completely
296 on the last towed vehicle.

297 (63)-(44) SAFETY ZONE.—The area or space officially set
298 apart within a roadway for the exclusive use of pedestrians and
299 protected or so marked by adequate signs or authorized pavement
300 markings as to be plainly visible at all times while set apart
301 as a safety zone.

302 (65)-(45) SCHOOL BUS.—Any motor vehicle that complies with
303 the color and identification requirements of chapter 1006 and is
304 used to transport children to or from public or private school
305 or in connection with school activities, but not including buses
306 operated by common carriers in urban transportation of school
307 children. The term "school" includes all preelementary,
308 elementary, secondary, and postsecondary schools.

309 (66)-(46) SEMITRAILER.—Any vehicle with or without motive
310 power, other than a pole trailer, designed for carrying persons
311 or property and for being drawn by a motor vehicle and so
312 constructed that some part of its weight and that of its load
313 rests upon, or is carried by, another vehicle.

314 (67)-(47) SIDEWALK.—That portion of a street between the
315 curblineline, or the lateral line, of a roadway and the adjacent
316 property lines, intended for use by pedestrians.

317 (68)-(48) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed
318 or used primarily for the transportation of persons or property
319 and only incidentally operated or moved over a highway,
320 including, but not limited to, ditchdigging apparatus, well-
321 boring apparatus, and road construction and maintenance
322 machinery, such as asphalt spreaders, bituminous mixers, bucket

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323 loaders, tractors other than truck tractors, ditchers, leveling
324 graders, finishing machines, motor graders, road rollers,
325 scarifiers, earthmoving carryalls and scrapers, power shovels
326 and draglines, and self-propelled cranes and earthmoving
327 equipment. The term does not include house trailers, dump
328 trucks, truck-mounted transit mixers, cranes or shovels, or
329 other vehicles designed for the transportation of persons or
330 property to which machinery has been attached.

331 (69)-(49) STAND OR STANDING.—The halting of a vehicle,
332 whether occupied or not, otherwise than temporarily, for the
333 purpose of, and while actually engaged in, receiving or
334 discharging passengers, as may be permitted by law under this
335 chapter.

336 (70)-(50) STATE ROAD.—Any highway designated as a state-
337 maintained road by the Department of Transportation.

338 (71)-(51) STOP.—When required, complete cessation from
339 movement.

340 (72)-(52) STOP OR STOPPING.—When prohibited, any halting,
341 even momentarily, of a vehicle, whether occupied or not, except
342 when necessary to avoid conflict with other traffic or to comply
343 with the directions of a law enforcement officer or traffic
344 control sign or signal.

345 (74)-(53) STREET OR HIGHWAY.—

346 (a) The entire width between the boundary lines of every
347 way or place of whatever nature when any part thereof is open to
348 the use of the public for purposes of vehicular traffic;

349 (b) The entire width between the boundary lines of any
350 privately owned way or place used for vehicular travel by the
351 owner and those having express or implied permission from the

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352 owner, but not by other persons, or any limited access road
 353 owned or controlled by a special district, whenever, by written
 354 agreement entered into under s. 316.006(2)(b) or (3)(b), a
 355 county or municipality exercises traffic control jurisdiction
 356 over said way or place;

357 (c) Any area, such as a runway, taxiway, ramp, clear zone,
 358 or parking lot, within the boundary of any airport owned by the
 359 state, a county, a municipality, or a political subdivision,
 360 which area is used for vehicular traffic but which is not open
 361 for vehicular operation by the general public; or

362 (d) Any way or place used for vehicular traffic on a
 363 controlled access basis within a mobile home park recreation
 364 district which has been created under s. 418.30 and the
 365 recreational facilities of which district are open to the
 366 general public.

367 (75)~~(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's
 368 privilege to drive a motor vehicle.

369 (81)~~(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof on
 370 which vehicular traffic is given the right-of-way and at the
 371 entrances to which vehicular traffic from intersecting highways
 372 is required to yield right-of-way to vehicles on such through
 373 highway in obedience to either a stop sign or yield sign, or
 374 otherwise in obedience to law.

375 (82)~~(56)~~ TIRE WIDTH.—Tire width is that width stated on the
 376 surface of the tire by the manufacturer of the tire, if the
 377 width stated does not exceed 2 inches more than the width of the
 378 tire contacting the surface.

379 (83)~~(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals,
 380 and vehicles, streetcars, and other conveyances either singly or

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381 together while using any street or highway for purposes of
 382 travel.

383 (86)~~(58)~~ TRAILER.—Any vehicle with or without motive power,
 384 other than a pole trailer, designed for carrying persons or
 385 property and for being drawn by a motor vehicle.

386 (89)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or
 387 maintained primarily for the transportation of property.

388 (90)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and used
 389 primarily for drawing other vehicles and not so constructed as
 390 to carry a load other than a part of the weight of the vehicle
 391 and load so drawn.

392 (35)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person
 393 employed in hand labor operations in planting, cultivation, or
 394 harvesting agricultural crops.

395 (21)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used
 396 for the transportation of nine or more migrant or seasonal farm
 397 workers, in addition to the driver, to or from a place of
 398 employment or employment-related activities. The term does not
 399 include:

400 (a) Any vehicle carrying only members of the immediate
 401 family of the owner or driver.

402 (b) Any vehicle being operated by a common carrier of
 403 passengers.

404 (c) Any carpool as defined in s. 450.28(3).

405 (5)~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open
 406 to bicycle travel, which road, path, or way is physically
 407 separated from motorized vehicular traffic by an open space or
 408 by a barrier and is located either within the highway right-of-
 409 way or within an independent right-of-way.

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410 (10)~~(64)~~ CHIEF ADMINISTRATIVE OFFICER.—The head, or his or
411 her designee, of any law enforcement agency which is authorized
412 to enforce traffic laws.

413 (11)~~(65)~~ CHILD.—A child as defined in s. 39.01, s. 984.03,
414 or s. 985.03.

415 (12)~~(66)~~ COMMERCIAL MOTOR VEHICLE.—Any self-propelled or
416 towed vehicle used on the public highways in commerce to
417 transport passengers or cargo, if such vehicle:

418 (a) Has a gross vehicle weight rating of 10,000 pounds or
419 more;

420 (b) Is designed to transport more than 15 passengers,
421 including the driver; or

422 (c) Is used in the transportation of materials found to be
423 hazardous for the purposes of the Hazardous Materials
424 Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

425

426 A vehicle that occasionally transports personal property to and
427 from a closed-course motorsport facility, as defined in s.
428 549.09(1)(a), is not a commercial motor vehicle if it is not
429 used for profit and corporate sponsorship is not involved. As
430 used in this subsection, the term "corporate sponsorship" means
431 a payment, donation, gratuity, in-kind service, or other benefit
432 provided to or derived by a person in relation to the underlying
433 activity, other than the display of product or corporate names,
434 logos, or other graphic information on the property being
435 transported.

436 (13)~~(67)~~ COURT.—The court having jurisdiction over traffic
437 offenses.

438 (24)~~(68)~~ GOLF CART.—A motor vehicle designed and

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439 manufactured for operation on a golf course for sporting or
440 recreational purposes.

441 (26)~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material
442 which has been determined by the secretary of the United States
443 Department of Transportation to be capable of imposing an
444 unreasonable risk to health, safety, and property. This term
445 includes hazardous waste as defined in s. 403.703(13).

446 (73)~~(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit
447 and the motive power unit are located on the same frame so as to
448 form a single, rigid unit.

449 (78)~~(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck
450 tractor, semitrailer, and trailer coupled together so as to
451 operate as a complete unit.

452 (79)~~(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway
453 network consisting primarily of four or more lanes, including
454 all interstate highways; highways designated by the United
455 States Department of Transportation as elements of the National
456 Network; and any street or highway designated by the Florida
457 Department of Transportation for use by tandem trailer trucks,
458 in accordance with s. 316.515, except roads on which truck
459 traffic was specifically prohibited on January 6, 1983.

460 (80)~~(73)~~ TERMINAL.—Any location where:

461 (a) Freight either originates, terminates, or is handled in
462 the transportation process; or

463 (b) Commercial motor carriers maintain operating
464 facilities.

465 (87)~~(74)~~ TRANSPORTATION.—The conveyance or movement of
466 goods, materials, livestock, or persons from one location to
467 another on any road, street, or highway open to travel by the

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468 public.

469 ~~(92)(75)~~ VEHICLE.—Every device, in, upon, or by which any
470 person or property is or may be transported or drawn upon a
471 highway, excepting devices used exclusively upon stationary
472 rails or tracks.

473 ~~(6)(76)~~ BRAKE HORSEPOWER.—The actual unit of torque
474 developed per unit of time at the output shaft of an engine, as
475 measured by a dynamometer.

476 ~~(36)(77)~~ MOPED.—Any vehicle with pedals to permit
477 propulsion by human power, having a seat or saddle for the use
478 of the rider and designed to travel on not more than three
479 wheels; with a motor rated not in excess of 2 brake horsepower
480 and not capable of propelling the vehicle at a speed greater
481 than 30 miles per hour on level ground; and with a power-drive
482 system that functions directly or automatically without
483 clutching or shifting gears by the operator after the drive
484 system is engaged. If an internal combustion engine is used, the
485 displacement may not exceed 50 cubic centimeters.

486 ~~(41)(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for
487 the transportation of persons for compensation and which is not
488 owned, leased, operated, or controlled by a municipal, county,
489 or state government or a governmentally owned or managed
490 nonprofit corporation.

491 ~~(95)(79)~~ WORK ZONE AREA.—The area and its approaches on any
492 state-maintained highway, county-maintained highway, or
493 municipal street where construction, repair, maintenance, or
494 other street-related or highway-related work is being performed
495 or where one or more lanes is closed to traffic.

496 ~~(34)(80)~~ MAXI-CUBE VEHICLE.—A specialized combination

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497 vehicle consisting of a truck carrying a separable cargo-
498 carrying unit combined with a semitrailer designed so that the
499 separable cargo-carrying unit is to be loaded and unloaded
500 through the semitrailer. The entire combination may not exceed
501 65 feet in length, and a single component of that combination
502 may not exceed 34 feet in length.

503 ~~(77)(81)~~ TANDEM AXLE.—Any two axles whose centers are more
504 than 40 inches but not more than 96 inches apart and are
505 individually attached to or articulated from, or both, a common
506 attachment to the vehicle, including a connecting mechanism
507 designed to equalize the load between axles.

508 ~~(40)(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat
509 or saddle for the use of the rider, designed to travel on not
510 more than three wheels, and not capable of propelling the
511 vehicle at a speed greater than 30 miles per hour on level
512 ground.

513 ~~(19)(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any
514 self-balancing, two-nontandem-wheeled device, designed to
515 transport only one person, with an electric propulsion system
516 with average power of 750 watts (1 horsepower), the maximum
517 speed of which, on a paved level surface when powered solely by
518 such a propulsion system while being ridden by an operator who
519 weighs 170 pounds, is less than 20 miles per hour. Electric
520 personal assistive mobility devices are not vehicles as defined
521 in this section.

522 ~~(85)(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or
523 device with the capability of activating a control mechanism
524 mounted on or near traffic signals which alters a traffic
525 signal's timing cycle.

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526 (93)~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based
 527 organization whose primary purpose is to act as an advocate for
 528 the victims and survivors of traffic crashes and for their
 529 families. The victims services offered by these programs may
 530 include grief and crisis counseling, assistance with preparing
 531 victim compensation claims excluding third-party legal action,
 532 or connecting persons with other service providers, and
 533 providing emergency financial assistance.

534 (37)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—
 535 (a) A contract, agreement, or understanding covering:
 536 1. The transportation of property for compensation or hire
 537 by the motor carrier;
 538 2. Entrance on property by the motor carrier for the
 539 purpose of loading, unloading, or transporting property for
 540 compensation or hire; or
 541 3. A service incidental to activity described in
 542 subparagraph 1. or subparagraph 2., including, but not limited
 543 to, storage of property.

544 (b) "Motor carrier transportation contract" does not
 545 include the Uniform Intermodal Interchange and Facilities Access
 546 Agreement administered by the Intermodal Association of North
 547 America or other agreements providing for the interchange, use,
 548 or possession of intermodal chassis, containers, or other
 549 intermodal equipment.

550 (84)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
 551 installed to work in conjunction with a traffic control signal
 552 and a camera or cameras synchronized to automatically record two
 553 or more sequenced photographic or electronic images or streaming
 554 video of only the rear of a motor vehicle at the time the

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555 vehicle fails to stop behind the stop bar or clearly marked stop
 556 line when facing a traffic control signal steady red light. Any
 557 notification under s. 316.0083(1)(b) or traffic citation issued
 558 by the use of a traffic infraction detector must include a
 559 photograph or other recorded image showing both the license tag
 560 of the offending vehicle and the traffic control device being
 561 violated.

562 (88) TRI-VEHICLE.—An enclosed three-wheeled passenger
 563 vehicle that:
 564 (a) Is designed to operate with three wheels in contact
 565 with the ground;
 566 (b) Has a minimum unladen weight of 900 pounds;
 567 (c) Has a single, completely enclosed, occupant
 568 compartment;
 569 (d) Is produced in a minimum quantity of 300 in any
 570 calendar year;
 571 (e) Is capable of a speed greater than 60 miles per hour on
 572 level ground; and
 573 (f) Is equipped with:
 574 1. Seats that are certified by the vehicle manufacturer to
 575 meet the requirements of Federal Motor Vehicle Safety Standard
 576 No. 207, "Seating systems" (49 C.F.R. s. 571.207);
 577 2. A steering wheel used to maneuver the vehicle;
 578 3. A propulsion unit located forward or aft of the enclosed
 579 occupant compartment;
 580 4. A seat belt for each vehicle occupant certified to meet
 581 the requirements of Federal Motor Vehicle Safety Standard No.
 582 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);
 583 5. A windshield and an appropriate windshield wiper and

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584 washer system that are certified by the vehicle manufacturer to
 585 meet the requirements of Federal Motor Vehicle Safety Standard
 586 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
 587 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
 588 Washing Systems" (49 C.F.R. s. 571.104); and

589 6. A vehicle structure certified by the vehicle
 590 manufacturer to meet the requirements of Federal Motor Vehicle
 591 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
 592 s. 571.216).

593 (76)~~(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is
 594 designed or modified to travel over swampy or varied terrain and
 595 that may use large tires or tracks operated from an elevated
 596 platform. The term does not include any vehicle defined in
 597 chapter 261 or otherwise defined or classified in this chapter.

598 (2)~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with
 599 autonomous technology. The term "autonomous technology" means
 600 technology installed on a motor vehicle that has the capability
 601 to drive the vehicle on which the technology is installed
 602 without the active control or monitoring by a human operator.
 603 The term excludes a motor vehicle enabled with active safety
 604 systems or driver assistance systems, including, without
 605 limitation, a system to provide electronic blind spot
 606 assistance, crash avoidance, emergency braking, parking
 607 assistance, adaptive cruise control, lane keep assistance, lane
 608 departure warning, or traffic jam and queuing assistant, unless
 609 any such system alone or in combination with other systems
 610 enables the vehicle on which the technology is installed to
 611 drive without the active control or monitoring by a human
 612 operator.

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613 (33)~~(91)~~ LOCAL HEARING OFFICER.—The person, designated by a
 614 department, county, or municipality that elects to authorize
 615 traffic infraction enforcement officers to issue traffic
 616 citations under s. 316.0083(1)(a), who is authorized to conduct
 617 hearings related to a notice of violation issued pursuant to s.
 618 316.0083. The charter county, noncharter county, or municipality
 619 may use its currently appointed code enforcement board or
 620 special magistrate to serve as the local hearing officer. The
 621 department may enter into an interlocal agreement to use the
 622 local hearing officer of a county or municipality.

623 (64)~~(92)~~ SANITATION VEHICLE.—A motor vehicle that bears an
 624 emblem that is visible from the roadway and clearly identifies
 625 that the vehicle belongs to or is under contract with a person,
 626 entity, cooperative, board, commission, district, or unit of
 627 local government that provides garbage, trash, refuse, or
 628 recycling collection.

629 (91)~~(93)~~ UTILITY SERVICE VEHICLE.—A motor vehicle that
 630 bears an emblem that is visible from the roadway and clearly
 631 identifies that the vehicle belongs to or is under contract with
 632 a person, entity, cooperative, board, commission, district, or
 633 unit of local government that provides electric, natural gas,
 634 water, wastewater, cable, telephone, or communications services.

635 (94) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE
 636 USER.—

637 (a) A pedestrian, including a person actually engaged in
 638 work upon a highway, work upon utility facilities along a
 639 highway, or the provision of emergency services within the
 640 right-of-way;

641 (b) A person operating, or who is a passenger on, a

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642 bicycle, motorcycle, scooter, or moped lawfully on the roadway;
 643 (c) A person riding an animal; or
 644 (d) A person lawfully operating on a public roadway,
 645 crosswalk, or shoulder of the roadway:
 646 1. A farm tractor or similar vehicle designed primarily for
 647 farm use;
 648 2. A horse-drawn carriage;
 649 3. An electric personal assistive mobility device; or
 650 4. A wheelchair.

651 Section 2. Subsection (1) and paragraphs (e) and (f) of
 652 subsection (2) of section 316.027, Florida Statutes, are amended
 653 to read:

654 316.027 Crash involving death or personal injuries.—
 655 (1) As used in this section, the term+
 656 ~~(a)~~ "serious bodily injury" means an injury to a person,
 657 including the driver, which consists of a physical condition
 658 that creates a substantial risk of death, serious personal
 659 disfigurement, or protracted loss or impairment of the function
 660 of a bodily member or organ.
 661 ~~(b) "Vulnerable road user" means:~~
 662 1. A pedestrian, including a person actually engaged in
 663 work upon a highway, or in work upon utility facilities along a
 664 highway, or engaged in the provision of emergency services
 665 within the right-of-way;
 666 2. A person operating a bicycle, motorcycle, scooter, or
 667 moped lawfully on the roadway;
 668 3. A person riding an animal; or
 669 4. A person lawfully operating on a public right-of-way,
 670 crosswalk, or shoulder of the roadway:

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671 ~~a. A farm tractor or similar vehicle designed primarily for~~
 672 ~~farm use;~~
 673 ~~b. A skateboard, roller skates, or in-line skates;~~
 674 ~~c. A horse-drawn carriage;~~
 675 ~~d. An electric personal assistive mobility device; or~~
 676 ~~e. A wheelchair.~~
 677 (2)
 678 (e) A driver who violates paragraph (a), paragraph (b), or
 679 paragraph (c) shall have his or her driver license revoked for
 680 at least 3 years as provided in s. 322.28(4).

681 1. A person convicted of violating paragraph (a), paragraph
 682 (b), or paragraph (c) shall, before his or her driving privilege
 683 may be reinstated, present to the department proof of completion
 684 of a victim's impact panel session in a judicial circuit if such
 685 a panel exists, or if such a panel does not exist, a department-
 686 approved driver improvement course relating to the rights of
 687 vulnerable ~~road~~ users relative to vehicles on the roadway as
 688 provided in s. 322.0261(2).

689 2. The department may reinstate an offender's driving
 690 privilege after he or she satisfies the 3-year revocation period
 691 as provided in s. 322.28(4) and successfully completes either a
 692 victim's impact panel session or a department-approved driver
 693 improvement course relating to the rights of vulnerable ~~road~~
 694 users relative to vehicles on the roadway as provided in s.
 695 322.0261(2).

696 3. For purposes of this paragraph, an offender's driving
 697 privilege may be reinstated only after the department verifies
 698 that the offender participated in and successfully completed a
 699 victim's impact panel session or a department-approved driver

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700 improvement course.

701 (f) For purposes of sentencing under chapter 921 and
702 determining incentive gain-time eligibility under chapter 944,
703 an offense listed in this subsection is ranked one level above
704 the ranking specified in s. 921.0022 or s. 921.0023 for the
705 offense committed if the victim of the offense was a vulnerable
706 ~~read~~ user.

707 Section 3. Section 316.083, Florida Statutes, is amended to
708 read:

709 316.083 Overtaking and passing a vehicle.—The following
710 provisions ~~rules shall~~ govern the overtaking and passing of a
711 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~
712 ~~those limitations, exceptions, and special rules hereinafter~~
713 ~~stated:~~

714 (1) The driver of a vehicle overtaking another vehicle
715 proceeding in the same direction shall give an appropriate
716 signal as provided for in s. 316.156, shall pass to the left
717 thereof at a safe distance, and shall not again drive to the
718 right side of the roadway until safely clear of the overtaken
719 vehicle.

720 (2) The driver of a motor vehicle overtaking a person
721 operating a bicycle or other vulnerable user of a public roadway
722 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
723 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
724 of not less than 3 feet between any part of or attachment to the
725 motor vehicle, anything extending from the motor vehicle, or any
726 trailer or other thing being towed by the motor vehicle and the
727 bicycle, the person operating the bicycle, or other vulnerable
728 user ~~nonmotorized vehicle~~.

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729 ~~(3)(2)~~ Except when overtaking and passing on the right is
730 permitted, the driver of an overtaken vehicle shall give way to
731 the right in favor of the overtaking vehicle, on audible signal
732 or upon the visible blinking of the headlamps of the overtaking
733 vehicle if such overtaking is being attempted at nighttime, and
734 shall not increase the speed of his or her vehicle until
735 completely passed by the overtaking vehicle.

736 ~~(4)(3)~~ A violation of this section is a noncriminal traffic
737 infraction, punishable as a moving violation as provided in
738 chapter 318. If a violation of this section contributed to the
739 bodily injury of a vulnerable user of a public roadway, the law
740 enforcement officer issuing the citation for the violation shall
741 note such information on the citation.

742 Section 4. Section 316.084, Florida Statutes, is amended to
743 read:

744 316.084 When overtaking on the right is permitted.—

745 (1) The driver of a vehicle may overtake and pass on the
746 right of another vehicle only under the following conditions:

747 (a) When the vehicle overtaken is making or about to make a
748 left turn;

749 (b) Upon a street or highway with unobstructed pavement not
750 occupied by parked vehicles of sufficient width for two or more
751 lines of moving traffic in each direction;

752 (c) Upon a one-way street, or upon any roadway on which
753 traffic is restricted to one direction of movement, where the
754 roadway is free from obstructions and of sufficient width for
755 two or more lines of moving vehicles.

756 (2) The driver of a vehicle may overtake and pass another
757 vehicle on the right only under conditions permitting such

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758 movement in safety. In no event shall such movement be made by
759 driving off the pavement or main-traveled portion of the
760 roadway.

761 (3) This section does not prohibit a bicycle that is in a
762 bicycle lane or on the shoulder of a roadway or highway from
763 passing another vehicle on the right.

764 ~~(4)(3)~~ A violation of this section is a noncriminal traffic
765 infraction, punishable as a moving violation as provided in
766 chapter 318.

767 Section 5. Section 316.0875, Florida Statutes, is amended
768 to read:

769 316.0875 No-passing zones.—

770 (1) The Department of Transportation and local authorities
771 are authorized to determine those portions of any highway under
772 their respective jurisdiction where overtaking and passing or
773 driving to the left of the roadway would be especially hazardous
774 and may, by appropriate signs or markings on the roadway,
775 indicate the beginning and end of such zones, and, when such
776 signs or markings are in place and clearly visible to an
777 ordinarily observant person, each ~~every~~ driver of a vehicle
778 shall obey the directions thereof.

779 (2) Where signs or markings are in place to define a no-
780 passing zone as set forth in subsection (1), ~~a~~ ~~no~~ driver may
781 not, shall at any time, drive on the left side of the roadway
782 with such no-passing zone or on the left side of any pavement
783 striping designed to mark such no-passing zone throughout its
784 length.

785 (3) This section does not apply to a person who safely and
786 briefly drives to the left of the center of the roadway or

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787 pavement striping only to the extent necessary to:

788 (a) Avoid ~~When an obstruction; exists making it necessary~~
789 ~~to drive to the left of the center of the highway, nor~~

790 (b) Turn ~~To the driver of a vehicle turning left into or~~
791 ~~from an alley, private road, or driveway; or~~

792 (c) Comply with the requirements regarding a safe distance
793 to pass a vulnerable user, as required by s. 316.083(2).

794 (4) A violation of this section is a noncriminal traffic
795 infraction, punishable as a moving violation as provided in
796 chapter 318.

797 Section 6. Section 316.151, Florida Statutes, is amended to
798 read:

799 316.151 Required position and method of turning at
800 intersections.—

801 (1) (a) Right turn.—The driver of a vehicle intending to
802 turn right at an intersection onto a highway, public or private
803 roadway, or driveway shall do so as follows:

804 ~~1. (a) Right turn.~~—Both the approach for a right turn and a
805 right turn shall be made as close as practicable to the right-
806 hand curb or edge of the roadway.

807 2. When overtaking and passing a bicycle or other
808 vulnerable user proceeding in the same direction, the driver of
809 a motor vehicle shall give an appropriate signal as provided for
810 in s. 316.155 and shall make the right turn only if it can be
811 made at a safe distance from the bicycle or other vulnerable
812 user.

813 3. When crossing a sidewalk, bicycle lane, or bicycle path
814 to turn right, the driver of a motor vehicle shall yield the
815 right-of-way to a bicycle or pedestrian.

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816 (b) Left turn.—The driver of a vehicle intending to turn
 817 left at an any intersection onto a highway, public or private
 818 roadway, or driveway shall do so as follows:

819 1. The driver shall approach the intersection in the
 820 extreme left-hand lane lawfully available to traffic moving in
 821 the direction of travel of such vehicle. ~~Thereafter, and, after~~
 822 ~~entering the intersection,~~ the left turn shall be made so as to
 823 leave the intersection in a lane lawfully available to traffic
 824 moving in such direction upon the roadway being entered.

825 2. A person riding a bicycle and intending to turn left in
 826 accordance with this section is entitled to the full use of the
 827 lane from which the turn may legally be made. Whenever
 828 practicable the left turn shall be made in that portion of the
 829 intersection to the left of the center of the intersection.

830 ~~(c) Left turn by bicycle.~~—In addition ~~to the method of~~
 831 ~~making a left turn described in paragraph (b),~~ a person riding a
 832 bicycle and intending to turn left may do so as follows ~~has the~~
 833 ~~option of following the course described hereafter:~~

834 a. The rider shall approach the turn as close as
 835 practicable to the right curb or edge of the roadway;

836 b. After proceeding across the intersecting roadway, the
 837 turn shall be made as close as practicable to the curb or edge
 838 of the roadway on the far side of the intersection; and—

839 c. Before proceeding, the bicyclist shall comply with any
 840 official traffic control device or police officer regulating
 841 traffic on the highway along which the bicyclist intends to
 842 proceed.

843 (2) The state, county, and local authorities in their
 844 respective jurisdictions may cause official traffic control

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845 devices to be placed within or adjacent to intersections and
 846 thereby require and direct that a different course from that
 847 specified in this section be traveled by vehicles turning at an
 848 intersection. When such devices are so placed, ~~the~~ no driver of
 849 a vehicle may not turn a vehicle at an intersection other than
 850 as directed and required by such devices.

851 (3) A violation of this section is a noncriminal traffic
 852 infraction, punishable as a moving violation as provided in
 853 chapter 318. If a violation of this section contributes to the
 854 bodily injury of a vulnerable user of a public roadway, the law
 855 enforcement officer issuing the citation for the violation shall
 856 note such information on the citation.

857 Section 7. Section 316.1925, Florida Statutes, is amended
 858 to read:

859 316.1925 Careless driving.—

860 (1) A Any person operating a vehicle upon the streets or
 861 highways within the state shall drive the same in a careful and
 862 prudent manner, having regard for the width, grade, curves,
 863 corners, traffic, and all other attendant circumstances, so as
 864 not to endanger the life, limb, or property of any person. A
 865 person who fails ~~Failure~~ to drive in such manner commits shall
 866 constitute careless driving and a violation of this section.

867 ~~(2) Any person who violates this section shall be cited for~~
 868 a moving violation, punishable as provided in chapter 318.

869 (2) If a violation under subsection (1) contributed to the
 870 bodily injury of a vulnerable user of a public roadway, the law
 871 enforcement officer issuing the citation for the violation shall
 872 note such information on the citation.

873 Section 8. Subsections (1), (5), and (6) of section

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874 316.2065, Florida Statutes, are amended to read:

875 316.2065 Bicycle regulations.—

876 (1) A bicycle is a vehicle under Florida law and shall be
 877 operated in the same manner as any other vehicle and every
 878 person operating a bicycle propelling a vehicle by human power
 879 has all of the rights and all of the duties applicable to the
 880 driver of any other vehicle under this chapter, except as to
 881 special regulations in this chapter, and except as to provisions
 882 of this chapter which by their nature can have no application.

883 (5) (a) Any person operating a bicycle upon a roadway at
 884 less than the normal speed of traffic at the time and place and
 885 under the conditions then existing shall ride in the bicycle
 886 lane marked for bicycle use or, if there is no bicycle lane in
 887 the roadway is marked for bicycle use, as close as practicable
 888 to the right-hand curb or edge of the roadway except under any
 889 of the following situations:

890 1. When overtaking and passing another bicycle or vehicle
 891 proceeding in the same direction.

892 2. When preparing for a left turn at an intersection or
 893 into a private road or driveway.

894 3. When reasonably necessary to avoid any condition or
 895 potential conflict, including, but not limited to, a fixed or
 896 moving object, parked or moving vehicle, bicycle, pedestrian,
 897 animal, surface hazard, turn lane, or substandard-width lane,
 898 which makes it unsafe to continue along the right-hand curb or
 899 edge or within a bicycle lane. For the purposes of this
 900 subsection, a "substandard-width lane" is a lane that is too
 901 narrow for a bicycle and another vehicle to travel safely side
 902 by side within the lane.

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903 (b) Any person operating a bicycle upon a one-way highway
 904 with two or more marked traffic lanes may ride as near the left-
 905 hand curb or edge of such roadway as practicable.

906 (6) (a) Persons riding bicycles upon a roadway or in a
 907 bicycle lane may not ride more than two abreast except on
 908 bicycle paths or parts of roadways set aside for the exclusive
 909 use of bicycles. Persons riding two abreast may not impede
 910 traffic when traveling at less than the normal speed of traffic
 911 at the time and place and under the conditions then existing and
 912 shall ride within a single lane.

913 (b) When stopping at a stop sign, persons riding bicycles
 914 in groups of four or more, after coming to a full stop and
 915 obeying all traffic laws, may proceed through the stop sign in a
 916 group and motor vehicle operators shall allow the entire group
 917 to travel through the intersection before moving forward.

918 Section 9. Section 318.142, Florida Statutes, is created to
 919 read:

920 318.142 Infractions contributing to bodily injury of a
 921 vulnerable user of a public roadway.—In addition to any other
 922 penalty imposed for a violation under s. 316.192, if the
 923 violation contributed to the bodily injury of a vulnerable user
 924 of a public roadway as defined in s. 316.003, the law
 925 enforcement officer issuing the citation for the infraction
 926 shall note such information on the citation and the designated
 927 official may impose a fine of not more than \$2,500.

928 Section 10. Section 318.19, Florida Statutes, is amended to
 929 read:

930 318.19 Infractions requiring a mandatory hearing.—Any
 931 person cited for the infractions listed in this section shall

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932 not have the provisions of s. 318.14(2), (4), and (9) available
 933 to him or her but must appear before the designated official at
 934 the time and location of the scheduled hearing:

935 (1) Any infraction which results in a crash that causes the
 936 death of another;

937 (2) Any infraction which results in a crash that causes
 938 "serious bodily injury" of another as defined in s. 316.1933(1);

939 (3) Any infraction of s. 316.172(1)(b);

940 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

941 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 942 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

943 (6) Any infraction of s. 316.083, s. 316.151, or s.
 944 316.1925 which contributes to bodily injury of a vulnerable user
 945 of a public roadway as defined in s. 316.003. If an infraction
 946 listed in this subsection contributes to the bodily injury of a
 947 vulnerable user of a public roadway, the law enforcement officer
 948 issuing the citation for the infraction shall note such
 949 information on the citation.

950 Section 11. Paragraph (c) of subsection (1) of section
 951 212.05, Florida Statutes, is amended to read:

952 212.05 Sales, storage, use tax.—It is hereby declared to be
 953 the legislative intent that every person is exercising a taxable
 954 privilege who engages in the business of selling tangible
 955 personal property at retail in this state, including the
 956 business of making mail order sales, or who rents or furnishes
 957 any of the things or services taxable under this chapter, or who
 958 stores for use or consumption in this state any item or article
 959 of tangible personal property as defined herein and who leases
 960 or rents such property within the state.

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961 (1) For the exercise of such privilege, a tax is levied on
 962 each taxable transaction or incident, which tax is due and
 963 payable as follows:

964 (c) At the rate of 6 percent of the gross proceeds derived
 965 from the lease or rental of tangible personal property, as
 966 defined herein; however, the following special provisions apply
 967 to the lease or rental of motor vehicles:

968 1. When a motor vehicle is leased or rented for a period of
 969 less than 12 months:

970 a. If the motor vehicle is rented in Florida, the entire
 971 amount of such rental is taxable, even if the vehicle is dropped
 972 off in another state.

973 b. If the motor vehicle is rented in another state and
 974 dropped off in Florida, the rental is exempt from Florida tax.

975 2. Except as provided in subparagraph 3., for the lease or
 976 rental of a motor vehicle for a period of not less than 12
 977 months, sales tax is due on the lease or rental payments if the
 978 vehicle is registered in this state; provided, however, that no
 979 tax shall be due if the taxpayer documents use of the motor
 980 vehicle outside this state and tax is being paid on the lease or
 981 rental payments in another state.

982 3. The tax imposed by this chapter does not apply to the
 983 lease or rental of a commercial motor vehicle as defined in s.
 984 316.003(12)(a) ~~316.003(66)(a)~~ to one lessee or rentee for a
 985 period of not less than 12 months when tax was paid on the
 986 purchase price of such vehicle by the lessor. To the extent tax
 987 was paid with respect to the purchase of such vehicle in another
 988 state, territory of the United States, or the District of
 989 Columbia, the Florida tax payable shall be reduced in accordance

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990 with the provisions of s. 212.06(7). This subparagraph shall
 991 only be available when the lease or rental of such property is
 992 an established business or part of an established business or
 993 the same is incidental or germane to such business.

994 Section 12. Subsection (1) of section 316.1303, Florida
 995 Statutes, is amended to read:

996 316.1303 Traffic regulations to assist mobility-impaired
 997 persons.—

998 (1) Whenever a pedestrian who is mobility impaired is in
 999 the process of crossing a public street or highway with the
 1000 assistance of a guide dog or service animal designated as such
 1001 with a visible means of identification, a walker, a crutch, an
 1002 orthopedic cane, or a wheelchair, the driver of a vehicle
 1003 approaching the intersection, as defined in s. 316.003
 1004 ~~316.003(17)~~, shall bring his or her vehicle to a full stop
 1005 before arriving at the intersection and, before proceeding,
 1006 shall take precautions necessary to avoid injuring the
 1007 pedestrian.

1008 Section 13. Subsection (5) of section 316.235, Florida
 1009 Statutes, is amended to read:

1010 316.235 Additional lighting equipment.—

1011 (5) A bus, as defined in s. 316.003 ~~316.003(3)~~, may be
 1012 equipped with a deceleration lighting system which cautions
 1013 following vehicles that the bus is slowing, preparing to stop,
 1014 or is stopped. Such lighting system shall consist of amber
 1015 lights mounted in horizontal alignment on the rear of the
 1016 vehicle at or near the vertical centerline of the vehicle, not
 1017 higher than the lower edge of the rear window or, if the vehicle
 1018 has no rear window, not higher than 72 inches from the ground.

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1019 Such lights shall be visible from a distance of not less than
 1020 300 feet to the rear in normal sunlight. Lights are permitted to
 1021 light and flash during deceleration, braking, or standing and
 1022 idling of the bus. Vehicular hazard warning flashers may be used
 1023 in conjunction with or in lieu of a rear-mounted deceleration
 1024 lighting system.

1025 Section 14. Paragraph (b) of subsection (2) and paragraph
 1026 (a) of subsection (4) of section 316.545, Florida Statutes, are
 1027 amended to read:

1028 316.545 Weight and load unlawful; special fuel and motor
 1029 fuel tax enforcement; inspection; penalty; review.—

1030 (2)

1031 (b) The officer or inspector shall inspect the license
 1032 plate or registration certificate of the commercial motor
 1033 vehicle, as defined in s. 316.003 ~~316.003(66)~~, to determine if
 1034 its gross weight is in compliance with the declared gross
 1035 vehicle weight. If its gross weight exceeds the declared weight,
 1036 the penalty shall be 5 cents per pound on the difference between
 1037 such weights. In those cases when the commercial motor vehicle,
 1038 as defined in s. 316.003 ~~316.003(66)~~, is being operated over the
 1039 highways of the state with an expired registration or with no
 1040 registration from this or any other jurisdiction or is not
 1041 registered under the applicable provisions of chapter 320, the
 1042 penalty herein shall apply on the basis of 5 cents per pound on
 1043 that scaled weight which exceeds 35,000 pounds on laden truck
 1044 tractor-semitrailer combinations or tandem trailer truck
 1045 combinations, 10,000 pounds on laden straight trucks or straight
 1046 truck-trailer combinations, or 10,000 pounds on any unladen
 1047 commercial motor vehicle. If the license plate or registration

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1048 has not been expired for more than 90 days, the penalty imposed
 1049 under this paragraph may not exceed \$1,000. In the case of
 1050 special mobile equipment as defined in s. 316.003 ~~316.003(48)~~,
 1051 which qualifies for the license tax provided for in s.
 1052 320.08(5)(b), being operated on the highways of the state with
 1053 an expired registration or otherwise not properly registered
 1054 under the applicable provisions of chapter 320, a penalty of \$75
 1055 shall apply in addition to any other penalty which may apply in
 1056 accordance with this chapter. A vehicle found in violation of
 1057 this section may be detained until the owner or operator
 1058 produces evidence that the vehicle has been properly registered.
 1059 Any costs incurred by the retention of the vehicle shall be the
 1060 sole responsibility of the owner. A person who has been assessed
 1061 a penalty pursuant to this paragraph for failure to have a valid
 1062 vehicle registration certificate pursuant to the provisions of
 1063 chapter 320 is not subject to the delinquent fee authorized in
 1064 s. 320.07 if such person obtains a valid registration
 1065 certificate within 10 working days after such penalty was
 1066 assessed.

1067 (4)(a) No commercial motor vehicle, as defined in s.
 1068 316.003 ~~316.003(66)~~, shall be operated over the highways of this
 1069 state unless it has been properly registered under the
 1070 provisions of s. 207.004. Whenever any law enforcement officer
 1071 identified in s. 207.023(1), upon inspecting the vehicle or
 1072 combination of vehicles, determines that the vehicle is in
 1073 violation of s. 207.004, a penalty in the amount of \$50 shall be
 1074 assessed, and the vehicle may be detained until payment is
 1075 collected by the law enforcement officer.

1076 Section 15. Subsection (2) of section 316.605, Florida

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1077 Statutes, is amended to read:
 1078 316.605 Licensing of vehicles.—
 1079 (2) Any commercial motor vehicle, as defined in s. 316.003
 1080 ~~316.003(66)~~, operating over the highways of this state with an
 1081 expired registration, with no registration from this or any
 1082 other jurisdiction, or with no registration under the applicable
 1083 provisions of chapter 320 shall be in violation of s. 320.07(3)
 1084 and shall subject the owner or operator of such vehicle to the
 1085 penalty provided. In addition, a commercial motor vehicle found
 1086 in violation of this section may be detained by any law
 1087 enforcement officer until the owner or operator produces
 1088 evidence that the vehicle has been properly registered and that
 1089 any applicable delinquent penalties have been paid.

1090 Section 16. Subsection (6) of section 316.6105, Florida
 1091 Statutes, is amended to read:
 1092 316.6105 Violations involving operation of motor vehicle in
 1093 unsafe condition or without required equipment; procedure for
 1094 disposition.—
 1095 (6) This section does not apply to commercial motor
 1096 vehicles as defined in s. 316.003 ~~316.003(66)~~ or transit buses
 1097 owned or operated by a governmental entity.

1098 Section 17. Paragraph (a) of subsection (2) of section
 1099 316.613, Florida Statutes, is amended to read:
 1100 316.613 Child restraint requirements.—
 1101 (2) As used in this section, the term "motor vehicle" means
 1102 a motor vehicle as defined in s. 316.003 that is operated on the
 1103 roadways, streets, and highways of the state. The term does not
 1104 include:
 1105 (a) A school bus as defined in s. 316.003 ~~316.003(45)~~.

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1106 Section 18. Subsection (8) of section 316.622, Florida
 1107 Statutes, is amended to read:
 1108 316.622 Farm labor vehicles.—
 1109 (8) The department shall provide to the Department of
 1110 Business and Professional Regulation each quarter a copy of each
 1111 accident report involving a farm labor vehicle, as defined in s.
 1112 316.003 ~~316.003(62)~~, commencing with the first quarter of the
 1113 2006-2007 fiscal year.
 1114 Section 19. Paragraph (b) of subsection (1) of section
 1115 316.650, Florida Statutes, is amended to read:
 1116 316.650 Traffic citations.—
 1117 (1)
 1118 (b) The department shall prepare, and supply to every
 1119 traffic enforcement agency in the state, an appropriate
 1120 affidavit-of-compliance form that shall be issued along with the
 1121 form traffic citation for any violation of s. 316.610 and that
 1122 indicates the specific defect needing to be corrected. However,
 1123 such affidavit of compliance shall not be issued in the case of
 1124 a violation of s. 316.610 by a commercial motor vehicle as
 1125 defined in s. 316.003 ~~316.003(66)~~. Such affidavit-of-compliance
 1126 form shall be distributed in the same manner and to the same
 1127 parties as is the form traffic citation.
 1128 Section 20. Subsection (1) of section 316.70, Florida
 1129 Statutes, is amended to read:
 1130 316.70 Nonpublic sector buses; safety rules.—
 1131 (1) The Department of Transportation shall establish and
 1132 revise standards to assure the safe operation of nonpublic
 1133 sector buses, as defined in s. 316.003 ~~316.003(78)~~, which
 1134 standards shall be those contained in 49 C.F.R. parts 382, 385,

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1135 and 390-397 and which shall be directed towards assuring that:
 1136 (a) Nonpublic sector buses are safely maintained, equipped,
 1137 and operated.
 1138 (b) Nonpublic sector buses are carrying the insurance
 1139 required by law and carrying liability insurance on the checked
 1140 baggage of passengers not to exceed the standard adopted by the
 1141 United States Department of Transportation.
 1142 (c) Florida license tags are purchased for nonpublic sector
 1143 buses pursuant to s. 320.38.
 1144 (d) The driving records of drivers of nonpublic sector
 1145 buses are checked by their employers at least once each year to
 1146 ascertain whether the driver has a suspended or revoked driver
 1147 license.
 1148 Section 21. Paragraph (a) of subsection (1) of section
 1149 320.01, Florida Statutes, is amended to read:
 1150 320.01 Definitions, general.—As used in the Florida
 1151 Statutes, except as otherwise provided, the term:
 1152 (1) "Motor vehicle" means:
 1153 (a) An automobile, motorcycle, truck, trailer, semitrailer,
 1154 truck tractor and semitrailer combination, or any other vehicle
 1155 operated on the roads of this state, used to transport persons
 1156 or property, and propelled by power other than muscular power,
 1157 but the term does not include traction engines, road rollers,
 1158 special mobile equipment as defined in s. 316.003 ~~316.003(48)~~,
 1159 vehicles that run only upon a track, bicycles, swamp buggies, or
 1160 mopeds.
 1161 Section 22. Section 320.08, Florida Statutes, is amended to
 1162 read:
 1163 320.08 License taxes.—Except as otherwise provided herein,

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1164 there are hereby levied and imposed annual license taxes for the
 1165 operation of motor vehicles, mopeds, motorized bicycles as
 1166 defined in s. ~~316.003~~ 316.003(2), tri-vehicles as defined in s.
 1167 316.003, and mobile homes, as defined in s. 320.01, which shall
 1168 be paid to and collected by the department or its agent upon the
 1169 registration or renewal of registration of the following:

1170 (1) MOTORCYCLES AND MOPEDS.—

1171 (a) Any motorcycle: \$10 flat.

1172 (b) Any moped: \$5 flat.

1173 (c) Upon registration of a motorcycle, motor-driven cycle,
 1174 or moped, in addition to the license taxes specified in this
 1175 subsection, a nonrefundable motorcycle safety education fee in
 1176 the amount of \$2.50 shall be paid. The proceeds of such
 1177 additional fee shall be deposited in the Highway Safety
 1178 Operating Trust Fund to fund a motorcycle driver improvement
 1179 program implemented pursuant to s. 322.025, the Florida
 1180 Motorcycle Safety Education Program established in s. 322.0255,
 1181 or the general operations of the department.

1182 (d) An ancient or antique motorcycle: \$7.50 flat, of which
 1183 \$2.50 shall be deposited into the General Revenue Fund.

1184 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

1185 (a) An ancient or antique automobile, as defined in s.
 1186 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

1187 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

1188 (c) Net weight of 2,500 pounds or more, but less than 3,500
 1189 pounds: \$22.50 flat.

1190 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

1191 (3) TRUCKS.—

1192 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

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1193 (b) Net weight of 2,000 pounds or more, but not more than
 1194 3,000 pounds: \$22.50 flat.

1195 (c) Net weight more than 3,000 pounds, but not more than
 1196 5,000 pounds: \$32.50 flat.

1197 (d) A truck defined as a "goat," or other vehicle if used
 1198 in the field by a farmer or in the woods for the purpose of
 1199 harvesting a crop, including naval stores, during such
 1200 harvesting operations, and which is not principally operated
 1201 upon the roads of the state: \$7.50 flat. The term "goat" means a
 1202 motor vehicle designed, constructed, and used principally for
 1203 the transportation of citrus fruit within citrus groves or for
 1204 the transportation of crops on farms, and which can also be used
 1205 for hauling associated equipment or supplies, including required
 1206 sanitary equipment, and the towing of farm trailers.

1207 (e) An ancient or antique truck, as defined in s. 320.086:
 1208 \$7.50 flat.

1209 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 1210 VEHICLE WEIGHT.—

1211 (a) Gross vehicle weight of 5,001 pounds or more, but less
 1212 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
 1213 deposited into the General Revenue Fund.

1214 (b) Gross vehicle weight of 6,000 pounds or more, but less
 1215 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
 1216 deposited into the General Revenue Fund.

1217 (c) Gross vehicle weight of 8,000 pounds or more, but less
 1218 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
 1219 into the General Revenue Fund.

1220 (d) Gross vehicle weight of 10,000 pounds or more, but less
 1221 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited

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1222 into the General Revenue Fund.

1223 (e) Gross vehicle weight of 15,000 pounds or more, but less
1224 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
1225 into the General Revenue Fund.

1226 (f) Gross vehicle weight of 20,000 pounds or more, but less
1227 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited
1228 into the General Revenue Fund.

1229 (g) Gross vehicle weight of 26,001 pounds or more, but less
1230 than 35,000: \$324 flat, of which \$84 shall be deposited into the
1231 General Revenue Fund.

1232 (h) Gross vehicle weight of 35,000 pounds or more, but less
1233 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
1234 into the General Revenue Fund.

1235 (i) Gross vehicle weight of 44,000 pounds or more, but less
1236 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited
1237 into the General Revenue Fund.

1238 (j) Gross vehicle weight of 55,000 pounds or more, but less
1239 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited
1240 into the General Revenue Fund.

1241 (k) Gross vehicle weight of 62,000 pounds or more, but less
1242 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
1243 deposited into the General Revenue Fund.

1244 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
1245 flat, of which \$343 shall be deposited into the General Revenue
1246 Fund.

1247 (m) Notwithstanding the declared gross vehicle weight, a
1248 truck tractor used within a 150-mile radius of its home address
1249 is eligible for a license plate for a fee of \$324 flat if:

1250 1. The truck tractor is used exclusively for hauling

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1251 forestry products; or

1252 2. The truck tractor is used primarily for the hauling of
1253 forestry products, and is also used for the hauling of
1254 associated forestry harvesting equipment used by the owner of
1255 the truck tractor.

1256
1257 Of the fee imposed by this paragraph, \$84 shall be deposited
1258 into the General Revenue Fund.

1259 (n) A truck tractor or heavy truck, not operated as a for-
1260 hire vehicle, which is engaged exclusively in transporting raw,
1261 unprocessed, and nonmanufactured agricultural or horticultural
1262 products within a 150-mile radius of its home address, is
1263 eligible for a restricted license plate for a fee of:

1264 1. If such vehicle's declared gross vehicle weight is less
1265 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
1266 deposited into the General Revenue Fund.

1267 2. If such vehicle's declared gross vehicle weight is
1268 44,000 pounds or more and such vehicle only transports from the
1269 point of production to the point of primary manufacture; to the
1270 point of assembling the same; or to a shipping point of a rail,
1271 water, or motor transportation company, \$324 flat, of which \$84
1272 shall be deposited into the General Revenue Fund.

1273
1274 Such not-for-hire truck tractors and heavy trucks used
1275 exclusively in transporting raw, unprocessed, and
1276 nonmanufactured agricultural or horticultural products may be
1277 incidentally used to haul farm implements and fertilizers
1278 delivered direct to the growers. The department may require any
1279 documentation deemed necessary to determine eligibility prior to

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1280 issuance of this license plate. For the purpose of this
 1281 paragraph, "not-for-hire" means the owner of the motor vehicle
 1282 must also be the owner of the raw, unprocessed, and
 1283 nonmanufactured agricultural or horticultural product, or the
 1284 user of the farm implements and fertilizer being delivered.

1285 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1286 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1287 (a)1. A semitrailer drawn by a GVW truck tractor by means
 1288 of a fifth-wheel arrangement: \$13.50 flat per registration year
 1289 or any part thereof, of which \$3.50 shall be deposited into the
 1290 General Revenue Fund.

1291 2. A semitrailer drawn by a GVW truck tractor by means of a
 1292 fifth-wheel arrangement: \$68 flat per permanent registration, of
 1293 which \$18 shall be deposited into the General Revenue Fund.

1294 (b) A motor vehicle equipped with machinery and designed
 1295 for the exclusive purpose of well drilling, excavation,
 1296 construction, spraying, or similar activity, and which is not
 1297 designed or used to transport loads other than the machinery
 1298 described above over public roads: \$44 flat, of which \$11.50
 1299 shall be deposited into the General Revenue Fund.

1300 (c) A school bus used exclusively to transport pupils to
 1301 and from school or school or church activities or functions
 1302 within their own county: \$41 flat, of which \$11 shall be
 1303 deposited into the General Revenue Fund.

1304 (d) A wrecker, as defined in s. 320.01, which is used to
 1305 tow a vessel as defined in s. 327.02, a disabled, abandoned,
 1306 stolen-recovered, or impounded motor vehicle as defined in s.
 1307 320.01, or a replacement motor vehicle as defined in s. 320.01:
 1308 \$41 flat, of which \$11 shall be deposited into the General

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1309 Revenue Fund.

1310 (e) A wrecker that is used to tow any nondisabled motor
 1311 vehicle, a vessel, or any other cargo unless used as defined in
 1312 paragraph (d), as follows:

1313 1. Gross vehicle weight of 10,000 pounds or more, but less
 1314 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 1315 into the General Revenue Fund.

1316 2. Gross vehicle weight of 15,000 pounds or more, but less
 1317 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 1318 into the General Revenue Fund.

1319 3. Gross vehicle weight of 20,000 pounds or more, but less
 1320 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
 1321 into the General Revenue Fund.

1322 4. Gross vehicle weight of 26,000 pounds or more, but less
 1323 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
 1324 into the General Revenue Fund.

1325 5. Gross vehicle weight of 35,000 pounds or more, but less
 1326 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 1327 into the General Revenue Fund.

1328 6. Gross vehicle weight of 44,000 pounds or more, but less
 1329 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 1330 into the General Revenue Fund.

1331 7. Gross vehicle weight of 55,000 pounds or more, but less
 1332 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 1333 into the General Revenue Fund.

1334 8. Gross vehicle weight of 62,000 pounds or more, but less
 1335 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 1336 deposited into the General Revenue Fund.

1337 9. Gross vehicle weight of 72,000 pounds or more: \$1,322

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1338 flat, of which \$343 shall be deposited into the General Revenue
 1339 Fund.

1340 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
 1341 shall be deposited into the General Revenue Fund.

1342 (6) MOTOR VEHICLES FOR HIRE.—

1343 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
 1344 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
 1345 of which 50 cents shall be deposited into the General Revenue
 1346 Fund.

1347 (b) Nine passengers and over: \$17 flat, of which \$4.50
 1348 shall be deposited into the General Revenue Fund; plus \$2 per
 1349 cwt, of which 50 cents shall be deposited into the General
 1350 Revenue Fund.

1351 (7) TRAILERS FOR PRIVATE USE.—

1352 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per
 1353 year or any part thereof, of which \$1.75 shall be deposited into
 1354 the General Revenue Fund.

1355 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
 1356 shall be deposited into the General Revenue Fund; plus \$1 per
 1357 cwt, of which 25 cents shall be deposited into the General
 1358 Revenue Fund.

1359 (8) TRAILERS FOR HIRE.—

1360 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
 1361 shall be deposited into the General Revenue Fund; plus \$1.50 per
 1362 cwt, of which 50 cents shall be deposited into the General
 1363 Revenue Fund.

1364 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
 1365 \$3.50 shall be deposited into the General Revenue Fund; plus
 1366 \$1.50 per cwt, of which 50 cents shall be deposited into the

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1367 General Revenue Fund.

1368 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

1369 (a) A travel trailer or fifth-wheel trailer, as defined by
 1370 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
 1371 flat, of which \$7 shall be deposited into the General Revenue
 1372 Fund.

1373 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 1374 \$13.50 flat, of which \$3.50 shall be deposited into the General
 1375 Revenue Fund.

1376 (c) A motor home, as defined by s. 320.01(1)(b)4.:
 1377 1. Net weight of less than 4,500 pounds: \$27 flat, of which
 1378 \$7 shall be deposited into the General Revenue Fund.
 1379 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 1380 which \$12.25 shall be deposited into the General Revenue Fund.

1381 (d) A truck camper as defined by s. 320.01(1)(b)3.:
 1382 1. Net weight of less than 4,500 pounds: \$27 flat, of which
 1383 \$7 shall be deposited into the General Revenue Fund.
 1384 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 1385 which \$12.25 shall be deposited into the General Revenue Fund.

1386 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
 1387 1. Net weight of less than 4,500 pounds: \$27 flat, of which
 1388 \$7 shall be deposited into the General Revenue Fund.
 1389 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 1390 which \$12.25 shall be deposited into the General Revenue Fund.

1391 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
 1392 35 FEET TO 40 FEET.—

1393 (a) Park trailers.—Any park trailer, as defined in s.
 1394 320.01(1)(b)7.: \$25 flat.

1395 (b) A travel trailer or fifth-wheel trailer, as defined in

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1396 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
 1397 (11) MOBILE HOMES.—
 1398 (a) A mobile home not exceeding 35 feet in length: \$20
 1399 flat.
 1400 (b) A mobile home over 35 feet in length, but not exceeding
 1401 40 feet: \$25 flat.
 1402 (c) A mobile home over 40 feet in length, but not exceeding
 1403 45 feet: \$30 flat.
 1404 (d) A mobile home over 45 feet in length, but not exceeding
 1405 50 feet: \$35 flat.
 1406 (e) A mobile home over 50 feet in length, but not exceeding
 1407 55 feet: \$40 flat.
 1408 (f) A mobile home over 55 feet in length, but not exceeding
 1409 60 feet: \$45 flat.
 1410 (g) A mobile home over 60 feet in length, but not exceeding
 1411 65 feet: \$50 flat.
 1412 (h) A mobile home over 65 feet in length: \$80 flat.
 1413 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
 1414 motor vehicle dealer, independent motor vehicle dealer, marine
 1415 boat trailer dealer, or mobile home dealer and manufacturer
 1416 license plate: \$17 flat, of which \$4.50 shall be deposited into
 1417 the General Revenue Fund.
 1418 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
 1419 official license plate: \$4 flat, of which \$1 shall be deposited
 1420 into the General Revenue Fund.
 1421 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
 1422 vehicle for hire operated wholly within a city or within 25
 1423 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
 1424 the General Revenue Fund; plus \$2 per cwt, of which 50 cents

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1425 shall be deposited into the General Revenue Fund.
 1426 (15) TRANSPORTER.—Any transporter license plate issued to a
 1427 transporter pursuant to s. 320.133: \$101.25 flat, of which
 1428 \$26.25 shall be deposited into the General Revenue Fund.
 1429 Section 23. Subsection (1) of section 320.0801, Florida
 1430 Statutes, is amended to read:
 1431 320.0801 Additional license tax on certain vehicles.—
 1432 (1) In addition to the license taxes specified in s. 320.08
 1433 and in subsection (2), there is hereby levied and imposed an
 1434 annual license tax of 10 cents for the operation of a motor
 1435 vehicle, as defined in s. 320.01, and moped, as defined in s.
 1436 316.003 ~~316.003(77)~~, which tax shall be paid to the department
 1437 or its agent upon the registration or renewal of registration of
 1438 the vehicle. Notwithstanding the provisions of s. 320.20,
 1439 revenues collected from the tax imposed in this subsection shall
 1440 be deposited in the Emergency Medical Services Trust Fund and
 1441 used solely for the purpose of carrying out the provisions of
 1442 ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter
 1443 87-399, Laws of Florida.
 1444 Section 24. Section 320.38, Florida Statutes, is amended to
 1445 read:
 1446 320.38 When nonresident exemption not allowed.—The
 1447 provisions of s. 320.37 authorizing the operation of motor
 1448 vehicles over the roads of this state by nonresidents of this
 1449 state when such vehicles are duly registered or licensed under
 1450 the laws of some other state or foreign country do not apply to
 1451 any nonresident who accepts employment or engages in any trade,
 1452 profession, or occupation in this state, except a nonresident
 1453 migrant or seasonal farm worker as defined in s. 316.003

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1454 ~~316.003(61)~~. In every case in which a nonresident, except a
 1455 nonresident migrant or seasonal farm worker as defined in s.
 1456 316.003 ~~316.003(61)~~, accepts employment or engages in any trade,
 1457 profession, or occupation in this state or enters his or her
 1458 children to be educated in the public schools of this state,
 1459 such nonresident shall, within 10 days after the commencement of
 1460 such employment or education, register his or her motor vehicles
 1461 in this state if such motor vehicles are proposed to be operated
 1462 on the roads of this state. Any person who is enrolled as a
 1463 student in a college or university and who is a nonresident but
 1464 who is in this state for a period of up to 6 months engaged in a
 1465 work-study program for which academic credits are earned from a
 1466 college whose credits or degrees are accepted for credit by at
 1467 least three accredited institutions of higher learning, as
 1468 defined in s. 1005.02, is not required to have a Florida
 1469 registration for the duration of the work-study program if the
 1470 person's vehicle is properly registered in another jurisdiction.
 1471 Any nonresident who is enrolled as a full-time student in such
 1472 institution of higher learning is also exempt for the duration
 1473 of such enrollment.

1474 Section 25. Subsection (2) of section 322.0261, Florida
 1475 Statutes, is amended to read:

1476 322.0261 Driver improvement course; requirement to maintain
 1477 driving privileges; failure to complete; department approval of
 1478 course.—

1479 (2) With respect to an operator convicted of, or who
 1480 pleaded nolo contendere to, a traffic offense giving rise to a
 1481 crash identified in paragraph (1) (a) or paragraph (1) (b), the
 1482 department shall require that the operator, in addition to other

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1483 applicable penalties, attend a department-approved driver
 1484 improvement course in order to maintain his or her driving
 1485 privileges. The department shall include in the course
 1486 curriculum instruction specifically addressing the rights of
 1487 vulnerable ~~road~~ users as defined in s. 316.003 ~~316.027~~ relative
 1488 to vehicles on the roadway. If the operator fails to complete
 1489 the course within 90 days after receiving notice from the
 1490 department, the operator's driver license shall be canceled by
 1491 the department until the course is successfully completed.

1492 Section 26. Subsection (1) of section 322.031, Florida
 1493 Statutes, is amended to read:

1494 322.031 Nonresident; when license required.—

1495 (1) In each case in which a nonresident, except a
 1496 nonresident migrant or seasonal farm worker as defined in s.
 1497 316.003 ~~316.003(61)~~, accepts employment or engages in a trade,
 1498 profession, or occupation in this state or enters his or her
 1499 children to be educated in the public schools of this state,
 1500 such nonresident shall, within 30 days after beginning such
 1501 employment or education, be required to obtain a Florida driver
 1502 license if such nonresident operates a motor vehicle on the
 1503 highways of this state. The spouse or dependent child of such
 1504 nonresident shall also be required to obtain a Florida driver
 1505 license within that 30-day period before operating a motor
 1506 vehicle on the highways of this state.

1507 Section 27. Subsection (3) of section 450.181, Florida
 1508 Statutes, is amended to read:

1509 450.181 Definitions.—As used in part II, unless the context
 1510 clearly requires a different meaning:

1511 (3) The term "migrant laborer" has the same meaning as

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1512 migrant or seasonal farm workers as defined in s. 316.003
 1513 ~~316.003(61)~~.
 1514 Section 28. Subsection (5) of section 559.903, Florida
 1515 Statutes, is amended to read:
 1516 559.903 Definitions.—As used in this act:
 1517 (5) "Motor vehicle" means any automobile, truck, bus,
 1518 recreational vehicle, motorcycle, motor scooter, or other motor
 1519 powered vehicle, but does not include trailers, mobile homes,
 1520 travel trailers, trailer coaches without independent motive
 1521 power, watercraft or aircraft, or special mobile equipment as
 1522 defined in s. 316.003 ~~316.003(48)~~.
 1523 Section 29. Subsection (1) of section 655.960, Florida
 1524 Statutes, is amended to read:
 1525 655.960 Definitions; ss. 655.960-655.965.—As used in this
 1526 section and ss. 655.961-655.965, unless the context otherwise
 1527 requires:
 1528 (1) "Access area" means any paved walkway or sidewalk which
 1529 is within 50 feet of any automated teller machine. The term does
 1530 not include any street or highway open to the use of the public,
 1531 as defined in s. 316.003(74)(a) or (b) ~~316.003(53)(a) or (b)~~,
 1532 including any adjacent sidewalk, as defined in s. 316.003
 1533 ~~316.003(47)~~.
 1534 Section 30. Paragraph (b) of subsection (2) of section
 1535 732.402, Florida Statutes, is amended to read:
 1536 732.402 Exempt property.—
 1537 (2) Exempt property shall consist of:
 1538 (b) Two motor vehicles as defined in s. 316.003
 1539 ~~316.003(21)~~, which do not, individually as to either such motor
 1540 vehicle, have a gross vehicle weight in excess of 15,000 pounds,

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1541 held in the decedent's name and regularly used by the decedent
 1542 or members of the decedent's immediate family as their personal
 1543 motor vehicles.
 1544 Section 31. Subsection (1) of section 860.065, Florida
 1545 Statutes, is amended to read:
 1546 860.065 Commercial transportation; penalty for use in
 1547 commission of a felony.—
 1548 (1) It is unlawful for any person to attempt to obtain,
 1549 solicit to obtain, or obtain any means of public or commercial
 1550 transportation or conveyance, including vessels, aircraft,
 1551 railroad trains, or commercial motor vehicles as defined in s.
 1552 316.003 ~~316.003(66)~~, with the intent to use such public or
 1553 commercial transportation or conveyance to commit any felony or
 1554 to facilitate the commission of any felony.
 1555 Section 32. For the purpose of incorporating the amendment
 1556 made by this act to section 316.1925, Florida Statutes, in a
 1557 reference thereto, paragraph (b) of subsection (4) of section
 1558 316.072, Florida Statutes, is reenacted to read:
 1559 316.072 Obedience to and effect of traffic laws.—
 1560 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
 1561 EXCEPTIONS.—
 1562 (b) Unless specifically made applicable, the provisions of
 1563 this chapter, except those contained in ss. 316.192, 316.1925,
 1564 and 316.193, shall not apply to persons, teams, or motor
 1565 vehicles and other equipment while actually engaged in work upon
 1566 the surface of a highway, but shall apply to such persons and
 1567 vehicles when traveling to or from such work.
 1568 Section 33. For the purpose of incorporating the amendment
 1569 made by this act to sections 316.083 and 316.084, Florida

Page 54 of 56

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02693-16 2016332c1

1570 Statutes, in references thereto, subsection (5) of section
 1571 316.1923, Florida Statutes, is reenacted to read:
 1572 316.1923 Aggressive careless driving.—“Aggressive careless
 1573 driving” means committing two or more of the following acts
 1574 simultaneously or in succession:
 1575 (5) Improperly passing as defined in s. 316.083, s.
 1576 316.084, or s. 316.085.
 1577 Section 34. For the purpose of incorporating the amendment
 1578 made by this act to section 318.19, Florida Statutes, in a
 1579 reference thereto, subsection (2) of section 318.14, Florida
 1580 Statutes, is reenacted to read:
 1581 318.14 Noncriminal traffic infractions; exception;
 1582 procedures.—
 1583 (2) Except as provided in ss. 316.1001(2) and 316.0083, any
 1584 person cited for a violation requiring a mandatory hearing
 1585 listed in s. 318.19 or any other criminal traffic violation
 1586 listed in chapter 316 must sign and accept a citation indicating
 1587 a promise to appear. The officer may indicate on the traffic
 1588 citation the time and location of the scheduled hearing and must
 1589 indicate the applicable civil penalty established in s. 318.18.
 1590 For all other infractions under this section, except for
 1591 infractions under s. 316.1001, the officer must certify by
 1592 electronic, electronic facsimile, or written signature that the
 1593 citation was delivered to the person cited. This certification
 1594 is prima facie evidence that the person cited was served with
 1595 the citation.
 1596 Section 35. For the purpose of incorporating the amendment
 1597 made by this act to section 316.2065, Florida Statutes, in a
 1598 reference thereto, paragraph (b) of subsection (1) of section

Page 55 of 56

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596-02693-16 2016332c1

1599 318.18, Florida Statutes, is reenacted to read:
 1600 318.18 Amount of penalties.—The penalties required for a
 1601 noncriminal disposition pursuant to s. 318.14 or a criminal
 1602 offense listed in s. 318.17 are as follows:
 1603 (1) Fifteen dollars for:
 1604 (b) All infractions of s. 316.2065, unless otherwise
 1605 specified.
 1606 Section 36. This act shall take effect October 1, 2016.

Page 56 of 56

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and Domestic Security, *Chair*
Children, Families, and Elder Affairs, *Vice-Chair*
Appropriations
Appropriations Subcommittee on General Government
Environmental Preservation and Conservation
Finance and Tax

SENATOR THAD ALTMAN

16th District

February 16, 2016

The Honorable Greg Evers
Senate Committee on Criminal Justice, Chair
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Evers,

Senate Bill 332, *related to Traffic Safety*, and Senate Bill 408, *related to Juvenile Civil Citations* are on the Criminal Justice agenda today, February 16, 2016. I am unfortunately unable to attend this meeting to present the bill due to unforeseen circumstances.

I respectfully request that you recognize my Legislative Assistant, Ms. Devon West, to present SB 332 and SB 408 on my behalf. Contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thad Altman".

Thad Altman

CC: Amanda Cannon, Staff Director, 510 Knott Building
Sue Arnold, Committee Administrative Assistant

TA/dw

REPLY TO:

- 8710 Astronaut Blvd, Cape Canaveral, FL 32920 (321) 752-3138
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16
Meeting Date

332
Bill Number (if applicable)

196208
Amendment Barcode (if applicable)

Topic Highway Safety

Name James D. "Doc" Reichenbacher

Job Title State President / Lobbyist

Address PO Box 712 Phone 352-362-2150

Silver Springs, FL 34489 Email abatefl@aatt.net
City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ABATE of Florida, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/14

Meeting Date

HB 332

Bill Number (if applicable)

Topic TRAFFIC SAFETY

Amendment Barcode (if applicable)

Name JEFF SHARKEY

Job Title CAPITOL ALLIANCE GROUP

Address 100 E. GLENN AVE

Phone 850 224 1660

City TLH State FL Zip 32301

Email jsharkey@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA BICYCLE ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16

Meeting Date

332

Bill Number (if applicable)

Topic Highway Safety

Amendment Barcode (if applicable)

Name Laura Cantwell

Job Title ASD

Address 400 Canillon Pkwy Suite 100

Phone 850-570-2110

Street

St Pete

City

FL

State

33702

Zip

Email lcantwell@aarp.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16
Meeting Date

332
Bill Number (if applicable)

Topic Highway Safety Amendment Barcode (if applicable)

Name James D. "Doc" Rehenbacher

Job Title State President / Lobbyist

Address PO Box 717 Phone 352.362.2150

Silver Springs FL 38489 Email abatefl@aatt.net
Street City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ABATE of Florida, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

332

Bill Number (if applicable)

Meeting Date

Topic

Amendment Barcode (if applicable)

Name Kevin Sweet

Job Title F

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA JUSTICE ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 360

INTRODUCER: Criminal Justice Committee and Senator Clemens

SUBJECT: Victim Assistance

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon	CJ	Fav/CS
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 360 amends s. 960.001(1)(h), F.S., to require a law enforcement agency to give instructions outlining the replevin process for obtaining possession of the victim's property located in a pawnshop. The agency is also required to promptly make reasonable efforts to give the victim the name and location of the pawn shop.

II. Present Situation:

Victim Notification

Florida law currently provides for notifying victims regarding a variety of matters that affect them. Section 944.605(1), F.S., requires the state attorney or Department of Corrections to notify victims within six months before the release of an inmate from the Department of Corrections, a private correctional facility, a release program, or parole. Additionally, s. 394.926(1), F.S., requires the Department of Children and Families to notify the victim as soon as practicable when a person is released from involuntary civil commitment under ch. 394, F.S.

Section 960.001, F.S., places a number of requirements on various government entities to ensure that victims are treated fairly and notified of important matters. For example:

- Victims are generally provided the right to be informed, be present,¹ and be heard when relevant, at all crucial stages of criminal and juvenile proceedings.²
- In cases involving specified offenses,³ the arresting law enforcement officer or victim assistance personnel must request the victim or the victim's next of kin to complete a victim notification card with various contact information.⁴ The appropriate party⁵ shall make a reasonable attempt to notify the alleged victim or next of kin of the alleged victim within four hours following the defendant's release.⁶
- A victim or witness must be provided information explaining the steps available to law enforcement officers and state attorneys to shield the victim or witness from intimidation.⁷
- Law enforcement agencies and the state attorney shall promptly return the victim's property when there is no compelling law enforcement reason for retaining it.⁸

While Florida requires victim notification for a variety of circumstances, it does not currently require any entity to notify a victim that his or her property has been located in the possession of a pawnbroker.

Florida Pawnbroker Act

“Pawn” means any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on the terms and conditions contained in this section.⁹

“Pawnbroker” means any person who is engaged in the business of making pawns; who makes a public display containing the term “pawn,” “pawnbroker,” or “pawnshop” or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.¹⁰

A Pawnbroker must maintain a copy of each completed pawnbroker transaction form for at least one year after the date of the transaction. On or before the end of each business day, the pawnbroker delivers the original transaction forms for the previous business day to law enforcement. If the original transaction form is lost or destroyed by a law enforcement official, a copy may be used by the pawnbroker as evidence in court. When an electronic image of a pledgor or seller identification is accepted for a transaction, the pawnbroker must maintain the

¹ Victims who are incarcerated are provided the right to be informed and to submit written statements. s. 960.001(1)(a)6., F.S.

² Section 960.001(1)(a)5., F.S.

³ This requirement applies in the case of a homicide, pursuant to ch. 782, F.S.; a sexual offense, pursuant to ch. 794, F.S.; an attempted murder or sexual offense, pursuant to ch. 777, F.S.; stalking, pursuant to s. 784.048, F.S.; or domestic violence, pursuant to s. 25.385, F.S.

⁴ Section 960.001(1)(b)1., F.S.

⁵ The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility is the appropriate party to provide notice under this subparagraph. s. 960.001(1)(b)3., F.S.

⁶ Section 960.001(1)(b)3., F.S.

⁷ Section 960.001(1)(c), F.S.

⁸ Section 960.001(1)(h), F.S.

⁹ Section 539.001(2)(h), F.S.

¹⁰ Section 539.001(2)(i), F.S.

electronic image in order to meet the same recordkeeping requirements as for the original transaction form. If a criminal investigation occurs, the pawnbroker shall, upon request, provide a clear and legible copy of the image to the appropriate law enforcement official.

To obtain possession of purchased or pledged goods held by a pawnbroker which a claimant claims to be misappropriated:

- The claimant must notify the pawnbroker by certified mail or in person of the claim to the goods and must be accompanied by the law enforcement report concerning the misappropriation of the goods.¹¹
- If the claim isn't settled within 10 days of the notice, the claimant may file a lawsuit, and must serve the pawnbroker with a copy of the petition.¹²
- If the court finds that the claimant failed to comply with the above procedures,¹³ or finds against the claimant on any basis, the claimant is liable for the defendant's costs, including attorney fees.¹⁴
- If the court finds that the property was misappropriated, the claimant may recover the cost of the action, including attorney's fees from the pawnbroker.

III. Effect of Proposed Changes:

The bill amends s. 960.001(1)(h), F.S., to require a law enforcement agency to give instructions outlining the replevin process for obtaining possession of the victim's property located in a pawnshop. The agency is also required to promptly make reasonable efforts to give the victim the name and location of the pawn shop.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹¹ Section 539.001(15)(a), F.S.

¹² *Id.*

¹³ The procedures that must be complied with are described in detail in s. 539.001(15)(a), F.S.

¹⁴ Section 539.001(15)(c), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires law enforcement agencies to comply with new victim notice requirements. To the extent that state and local law enforcement agencies must carry out the new notification requirements, the bill may have a minimal fiscal impact on local government expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 960.001 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal Justice on February 16, 2016:**

The Committee Substitute amends the notification time by a law enforcement agency to victims whose property is in the possession of a pawnbroker. The bill required law enforcement to “immediately” notify the victim of the name and location of the pawnshop. The Committee Substitute requires that law enforcement “promptly make reasonable efforts” to provide the victim with the name and location of the pawnshop.

B. Amendments:

None.



258592

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/16/2016	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 38 - 40

and insert:

2. A law enforcement agency shall promptly make reasonable efforts to notify the victim if the victim's property is determined to be in the possession of a pawnbroker as defined in s. 539.001(2). The law enforcement agency shall give the victim the



258592

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete line 4

14 and insert:

15 promptly make reasonable efforts to notify a victim if

16 his or her property is



640324

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2016	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Clemens) recommended the following:

1 **Senate Substitute for Amendment (258592) (with title**
2 **amendment)**

3
4 Delete lines 38 - 43
5 and insert:

6 2. A law enforcement agency shall give a victim
7 instructions that outline the process for a replevin action and
8 the procedures specified in s. 539.001(15) for obtaining
9 possession of the victim's property located in a pawnshop. If a
10 law enforcement agency locates the property in the possession of



640324

11 a pawnbroker, the law enforcement agency shall promptly make
12 reasonable efforts to provide the victim with the name and
13 location of the pawnshop.

14
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete lines 3 - 7

18 and insert:

19 960.001, F.S.; requiring a law enforcement agency to
20 provide specified instructions to a victim; requiring
21 a law enforcement agency to promptly make reasonable
22 efforts to provide the victim with specified
23 information under certain circumstances; providing an

By Senator Clemens

27-00453-16

2016360__

1 A bill to be entitled
 2 An act relating to victim assistance; amending s.
 3 960.001, F.S.; requiring a law enforcement agency to
 4 immediately notify a victim if his or her property is
 5 determined to be in the possession of a pawnbroker;
 6 requiring the law enforcement agency to provide
 7 specified information to the victim; providing an
 8 effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraph (h) of subsection (1) of section
 13 960.001, Florida Statutes, is amended to read:
 14 960.001 Guidelines for fair treatment of victims and
 15 witnesses in the criminal justice and juvenile justice systems.-
 16 (1) The Department of Legal Affairs, the state attorneys,
 17 the Department of Corrections, the Department of Juvenile
 18 Justice, the Florida Commission on Offender Review, the State
 19 Courts Administrator and circuit court administrators, the
 20 Department of Law Enforcement, and every sheriff's department,
 21 police department, or other law enforcement agency as defined in
 22 s. 943.10(4) shall develop and implement guidelines for the use
 23 of their respective agencies, which guidelines are consistent
 24 with the purposes of this act and s. 16(b), Art. I of the State
 25 Constitution and are designed to implement s. 16(b), Art. I of
 26 the State Constitution and to achieve the following objectives:
 27 (h) *Return of property to victim.*-
 28 1. A law enforcement agency ~~agencies~~ and the state attorney
 29 shall promptly return a victim's property held for evidentiary

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27-00453-16

2016360__

30 purposes unless there is a compelling law enforcement reason for
 31 retaining it. The trial or juvenile court exercising
 32 jurisdiction over the criminal or juvenile proceeding may enter
 33 appropriate orders to implement this subsection, including
 34 allowing photographs of the victim's property to be used as
 35 evidence at the criminal trial or the juvenile proceeding in
 36 place of the victim's property if no related substantial
 37 evidentiary issue ~~related thereto~~ is in dispute.
 38 2. A law enforcement agency shall immediately notify the
 39 victim if the victim's property is determined to be in the
 40 possession of a pawnbroker. The agency shall give the victim the
 41 name and location of the pawnshop and instructions outlining the
 42 process for a replevin action and the procedures specified in s.
 43 539.001(15) for obtaining possession of the property.
 44 Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 408

INTRODUCER: Criminal Justice Committee and Senator Altman and others

SUBJECT: Juvenile Civil Citations

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.			CF	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 408 *requires* a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program for the following enumerated first-time "misdemeanor offenses":

- Possession of alcoholic beverages by a minor;
- Battery, provided the victim approves of the issuance of the civil citation or similar diversion program;
- Petit theft;
- Retail theft;
- Affrays and riots;
- Disorderly conduct;
- Possession of cannabis or other controlled substances;
- Use, possession, sale, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia; and
- Resisting an officer without violence.

The bill *permits* the issuance of a civil citation or similar diversion program for:

- A first-time misdemeanor offense that is not one of the enumerated "misdemeanor offenses;" or
- Any second or third-time misdemeanor, regardless of whether the offense is considered one of the enumerated "misdemeanor offenses."

A law enforcement officer must provide written documentation articulating why an arrest is warranted if he or she has discretion under the statute to issue a civil citation but chooses instead to arrest the juvenile.

The bill also provides that the civil citation law, s. 985.12, F.S., does not modify the authority of a law enforcement officer to issue only a simple warning to the juvenile or to notice the juvenile's guardian or parent of the alleged offense.

II. Present Situation:

Section 985.12, F.S., establishes a civil citation process that provides an efficient and innovative alternative to the Department of Juvenile Justice's (DJJ) custody for youth who commit nonserious delinquent acts.¹ The DJJ is required to encourage and assist in the implementation and improvement of civil citation programs or other similar diversion programs around the state.²

The DJJ must also develop guidelines for civil citation programs which include intervention services based upon proven civil citation or similar diversion programs within the state.³ These programs are to be established at the local level in concurrence with the chief judge, state attorney, public defender, and head of each local law enforcement agency.⁴

The statute provides that a law enforcement officer may issue a civil citation to a youth who admits to committing a misdemeanor⁵ without taking the youth into custody.⁶ Last session, the Legislature amended the law to allow a law enforcement officer to issue a simple warning to the youth or inform the youth's parents of the misdemeanor, or issue a civil citation or require participation in a similar diversion program.⁷

Another significant change to the statute last session was allowing a law enforcement officer to issue a civil citation to a youth who admits committing a second or third misdemeanor. (Civil citation was previously limited to the commission of a first-time misdemeanor.) If an arrest is made, the law enforcement officer is required to provide written documentation as to why the arrest is warranted under another amendment to the law last session.⁸

The law enforcement officer must send a copy of the citation to the department, sheriff, state attorney, DJJ's intake office or the community service performance monitor, parent or guardian

¹ Section 985.12(1), F.S.

² *Id.*

³ Section 985.12(2), F.S.

⁴ Section 985.12(1), F.S.

⁵ Misdemeanors involving sexual or firearm offenses are currently ineligible for civil citation programs under the *DJJ Civil Citation Model Plan*. Department of Juvenile Justice, *2016 Bill Analysis for SB 408* (February 2, 2016) (on file with the Senate Criminal Justice Committee).

⁶ *Id.*

⁷ Ch. 2015-46, s. 1, Laws of Fla. (amending s. 985.12, F.S., effective October 1, 2015).

⁸ *Id.*

of the youth, and the victim.⁹ The issuance of a civil citation is not considered a referral to the department.¹⁰

A civil citation program or similar diversion program may be operated by law enforcement, the DJJ, a juvenile assessment center, a county or municipality, or an entity selected by the county or municipality. Operations must be in consultation and agreement with the state attorney and local law enforcement agencies.¹¹ According to the DJJ, since law enforcement agencies are not required to issue civil citations, there is variation in the use of civil citation programs among agencies and counties statewide.¹²

Youth issued a civil citation may be assigned up to 50 hours of community service and must participate in intervention services as indicated by a needs assessment. Intervention services include family counseling, urinalysis monitoring, substance abuse and mental health treatment services.¹³ At the time a civil citation is issued, the law enforcement officer must advise the youth that he or she has the option of refusing the civil citation and of being referred to DJJ. The youth may refuse the civil citation at any time before completion of the work assignment.¹⁴

The youth is required to report to a community service performance monitor within seven working days after the civil citation has been issued. The youth must also complete at least five community service hours per week. The monitor reports information to DJJ regarding the youth's service hour completion and the expected completion date.¹⁵ If the youth fails to timely report or complete a work assignment, fails to timely comply with assigned intervention services, or if the youth commits a subsequent misdemeanor, the law enforcement officer must issue a report to DJJ alleging that the youth has committed a delinquent act, thereby initiating formal judicial processing.¹⁶

According to the DJJ, there are 61 counties that have implemented a civil citation program in Florida. Taylor County has committed to implementing one. Bradford, Calhoun, Gulf, Hardee, and Washington counties use a similar diversion program without the civil citation overlay.¹⁷

In Fiscal Year 2014-15, there were 20,833 youth who were eligible to receive a civil citation (first-time misdemeanants who were not accused of a firearm or sexual offense). Statewide, 8,961 eligible youth (43% of eligible first-time misdemeanants) were issued a civil citation, according to DJJ.¹⁸

⁹ Section 985.12(3), F.S.

¹⁰ Section 985.12(1), F.S.

¹¹ *Id.*

¹² Department of Juvenile Justice, *2016 Bill Analysis for SB 408* (February 2, 2016) (on file with the Senate Criminal Justice Committee).

¹³ *Id.*

¹⁴ Section 985.12(6), F.S.

¹⁵ Section 985.12(4), F.S.

¹⁶ Section 985.12(5), F.S.

¹⁷ Department of Juvenile Justice, *2016 Bill Analysis for SB 408* (February 2, 2016) (on file with the Senate Criminal Justice Committee).

¹⁸ *Id.*

III. Effect of Proposed Changes:

The bill *requires* a “law enforcement officer”¹⁹ to issue a civil citation or require the juvenile’s participation in a similar diversion program for the following enumerated first-time “misdemeanor offenses”:²⁰

- Possession of alcoholic beverages by a minor;²¹
- Battery, provided the victim approves of the issuance of the civil citation or similar diversion program;²²
- Petit theft;²³
- Retail theft;²⁴
- Affrays and riots;²⁵
- Disorderly conduct;²⁶
- Possession of cannabis or other controlled substances;²⁷
- Use, possession, sale, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia;²⁸ or
- Resisting an officer without violence.²⁹

The bill *permits* the issuance of a civil citation or similar diversion program for:

- Any first-time misdemeanor offense that is not one of the enumerated “misdemeanor offenses;” or
- Any second or third-time misdemeanor offense, regardless of whether the offense is one of the enumerated “misdemeanor offenses.”

A law enforcement officer must provide written documentation articulating why an arrest is warranted if he or she has discretion under the statute to issue a civil citation but chooses instead to arrest the juvenile.

The bill specifies that civil citation programs do not apply to the following:

¹⁹ The bill defines “law enforcement officer” to have the same meaning as in s. 943.10, F.S. Section 943.10, F.S., defines the term to mean any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

²⁰ The bill defines “misdemeanor offense” as one or more violations of law arising out of the same criminal episode, act, or transaction.

²¹ Section 562.111, F.S.

²² Section 784.03(1), F.S.

²³ Section 812.014(2)(e) and (3)(a), F.S.

²⁴Section 812.015(2), F.S.

²⁵ Section 870.01(1), F.S.

²⁶ Section 877.03, F.S.

²⁷ Section 893.13(6)(b), F.S.

²⁸Section 893.147, F.S.

²⁹ Section 843.02, F.S.

- A juvenile who is currently alleged to have committed, or is currently charged with, and awaiting final disposition of an offense that would be a felony if committed by an adult.
- A juvenile who has entered a plea of nolo contendere or guilty to, or has been found to have committed, an offense that would be a felony if committed by an adult.
- A misdemeanor arising out of an episode in which the juvenile is also alleged to have committed an offense that would be a felony if committed by an adult.

It clarifies that each county must establish one or more civil citation programs that must individually or collectively serve all juveniles who are alleged to have committed a misdemeanor offense.

The bill provides that the civil citation law, s. 985.12, F.S., does not modify the authority of a law enforcement officer to issue only a simple warning to the juvenile or to notice the juvenile's guardian or parent of the alleged offense.

The bill retains current statutory provisions relating to the following:

- The program requirements placed upon juveniles participating in a civil citation program, including community service hours, intervention services, and time frames to complete the program;
- The ability of juveniles to refuse participation in a civil citation program;
- The requirement of DJJ and law enforcement officers to forward civil citations to specified parties;
- The requirement for civil citation programs to report the juveniles' outcomes to DJJ; and
- Participation in a civil citation program is not considered a referral to DJJ.

The bill extends the time period that a youth is required to report to a community service performance monitor from seven to ten working days after the civil citation has been issued.

Finally, it makes conforming changes to ss. 943.051 and 985.11, F.S.

The effective date of the bill is July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Expanding the use of civil citation programs could result in more youth having future opportunities for employment since these youth will not have the hurdle of an arrest record.

C. Government Sector Impact:

The increase in civil citations under the bill could result in a potential cost savings to the state and local governments as youth are diverted from the more costly juvenile justice system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 985.12 of the Florida Statutes.

The bill makes conforming technical changes to sections 943.051 and 985.11 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal Justice on February 16, 2016:**

- Requires a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program for specified first-time "misdemeanor offenses" as enumerated by the bill.
- Permits the issuance of a civil citation or similar diversion program for a first-time misdemeanor offense that is not enumerated under the bill or any second or third-time misdemeanor offense, regardless of whether the offense is an enumerated "misdemeanor offense."
- Provides that the following misdemeanors are enumerated "misdemeanor offenses" for purposes of issuing a civil citation: possession of alcoholic beverages by a minor; battery, under certain circumstances; petit theft; retail theft; affrays and riots;

disorderly conduct; possession of cannabis or other controlled substances; use, possession, sale, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia; and resisting an officer without violence.

- Deletes the provision requiring prior approval if a law enforcement officer makes an arrest instead of issuing a civil citation.
- Extends the time period that a youth is required to report to a community service performance monitor from seven to ten working days after the civil citation has been issued.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2016	.	
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	.	

The Committee on Criminal Justice (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 985.12, Florida Statutes, is amended to
read:

985.12 Civil citation and similar diversion programs.—

(1)(a) There is established a process for the use of
juvenile civil citation and similar diversion programs to
provide ~~process for the purpose of providing~~ an efficient and



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11 innovative alternative to custody by the department ~~of Juvenile~~
12 ~~Justice~~ for juveniles ~~children~~ who commit nonserious delinquent
13 acts and to ensure swift and appropriate consequences. The
14 department shall encourage and assist in the implementation and
15 improvement of civil citation and ~~programs or other~~ similar
16 diversion programs in ~~around~~ the state.

17 (b) One or more ~~The~~ civil citation or similar diversion
18 programs ~~program~~ shall be established in each county which must
19 individually or collectively serve all juveniles who are alleged
20 to have committed a violation of law which would be a
21 misdemeanor offense if committed by an adult. Such programs must
22 be established at the local level with the concurrence of the
23 chief judge of the circuit, state attorney, public defender, and
24 the head of each local law enforcement agency involved and. ~~The~~
25 ~~program~~ may be operated by an entity such as a law enforcement
26 agency, the department, a juvenile assessment center, the county
27 or municipality, or another entity selected by the county or
28 municipality. An entity operating such a ~~the civil citation or~~
29 ~~similar diversion~~ program must do so in consultation and
30 agreement with the state attorney and local law enforcement
31 agencies.

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

33 (a) "Misdemeanor offense" means one or more misdemeanor
34 violations of law arising out of the same criminal episode, act,
35 or transaction.

36 (b) "Law enforcement officer" has the same meaning as
37 provided in s. 943.10.

38 (3) Under such a juvenile civil citation or similar
39 diversion program, a law enforcement officer that makes, ~~upon~~



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40 ~~making~~ contact with a juvenile who admits having committed a
41 ~~first-time misdemeanor: misdemeanor, may choose to issue a~~
42 ~~simple warning or inform the child's guardian or parent of the~~
43 ~~child's infraction, or may~~

44 (a) Shall issue a civil citation to the juvenile or require
45 the juvenile's participation in a similar diversion program if
46 each violation of law in the misdemeanor offense is one of the
47 following:

48 1. Section 562.111, relating to possession of alcoholic
49 beverages by persons under age 21;

50 2. Section 784.03(1), relating to battery, if the victim
51 approves the juvenile's participation in a civil citation or
52 similar diversion program;

53 3. Section 812.014(2)(e) or s. 812.014(3)(a), relating to
54 theft;

55 4. Section 812.015(2), relating to retail and farm theft;

56 5. Section 870.01(1), relating to affrays and riots;

57 6. Section 877.03, relating to disorderly conduct;

58 7. Section 893.13(6)(b), relating to possession of certain
59 amounts of cannabis or controlled substances;

60 8. Section 893.147, relating to use, possession,
61 manufacture, delivery, transportation, advertisement, or retail
62 sale of drug paraphernalia; or

63 9. Section 843.02, relating to resisting an officer without
64 violence.

65 (b) May issue a civil citation to the juvenile or require
66 the juvenile's participation in a similar diversion program if
67 the violations of law are not enumerated in subparagraph (a).

68 (4) Under such a juvenile civil citation or similar



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69 diversion program, a law enforcement officer that makes contact
70 with a juvenile who admits having committed a second-time or
71 third-time misdemeanor offense may issue a civil citation to the
72 juvenile or require the juvenile's participation in a similar
73 diversion program, regardless of whether the violations of law
74 are enumerated in subparagraph (3) (a).

75 (5) If an arrest is made for a misdemeanor offense subject
76 to paragraph (3) (b) or subsection (4), a law enforcement officer
77 must provide written documentation as to why the arrest was
78 warranted.

79 (6) A law enforcement officer shall advise a juvenile who
80 is subject to subsection (3) or subsection (4) that the juvenile
81 has the option to refuse the civil citation or other similar
82 diversion program and be referred to the department. This option
83 may be exercised at any time before completion of the community
84 service assignment required under subsection (8). Participation
85 in a civil citation or similar diversion program is not
86 considered a referral to the department.

87 (7) Upon issuance of the civil citation or documentation
88 requiring a similar diversion program, the law enforcement
89 officer shall send a copy to the county sheriff, state attorney,
90 the appropriate intake office of the department or the community
91 service performance monitor designated by the department, the
92 parent or guardian of the child, and the victim. The department
93 shall enter such information into the juvenile offender
94 information system.

95 (8) A juvenile that elects to participate in a civil
96 citation or similar diversion program shall complete, and assess
97 up to 50 community service hours, and participate require



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98 ~~participation~~ in intervention services as indicated by an
99 assessment of the needs of the juvenile, including family
100 counseling, urinalysis monitoring, and substance abuse and
101 mental health treatment services.

102 (a) The juvenile shall report to the community service
103 performance monitor within 7 business days after the date of
104 issuance of the civil citation or documentation for a similar
105 diversion program. The juvenile shall spend a minimum of 5 hours
106 per week completing the community service assignment. The
107 monitor shall immediately notify the intake office of the
108 department that a juvenile has reported to the monitor and the
109 expected date on which the juvenile will complete the community
110 service assignment ~~A copy of each citation issued under this~~
111 ~~section shall be provided to the department, and the department~~
112 ~~shall enter appropriate information into the juvenile offender~~
113 ~~information system. Use of the civil citation or similar~~
114 ~~diversion program is not limited to first-time misdemeanors and~~
115 ~~may be used in up to two subsequent misdemeanors. If an arrest~~
116 ~~is made, a law enforcement officer must provide written~~
117 ~~documentation as to why an arrest was warranted.~~

118 (b) At the conclusion of a juvenile's civil citation
119 ~~program~~ or similar diversion program, the entity agency
120 operating the program shall report the outcome of the program to
121 the department.

122 (c) If the juvenile fails to timely report for a community
123 service assignment, complete such assignment, or comply with
124 assigned intervention services within the prescribed time, or if
125 the juvenile commits a subsequent misdemeanor, the law
126 enforcement officer shall issue a report alleging the juvenile



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127 has committed a delinquent act, at which time a juvenile
128 probation officer shall process the original delinquent act as a
129 referral to the department and refer the report to the state
130 attorney for review ~~The issuance of a civil citation is not~~
131 ~~considered a referral to the department.~~

132 (9) ~~(2)~~ The department shall develop guidelines for the
133 civil citation and similar diversion programs ~~program~~ which
134 include intervention services that are based on ~~upon~~ proven
135 civil citation or similar diversion programs ~~in~~ within ~~the~~
136 state.

137 (10) This section does not apply to:

138 (a) A juvenile who is currently alleged to have committed,
139 or is currently charged with, and awaiting final disposition of
140 an offense that would be a felony if committed by an adult.

141 (b) A juvenile who has entered a plea of nolo contendere or
142 guilty to, or has been found to have committed, an offense that
143 would be a felony if committed by an adult.

144 (c) A misdemeanor arising out of an episode in which the
145 juvenile is also alleged to have committed an offense that would
146 be a felony if committed by an adult.

147 (11) This section does not modify the authority of a law
148 enforcement officer who comes into contact with a juvenile who
149 is alleged to have committed a misdemeanor to issue only a
150 simple warning to the juvenile or notice to a juvenile's parent
151 or guardian of the alleged offense.

152 ~~(3) Upon issuing such citation, the law enforcement officer~~
153 ~~shall send a copy to the county sheriff, state attorney, the~~
154 ~~appropriate intake office of the department, or the community~~
155 ~~service performance monitor designated by the department, the~~



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156 ~~parent or guardian of the child, and the victim.~~

157 ~~(4) The child shall report to the community service~~
158 ~~performance monitor within 7 working days after the date of~~
159 ~~issuance of the citation. The work assignment shall be~~
160 ~~accomplished at a rate of not less than 5 hours per week. The~~
161 ~~monitor shall advise the intake office immediately upon~~
162 ~~reporting by the child to the monitor, that the child has in~~
163 ~~fact reported and the expected date upon which completion of the~~
164 ~~work assignment will be accomplished.~~

165 ~~(5) If the child fails to report timely for a work~~
166 ~~assignment, complete a work assignment, or comply with assigned~~
167 ~~intervention services within the prescribed time, or if the~~
168 ~~juvenile commits a subsequent misdemeanor, the law enforcement~~
169 ~~officer shall issue a report alleging the child has committed a~~
170 ~~delinquent act, at which point a juvenile probation officer~~
171 ~~shall process the original delinquent act as a referral to the~~
172 ~~department and refer the report to the state attorney for~~
173 ~~review.~~

174 ~~(6) At the time of issuance of the citation by the law~~
175 ~~enforcement officer, such officer shall advise the child that~~
176 ~~the child has the option to refuse the citation and to be~~
177 ~~referred to the intake office of the department. That option may~~
178 ~~be exercised at any time before completion of the work~~
179 ~~assignment.~~

180 Section 2. Paragraph (b) of subsection (3) of section
181 943.051, Florida Statutes, is amended to read:

182 943.051 Criminal justice information; collection and
183 storage; fingerprinting.—

184 (3)



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185 (b) A minor who is charged with or found to have committed
186 the following offenses shall be fingerprinted and the
187 fingerprints shall be submitted electronically to the
188 department, unless the minor participates in ~~is issued~~ a civil
189 citation or similar diversion program pursuant to s. 985.12:

- 190 1. Assault, as defined in s. 784.011.
- 191 2. Battery, as defined in s. 784.03.
- 192 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 193 4. Unlawful use of destructive devices or bombs, as defined
194 in s. 790.1615(1).
- 195 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 196 6. Assault or battery on a law enforcement officer, a
197 firefighter, or other specified officers, as defined in s.
198 784.07(2)(a) and (b).
- 199 7. Open carrying of a weapon, as defined in s. 790.053.
- 200 8. Exposure of sexual organs, as defined in s. 800.03.
- 201 9. Unlawful possession of a firearm, as defined in s.
202 790.22(5).
- 203 10. Petit theft, as defined in s. 812.014(3).
- 204 11. Cruelty to animals, as defined in s. 828.12(1).
- 205 12. Arson, as defined in s. 806.031(1).
- 206 13. Unlawful possession or discharge of a weapon or firearm
207 at a school-sponsored event or on school property, as provided
208 in s. 790.115.

209 Section 3. Paragraph (b) of subsection (1) of section
210 985.11, Florida Statutes, is amended to read:

211 985.11 Fingerprinting and photographing.—

212 (1)

213 (b) Unless the child is participating in ~~is issued~~ a civil



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214 citation or ~~is participating in a~~ similar diversion program
215 pursuant to s. 985.12, a child who is charged with or found to
216 have committed one of the following offenses shall be
217 fingerprinted, and the fingerprints shall be submitted to the
218 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 219 1. Assault, as defined in s. 784.011.
- 220 2. Battery, as defined in s. 784.03.
- 221 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 222 4. Unlawful use of destructive devices or bombs, as defined
223 in s. 790.1615(1).
- 224 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 225 6. Assault on a law enforcement officer, a firefighter, or
226 other specified officers, as defined in s. 784.07(2)(a).
- 227 7. Open carrying of a weapon, as defined in s. 790.053.
- 228 8. Exposure of sexual organs, as defined in s. 800.03.
- 229 9. Unlawful possession of a firearm, as defined in s.
230 790.22(5).
- 231 10. Petit theft, as defined in s. 812.014.
- 232 11. Cruelty to animals, as defined in s. 828.12(1).
- 233 12. Arson, resulting in bodily harm to a firefighter, as
234 defined in s. 806.031(1).
- 235 13. Unlawful possession or discharge of a weapon or firearm
236 at a school-sponsored event or on school property as defined in
237 s. 790.115.

238
239 A law enforcement agency may fingerprint and photograph a child
240 taken into custody upon probable cause that such child has
241 committed any other violation of law, as the agency deems
242 appropriate. Such fingerprint records and photographs shall be



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243 retained by the law enforcement agency in a separate file, and
244 these records and all copies thereof must be marked "Juvenile
245 Confidential." These records are not available for public
246 disclosure and inspection under s. 119.07(1) except as provided
247 in ss. 943.053 and 985.04(2), but shall be available to other
248 law enforcement agencies, criminal justice agencies, state
249 attorneys, the courts, the child, the parents or legal
250 custodians of the child, their attorneys, and any other person
251 authorized by the court to have access to such records. In
252 addition, such records may be submitted to the Department of Law
253 Enforcement for inclusion in the state criminal history records
254 and used by criminal justice agencies for criminal justice
255 purposes. These records may, in the discretion of the court, be
256 open to inspection by anyone upon a showing of cause. The
257 fingerprint and photograph records shall be produced in the
258 court whenever directed by the court. Any photograph taken
259 pursuant to this section may be shown by a law enforcement
260 officer to any victim or witness of a crime for the purpose of
261 identifying the person who committed such crime.

262 Section 4. This act shall take effect July 1, 2016.

263
264 ===== T I T L E A M E N D M E N T =====

265 And the title is amended as follows:

266 Delete everything before the enacting clause
267 and insert:

268 A bill to be entitled
269 An act relating to juvenile civil citation and similar
270 diversion programs; amending s. 985.12, F.S.;
271 requiring the establishment of civil citation or



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272 similar diversion programs for juveniles; providing
273 definitions; specifying program eligibility,
274 participation, and implementation requirements;
275 providing exceptions; providing applicability;
276 amending ss. 943.051 and 985.11, F.S.; conforming
277 provisions to changes made by the act; providing an
278 effective date.



802706

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2016	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Clemens) recommended the following:

Senate Amendment to Amendment (854832)

Delete line 103
and insert:
performance monitor within 10 business days after the date of

By Senator Altman

16-00515-16

2016408__

1 A bill to be entitled
 2 An act relating to juvenile civil citations; amending
 3 s. 985.12, F.S.; requiring, rather than authorizing, a
 4 law enforcement officer to issue a civil citation or
 5 require participation in a similar diversion program
 6 if the officer does not issue a warning or inform a
 7 child's guardian or parent of the infraction;
 8 requiring a law enforcement officer to receive
 9 approval from a supervisor before arresting a child
 10 for a first-time misdemeanor; reenacting ss.
 11 943.051(3)(b) and 985.11(1)(b), F.S., relating to
 12 fingerprinting and photographing a minor, to
 13 incorporate the amendments made to s. 985.12, F.S., in
 14 references thereto; providing an effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Subsection (1) of section 985.12, Florida
 19 Statutes, is amended to read:
 20 985.12 Civil citation.—
 21 (1) There is established a juvenile civil citation process
 22 for the purpose of providing an efficient and innovative
 23 alternative to custody by the Department of Juvenile Justice for
 24 children who commit nonserious delinquent acts and to ensure
 25 swift and appropriate consequences. The department shall
 26 encourage and assist in the implementation and improvement of
 27 civil citation programs or other similar diversion programs
 28 around the state. The civil citation or similar diversion
 29 program shall be established at the local level with the

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30 concurrence of the chief judge of the circuit, state attorney,
 31 public defender, and the head of each local law enforcement
 32 agency involved. The program may be operated by an entity such
 33 as a law enforcement agency, the department, a juvenile
 34 assessment center, the county or municipality, or another entity
 35 selected by the county or municipality. An entity operating the
 36 civil citation or similar diversion program must do so in
 37 consultation and agreement with the state attorney and local law
 38 enforcement agencies. Under such a juvenile civil citation or
 39 similar diversion program, a law enforcement officer, upon
 40 making contact with a juvenile who admits having committed a
 41 misdemeanor, shall ~~may choose to~~ issue a simple warning or
 42 inform the child's guardian or parent of the child's infraction,
 43 or shall ~~may~~ issue a civil citation or require participation in
 44 a similar diversion program, and assess up to 50 community
 45 service hours, and require participation in intervention
 46 services as indicated by an assessment of the needs of the
 47 juvenile, including family counseling, urinalysis monitoring,
 48 and substance abuse and mental health treatment services. A copy
 49 of each citation issued under this section shall be provided to
 50 the department, and the department shall enter appropriate
 51 information into the juvenile offender information system. Use
 52 of the civil citation or similar diversion program is not
 53 limited to first-time misdemeanors and may be used in up to two
 54 subsequent misdemeanors. Before ~~If~~ an arrest is made for a
 55 first-time misdemeanor, a law enforcement officer must receive
 56 approval from a supervisor and provide written documentation as
 57 to why an arrest was warranted rather than a civil citation. At
 58 the conclusion of a juvenile's civil citation program or similar

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59 diversion program, the agency operating the program shall report
60 the outcome to the department. The issuance of a civil citation
61 is not considered a referral to the department.

62 Section 2. For the purpose of incorporating the amendment
63 made by this act to section 985.12, Florida Statutes, in a
64 reference thereto, paragraph (b) of subsection (3) of section
65 943.051, Florida Statutes, is reenacted to read:

66 943.051 Criminal justice information; collection and
67 storage; fingerprinting.—

68 (3)

69 (b) A minor who is charged with or found to have committed
70 the following offenses shall be fingerprinted and the
71 fingerprints shall be submitted electronically to the
72 department, unless the minor is issued a civil citation pursuant
73 to s. 985.12:

- 74 1. Assault, as defined in s. 784.011.
- 75 2. Battery, as defined in s. 784.03.
- 76 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 77 4. Unlawful use of destructive devices or bombs, as defined
78 in s. 790.1615(1).
- 79 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 80 6. Assault or battery on a law enforcement officer, a
81 firefighter, or other specified officers, as defined in s.
82 784.07(2)(a) and (b).
- 83 7. Open carrying of a weapon, as defined in s. 790.053.
- 84 8. Exposure of sexual organs, as defined in s. 800.03.
- 85 9. Unlawful possession of a firearm, as defined in s.
86 790.22(5).
- 87 10. Petit theft, as defined in s. 812.014(3).

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

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

90 13. Unlawful possession or discharge of a weapon or firearm
91 at a school-sponsored event or on school property, as provided
92 in s. 790.115.

93 Section 3. For the purpose of incorporating the amendment
94 made by this act to section 985.12, Florida Statutes, in a
95 reference thereto, paragraph (b) of subsection (1) of section
96 985.11, Florida Statutes, is reenacted to read:

97 985.11 Fingerprinting and photographing.—

98 (1)

99 (b) Unless the child is issued a civil citation or is
100 participating in a similar diversion program pursuant to s.
101 985.12, a child who is charged with or found to have committed
102 one of the following offenses shall be fingerprinted, and the
103 fingerprints shall be submitted to the Department of Law
104 Enforcement as provided in s. 943.051(3)(b):

- 105 1. Assault, as defined in s. 784.011.
- 106 2. Battery, as defined in s. 784.03.
- 107 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 108 4. Unlawful use of destructive devices or bombs, as defined
109 in s. 790.1615(1).
- 110 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 111 6. Assault on a law enforcement officer, a firefighter, or
112 other specified officers, as defined in s. 784.07(2)(a).
- 113 7. Open carrying of a weapon, as defined in s. 790.053.
- 114 8. Exposure of sexual organs, as defined in s. 800.03.
- 115 9. Unlawful possession of a firearm, as defined in s.
116 790.22(5).

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117 10. Petit theft, as defined in s. 812.014.
118 11. Cruelty to animals, as defined in s. 828.12(1).
119 12. Arson, resulting in bodily harm to a firefighter, as
120 defined in s. 806.031(1).
121 13. Unlawful possession or discharge of a weapon or firearm
122 at a school-sponsored event or on school property as defined in
123 s. 790.115.
124
125 A law enforcement agency may fingerprint and photograph a child
126 taken into custody upon probable cause that such child has
127 committed any other violation of law, as the agency deems
128 appropriate. Such fingerprint records and photographs shall be
129 retained by the law enforcement agency in a separate file, and
130 these records and all copies thereof must be marked "Juvenile
131 Confidential." These records are not available for public
132 disclosure and inspection under s. 119.07(1) except as provided
133 in ss. 943.053 and 985.04(2), but shall be available to other
134 law enforcement agencies, criminal justice agencies, state
135 attorneys, the courts, the child, the parents or legal
136 custodians of the child, their attorneys, and any other person
137 authorized by the court to have access to such records. In
138 addition, such records may be submitted to the Department of Law
139 Enforcement for inclusion in the state criminal history records
140 and used by criminal justice agencies for criminal justice
141 purposes. These records may, in the discretion of the court, be
142 open to inspection by anyone upon a showing of cause. The
143 fingerprint and photograph records shall be produced in the
144 court whenever directed by the court. Any photograph taken
145 pursuant to this section may be shown by a law enforcement

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146 officer to any victim or witness of a crime for the purpose of
147 identifying the person who committed such crime.
148 Section 4. This act shall take effect July 1, 2016.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and Domestic Security, *Chair*
Children, Families, and Elder Affairs, *Vice-Chair*
Appropriations
Appropriations Subcommittee on General Government
Environmental Preservation and Conservation
Finance and Tax

SENATOR THAD ALTMAN

16th District

February 16, 2016

The Honorable Greg Evers
Senate Committee on Criminal Justice, Chair
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Evers,

Senate Bill 332, *related to Traffic Safety*, and Senate Bill 408, *related to Juvenile Civil Citations* are on the Criminal Justice agenda today, February 16, 2016. I am unfortunately unable to attend this meeting to present the bill due to unforeseen circumstances.

I respectfully request that you recognize my Legislative Assistant, Ms. Devon West, to present SB 332 and SB 408 on my behalf. Contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thad Altman".

Thad Altman

CC: Amanda Cannon, Staff Director, 510 Knott Building
Sue Arnold, Committee Administrative Assistant

TA/dw

REPLY TO:

- 8710 Astronaut Blvd, Cape Canaveral, FL 32920 (321) 752-3138
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016

Meeting Date

SB 408

Bill Number (if applicable)

Topic Juvenile Civil Citations

Amendment Barcode (if applicable)

Name Jeffrey Chudnow

Job Title Chief of Police

Address 400 Alexandria Blvd.

Phone 407-971-5731

Street

Oviedo FL

City

State

Zip

Email jchudnow@cityofoviedo.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016
Meeting Date

SB 408

Bill Number (if applicable)

854832

Amendment Barcode (if applicable)

Topic Juvenile Civil Citations

Name Jeffrey Chudnow

Job Title Chief of Police

Address 400 Alexandria Blvd.

Phone 407-971-5731

Street

Oviedo

FL

State

32765

Zip

Email jchudnow@cityofoviedo.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016

Meeting Date

408

Bill Number (if applicable)

Topic Civil Citations

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street

Phone 850-681-0024

Street Tallahassee, FL 32301

Email jorge@flapartners.com

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla Association of Criminal Defense Lawyers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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2/16/2016

Meeting Date

408

Bill Number (if applicable)

Topic Juvenile Civil Citations

Amendment Barcode (if applicable)

Name Bruce Miller

Job Title Public Defender, 1st Circuit

Address 190 Governmental Center

Phone 850.595.4100

Street

Pensacola

FL

32502

Email bruce_miller@pd1.fl.gov

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Public Defender Association, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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Feb. 16, 2016
Meeting Date

Tab 3

408

Bill Number (if applicable)

Topic Civil Citations

Amendment Barcode (if applicable)

Name Rev. Bernice Powell Jackson

Job Title pastor, First United Church of Tampa

Address 7308 E. Fowler Ave.
Street

Phone 813-988-4321

Tampa FL 33617
City State Zip

Email revbpjackson@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing HOPE (Hillsborough ~~Co.~~ Organization for Progress + Equality)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16

Meeting Date

408

Bill Number (if applicable)

Topic Civil Citation

Amendment Barcode (if applicable)

Name Sarah Carroll

Job Title Partner

Address 123 S. Adams Street

Phone 671-4401

Street

Email Carroll@sosstrategies.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Sheriff's Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

16 FEB 16

Meeting Date

408

Bill Number (if applicable)

Topic JUVENILE CIVIL CITATIONS

Amendment Barcode (if applicable)

Name MICHAEL JAMES MCQUONE (MICK-CUE-ONE)

Job Title ASSOCIATE DIRECTOR FOR HEALTH

Address 201 W. PARK AVENUE

Phone 850-284-9130

Street

TALLAHASSEE FLORIDA 32301

City

State

Zip

Email mmcquone@flaccb.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA CONFERENCE OF CATHOLIC BISHOPS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 16, 2016
Meeting Date

408
Bill Number (if applicable)

Topic Civil Citations

Amendment Barcode (if applicable)

Name Rev. Tan C. Moss

Job Title Pastor

Address 10000 Gate Parkway # 2228
Street

Phone (850) 566-0692

Jacksonville FL 32246
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DART Criminal Justice Collaborative

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16
Meeting Date

408
Bill Number (if applicable)

Topic Civil Citation

854832
Amendment Barcode (if applicable)

Name Vern. Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone 561-644-2439

Wellington FL 33414
City State Zip

Email vacrawford@usa.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Palm Beach Schol District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1072

INTRODUCER: Senator Soto

SUBJECT: Arrest Booking Photographs

DATE: February 15, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 1072 prohibits a person engaged in publishing or otherwise disseminating arrest booking photographs through a publicly accessible print or electronic medium from soliciting or accepting a fee or other consideration to remove, correct, or modify an arrest booking photograph of an arrestee.

An arrestee who is the subject of an arrest booking photograph that has been published may file a civil action against the publisher to enjoin publication of the photograph if the publisher solicits or accepts a fee or other consideration to remove, correct, or modify the photograph. If the court enjoins publication of the photograph, the court must issue an order specifying that the photograph be removed from publication no later than 14 days after the date the order is entered. If, subsequent to the 14-day period for removal, the publisher subject to the injunction demonstrates to the court that it has complied with statutory requirements, the court shall terminate the injunction.

The court must impose a civil penalty of \$1,000 per day for each day of noncompliance with the order issuing the injunction. A prevailing arrestee is entitled to attorney fees and costs relating to issuance of the injunction and any appeal of the order issuing the injunction in which the arrestee is the prevailing party.

The provisions of the bill do not apply to state and local governments or government agencies.

II. Present Situation:

Public Disclosure of Criminal Record Information

Unless a specific exemption applies, all “materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge” are public records and open for public inspection.¹

Criminal record information may be obtained and published by non-governmental publishers. This information includes, but is not limited to, booking photographs, arrest reports, charging documents, sentencing orders, and criminal history information.² Like all other records prepared by Florida government agencies, criminal record information is subject to public disclosure unless specifically exempted. If the record contains exempt and non-exempt information, the record is provided with exempt information redacted.³ For example, if a law enforcement record contains non-exempt information but also contains active criminal intelligence information or active criminal investigative information, both of which are exempt from public disclosure,⁴ the law enforcement record must be provided upon request with exempt information redacted.⁵

Arrest Record Information

The public record information that is most relevant to the bill is public record information pertaining to a person’s arrest for the alleged commission of a crime.⁶ This information includes, but is not limited to, the arrest report and “booking” photograph (often referred to as a “mugshot” or “mug shot”).⁷

With few exceptions, arrest record information (including booking photographs) must be disclosed pursuant to a public records request.⁸ An example of an exemption would be the name

¹ Office of the Attorney General (Florida), *Public Records: A Guide for Law Enforcement Agencies* (2012 Edition), at p. 1. and endnote 1 (citing *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633, 640 (Fla. 1980)) and endnote 2 (citing *Wait v. Florida Power & Light Company*, 372 So.2d 420 (Fla. 1979)). This document is available at [http://myfloridalegal.com/webfiles.nsf/WF/RMAS-935PV5/\\$file/2012LEGuide.pdf](http://myfloridalegal.com/webfiles.nsf/WF/RMAS-935PV5/$file/2012LEGuide.pdf) (last visited on February 8, 2016).

² The Florida Department of Law Enforcement is the central repository of criminal history information for the State of Florida. For a fee, a search of Florida criminal history information regarding a person may be performed. Excluded from the search is sealed or expunged information. See <https://web.fdle.state.fl.us/search/app/default> (last visited on February 8, 2016).

³ Office of the Attorney General, *Public Records: A Guide for Law Enforcement Agencies*, at p. 15 and endnote 67 (citing *City of Riviera Beach v. Barfield*, 642 So.2d 1135, 1137 (Fla. 4th DCA 1994), *review denied*, 651 So.2d 1192 (Fla. 1995)).

⁴ Section 119.071(2)(c)1., F.S.

⁵ Office of the Attorney General (Florida), *Public Records: A Guide for Law Enforcement Agencies*, at p. 5 and endnote 21 (citing *Op. Att’y Gen. 91-74* (Oct. 1, 1991) and *Palm Beach Daily News v. Terlizese* (Fla. 15th Cir. Ct. Apr. 5, 1991)).

⁶ An arrestee is presumed innocent of committing the crime until such time as guilt has been determined in a court of law. However, if guilt is not determined (e.g., the prosecutor does not file a charge) this does not necessarily mean that the arrest itself was invalid.

⁷ There is an intake process involved if an arrestee is to be jailed. Some law enforcement agencies refer to “booking” as one part of a multi-component intake process; others refer to the intake process as “booking.” Regardless of how the term is used, a photograph is taken of the arrestee prior to being jailed and that photograph is referred to as a “booking” photograph.

⁸ “This office has consistently stated that crime and arrest reports are public records that are generally open to inspection. . . . Thus, an arrest report, including the booking photograph, prepared by a law enforcement agency is subject to disclosure. . . .” Office of the Attorney General (Florida), *Op. Att’y Gen. 94-90* (Oct. 25, 1994) (footnotes omitted), available at <http://www.myfloridalegal.com/ago.nsf/Opinions/83A1D5004064269D852562210063168E> (last visited on February 8, 2016).

of an alleged victim of a sexual battery, if that name appeared in an arrest report.⁹ In providing the arrest report pursuant to a public record request, this name would be redacted from the copy of the report provided to the requestor.

Arrest record information is requested by many persons and entities, including members of the public, traditional news companies, companies that provide criminal history or criminal record information for a service or subscriber fee (e.g., so that a private employer may determine if a job applicant has a criminal history), and companies that are often referred to as “mugshot” companies. This information is often available to the public within hours of the booking process being completed.¹⁰ For this reason, an expungement of criminal records relevant to a particular crime would not capture arrest record information that was obtained by the public when access to that information was authorized.

A “mugshot “company” may be described as a business that obtains publicly-available arrest record information (primarily booking photographs) and publishes that information, typically by posting it on a website. Generally, this information remains on the website until a fee is paid to the publisher or the publisher is compensated by a third-party that advertises that it will obtain removal of the information from the website upon payment of a fee to the third-party.¹¹ This practice is not specifically prohibited by Florida law.

Traditional news companies that publish arrest record information (like booking photographs) and private companies that provide arrest record information for a service or subscriber fee may also profit, directly or indirectly, from the publication of arrest record information, but the removal of this information, if it occurs, does not appear to be contingent upon or result from payment of a fee or receipt of compensation. Further, unlike the mugshot companies, this information may only be available to subscribers, or if publicly available, often becomes less accessible after a certain period of time has elapsed.

The charge or fee for removal of the booking photograph and other arrest record information from publication on mugshot companies’ websites varies but may be several hundred dollars to more than one thousand dollars.¹² Even if a mugshot company removes the arrest record information from its website upon payment of fee or receipt of compensation, there is no guarantee that this information will not appear on the website of another mugshot company that

⁹ Section 119.071(2)(j)1., F.S.

¹⁰ Mugshot companies often obtain booking photographs by “web scraping” the photographs from law enforcement websites that publish the photographs. Adam Geller, “Don’t want mug shot online? Then pay up, sites say,” June 23, 2013, Associated Press, available at <http://bigstory.ap.org/article/dont-want-mug-shot-online-then-pay-sites-say> (last visited on February 8, 2016). “Web [s]craping refers to an application that processes the HTML of a Web page to extract data for manipulation such as converting the Web page to another format (i.e. HTML to WML). Web [s]craping scripts and applications will simulate a person viewing a Web site with a browser. With these scripts you can connect to a Web page and request a page, exactly as a browser would do. The Web server will send back the page which you can then manipulate or extract specific information from.” See http://www.webopedia.com/TERM/W/Web_Scraping.html (last visited on February 8, 2016).

¹¹ Since few, if any, mugshot companies appear to provide sufficient information on their company structure, location of company offices, and company officers, it may be difficult to determine whether the mugshot publisher and the third-party offering publication removal services are under the same ownership or are affiliated.

¹² Melody Gutierrez, “California bill would ban website fees for mug shot removal,” August 5, 2014, *San Francisco Chronicle*, available at <http://www.sfgate.com/crime/article/California-bill-would-ban-website-fees-for-mug-5669586.php> (last visited on February 8, 2016).

may or may not be affiliated with the mugshot company that previously removed the information from its website. Therefore, the person who paid to have his or her arrest record information removed from one website may find himself or herself subsequently engaged in what has been described as “an expensive game of Whac-A-Mole.”¹³

Right of Publicity

Section 540.08(1), F.S., prohibits a person from publishing, printing, displaying, or otherwise publicly using for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of any natural person without the person’s express written or oral consent to such use.¹⁴ There are exceptions to the statute for:

- Publication, printing, display, or use of the name or likeness of any person in any newspaper, magazine, book, news broadcast or telecast, or other news medium or publication as part of any bona fide news report or presentation having a current and legitimate public interest and where such name or likeness is not used for advertising purposes; and
- The use of such name, portrait, photograph, or other likeness in connection with the resale or other distribution of literary, musical, or artistic productions or other articles of merchandise or property where such person has consented to the use on or in connection with the initial sale or distribution.¹⁵

The statute also provides that, in the event the necessary consent is not obtained, the person whose name, portrait, photograph, or other likeness is so used may bring an action to enjoin such unauthorized publication, printing, display or other public use, and to recover damages for any loss or injury sustained by reason thereof, including an amount which would have been a reasonable royalty, and punitive or exemplary damages.

Laws and Legislation of Other States

Some states have passed laws that say public records cannot be used for commercial purposes.¹⁶ This strategy could raise First Amendment concerns since the photographs usually involve records that are obtained legally.¹⁷ Other states have adopted different measures.¹⁸ Oregon, for example, passed a law requiring that a company remove the photograph upon request in instances where the individual can prove that the charges were dismissed or the individual was

¹³ Andrew Knapp, “South Carolina attorneys, lawmakers aim to disrupt business of publishing jail mug shots,” November 17, 2013, *The Post and Courier* (Charleston, S.C.), available at <http://www.postandcourier.com/article/20131117/PC1610/131119492> (last visited on February 8, 2016).

¹⁴ In 2014, a Florida federal district court held that a person stated a cause of action for violation of s. 540.08, F.S., based on her claim that the operator of two websites published her booking photograph and advertised the service of removing booking photographs from a particular website in exchange for payment. It is unknown if the operator was subsequently determined to have violated the statute. *Bilotta v. Citizen Information Associates, LLC, et al.*, 2014 WL 105177 (January 10, 2014), U.S. District Court (Middle District-Tampa Division).

¹⁵ Section 540.08(4), F.S.

¹⁶ National Conference of State Legislatures, “Mug Shots and Booking Photo Websites,” February 17, 2014, available at <http://www.ncsl.org/research/telecommunications-and-information-technology/mug-shots-and-booking-photo-websites.aspx> (last visited on February 8, 2016).

¹⁷ See, e.g., *New York Times v. Sullivan*, 376 U.S. 254, 269-270 (1964) (noting that freedom of expression concerning public issues is secured by the First Amendment and should be “uninhibited, robust, and wide-open”).

¹⁸ National Conference of State Legislatures, “Mug Shots and Booking Photo Websites,” *supra*.

exonerated.¹⁹ Virginia took a different approach, prohibiting parties who disseminate or maintain criminal history information from soliciting, requesting, or accepting compensation for removing the information.²⁰ Because the Oregon and Virginia bills passed in 2013 and 2015,²¹ respectively, the efficacy of these bills has not yet been determined. An American Bar Association article argues that there is no legal solution to this problem, and instead, the solution is going to be in the private sector.²² An example of private sector action is an adjustment of algorithms by Google® so that the mug shot companies will not appear on the first page of Google search results.²³ Also, in 2013, some credit card companies indicated they were “in the process of terminating contracts with mugshot websites.”²⁴

Other Actions

In 2014, the Pinellas County Sheriff’s Office announced that it would no longer post booking photographs on its website.²⁵ The names, addresses, and initial charges of those arrested are still available on the website. The agency still provides access to the mug shots to other law enforcement agencies and the media, but those entities must request access to those photographs and must log into a newly created system to retrieve them. Members of the public may also submit requests for mug shots.

The website for the Lee County Sheriff’s Office indicates that it will remove a booking photograph once notified the arrest record information is sealed or expunged.²⁶

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 119.17, F.S., which prohibits a person engaged in publishing or otherwise disseminating arrest booking photographs through a publicly accessible print or electronic medium from soliciting or accepting a fee or other consideration to remove, correct, or modify an arrest booking photograph of an arrestee.²⁷

¹⁹ H.R. 3467, 77th Leg. Assembly (Or. 2013).

²⁰ S.B. 720, 2015 Sess. (Va. 2015).

²¹ See footnotes 17 and 18.

²² Stephanie Francis Ward, “Hoist Your Mug: Websites Will Post Your Name and Photo; Others Will Charge You to Remove Them,” August 1, 2012, *A.B.A. Journal*, available at http://www.abajournal.com/magazine/article/hoist_your_mug_websites_will_post_your_name_and_photo_others_will_charge_you (last visited on February 8, 2016).

²³ Jose Pagliery, “Mug Shot Extortion Sites Still Up and Running ... for Now,” October 16, 2013, *CNN Money*, available at <http://money.cnn.com/2013/10/16/technology/mug-shot-websites/index.html> (last visited on February 8, 2016).

²⁴ “Google, credit card companies combating for-profit mugshot sites,” October 6, 2013, United Press International, available at http://www.upi.com/Top_News/US/2013/10/06/Google-credit-card-companies-combating-for-profit-mugshot-sites/26051381092759/ (last visited on February 8, 2016).

²⁵ Stephen Thompson, “Pinellas Sheriff Limiting Access to Mugshots Online,” January 9, 2014, *The St. Petersburg Tribune*, available at <http://tbo.com/pinellas-county/pinellas-sheriff-targeting-websites-limits-access-to-mug-shots-20140109/> (last visited on February 8, 2016).

²⁶ See <http://www.sheriffleefl.org/main/index.php?r=faqs/index&cat=1&id=524> (last visited on February 8, 2016).

²⁷ The bill does not prohibit a publisher from profiting from publication of an arrest booking photograph, except for the publication removal fee. For example, the bill does not prohibit the publisher from charging a subscriber fee or profiting from advertising on a publication website.

An arrestee²⁸ who is the subject of an arrest booking photograph²⁹ that has been published may file a civil action against the publisher to enjoin publication of the photograph if the publisher solicits or accepts a fee or other consideration³⁰ to remove, correct, or modify the photograph. If the court enjoins publication of the photograph, the court must issue an order specifying that the photograph be removed from publication no later than 14 days after the date the order is entered. If, subsequent to the 14-day period for removal, the publisher subject to the injunction demonstrates to the court that it has complied with statutory requirements, the court shall terminate the injunction.

The court must impose a civil penalty of \$1,000 per day for each day of noncompliance with the order issuing the injunction. A prevailing arrestee is entitled to attorney fees and costs relating to issuance of the injunction and any appeal of the order issuing the injunction in which the arrestee is the prevailing party.

The provisions of the bill do not apply to state and local governments or government agencies.³¹

Section 2 of the bill provides an effective date of October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

A private publisher of arrest booking photographs who engages in the fee-for-removal practice may be subject to a civil action enjoining publication of an arrest booking photograph until such time as the publisher ceases the fee-for-removal practice.³² Such

²⁸ The bill defines an “arrestee” as an individual who has been arrested for a violation of law in this state.

²⁹ The bill defines an “arrest booking photograph” as a photograph of an arrestee taken for the purpose of recording the arrestee’s image as part of the arrest and booking process.

³⁰ The bill states that a “fee or other consideration” does not include a fee or consideration, including attorney fees, solicited or accepted in connection with the actual or attempted settlement of an actual or threatened lawsuit or arbitration claim or other judicial or quasi-judicial proceeding.

³¹ Specifically, the bill provides that s. 119.17, F.S., the new section created by the bill, does not apply to any state, regional, county, local, or municipal governmental entity of this state, whether executive, judicial, or legislative, or any department, division, bureau, commission, authority, or political subdivision of this state.

³² CS/HB 907 also prohibits the fee-for-removal practice and provides that “an aggrieved person may initiate a civil action ... to obtain all appropriate relief in order to remedy or prevent a future violation...” The House bill specifies some types of relief that would constitute “appropriate relief”: injunctive relief; civil penalty; monetary damages, including actual damages

publisher may challenge enjoining the publication as a violation of the First Amendment of United States Constitution.

A court considering such a challenge would have to determine if the publication constitutes speech protected by the First Amendment and also determine whether the speech is “core” (noncommercial) speech or commercial speech. “Commercial speech’ is entitled to the protection of the First Amendment, albeit to protection somewhat less extensive than that afforded ‘noncommercial speech.’”³³

If the publication involves “core” speech, “then state officials may not constitutionally punish publication of the information absent a need to further a state interest of the highest order.”³⁴ “Commercial speech that is not false or deceptive and does not concern unlawful activities may be restricted only in the service of a substantial governmental interest, and only through means that directly advance that interest.”³⁵

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A private publisher of arrest booking photographs who engages in the fee-for-removal practice may be subject to a civil action enjoining publication of an arrest booking photograph until such time as the publisher ceases the fee-for-removal practice. The court must impose a civil penalty of \$1,000 per day for each day of noncompliance with the order issuing the injunction. A prevailing arrestee is entitled to attorney fees and costs relating to issuance of the injunction and any appeal of the order issuing the injunction in which the arrestee is the prevailing party.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

incurred as a result of a violation; and attorney fees and costs. However, it does not specifically mention enjoining publication of a booking photograph until the fee-for-removal practice ceases.

³³ *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio*, 471 U.S. 626, 637 (1985).

³⁴ *Smith v. Daily Mail Pub. Co.*, 443 U.S. 97, 103 (1979).

³⁵ *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio*, 471 U.S. at 638.

VIII. Statutes Affected:

This bill creates section 119.172 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Soto

14-01006A-16

20161072__

A bill to be entitled

An act relating to arrest booking photographs; creating s. 119.17, F.S.; defining terms; prohibiting a person who publishes or disseminates an arrest booking photograph through a certain medium from soliciting or accepting payment of a fee or other consideration to remove, correct, or modify such photograph; authorizing an action to enjoin publication or dissemination of an arrest booking photograph for a violation of the act; specifying the time limit for the removal of an arrest booking photograph pursuant to a court order; providing a civil penalty; providing for reasonable attorney fees and costs; requiring the court to terminate an injunction under certain circumstances; providing applicability; providing an effective date.

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

Section 1. Section 119.17, Florida Statutes, is created to read:

119.17 Arrest booking photographs.—

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

(a) "Arrest booking photograph" means a photograph of an arrestee taken for the purpose of recording the arrestee's image as part of the arrest and booking process.

(b) "Arrestee" means an individual who has been arrested for a violation of law in this state.

(c) "Fee or other consideration" does not include a fee or consideration, including attorney fees and costs, solicited or accepted in connection with the actual or attempted settlement or compromise of a lawsuit, a threatened lawsuit, an arbitration

14-01006A-16

20161072__

claim, a threatened arbitration claim, or other judicial or quasi-judicial proceeding.

(2) A person engaged in publishing or otherwise disseminating arrest booking photographs through a publicly accessible print or electronic medium may not solicit or accept a fee or other consideration to remove, correct, or modify an arrest booking photograph of an arrestee.

(3) If a person engaged in publishing or otherwise disseminating arrest booking photographs through a publicly accessible print or electronic medium violates subsection (2), the arrestee who is the subject of the arrest booking photograph may bring an action to enjoin the publication or other dissemination of the arrest booking photograph.

(a) If the court enjoins the publication or other dissemination of the arrest booking photograph, the court shall specify in its order that the arrest booking photograph must be removed from publication or other dissemination no later than 14 days after the date the order is entered. The court shall impose a civil penalty of \$1,000 per day for each day of noncompliance with the order.

(b) If the court enjoins the publication or other dissemination of an arrestee's arrest booking photograph, the arrestee is entitled to reasonable attorney fees and costs relating to issuance of the injunction and to any appeal of the order issuing the injunction in which the arrestee is the prevailing party.

(c) If, subsequent to the 14-day period for removal of the photograph pursuant to paragraph (a), the person subject to the injunction demonstrates to the court that he or she is in

14-01006A-16

20161072__

62 compliance with this section, the court shall terminate the
63 injunction.

64 (4) This section does not apply to any state, regional,
65 county, local, or municipal governmental entity of this state,
66 whether executive, judicial, or legislative, or any department,
67 division, bureau, commission, authority, or political
68 subdivision.

69 Section 2. This act shall take effect October 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Rules, *Vice Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Environmental Preservation and Conservation
Finance and Tax
Judiciary

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR DARREN SOTO

Minority Caucus Rules Chair
14th District

January 13, 2016

The Honorable Greg Evers
Committee on Criminal Justice
510 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Evers,

I respectfully request that Senate Bill 1072, Arrest Booking Photographs, be placed on the agenda as soon as possible. Senate Bill 1072 seeks to eliminate the profit incentive from the mug shot industry. The bill requests to ban the solicitation for the removal or alteration of an arrest booking photograph, and allow the subject of the photograph to bring a court action to enjoin the publication of the material.

Thank you for your consideration. Should you have any questions or concerns, please feel free to contact me at 850-487-5014.

Sincerely,

A handwritten signature in cursive script that reads "Darren M. Soto".

Darren M. Soto
State Senator, District 14

Cc: Amanda Cannon, Staff Director
Sue Arnold, Committee Administrative Assistant

REPLY TO:

- Kissimmee City Hall, 101 North Church Street, Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (407) 846-5188
- 220 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16

Meeting Date

1072

Bill Number (if applicable)

Topic Arrest Booking Photos

Amendment Barcode (if applicable)

Name TIM QUIGLEY

Job Title DEPUTY SHERIFF

Address 951 SINGLETON DR.

Phone 386 736 5222

Street

DELAND

FL

32724

City

State

Zip

Email TQUIGLEY@VCSO.US

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against

(The Chair will read this information into the record.)

Representing FLORIDA SHERIFFS ASSOCIATION

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016

Meeting Date

1072

Bill Number (if applicable)

Topic Arrest Booking Photos

Amendment Barcode (if applicable)

Name Bruce Miller

Job Title Public Defender, 1st Circuit

Address 190 Governmental Center

Phone 850.595.4100

Street

Pensacola

Florida

32502

Email bruce_miller@pd1.fl.gov

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Public Defender Association, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1182

INTRODUCER: Criminal Justice Committee and Senator Latvala

SUBJECT: Controlled Substances

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1182 makes mitragynine and 7-hydroxymitragynine Schedule I controlled substances. These substances are “pharmacologically active constituents” of the plant kratom (*Mitragyna speciosa*).¹ An exception is created for FDA-approved drugs.

The bill also makes it a first degree misdemeanor (maximum penalty of one year in jail) to:

- Sell or deliver mitragynine or 7-hydroxymitragynine to a person younger than 18 years of age; or
- Possess mitragynine or 7-hydroxymitragynine with the intent to sell or deliver such substance to a person younger than 18 years of age.

II. Present Situation:

Schedule I Controlled Substances

A substance is a “controlled substance” if it is listed in any of five schedules in s. 893.03, F.S. The particular scheduling determines penalties which may be imposed for unlawful possession, sale, etc., and the conditions under which the substance can be legally possessed, prescribed, sold, etc. Relevant to the bill, a substance in Schedule I is considered to have a high potential for

¹ Prozialeck WC, Jivan JK, Andurkar SV. Pharmacology of kratom: an emerging botanical agent with stimulant, analgesic and opioid-like effects. *J Am Osteopath Assoc.* 2012 Dec; 112(12): 792-9, at p. 792 (abstract). This article is available at <http://www.jaoa.osteopathic.org/content/112/12/792.full.pdf> (last visited on February 2, 2016).

abuse² and no currently accepted medical use in treatment in the United States and, in its use under medical supervision, does not meet accepted safety standards.³

Controlled Substance Offenses (s. 893.13, F.S.)

Section 893.13, F.S., contains the general penalties for possession, sale, etc., of controlled substances.⁴

Generally, selling, manufacturing, delivering, or possessing with intent to sell, manufacture, or deliver, a controlled substance listed in s. 893.03(1)(c), F.S., is a third degree felony.⁵ However, if any of these acts are committed within 1,000 feet of certain designated places, the felony degree and penalties are greater.⁶ For example, selling a controlled substance listed in s. 893.03(1)(c), F.S., within 1,000 feet of the real property of a child care facility or secondary school is a second degree felony.⁷

Generally, possessing, purchasing, or possessing with intent to purchase, a controlled substance listed in s. 893.13(1)(c), F.S., is a third degree felony.⁸

Kratom

The Florida Department of Law Enforcement (FDLE) has provided the following information regarding kratom:

Mitragynine and 7-Hydroxymitragynine are the major active alkaloids found in the Kratom plant (*Mitragyna speciosa* korth), a tropical tree which is indigenous to areas of Southeast Asia (e.g. Thailand, Malaysia, and Myanmar). The ingestion of Kratom involves the use of the leaves either whole or crushed, prepared as a tea, smoked and/or chewed; it can also be found in the form of an extract, and/or encapsulated powder. Neither Mitragynine nor 7-Hydroxymitragynine is currently enumerated as a controlled

² “Potential for abuse” means that a substance has properties of a central nervous system stimulant or depressant or an hallucinogen that create a substantial likelihood of its being: (a) Used in amounts that create a hazard to the user’s health or the safety of the community; (b) Diverted from legal channels and distributed through illegal channels; or (c) Taken on the user’s own initiative rather than on the basis of professional medical advice. Section 893.02(20), F.S.

³ Section 893.03(1), F.S.

⁴ Section 893.13(9), F.S., provides an exception to the unlawful acts specified in s. 893.13(1)-(8), F.S., for delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in classes specified in this subsection, or the agents or employees of those persons, for use in the usual course of their business or profession or in the performance of their official duties.

⁵ Section 893.13(1)(a)2., F.S. A third degree felony is punishable by up to 5 years in state prison, a fine of up to \$5,000, or both. Sections 775.082 and 775.083, F.S. However, if total sentence points scored under the Criminal Punishment Code are 22 points or fewer, the court must impose a nonstate prison sanction, unless the court makes written findings that this sanction could present a danger to the public. Section 775.082(10), F.S.

⁶ Section 893.13(1)(c)-(f) and (h), F.S.

⁷ Section 893.13(1)(c)2., F.S. A second degree felony is punishable by up to 15 years in state prison, a fine of up to \$10,000, or both. Sections 775.082 and 775.083, F.S.

⁸ Section 893.13(2)(a)2. and (6)(a), F.S.

substance under federal law (Controlled Substances Act);⁹ or within Florida under Florida Statute 893 (Drug Abuse Prevention and Control). This means that all parts of the plant and its extracts are legal to cultivate, buy, possess, and distribute without a license or prescription. The U. S. Food and Drug Administration (FDA) issued an Import Alert regarding shipments of dietary supplements and bulk dietary ingredients that are, or contain *Mitragyna speciosa* or Kratom. Import Alert 54-15,¹⁰ was issued by the FDA regarding the detention (by FDA Inspectors) without physical examination of specified products from identified firms. The specified dietary supplements and bulk dietary ingredients from the identified firms within the Import Alert were found to contain Kratom. The FDA has not approved Kratom for human consumption.¹¹ The substance is available on the Internet and in some instances is marketed as a legal psychoactive product with alleged medicinal benefits. Some literature suggests that Kratom/Mitragynine may have a role in treating the withdrawal symptoms of opiate addiction. Academic studies including research by University of Mississippi, School of Pharmacy, are ongoing.

Kratom has been described as producing both stimulant and sedative effects. At low doses it produces stimulant effects with users reporting increased alertness, physical energy, talkativeness and sociable behavior. At high doses, opiate effects¹² are produced in addition to sedative and euphoric effects. Acute side effects include nausea, itching, sweating, dry mouth, constipation, increased urination and loss of appetite. Kratom consumption can lead to addiction (study of Thai Kratom addicts who chewed Kratom leaves daily from 3 to 30 years).¹³

Information on the illicit use of Kratom in the U.S. is anecdotal. In a notable study (Sweden) the primary chemical component found in Kratom (Mitragynine) was one of the components found to be present in nine (9) incidents of fatal intoxication involving a product sold on the internet called “Krypton”. In the reporting, “Krypton” consisted of powdered Kratom leaves together with a more potent substance (O-Desmethyltramadol). Two deaths in 2013 reference Kratom as a factor. A Colorado man died from what was reportedly apparent acute Mitragynine toxicity; and in Washington, a woman who had reportedly ingested Kratom also died, but in that case, no determination could be made

⁹ Kratom is on the Drug Enforcement Administration’s list of Drugs or Chemicals of Concern. *Drugs of Abuse* (2015), p. 84, Drug Enforcement Administration, U.S. Department of Justice, available at http://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf#page=8 (last visited on February 2, 2016).

¹⁰ As a result of this alert, specified products from firms listed in the alert can be detained without physical examination. Import Alert 54-15 (February 12, 2015), U.S. Food and Drug Administration, available at http://www.accessdata.fda.gov/cms_ia/importalert_1137.html (last visited on February 2, 2016).

¹¹ According to the DEA, there is no legitimate medical use for kratom in the United States. *Id.*

¹² “Most of the opioid-like activity of kratom has been attributed to the presence of the indole alkaloids, mitragynine and 7-hydroxymitragynine. Both compounds have been shown to have analgesic and antinociceptive effects in animals, although 7-hydroxymitragynine is more potent.” Prozialeck WC, Jivan JK, Andurkar SV. Pharmacology of kratom: an emerging botanical agent with stimulant, analgesic and opioid-like effects. *J Am Osteopath Assoc.* 2012 Dec; 112(12): 792-9, at p. 792 (abstract). This article is available at <http://www.jaoa.osteopathic.org/content/112/12/792.full.pdf> (last visited on February 2, 2016).

¹³ An article by the Natural Standard Research Collaboration provides an extensive discussion of the scientific literature. Ulbricht C, Costa D, Dao J, Isaac R., LeBlanc YC, Rhoades J, Windsor RC. An evidence-based systematic review of kratom (*Mitragyna speciosa*) by the Natural Standard Research Collaboration. *Journal of Dietary Supplements*, 2013; 10:2: 152-170. (This article is on file with the Senate Committee on Criminal Justice).

that Kratom was a key factor that led to the death because another potent substance was also present in the toxicology. In a Florida death (2014), the family of a subject who committed suicide attributed the death to an addiction to Kratom. In that case, Mitragynine quantification was not available. The presence of other controlled substances may have contributed to the subject's state of mind at the time of the suicide. A few states have banned or restricted the sale, possession, and/or use of Kratom. Sarasota County is among a few counties in Florida that have enacted ordinances focused on the marketing, packaging and sale of so called "designer drugs" by regulating retail establishments to attack the abuse of synthetic drugs rather than focusing on the chemical components of designer drugs which can be modified molecularly nearly as fast as the chemical components are scheduled. Kratom was included in the Sarasota County ordinance though Kratom itself is not a synthetic. To date, FDLE laboratory submissions from 2011 – 2015 have been low; 2011 (1); 2012 (0); 2013 (4), 2014 (3); and through 1st and 2nd Quarter 2015 (5).¹⁴

In a 2015 drug report on kratom, the FDLE stated:

A review of information currently available through identified law enforcement and laboratory sources in Florida indicates that Kratom does not constitute a significant risk to the safety and welfare of Florida residents. The Florida Department of Health (DOH) reports no pervasive health issues attributed to the ingestion of Kratom products in Florida, though diagnostic tests that would reveal the presence of Mitragynine are not routinely performed on patients during emergency room visits. It is unclear how many Mitragynine exposures resulted in harm. Kratom use or abuse is not monitored by any national drug abuse surveys and much of the information regarding possible deleterious effects of Kratom use or abuse remains anecdotal.¹⁵

III. Effect of Proposed Changes:

The bill makes mitragynine and 7-hydroxymitragynine Schedule I controlled substances. These substances are "pharmacologically active constituents" of the plant kratom (*Mitragyna speciosa*).¹⁶ The bill also schedules in Schedule I isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of these substances. An exception is created for FDA-approved drugs.

The bill also makes it a first degree misdemeanor (maximum penalty of one year in jail)¹⁷ to:

- Sell or deliver mitragynine or 7-hydroxymitragynine to a person younger than 18 years of age; or
- Possess mitragynine or 7-hydroxymitragynine with the intent to sell or deliver such substance to a person younger than 18 years of age.

¹⁴ Analysis of SB 1182 (January 15, 2016), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

¹⁵ *Kratom – Mitragyna speciosa (The Impact to Florida)* (December 2015), Office of Statewide Intelligence, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

¹⁶ See footnote 1.

¹⁷ A first degree misdemeanor is punishable by up to a year in jail, a fine of up to \$1,000, or both. Sections 775.082 and 775.083, F.S.

The bill takes effect on October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Businesses in Florida could be subject to first degree misdemeanor penalties for selling any product containing mitragynine and 7-hydroxymitragynine.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation estimated that the original bill would not have a prison bed impact. Changes to the original bill do not effect this estimate. CS/SB 1182 only provides for a first degree misdemeanor penalty, which means there is no state prison bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Based on available information, legislative staff was able to confirm that the following states prohibit or impose restrictions on kratom or constituents of kratom:

- Illinois (prohibits minors from purchasing or possessing kratom and prohibits selling kratom to minors);¹⁸
- Indiana (schedules 7-hydroxymitragynine and mitragynine in Schedule I);¹⁹

¹⁸ 720 Ill. Comp. Stat. § 642/5.

¹⁹ Sec. 4.(d)(35) of IC 35-48-2-4, lists synthetic drugs as defined in IC 35-31.5-2-321 as Schedule I controlled substances. IC 35-31.5-2-321 (1)(LL) and (HHH) lists 7-hydroxymitragynine and mitragynine as synthetic drugs.

- Louisiana (prohibits distribution of products containing *Mitragyna speciosa* to minors);²⁰
- Tennessee (prohibits possession, sale, etc., of mitragynine and hydroxymitragynine);²¹
- Vermont (7-hydroxymitragynine is listed as a regulated drug);²² and
- Wisconsin (places mitragynine and 7-hydroxymitragynine in Schedule I).²³

VIII. Statutes Affected:

This bill substantially amends sections 893.03 and 893.13 of the Florida Statutes.

This bill also reenacts the following sections or provisions of sections of the Florida Statutes: 39.01, 316.193, 322.2616, 327.35, 440.102, 458.3265, 459.0137, 782.04, 787.06, 817.563, 831.31, 856.015, 893.02, 893.035, 893.0356, 893.05, 893.12, 893.13, and 921.0022.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on February 16, 2016:

- Provides that it is a first degree misdemeanor to sell or deliver mitragynine or 7-hydroxymitragynine to a person younger than 18 years of age.
- Provides that it is a first degree misdemeanor to possess mitragynine or 7-hydroxymitragynine with the intent to sell or deliver such substance to a person younger than 18 years of age.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁰ La. Rev. Stat. Ann. § 40:989.3.

²¹ Tenn. Code Ann. § 39-17-452.

²² See http://healthvermont.gov/hc/med_board/2013/documents/Agenda_bmp_010213.pdf and http://healthvermont.gov/regs/documents/regulated_drugs_rule.pdf (last visited on February 2, 2016). See also Vt. Stat. Ann. tit. 18, § 4205.

²³ Wis. Stat. § 961.14.



177732

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2016	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment

Delete lines 339 - 343
and insert:

(11) This subsection shall apply exclusively to a violation of this section involving a controlled substance described in s. 893.03(1)(c)181. A person who sells or delivers a controlled substance described in s. 893.03(1)(c)181. to a person younger than 18 years of age, or possesses a controlled substance described in s. 893.03(1)(c)181. with the intent to sell or



177732

11 deliver such substance to a person younger than 18 years of age,
12 commits a misdemeanor of the first degree, punishable as
13 provided in s. 775.082 or s. 775.083.

By Senator Latvala

20-01317-16

20161182__

1 A bill to be entitled
 2 An act relating to controlled substances; amending s.
 3 893.03, F.S.; scheduling Mitragynine and 7-
 4 Hydroxymitragynine, constituents of Kratom, in a
 5 schedule of controlled substances; scheduling isomers,
 6 esters, ethers, salts, and salts of isomers, esters,
 7 and ethers of Mitragynine and 7-Hydroxymitragynine in
 8 a schedule of controlled substances; providing an
 9 exception from scheduling for any drug product
 10 approved by the United States Food and Drug
 11 Administration which contains Mitragynine or 7-
 12 Hydroxymitragynine; amending s. 893.13, F.S.;
 13 providing a criminal penalty; reenacting s.
 14 39.01(30) (a) and (g), F.S., relating to definitions
 15 used in chapter 39, F.S., s. 316.193(5), F.S.,
 16 relating to driving under the influence, s.
 17 322.2616(2) (c), F.S., relating to suspension of driver
 18 licenses, s. 327.35(5), F.S., relating to boating
 19 under the influence, s. 440.102(11) (b), F.S., relating
 20 to drug-free workplace programs, ss. 458.3265(1) (e)
 21 and 459.0137(1) (e), F.S., relating to pain-management
 22 clinics, s. 782.04(1) (a) and (4), F.S., relating to
 23 murder, s. 787.06(2) (a), F.S., relating to human
 24 trafficking, s. 817.563, F.S., relating to sale of
 25 substance in lieu of a controlled substance, s.
 26 831.31(1) (a) and (2), F.S., relating to counterfeit
 27 controlled substance, s. 856.015(1) (c), F.S., relating
 28 to open house parties, s. 893.02(4), F.S., relating to
 29 definitions, ss. 893.035(2), (7) (a), and (8) (a), and
 30 893.0356(2) (a) and (5), F.S., relating to control of
 31 new substances, s. 893.05(1), F.S., relating to
 32 practitioners and persons administering controlled

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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20161182__

33 substances in their absence, s. 893.12(2) (b), (c), and
 34 (d), F.S., relating to contraband, seizure,
 35 forfeiture, and sale, s. 893.13(1) (a), (c), (d), (e),
 36 (f), and (h), (2) (a), (4) (b), (5) (b), and (7) (a),
 37 F.S., relating to prohibited acts and penalties, and
 38 921.0022(3) (b), (c), and (e), F.S., relating to the
 39 offense severity ranking chart of the Criminal
 40 Punishment Code, to incorporate the amendment made by
 41 the act to s. 893.03, F.S., in references thereto;
 42 providing an effective date.
 43
 44 Be It Enacted by the Legislature of the State of Florida:
 45
 46 Section 1. Paragraph (c) of subsection (1) of section
 47 893.03, Florida Statutes, is amended to read:
 48 893.03 Standards and schedules.—The substances enumerated
 49 in this section are controlled by this chapter. The controlled
 50 substances listed or to be listed in Schedules I, II, III, IV,
 51 and V are included by whatever official, common, usual,
 52 chemical, or trade name designated. The provisions of this
 53 section shall not be construed to include within any of the
 54 schedules contained in this section any excluded drugs listed
 55 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 56 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 57 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 58 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 59 Anabolic Steroid Products."
 60 (1) SCHEDULE I.—A substance in Schedule I has a high
 61 potential for abuse and has no currently accepted medical use in

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20161182__

62 treatment in the United States and in its use under medical
 63 supervision does not meet accepted safety standards. The
 64 following substances are controlled in Schedule I:
 65 (c) Unless specifically excepted or unless listed in
 66 another schedule, any material, compound, mixture, or
 67 preparation that contains any quantity of the following
 68 hallucinogenic substances or that contains any of their salts,
 69 isomers, including optical, positional, or geometric isomers,
 70 and salts of isomers, if the existence of such salts, isomers,
 71 and salts of isomers is possible within the specific chemical
 72 designation:

- 73 1. Alpha-ethyltryptamine.
- 74 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 75 methylaminorex).
- 76 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 77 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 78 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 79 6. Bufotenine.
- 80 7. Cannabis.
- 81 8. Cathinone.
- 82 9. Diethyltryptamine.
- 83 10. 2,5-Dimethoxyamphetamine.
- 84 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 85 12. Dimethyltryptamine.
- 86 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
 87 analog of phencyclidine).
- 88 14. N-Ethyl-3-piperidyl benzilate.
- 89 15. N-ethylamphetamine.
- 90 16. Fenethylamine.

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20161182__

91 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
 92 18. Ibogaine.
 93 19. Lysergic acid diethylamide (LSD).
 94 20. Mescaline.
 95 21. Methcathinone.
 96 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
 97 23. 4-methoxyamphetamine.
 98 24. 4-methoxymethamphetamine.
 99 25. 4-Methyl-2,5-dimethoxyamphetamine.
 100 26. 3,4-Methylenedioxy-N-ethylamphetamine.
 101 27. 3,4-Methylenedioxyamphetamine.
 102 28. N-Methyl-3-piperidyl benzilate.
 103 29. N,N-dimethylamphetamine.
 104 30. Parahexyl.
 105 31. Peyote.
 106 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
 107 analog of phencyclidine).
 108 33. Psilocybin.
 109 34. Psilocyn.
 110 35. *Salvia divinorum*, except for any drug product approved
 111 by the United States Food and Drug Administration which contains
 112 *Salvia divinorum* or its isomers, esters, ethers, salts, and
 113 salts of isomers, esters, and ethers, if the existence of such
 114 isomers, esters, ethers, and salts is possible within the
 115 specific chemical designation.
 116 36. Salvinorin A, except for any drug product approved by
 117 the United States Food and Drug Administration which contains
 118 Salvinorin A or its isomers, esters, ethers, salts, and salts of
 119 isomers, esters, and ethers, if the existence of such isomers,

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120 esters, ethers, and salts is possible within the specific
 121 chemical designation.

122 37. Tetrahydrocannabinols.

123 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 124 (Thiophene analog of phencyclidine).

125 39. 3,4,5-Trimethoxyamphetamine.

126 40. 3,4-Methylenedioxymethcathinone.

127 41. 3,4-Methylenedioxypyrovalerone (MDPV).

128 42. Methylenecathinone.

129 43. Methoxymethcathinone.

130 44. Fluoromethcathinone.

131 45. Methylethcathinone.

132 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
 133 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
 134 homologue.

135 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 136 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 137 also known as HU-210.

138 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

139 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

140 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
 141 known as JWH-200.

142 51. BZP (Benzylpiperazine).

143 52. Fluorophenylpiperazine.

144 53. Methylphenylpiperazine.

145 54. Chlorophenylpiperazine.

146 55. Methoxyphenylpiperazine.

147 56. DBZP (1,4-dibenzylpiperazine).

148 57. TFMPP (3-Trifluoromethylphenylpiperazine).

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149 58. MBDB (Methylbenzodioxolylbutanamine).

150 59. 5-Hydroxy-alpha-methyltryptamine.

151 60. 5-Hydroxy-N-methyltryptamine.

152 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.

153 62. 5-Methoxy-alpha-methyltryptamine.

154 63. Methyltryptamine.

155 64. 5-Methoxy-N,N-dimethyltryptamine.

156 65. 5-Methyl-N,N-dimethyltryptamine.

157 66. Tyramine (4-Hydroxyphenethylamine).

158 67. 5-Methoxy-N,N-Diisopropyltryptamine.

159 68. DiPT (N,N-Diisopropyltryptamine).

160 69. DPT (N,N-Dipropyltryptamine).

161 70. 4-Hydroxy-N,N-diisopropyltryptamine.

162 71. N,N-Diallyl-5-Methoxytryptamine.

163 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).

164 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).

165 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).

166 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).

167 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).

168 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).

169 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).

170 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).

171 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).

172 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).

173 82. Ethcathinone.

174 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).

175 84. Naphyrone (naphthylpyrovalerone).

176 85. N-N-Dimethyl-3,4-methylenedioxycathinone.

177 86. N-N-Diethyl-3,4-methylenedioxycathinone.

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178 87. 3,4-methylenedioxy-propiofenone.
 179 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
 180 89. 3,4-methylenedioxy-propiofenone-2-oxime.
 181 90. N-Acetyl-3,4-methylenedioxycathinone.
 182 91. N-Acetyl-N-Methyl-3,4-Methylenedioxycathinone.
 183 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxycathinone.
 184 93. Bromomethcathinone.
 185 94. Buphedrone (alpha-methylamino-butyrophenone).
 186 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
 187 96. Dimethylcathinone.
 188 97. Dimethylmethcathinone.
 189 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
 190 99. (MDPPP) 3,4-Methylenedioxy-alpha-
 191 pyrrolidinopropiofenone.
 192 100. (MDPBP) 3,4-Methylenedioxy-alpha-
 193 pyrrolidinobutiophenone.
 194 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
 195 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
 196 103. Benocyclidine (BCP) or
 197 benzothiophenylcyclohexylpiperidine (BTCP).
 198 104. Fluoromethylaminobutyrophenone (F-MABP).
 199 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
 200 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
 201 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
 202 108. Methyl-ethylaminobutyrophenone (Me-EABP).
 203 109. Methylamino-butyrophenone (MABP).
 204 110. Pyrrolidinopropiofenone (PPP).
 205 111. Pyrrolidinobutiophenone (PBP).
 206 112. Pyrrolidinovalerophenone (PVP).

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207 113. Methyl-alpha-pyrrolidinopropiofenone (MPPP).
 208 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
 209 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
 210 naphthalenylmethanone).
 211 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
 212 yl)methanone).
 213 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
 214 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
 215 yl)methanone).
 216 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
 217 yl)methanone).
 218 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
 219 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
 220 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
 221 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
 222 indole).
 223 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
 224 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
 225 yl)ethanone).
 226 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
 227 yl)methanone).
 228 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
 229 yl)ethanone).
 230 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
 231 yl)ethanone).
 232 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
 233 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
 234 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 235 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-

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236 ol).

237 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-

238 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]

239 methanol).

240 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-

241 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-

242 1,4-dione).

243 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-

244 yl)methanone).

245 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-

246 undecanamide).

247 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-

248 undecanamide).

249 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-

250 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).

251 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-

252 iodophenyl)methanone).

253 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-

254 (naphthalen-1-yl)methanone).

255 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-

256 yl)methanone).

257 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-

258 methoxyphenylethanone).

259 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

260 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

261 naphthalenylmethanone).

262 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-

263 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

264 naphthalenylmethanone).

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265 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).

266 144. Fluoroamphetamine.

267 145. Fluoromethamphetamine.

268 146. Methoxetamine.

269 147. Methiopropamine.

270 148. 4-Methylbuphedrone (2-Methylamino-1-(4-

271 methylphenyl)butan-1-one).

272 149. APB ((2-aminopropyl)benzofuran).

273 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).

274 151. UR-144 ((1-pentyl-1H-indol-3-yl) (2,2,3,3-

275 tetramethylcyclopropyl)methanone).

276 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-

277 tetramethylcyclopropyl)methanone).

278 153. (1-(5-chloropentyl)-1H-indol-3-yl) (2,2,3,3-

279 tetramethylcyclopropyl)methanone).

280 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1³,7]dec-1-yl-1H-

281 indazole-3-carboxamide).

282 155. AM-2233 ((2-iodophenyl) [1-[(1-methyl-2-

283 piperidinyl)methyl]-1H-indol-3-yl]-methanone).

284 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1³,7]dec-

285 1-yl-1H-indole-3-carboxamide).

286 157. URB-597 ((3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-

287 cyclohexylcarbamate).

288 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,

289 cyclohexyl ester).

290 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-

291 benzoxazin-4-one).

292 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).

293 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).

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294 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
 295 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
 296 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
 297 methoxyphenyl)methyl]-benzeneethanamine).
 298 165. 3,4-Methylenedioxyamphetamine (MDMA).
 299 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
 300 carboxylic acid).
 301 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-
 302 1H-indole-3-carboxylic acid).
 303 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
 304 indole-3-carboxylic acid).
 305 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
 306 fluoropentyl)-1H-indazole-3-carboxamide).
 307 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
 308 pentyl-1H-indazole-3-carboxamide).
 309 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
 310 (4-fluorobenzyl)-1H-indazole-3-carboxamide).
 311 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
 312 1-pentyl-1H-indazole-3-carboxamide).
 313 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
 314 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).
 315 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-
 316 methoxyphenyl)methyl]-benzeneethanamine).
 317 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-
 318 methoxyphenyl)methyl]-benzeneethanamine).
 319 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-
 320 (cyclohexylmethyl)-1H-indazole-3-carboxamide.
 321 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-
 322 3-carboxylate.

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323 178. Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-
 324 indole-3-carboxamide.
 325 179. Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3-
 326 carboxamido)-3-methylbutanoate.
 327 180. THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-
 328 yl](naphthalen-1-yl)methanone.
 329 181. Mitragynine or 7-Hydroxymitragynine, except for any
 330 drug product approved by the United States Food and Drug
 331 Administration which contains Mitragynine or 7-
 332 Hydroxymitragynine, including any of their isomers, esters,
 333 ethers, salts, and salts of isomers, esters, and ethers, if the
 334 existence of such isomers, esters, ethers, and salts is possible
 335 within the specific chemical designation.
 336 Section 2. Subsection (11) is added to section 893.13,
 337 Florida Statutes, to read:
 338 893.13 Prohibited acts; penalties.—
 339 (11) Notwithstanding any other provision of this section, a
 340 person who possesses, purchases, sells, delivers, manufactures,
 341 or brings into this state a controlled substance described in s.
 342 893.03(1)(c)181., commits a misdemeanor of the first degree,
 343 punishable as provided in s. 775.082 or s. 775.083.
 344 Section 3. For the purpose of incorporating the amendment
 345 made by this act to section 893.03, Florida Statutes, in a
 346 reference thereto, paragraphs (a) and (g) of subsection (30) of
 347 section 39.01, Florida Statutes, are reenacted to read:
 348 39.01 Definitions.—When used in this chapter, unless the
 349 context otherwise requires:
 350 (30) "Harm" to a child's health or welfare can occur when
 351 any person:

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352 (a) Inflicts or allows to be inflicted upon the child
 353 physical, mental, or emotional injury. In determining whether
 354 harm has occurred, the following factors must be considered in
 355 evaluating any physical, mental, or emotional injury to a child:
 356 the age of the child; any prior history of injuries to the
 357 child; the location of the injury on the body of the child; the
 358 multiplicity of the injury; and the type of trauma inflicted.
 359 Such injury includes, but is not limited to:

- 360 1. Willful acts that produce the following specific
 361 injuries:
- 362 a. Sprains, dislocations, or cartilage damage.
 - 363 b. Bone or skull fractures.
 - 364 c. Brain or spinal cord damage.
 - 365 d. Intracranial hemorrhage or injury to other internal
 366 organs.
 - 367 e. Asphyxiation, suffocation, or drowning.
 - 368 f. Injury resulting from the use of a deadly weapon.
 - 369 g. Burns or scalding.
 - 370 h. Cuts, lacerations, punctures, or bites.
 - 371 i. Permanent or temporary disfigurement.
 - 372 j. Permanent or temporary loss or impairment of a body part
 373 or function.

374
 375 As used in this subparagraph, the term "willful" refers to the
 376 intent to perform an action, not to the intent to achieve a
 377 result or to cause an injury.

- 378 2. Purposely giving a child poison, alcohol, drugs, or
 379 other substances that substantially affect the child's behavior,
 380 motor coordination, or judgment or that result in sickness or

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381 internal injury. For the purposes of this subparagraph, the term
 382 "drugs" means prescription drugs not prescribed for the child or
 383 not administered as prescribed, and controlled substances as
 384 outlined in Schedule I or Schedule II of s. 893.03.

385 3. Leaving a child without adult supervision or arrangement
 386 appropriate for the child's age or mental or physical condition,
 387 so that the child is unable to care for the child's own needs or
 388 another's basic needs or is unable to exercise good judgment in
 389 responding to any kind of physical or emotional crisis.

390 4. Inappropriate or excessively harsh disciplinary action
 391 that is likely to result in physical injury, mental injury as
 392 defined in this section, or emotional injury. The significance
 393 of any injury must be evaluated in light of the following
 394 factors: the age of the child; any prior history of injuries to
 395 the child; the location of the injury on the body of the child;
 396 the multiplicity of the injury; and the type of trauma
 397 inflicted. Corporal discipline may be considered excessive or
 398 abusive when it results in any of the following or other similar
 399 injuries:

- 400 a. Sprains, dislocations, or cartilage damage.
- 401 b. Bone or skull fractures.
- 402 c. Brain or spinal cord damage.
- 403 d. Intracranial hemorrhage or injury to other internal
 404 organs.
- 405 e. Asphyxiation, suffocation, or drowning.
- 406 f. Injury resulting from the use of a deadly weapon.
- 407 g. Burns or scalding.
- 408 h. Cuts, lacerations, punctures, or bites.
- 409 i. Permanent or temporary disfigurement.

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410 j. Permanent or temporary loss or impairment of a body part
411 or function.

412 k. Significant bruises or welts.

413 (g) Exposes a child to a controlled substance or alcohol.
414 Exposure to a controlled substance or alcohol is established by:

415 1. A test, administered at birth, which indicated that the
416 child's blood, urine, or meconium contained any amount of
417 alcohol or a controlled substance or metabolites of such
418 substances, the presence of which was not the result of medical
419 treatment administered to the mother or the newborn infant; or

420 2. Evidence of extensive, abusive, and chronic use of a
421 controlled substance or alcohol by a parent when the child is
422 demonstrably adversely affected by such usage.

423

424 As used in this paragraph, the term "controlled substance" means
425 prescription drugs not prescribed for the parent or not
426 administered as prescribed and controlled substances as outlined
427 in Schedule I or Schedule II of s. 893.03.

428 Section 4. For the purpose of incorporating the amendment
429 made by this act to section 893.03, Florida Statutes, in a
430 reference thereto, subsection (5) of section 316.193, Florida
431 Statutes, is reenacted to read:

432 316.193 Driving under the influence; penalties.—

433 (5) The court shall place all offenders convicted of
434 violating this section on monthly reporting probation and shall
435 require completion of a substance abuse course conducted by a
436 DUI program licensed by the department under s. 322.292, which
437 must include a psychosocial evaluation of the offender. If the
438 DUI program refers the offender to an authorized substance abuse

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439 treatment provider for substance abuse treatment, in addition to
440 any sentence or fine imposed under this section, completion of
441 all such education, evaluation, and treatment is a condition of
442 reporting probation. The offender shall assume reasonable costs
443 for such education, evaluation, and treatment. The referral to
444 treatment resulting from a psychosocial evaluation shall not be
445 waived without a supporting independent psychosocial evaluation
446 conducted by an authorized substance abuse treatment provider
447 appointed by the court, which shall have access to the DUI
448 program's psychosocial evaluation before the independent
449 psychosocial evaluation is conducted. The court shall review the
450 results and recommendations of both evaluations before
451 determining the request for waiver. The offender shall bear the
452 full cost of this procedure. The term "substance abuse" means
453 the abuse of alcohol or any substance named or described in
454 Schedules I through V of s. 893.03. If an offender referred to
455 treatment under this subsection fails to report for or complete
456 such treatment or fails to complete the DUI program substance
457 abuse education course and evaluation, the DUI program shall
458 notify the court and the department of the failure. Upon receipt
459 of the notice, the department shall cancel the offender's
460 driving privilege, notwithstanding the terms of the court order
461 or any suspension or revocation of the driving privilege. The
462 department may temporarily reinstate the driving privilege on a
463 restricted basis upon verification from the DUI program that the
464 offender is currently participating in treatment and the DUI
465 education course and evaluation requirement has been completed.
466 If the DUI program notifies the department of the second failure
467 to complete treatment, the department shall reinstate the

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468 driving privilege only after notice of completion of treatment
 469 from the DUI program. The organization that conducts the
 470 substance abuse education and evaluation may not provide
 471 required substance abuse treatment unless a waiver has been
 472 granted to that organization by the department. A waiver may be
 473 granted only if the department determines, in accordance with
 474 its rules, that the service provider that conducts the substance
 475 abuse education and evaluation is the most appropriate service
 476 provider and is licensed under chapter 397 or is exempt from
 477 such licensure. A statistical referral report shall be submitted
 478 quarterly to the department by each organization authorized to
 479 provide services under this section.

480 Section 5. For the purpose of incorporating the amendment
 481 made by this act to section 893.03, Florida Statutes, in a
 482 reference thereto, paragraph (c) of subsection (2) of section
 483 322.2616, Florida Statutes, is reenacted to read:

484 322.2616 Suspension of license; persons under 21 years of
 485 age; right to review.-

486 (2)

487 (c) When a driver subject to this section has a blood-
 488 alcohol or breath-alcohol level of 0.05 or higher, the
 489 suspension shall remain in effect until such time as the driver
 490 has completed a substance abuse course offered by a DUI program
 491 licensed by the department. The driver shall assume the
 492 reasonable costs for the substance abuse course. As part of the
 493 substance abuse course, the program shall conduct a substance
 494 abuse evaluation of the driver, and notify the parents or legal
 495 guardians of drivers under the age of 19 years of the results of
 496 the evaluation. The term "substance abuse" means the abuse of

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497 alcohol or any substance named or described in Schedules I
 498 through V of s. 893.03. If a driver fails to complete the
 499 substance abuse education course and evaluation, the driver
 500 license shall not be reinstated by the department.

501 Section 6. For the purpose of incorporating the amendment
 502 made by this act to section 893.03, Florida Statutes, in a
 503 reference thereto, subsection (5) of section 327.35, Florida
 504 Statutes, is reenacted to read:

505 327.35 Boating under the influence; penalties; "designated
 506 drivers."-

507 (5) In addition to any sentence or fine, the court shall
 508 place any offender convicted of violating this section on
 509 monthly reporting probation and shall require attendance at a
 510 substance abuse course specified by the court; and the agency
 511 conducting the course may refer the offender to an authorized
 512 service provider for substance abuse evaluation and treatment,
 513 in addition to any sentence or fine imposed under this section.
 514 The offender shall assume reasonable costs for such education,
 515 evaluation, and treatment, with completion of all such
 516 education, evaluation, and treatment being a condition of
 517 reporting probation. Treatment resulting from a psychosocial
 518 evaluation may not be waived without a supporting psychosocial
 519 evaluation conducted by an agency appointed by the court and
 520 with access to the original evaluation. The offender shall bear
 521 the cost of this procedure. The term "substance abuse" means the
 522 abuse of alcohol or any substance named or described in
 523 Schedules I-V of s. 893.03.

524 Section 7. For the purpose of incorporating the amendment
 525 made by this act to section 893.03, Florida Statutes, in a

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526 reference thereto, paragraph (b) of subsection (11) of section
 527 440.102, Florida Statutes, is reenacted to read:
 528 440.102 Drug-free workplace program requirements.—The
 529 following provisions apply to a drug-free workplace program
 530 implemented pursuant to law or to rules adopted by the Agency
 531 for Health Care Administration:
 532 (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK
 533 POSITIONS.—
 534 (b) An employee who is employed by a public employer in a
 535 special-risk position may be discharged or disciplined by a
 536 public employer for the first positive confirmed test result if
 537 the drug confirmed is an illicit drug under s. 893.03. A
 538 special-risk employee who is participating in an employee
 539 assistance program or drug rehabilitation program may not be
 540 allowed to continue to work in any special-risk or mandatory-
 541 testing position of the public employer, but may be assigned to
 542 a position other than a mandatory-testing position or placed on
 543 leave while the employee is participating in the program.
 544 However, the employee shall be permitted to use any accumulated
 545 annual leave credits before leave may be ordered without pay.
 546 Section 8. For the purpose of incorporating the amendment
 547 made by this act to section 893.03, Florida Statutes, in a
 548 reference thereto, paragraph (e) of subsection (1) of section
 549 458.3265, Florida Statutes, is reenacted to read:
 550 458.3265 Pain-management clinics.—
 551 (1) REGISTRATION.—
 552 (e) The department shall deny registration to any pain-
 553 management clinic owned by or with any contractual or employment
 554 relationship with a physician:

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555 1. Whose Drug Enforcement Administration number has ever
 556 been revoked.
 557 2. Whose application for a license to prescribe, dispense,
 558 or administer a controlled substance has been denied by any
 559 jurisdiction.
 560 3. Who has been convicted of or pleaded guilty or nolo
 561 contendere to, regardless of adjudication, an offense that
 562 constitutes a felony for receipt of illicit and diverted drugs,
 563 including a controlled substance listed in Schedule I, Schedule
 564 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
 565 this state, any other state, or the United States.
 566 Section 9. For the purpose of incorporating the amendment
 567 made by this act to section 893.03, Florida Statutes, in a
 568 reference thereto, paragraph (e) of subsection (1) of section
 569 459.0137, Florida Statutes, is reenacted to read:
 570 459.0137 Pain-management clinics.—
 571 (1) REGISTRATION.—
 572 (e) The department shall deny registration to any pain-
 573 management clinic owned by or with any contractual or employment
 574 relationship with a physician:
 575 1. Whose Drug Enforcement Administration number has ever
 576 been revoked.
 577 2. Whose application for a license to prescribe, dispense,
 578 or administer a controlled substance has been denied by any
 579 jurisdiction.
 580 3. Who has been convicted of or pleaded guilty or nolo
 581 contendere to, regardless of adjudication, an offense that
 582 constitutes a felony for receipt of illicit and diverted drugs,
 583 including a controlled substance listed in Schedule I, Schedule

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584 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
 585 this state, any other state, or the United States.

586 Section 10. For the purpose of incorporating the amendment
 587 made by this act to section 893.03, Florida Statutes, in a
 588 reference thereto, paragraph (a) of subsection (1) and
 589 subsection (4) of section 782.04, Florida Statutes, are
 590 reenacted to read:

591 782.04 Murder.—

592 (1) (a) The unlawful killing of a human being:

593 1. When perpetrated from a premeditated design to effect
 594 the death of the person killed or any human being;

595 2. When committed by a person engaged in the perpetration
 596 of, or in the attempt to perpetrate, any:

597 a. Trafficking offense prohibited by s. 893.135(1),
 598 b. Arson,
 599 c. Sexual battery,
 600 d. Robbery,
 601 e. Burglary,
 602 f. Kidnapping,
 603 g. Escape,
 604 h. Aggravated child abuse,
 605 i. Aggravated abuse of an elderly person or disabled adult,
 606 j. Aircraft piracy,
 607 k. Unlawful throwing, placing, or discharging of a
 608 destructive device or bomb,
 609 l. Carjacking,
 610 m. Home-invasion robbery,
 611 n. Aggravated stalking,
 612 o. Murder of another human being,

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613 p. Resisting an officer with violence to his or her person,
 614 q. Aggravated fleeing or eluding with serious bodily injury
 615 or death,
 616 r. Felony that is an act of terrorism or is in furtherance
 617 of an act of terrorism; or

618 3. Which resulted from the unlawful distribution of any
 619 substance controlled under s. 893.03(1), cocaine as described in
 620 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
 621 compound, derivative, or preparation of opium, or methadone by a
 622 person 18 years of age or older, when such drug is proven to be
 623 the proximate cause of the death of the user,
 624
 625 is murder in the first degree and constitutes a capital felony,
 626 punishable as provided in s. 775.082.

627 (4) The unlawful killing of a human being, when perpetrated
 628 without any design to effect death, by a person engaged in the
 629 perpetration of, or in the attempt to perpetrate, any felony
 630 other than any:

631 (a) Trafficking offense prohibited by s. 893.135(1),
 632 (b) Arson,
 633 (c) Sexual battery,
 634 (d) Robbery,
 635 (e) Burglary,
 636 (f) Kidnapping,
 637 (g) Escape,
 638 (h) Aggravated child abuse,
 639 (i) Aggravated abuse of an elderly person or disabled
 640 adult,
 641 (j) Aircraft piracy,

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642 (k) Unlawful throwing, placing, or discharging of a
 643 destructive device or bomb,
 644 (l) Unlawful distribution of any substance controlled under
 645 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
 646 opium or any synthetic or natural salt, compound, derivative, or
 647 preparation of opium by a person 18 years of age or older, when
 648 such drug is proven to be the proximate cause of the death of
 649 the user,
 650 (m) Carjacking,
 651 (n) Home-invasion robbery,
 652 (o) Aggravated stalking,
 653 (p) Murder of another human being,
 654 (q) Aggravated fleeing or eluding with serious bodily
 655 injury or death,
 656 (r) Resisting an officer with violence to his or her
 657 person, or
 658 (s) Felony that is an act of terrorism or is in furtherance
 659 of an act of terrorism,
 660
 661 is murder in the third degree and constitutes a felony of the
 662 second degree, punishable as provided in s. 775.082, s. 775.083,
 663 or s. 775.084.
 664 Section 11. For the purpose of incorporating the amendment
 665 made by this act to section 893.03, Florida Statutes, in a
 666 reference thereto, paragraph (a) of subsection (2) of section
 667 787.06, Florida Statutes, is reenacted to read:
 668 787.06 Human trafficking.—
 669 (2) As used in this section, the term:
 670 (a) "Coercion" means:

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671 1. Using or threatening to use physical force against any
 672 person;
 673 2. Restraining, isolating, or confining or threatening to
 674 restrain, isolate, or confine any person without lawful
 675 authority and against her or his will;
 676 3. Using lending or other credit methods to establish a
 677 debt by any person when labor or services are pledged as a
 678 security for the debt, if the value of the labor or services as
 679 reasonably assessed is not applied toward the liquidation of the
 680 debt, the length and nature of the labor or services are not
 681 respectively limited and defined;
 682 4. Destroying, concealing, removing, confiscating,
 683 withholding, or possessing any actual or purported passport,
 684 visa, or other immigration document, or any other actual or
 685 purported government identification document, of any person;
 686 5. Causing or threatening to cause financial harm to any
 687 person;
 688 6. Enticing or luring any person by fraud or deceit; or
 689 7. Providing a controlled substance as outlined in Schedule
 690 I or Schedule II of s. 893.03 to any person for the purpose of
 691 exploitation of that person.
 692 Section 12. For the purpose of incorporating the amendment
 693 made by this act to section 893.03, Florida Statutes, in a
 694 reference thereto, section 817.563, Florida Statutes, is
 695 reenacted to read:
 696 817.563 Controlled substance named or described in s.
 697 893.03; sale of substance in lieu thereof.—It is unlawful for
 698 any person to agree, consent, or in any manner offer to
 699 unlawfully sell to any person a controlled substance named or

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700 described in s. 893.03 and then sell to such person any other
701 substance in lieu of such controlled substance. Any person who
702 violates this section with respect to:

703 (1) A controlled substance named or described in s.
704 893.03(1), (2), (3), or (4) is guilty of a felony of the third
705 degree, punishable as provided in s. 775.082, s. 775.083, or s.
706 775.084.

707 (2) A controlled substance named or described in s.
708 893.03(5) is guilty of a misdemeanor of the second degree,
709 punishable as provided in s. 775.082 or s. 775.083.

710 Section 13. For the purpose of incorporating the amendment
711 made by this act to section 893.03, Florida Statutes, in a
712 reference thereto, paragraph (a) of subsection (1) and
713 subsection (2) of section 831.31, Florida Statutes, are
714 reenacted to read:

715 831.31 Counterfeit controlled substance; sale, manufacture,
716 delivery, or possession with intent to sell, manufacture, or
717 deliver.—

718 (1) It is unlawful for any person to sell, manufacture, or
719 deliver, or to possess with intent to sell, manufacture, or
720 deliver, a counterfeit controlled substance. Any person who
721 violates this subsection with respect to:

722 (a) A controlled substance named or described in s.
723 893.03(1), (2), (3), or (4) is guilty of a felony of the third
724 degree, punishable as provided in s. 775.082, s. 775.083, or s.
725 775.084.

726 (2) For purposes of this section, "counterfeit controlled
727 substance" means:

728 (a) A controlled substance named or described in s. 893.03

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729 which, or the container or labeling of which, without
730 authorization bears the trademark, trade name, or other
731 identifying mark, imprint, or number, or any likeness thereof,
732 of a manufacturer other than the person who in fact manufactured
733 the controlled substance; or

734 (b) Any substance which is falsely identified as a
735 controlled substance named or described in s. 893.03.

736 Section 14. For the purpose of incorporating the amendment
737 made by this act to section 893.03, Florida Statutes, in a
738 reference thereto, paragraph (c) of subsection (1) of section
739 856.015, Florida Statutes, is reenacted to read:

740 856.015 Open house parties.—

741 (1) Definitions.—As used in this section:

742 (c) "Drug" means a controlled substance, as that term is
743 defined in ss. 893.02(4) and 893.03.

744 Section 15. For the purpose of incorporating the amendment
745 made by this act to section 893.03, Florida Statutes, in a
746 reference thereto, subsection (4) of section 893.02, Florida
747 Statutes, is reenacted to read:

748 893.02 Definitions.—The following words and phrases as used
749 in this chapter shall have the following meanings, unless the
750 context otherwise requires:

751 (4) "Controlled substance" means any substance named or
752 described in Schedules I-V of s. 893.03. Laws controlling the
753 manufacture, distribution, preparation, dispensing, or
754 administration of such substances are drug abuse laws.

755 Section 16. For the purpose of incorporating the amendment
756 made by this act to section 893.03, Florida Statutes, in a
757 reference thereto, subsection (2), paragraph (a) of subsection

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758 (7), and paragraph (a) of subsection (8) of section 893.035,
759 Florida Statutes, are reenacted to read:

760 893.035 Control of new substances; findings of fact;
761 delegation of authority to Attorney General to control
762 substances by rule.—

763 (2) The Attorney General shall apply the provisions of this
764 section to any substance not currently controlled under the
765 provisions of s. 893.03. The Attorney General may by rule:

766 (a) Add a substance to a schedule established by s. 893.03,
767 or transfer a substance between schedules, if he or she finds
768 that it has a potential for abuse and he or she makes with
769 respect to it the other findings appropriate for classification
770 in the particular schedule under s. 893.03 in which it is to be
771 placed.

772 (b) Remove a substance previously added to a schedule if he
773 or she finds the substance does not meet the requirements for
774 inclusion in that schedule.

775

776 Rules adopted under this section shall be made pursuant to the
777 rulemaking procedures prescribed by chapter 120.

778 (7) (a) If the Attorney General finds that the scheduling of
779 a substance in Schedule I of s. 893.03 on a temporary basis is
780 necessary to avoid an imminent hazard to the public safety, he
781 or she may by rule and without regard to the requirements of
782 subsection (5) relating to the Department of Health and the
783 Department of Law Enforcement schedule such substance in
784 Schedule I if the substance is not listed in any other schedule
785 of s. 893.03. The Attorney General shall be required to
786 consider, with respect to his or her finding of imminent hazard

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787 to the public safety, only those factors set forth in paragraphs
788 (3) (a) and (4) (d), (e), and (f), including actual abuse,
789 diversion from legitimate channels, and clandestine importation,
790 manufacture, or distribution.

791 (8) (a) Upon the effective date of a rule adopted pursuant
792 to this section adding or transferring a substance to a schedule
793 under s. 893.03, such substance shall be deemed included in that
794 schedule, and all provisions of this chapter applicable to
795 substances in that schedule shall be deemed applicable to such
796 substance.

797 Section 17. For the purpose of incorporating the amendment
798 made by this act to section 893.03, Florida Statutes, in a
799 reference thereto, paragraph (a) of subsection (2) and
800 subsection (5) of section 893.0356, Florida Statutes, are
801 reenacted to read:

802 893.0356 Control of new substances; findings of fact;
803 "controlled substance analog" defined.—

804 (2) (a) As used in this section, "controlled substance
805 analog" means a substance which, due to its chemical structure
806 and potential for abuse, meets the following criteria:

807 1. Is substantially similar to that of a controlled
808 substance listed in Schedule I or Schedule II of s. 893.03; and
809 2. Has a stimulant, depressant, or hallucinogenic effect on
810 the central nervous system or is represented or intended to have
811 a stimulant, depressant, or hallucinogenic effect on the central
812 nervous system substantially similar to or greater than that of
813 a controlled substance listed in Schedule I or Schedule II of s.
814 893.03.

815 (5) A controlled substance analog shall, for purposes of

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816 drug abuse prevention and control, be treated as a controlled
817 substance in Schedule I of s. 893.03.

818 Section 18. For the purpose of incorporating the amendment
819 made by this act to section 893.03, Florida Statutes, in a
820 reference thereto, subsection (1) of section 893.05, Florida
821 Statutes, is reenacted to read:

822 893.05 Practitioners and persons administering controlled
823 substances in their absence.—

824 (1) A practitioner, in good faith and in the course of his
825 or her professional practice only, may prescribe, administer,
826 dispense, mix, or otherwise prepare a controlled substance, or
827 the practitioner may cause the same to be administered by a
828 licensed nurse or an intern practitioner under his or her
829 direction and supervision only. A veterinarian may so prescribe,
830 administer, dispense, mix, or prepare a controlled substance for
831 use on animals only, and may cause it to be administered by an
832 assistant or orderly under the veterinarian's direction and
833 supervision only. A certified optometrist licensed under chapter
834 463 may not administer or prescribe a controlled substance
835 listed in Schedule I or Schedule II of s. 893.03.

836 Section 19. For the purpose of incorporating the amendment
837 made by this act to section 893.03, Florida Statutes, in a
838 reference thereto, paragraphs (b), (c), and (d) of subsection
839 (2) of section 893.12, Florida Statutes, are reenacted to read:

840 893.12 Contraband; seizure, forfeiture, sale.—

841 (2)

842 (b) All real property, including any right, title,
843 leasehold interest, and other interest in the whole of any lot
844 or tract of land and any appurtenances or improvements, which

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845 real property is used, or intended to be used, in any manner or
846 part, to commit or to facilitate the commission of, or which
847 real property is acquired with proceeds obtained as a result of,
848 a violation of any provision of this chapter related to a
849 controlled substance described in s. 893.03(1) or (2) may be
850 seized and forfeited as provided by the Florida Contraband
851 Forfeiture Act except that no property shall be forfeited under
852 this paragraph to the extent of an interest of an owner or
853 lienholder by reason of any act or omission established by that
854 owner or lienholder to have been committed or omitted without
855 the knowledge or consent of that owner or lienholder.

856 (c) All moneys, negotiable instruments, securities, and
857 other things of value furnished or intended to be furnished in
858 any person in exchange for a controlled substance described in
859 s. 893.03(1) or (2) or a listed chemical in violation of any
860 provision of this chapter, all proceeds traceable to such an
861 exchange, and all moneys, negotiable instruments, and securities
862 used or intended to be used to facilitate any violation of any
863 provision of this chapter or which are acquired with proceeds
864 obtained in violation of any provision of this chapter may be
865 seized and forfeited as provided by the Florida Contraband
866 Forfeiture Act, except that no property shall be forfeited under
867 this paragraph to the extent of an interest of an owner or
868 lienholder by reason of any act or omission established by that
869 owner or lienholder to have been committed or omitted without
870 the knowledge or consent of that owner or lienholder.

871 (d) All books, records, and research, including formulas,
872 microfilm, tapes, and data which are used, or intended for use,
873 or which are acquired with proceeds obtained, in violation of

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874 any provision of this chapter related to a controlled substance
875 described in s. 893.03(1) or (2) or a listed chemical may be
876 seized and forfeited as provided by the Florida Contraband
877 Forfeiture Act.

878 Section 20. For the purpose of incorporating the amendment
879 made by this act to section 893.03, Florida Statutes, in a
880 reference thereto, paragraphs (a), (c), (d), (e), (f), and (h)
881 of subsection (1), paragraph (a) of subsection (2), paragraph
882 (b) of subsection (4), paragraph (b) of subsection (5), and
883 paragraph (a) of subsection (7) of section 893.13, Florida
884 Statutes, are reenacted to read:

885 893.13 Prohibited acts; penalties.—

886 (1) (a) Except as authorized by this chapter and chapter
887 499, a person may not sell, manufacture, or deliver, or possess
888 with intent to sell, manufacture, or deliver, a controlled
889 substance. A person who violates this provision with respect to:

890 1. A controlled substance named or described in s.
891 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
892 commits a felony of the second degree, punishable as provided in
893 s. 775.082, s. 775.083, or s. 775.084.

894 2. A controlled substance named or described in s.
895 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
896 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
897 the third degree, punishable as provided in s. 775.082, s.
898 775.083, or s. 775.084.

899 3. A controlled substance named or described in s.
900 893.03(5) commits a misdemeanor of the first degree, punishable
901 as provided in s. 775.082 or s. 775.083.

902 (c) Except as authorized by this chapter, a person may not

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903 sell, manufacture, or deliver, or possess with intent to sell,
904 manufacture, or deliver, a controlled substance in, on, or
905 within 1,000 feet of the real property comprising a child care
906 facility as defined in s. 402.302 or a public or private
907 elementary, middle, or secondary school between the hours of 6
908 a.m. and 12 midnight, or at any time in, on, or within 1,000
909 feet of real property comprising a state, county, or municipal
910 park, a community center, or a publicly owned recreational
911 facility. As used in this paragraph, the term "community center"
912 means a facility operated by a nonprofit community-based
913 organization for the provision of recreational, social, or
914 educational services to the public. A person who violates this
915 paragraph with respect to:

916 1. A controlled substance named or described in s.
917 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
918 commits a felony of the first degree, punishable as provided in
919 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
920 sentenced to a minimum term of imprisonment of 3 calendar years
921 unless the offense was committed within 1,000 feet of the real
922 property comprising a child care facility as defined in s.
923 402.302.

924 2. A controlled substance named or described in s.
925 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
926 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
927 the second degree, punishable as provided in s. 775.082, s.
928 775.083, or s. 775.084.

929 3. Any other controlled substance, except as lawfully sold,
930 manufactured, or delivered, must be sentenced to pay a \$500 fine
931 and to serve 100 hours of public service in addition to any

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932 other penalty prescribed by law.

933

934 This paragraph does not apply to a child care facility unless
 935 the owner or operator of the facility posts a sign that is not
 936 less than 2 square feet in size with a word legend identifying
 937 the facility as a licensed child care facility and that is
 938 posted on the property of the child care facility in a
 939 conspicuous place where the sign is reasonably visible to the
 940 public.

941 (d) Except as authorized by this chapter, a person may not
 942 sell, manufacture, or deliver, or possess with intent to sell,
 943 manufacture, or deliver, a controlled substance in, on, or
 944 within 1,000 feet of the real property comprising a public or
 945 private college, university, or other postsecondary educational
 946 institution. A person who violates this paragraph with respect
 947 to:

948 1. A controlled substance named or described in s.
 949 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 950 commits a felony of the first degree, punishable as provided in
 951 s. 775.082, s. 775.083, or s. 775.084.

952 2. A controlled substance named or described in s.
 953 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 954 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 955 the second degree, punishable as provided in s. 775.082, s.
 956 775.083, or s. 775.084.

957 3. Any other controlled substance, except as lawfully sold,
 958 manufactured, or delivered, must be sentenced to pay a \$500 fine
 959 and to serve 100 hours of public service in addition to any
 960 other penalty prescribed by law.

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961 (e) Except as authorized by this chapter, a person may not
 962 sell, manufacture, or deliver, or possess with intent to sell,
 963 manufacture, or deliver, a controlled substance not authorized
 964 by law in, on, or within 1,000 feet of a physical place for
 965 worship at which a church or religious organization regularly
 966 conducts religious services or within 1,000 feet of a
 967 convenience business as defined in s. 812.171. A person who
 968 violates this paragraph with respect to:

969 1. A controlled substance named or described in s.
 970 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 971 commits a felony of the first degree, punishable as provided in
 972 s. 775.082, s. 775.083, or s. 775.084.

973 2. A controlled substance named or described in s.
 974 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 975 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 976 the second degree, punishable as provided in s. 775.082, s.
 977 775.083, or s. 775.084.

978 3. Any other controlled substance, except as lawfully sold,
 979 manufactured, or delivered, must be sentenced to pay a \$500 fine
 980 and to serve 100 hours of public service in addition to any
 981 other penalty prescribed by law.

982 (f) Except as authorized by this chapter, a person may not
 983 sell, manufacture, or deliver, or possess with intent to sell,
 984 manufacture, or deliver, a controlled substance in, on, or
 985 within 1,000 feet of the real property comprising a public
 986 housing facility at any time. As used in this section, the term
 987 "real property comprising a public housing facility" means real
 988 property, as defined in s. 421.03(12), of a public corporation
 989 created as a housing authority pursuant to part I of chapter

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990 421. A person who violates this paragraph with respect to:

991 1. A controlled substance named or described in s.

992 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.

993 commits a felony of the first degree, punishable as provided in

994 s. 775.082, s. 775.083, or s. 775.084.

995 2. A controlled substance named or described in s.

996 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

997 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

998 the second degree, punishable as provided in s. 775.082, s.

999 775.083, or s. 775.084.

1000 3. Any other controlled substance, except as lawfully sold,

1001 manufactured, or delivered, must be sentenced to pay a \$500 fine

1002 and to serve 100 hours of public service in addition to any

1003 other penalty prescribed by law.

1004 (h) Except as authorized by this chapter, a person may not

1005 sell, manufacture, or deliver, or possess with intent to sell,

1006 manufacture, or deliver, a controlled substance in, on, or

1007 within 1,000 feet of the real property comprising an assisted

1008 living facility, as that term is used in chapter 429. A person

1009 who violates this paragraph with respect to:

1010 1. A controlled substance named or described in s.

1011 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.

1012 commits a felony of the first degree, punishable as provided in

1013 s. 775.082, s. 775.083, or s. 775.084.

1014 2. A controlled substance named or described in s.

1015 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

1016 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

1017 the second degree, punishable as provided in s. 775.082, s.

1018 775.083, or s. 775.084.

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1019 (2)(a) Except as authorized by this chapter and chapter

1020 499, a person may not purchase, or possess with intent to

1021 purchase, a controlled substance. A person who violates this

1022 provision with respect to:

1023 1. A controlled substance named or described in s.

1024 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.

1025 commits a felony of the second degree, punishable as provided in

1026 s. 775.082, s. 775.083, or s. 775.084.

1027 2. A controlled substance named or described in s.

1028 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

1029 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

1030 the third degree, punishable as provided in s. 775.082, s.

1031 775.083, or s. 775.084.

1032 3. A controlled substance named or described in s.

1033 893.03(5) commits a misdemeanor of the first degree, punishable

1034 as provided in s. 775.082 or s. 775.083.

1035 (4) Except as authorized by this chapter, a person 18 years

1036 of age or older may not deliver any controlled substance to a

1037 person younger than 18 years of age, use or hire a person

1038 younger than 18 years of age as an agent or employee in the sale

1039 or delivery of such a substance, or use such person to assist in

1040 avoiding detection or apprehension for a violation of this

1041 chapter. A person who violates this provision with respect to:

1042 (b) A controlled substance named or described in s.

1043 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

1044 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

1045 the second degree, punishable as provided in s. 775.082, s.

1046 775.083, or s. 775.084.

1047

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1048 Imposition of sentence may not be suspended or deferred, and the
1049 person so convicted may not be placed on probation.

1050 (5) A person may not bring into this state any controlled
1051 substance unless the possession of such controlled substance is
1052 authorized by this chapter or unless such person is licensed to
1053 do so by the appropriate federal agency. A person who violates
1054 this provision with respect to:

1055 (b) A controlled substance named or described in s.
1056 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1057 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1058 the third degree, punishable as provided in s. 775.082, s.
1059 775.083, or s. 775.084.

1060 (7) (a) A person may not:

1061 1. Distribute or dispense a controlled substance in
1062 violation of this chapter.

1063 2. Refuse or fail to make, keep, or furnish any record,
1064 notification, order form, statement, invoice, or information
1065 required under this chapter.

1066 3. Refuse entry into any premises for any inspection or
1067 refuse to allow any inspection authorized by this chapter.

1068 4. Distribute a controlled substance named or described in
1069 s. 893.03(1) or (2) except pursuant to an order form as required
1070 by s. 893.06.

1071 5. Keep or maintain any store, shop, warehouse, dwelling,
1072 building, vehicle, boat, aircraft, or other structure or place
1073 which is resorted to by persons using controlled substances in
1074 violation of this chapter for the purpose of using these
1075 substances, or which is used for keeping or selling them in
1076 violation of this chapter.

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1077 6. Use to his or her own personal advantage, or reveal, any
1078 information obtained in enforcement of this chapter except in a
1079 prosecution or administrative hearing for a violation of this
1080 chapter.

1081 7. Possess a prescription form unless it has been signed by
1082 the practitioner whose name appears printed thereon and
1083 completed. This subparagraph does not apply if the person in
1084 possession of the form is the practitioner whose name appears
1085 printed thereon, an agent or employee of that practitioner, a
1086 pharmacist, or a supplier of prescription forms who is
1087 authorized by that practitioner to possess those forms.

1088 8. Withhold information from a practitioner from whom the
1089 person seeks to obtain a controlled substance or a prescription
1090 for a controlled substance that the person making the request
1091 has received a controlled substance or a prescription for a
1092 controlled substance of like therapeutic use from another
1093 practitioner within the previous 30 days.

1094 9. Acquire or obtain, or attempt to acquire or obtain,
1095 possession of a controlled substance by misrepresentation,
1096 fraud, forgery, deception, or subterfuge.

1097 10. Affix any false or forged label to a package or
1098 receptacle containing a controlled substance.

1099 11. Furnish false or fraudulent material information in, or
1100 omit any material information from, any report or other document
1101 required to be kept or filed under this chapter or any record
1102 required to be kept by this chapter.

1103 12. Store anhydrous ammonia in a container that is not
1104 approved by the United States Department of Transportation to
1105 hold anhydrous ammonia or is not constructed in accordance with

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1106 sound engineering, agricultural, or commercial practices.
 1107 13. With the intent to obtain a controlled substance or
 1108 combination of controlled substances that are not medically
 1109 necessary for the person or an amount of a controlled substance
 1110 or substances that is not medically necessary for the person,
 1111 obtain or attempt to obtain from a practitioner a controlled
 1112 substance or a prescription for a controlled substance by
 1113 misrepresentation, fraud, forgery, deception, subterfuge, or
 1114 concealment of a material fact. For purposes of this
 1115 subparagraph, a material fact includes whether the person has an
 1116 existing prescription for a controlled substance issued for the
 1117 same period of time by another practitioner or as described in
 1118 subparagraph 8.

1119 Section 21. For the purpose of incorporating the amendment
 1120 made by this act to section 893.03, Florida Statutes, in a
 1121 reference thereto, paragraphs (b), (c), and (e) of subsection
 1122 (3) of section 921.0022, Florida Statutes, are reenacted to
 1123 read:

1124 921.0022 Criminal Punishment Code; offense severity ranking
 1125 chart.-

1126 (3) OFFENSE SEVERITY RANKING CHART
 1127 (b) LEVEL 2

1128
 1129

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation

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1131 of the Marine Turtle Protection Act.

379.2431 3rd Possession of more than 11
 (1)(e)4. marine turtle eggs in violation of the Marine Turtle Protection Act.

1132 403.413(6)(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.

1133 517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

1134 590.28(1) 3rd Intentional burning of lands.

1135 784.05(3) 3rd Storing or leaving a loaded
 firearm within reach of minor who uses it to inflict injury or death.

1136 787.04(1) 3rd In violation of court order,
 take, entice, etc., minor beyond state limits.

1137 806.13(1)(b)3. 3rd Criminal mischief; damage

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			\$1,000 or more to public communication or any other public service.
1138	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
1139	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
1140	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
1141	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
1142	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
1143	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
1144			

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	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
1145	817.52(3)	3rd	Failure to redeliver hired vehicle.
1146	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
1147	817.60(5)	3rd	Dealing in credit cards of another.
1148	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
1149	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
1150	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
1151	831.01	3rd	Forgery.
1152	831.02	3rd	Uttering forged instrument;

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1153 utters or publishes alteration
with intent to defraud.

1154 831.07 3rd Forging bank bills, checks,
drafts, or promissory notes.

1155 831.08 3rd Possessing 10 or more forged
notes, bills, checks, or
drafts.

1156 831.09 3rd Uttering forged notes, bills,
checks, drafts, or promissory
notes.

1157 831.11 3rd Bringing into the state forged
bank bills, checks, drafts, or
notes.

1158 832.05(3)(a) 3rd Cashing or depositing item with
intent to defraud.

1159 843.08 3rd False personation.

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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1160 893.147(2) 3rd Manufacture or delivery of drug
paraphernalia.

1161 (c) LEVEL 3

1162

1163

1164

Florida Statute	Felony Degree	Description
1165 119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
1166 316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
1167 316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
1168 316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
1169 319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1170 319.33(1)(a)	3rd	Alter or forge any certificate

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				of title to a motor vehicle or mobile home.
1171	319.33(1)(c)	3rd		Procure or pass title on stolen vehicle.
1172	319.33(4)	3rd		With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1173	327.35(2)(b)	3rd		Felony BUI.
1174	328.05(2)	3rd		Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1175	328.07(4)	3rd		Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1176	376.302(5)	3rd		Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1177	379.2431 (1)(e)5.	3rd		Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring,

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				selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1178	379.2431 (1)(e)6.	3rd		Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
1179	400.9935(4)(a) or (b)	3rd		Operating a clinic, or offering services requiring licensure, without a license.
1180	400.9935(4)(e)	3rd		Filing a false license application or other required information or failing to report information.
1181	440.1051(3)	3rd		False report of workers' compensation fraud or retaliation for making such a report.
1182	501.001(2)(b)	2nd		Tampers with a consumer product or the container using materially false/misleading

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	20-01317-16		20161182__	information.
1183				
	624.401(4)(a)	3rd		Transacting insurance without a certificate of authority.
1184				
	624.401(4)(b)1.	3rd		Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1185				
	626.902(1)(a) & (b)	3rd		Representing an unauthorized insurer.
1186				
	697.08	3rd		Equity skimming.
1187				
	790.15(3)	3rd		Person directs another to discharge firearm from a vehicle.
1188				
	806.10(1)	3rd		Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1189				
	806.10(2)	3rd		Interferes with or assaults firefighter in performance of duty.
1190				
	810.09(2)(c)	3rd		Trespass on property other than structure or conveyance armed

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1191				
	812.014(2)(c)2.	3rd		Grand theft; \$5,000 or more but less than \$10,000.
1192				
	812.0145(2)(c)	3rd		Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1193				
	815.04(5)(b)	2nd		Computer offense devised to defraud or obtain property.
1194				
	817.034(4)(a)3.	3rd		Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1195				
	817.233	3rd		Burning to defraud insurer.
1196				
	817.234 (8)(b) & (c)	3rd		Unlawful solicitation of persons involved in motor vehicle accidents.
1197				
	817.234(11)(a)	3rd		Insurance fraud; property value less than \$20,000.
1198				
	817.236	3rd		Filing a false motor vehicle insurance application.

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1199	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1200	817.413(2)	3rd	Sale of used goods as new.
1201	817.505(4)	3rd	Patient brokering.
1202	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1203	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1204	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
1205	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
1206	843.19	3rd	Injure, disable, or kill police dog or horse.

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1207	860.15(3)	3rd	Overcharging for repairs and parts.
1208	870.01(2)	3rd	Riot; inciting or encouraging.
1209	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other 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).
1210	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver 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 within 1,000 feet of university.
1211	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver 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 within 1,000 feet of public housing facility.
1212			

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1213	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1214	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1215	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1216	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
1217	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in

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1218			or related to the practitioner's practice.
1219	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
1220	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
1221	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
1222	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
1223	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
	944.47(1)(c)	2nd	Possess contraband while upon

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				the grounds of a correctional institution.
1224	985.721	3rd		Escapes from a juvenile facility (secure detention or residential commitment facility).
1225				
1226	(e) LEVEL 5			
1227				
1228	Florida Statute	Felony Degree		Description
1229	316.027(2)(a)	3rd		Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1230	316.1935(4)(a)	2nd		Aggravated fleeing or eluding.
1231	322.34(6)	3rd		Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1232	327.30(5)	3rd		Vessel accidents involving personal injury; leaving scene.
1233				

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	379.367(4)	3rd		Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1234	379.3671	3rd		Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
	(2)(c)3.			
1235	381.0041(11)(b)	3rd		Donate blood, plasma, or organs knowing HIV positive.
1236	440.10(1)(g)	2nd		Failure to obtain workers' compensation coverage.
1237	440.105(5)	2nd		Unlawful solicitation for the purpose of making workers' compensation claims.
1238	440.381(2)	2nd		Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1239	624.401(4)(b)2.	2nd		Transacting insurance without a certificate or authority; premium collected \$20,000 or

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				more but less than \$100,000.
1240	626.902(1)(c)	2nd		Representing an unauthorized insurer; repeat offender.
1241	790.01(2)	3rd		Carrying a concealed firearm.
1242	790.162	2nd		Threat to throw or discharge destructive device.
1243	790.163(1)	2nd		False report of deadly explosive or weapon of mass destruction.
1244	790.221(1)	2nd		Possession of short-barreled shotgun or machine gun.
1245	790.23	2nd		Felons in possession of firearms, ammunition, or electronic weapons or devices.
1246	796.05(1)	2nd		Live on earnings of a prostitute; 1st offense.
1247	800.04(6)(c)	3rd		Lewd or lascivious conduct; offender less than 18 years of age.
1248	800.04(7)(b)	2nd		Lewd or lascivious exhibition;

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				offender 18 years of age or older.
1249	806.111(1)	3rd		Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1250	812.0145(2)(b)	2nd		Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1251	812.015(8)	3rd		Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1252	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
1253	812.131(2)(b)	3rd		Robbery by sudden snatching.
1254	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
1255	817.034(4)(a)2.	2nd		Communications fraud, value \$20,000 to \$50,000.
1256	817.234(11)(b)	2nd		Insurance fraud; property value \$20,000 or more but less than

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1257	817.2341(1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
1258	817.568(2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
1259	817.625(2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
1260	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1261	827.071(4)	2nd	Possess with intent to promote any photographic material,

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1262	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
1263	839.13(2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1264	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1265	847.0135(5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1266	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1267	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by

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 electronic device or equipment.

1268 874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

1269 874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

1270 893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

1271 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other 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) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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1272 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

1273 893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under 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) within 1,000 feet of property used for religious services or a specified business site.

1274 893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

1275 893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3.,

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(2) (c) 5., (2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9., (3), or (4)
drugs).

1276

893.1351(1)

3rd

Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

1277

1278

Section 22. This act shall take effect October 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

31182
Bill Number (if applicable)

Meeting Date

Topic Kratom 31182

Amendment Barcode (if applicable)

Name Kristie McDonald

Job Title Business Owner

Address 3125. Dixie Highway

Phone 561 699 5747

Street

West Palm Beach FL 3340

Email Klynn3161@yahoo

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Purple Lotus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-16

Meeting Date

1182

Bill Number (if applicable)

Topic SB 1182

Amendment Barcode (if applicable)

Name Lydia Vazquez

Job Title _____

Address 235 Dyer Road

Phone _____

Street

W Palm Beach

FL

33405

Zip

Email _____

City

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB# 1182
Bill Number (if applicable)

Meeting Date

Topic SB#1182 KRATOM

Amendment Barcode (if applicable)

Name THOMAS HARRISON

Job Title

Address 521 CLEMATIS ST
Street

Phone (561) 847-6139

WPB FL 33406
City State Zip

Email Tom4960@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TE MANA KAVA BAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

SB 1182
Bill Number (if applicable)

Topic SB 1182

Amendment Barcode (if applicable)

Name MICHAEL KLEIN

Job Title C.O.O.

Address 41351 N. BROWNING DR.
Street

Phone 561 317 9792

WEST PALM BEACH FL 33406
City State Zip

Email mike@KAVASUTRA.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing KAVASUTRA KAVA BAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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2/16/16
Meeting Date

1182
Bill Number (if applicable)

Topic KRATOM

Amendment Barcode (if applicable)

Name JONATHAN Goble

Job Title OWNER

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing THE HEALTHY BUDDAN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

16 Feb 2016
Meeting Date

1182
Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Jill Gran

Job Title Legislative Affairs

Address 2868 Mahan Dr
Street

Phone 850 878 2196

Tallahassee FL 32308
City State Zip

Email jill@fada.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Alcohol & Drug Abuse Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

2-16-16

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1182

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name THAD LOWRIE

Job Title VP Governmental Relations

Address 7720 Washington St

Street

Phone 727-992-8508

Port Richey FL 34668

City

State

Zip

Email thad@openpan.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing OPERATION PAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16

Meeting Date

1182

Bill Number (if applicable)

Topic CONTROLLED SUBSTANCES

Amendment Barcode (if applicable)

Name LAURA YOUMANS

Job Title LEGISLATIVE ADVOCATE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16

Meeting Date

1182

Bill Number (if applicable)

Topic kratom

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr.
Street

Phone _____

Largo Fla 33773
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Pinellas Fla Government & Corruption

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1314

INTRODUCER: Senators Dean and Margolis

SUBJECT: Public Records/Witness to a Felony

DATE: February 5, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Pre-meeting
2.			GO	
3.			FP	

I. Summary:

SB 1314 creates a public records exemption for personal identifying information of a witness to a felony. Such information may not be released to a newspaper. The exemption applies to each witness for a period of 2 years following the commission of the felony observed by the witness.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the Florida Constitution.

The Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

II. Present Situation:

Public Records Exemptions for Certain Investigation Information

Currently, s. 119.071(2), F.S., in relevant part, provides public records exemptions for various types of personal information of specified parties involved in the investigation of a crime. Information exempt from public records requirements includes information revealing the identity of a confidential informant or a confidential source,¹ information revealing the identity of a victim of a child abuse offense,² and information revealing the identity of a victim of any sexual offense.³

¹ Section 119.071(2)(f), F.S.

² Section 119.071(2)(h)1.a., F.S.

³ Section 119.071(2)(h)1.b., F.S.

Witness to a Crime

News articles have recently reported on several homicides that occurred in 2015 in the Tampa area that remain unsolved.⁴ The victim of one of the unsolved murders was Edward Harris, a 14-year-old boy who was murdered in a park.⁵ A spokeswoman for the Tampa Police Department stated that between October 2014 and April 2015, Mr. Harris was the witness to multiple crimes that resulted in arrests.⁶ Mr. Harris's family has made statements indicating they believe he was murdered as a result of talking to police. Twelve detectives within the Hillsborough County area have been quoted in the media as stating witnesses to crimes refuse to come forward, often out of fear of retaliation and for their safety.⁷

Currently, there is no public record exemption for the personal identifying information of a witness to a crime.

Public Records Laws

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.⁸ The records of the legislative, executive, and judicial branches are specifically included.⁹

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act¹⁰ guarantees every person's right to inspect and copy any state or local government public record¹¹ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.¹²

⁴ Dan Sullivan, "Federal officials increase rewards, offer protection, to solve four unsolved Tampa murders" (October 29, 2012), Tampa Bay Times, available at <http://www.tampabay.com/news/publicsafety/crime/federal-officials-increase-rewards-offer-protection-to-solve-four-unsolved/2251784> (last visited on February 2, 2016); Sue Carlton, "Solutions to street violence elusive amid anti-snitching culture" (June 2, 2015), Tampa Bay Times, available at <http://www.tampabay.com/news/publicsafety/crime/carlton-no-snitching-no-answers/2232047> (last visited on February 2, 2016).

⁵ Stephanie Slifer, "Dad believes son was killed in Tampa drive-by shooting for talking to cops" (June 2, 2015), CBS News, available at <http://www.cbsnews.com/news/dad-believes-son-was-killed-in-tampa-drive-by-shooting-for-talking-to-cops/> (last visited on February 2, 2016).

⁶ *Id.*

⁷ *Id.*

⁸ FLA. CONST., art. I, s. 24(a).

⁹ *Id.*

¹⁰ Ch. 119, F.S.

¹¹ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992).

¹² Section 119.07(1)(a), F.S.

Only the Legislature may create an exemption to public records requirements.¹³ This exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁴ There is a difference between records the Legislature designates exempt from public records requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances.¹⁵ If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption.¹⁶ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹⁷ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹⁸

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records exemptions.¹⁹ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.²⁰

The OGSR provides that a public records exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than necessary.²¹ An exemption serves an identifiable purpose if it meets one of the following purposes and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption.
- The release of sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt.
- It protects trade or business secrets.²²

In addition, the Legislature must find that the purpose of the exemption overrides Florida’s public policy strongly favoring open government.

¹³ FLA. CONST., art. I, s. 24(c).

¹⁴ *Id.*

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), *review denied* 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). Attorney General Opinion 85-62, (August 1, 1985).

¹⁶ *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004) and *Wait v. Florida Power and Light Co.*, 372 So.2d 420 (Fla. 1979).

¹⁷ However, the bill may contain multiple exemptions that relate to one subject.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

²⁰ Section 119.15(3), F.S.

²¹ Section 119.15(6)(b), F.S.

²² Section 119.15(6)(b)1.-3., F.S.

The OGSR also requires specified questions to be considered during the review process.²³ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption. These specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?²⁴

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

III. Effect of Proposed Changes:

The bill creates s. 119.071(2)(m), F.S., to provide that the personal identifying information of a witness to a felony is exempt from s. 119.07(1), F.S., and article I, section 24(a), of the Florida Constitution. Such information may not be released to a newspaper, as that term is described in s. 50.011, F.S. The exemption applies to each witness for a period of 2 years following the commission of the felony observed by the witness.

The exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill also provides a statement of public necessity as required by the Florida Constitution.²⁷ This statement includes the following findings:

- The judicial system cannot function without the participation of witnesses.
- Complete cooperation and truthful testimony of witnesses are essential to the determination of the facts of a case.
- The public disclosure of personal identifying information of a witness to a felony, including disclosure to a newspaper, could have a chilling effect on persons stepping forward and providing their accounts of felony crimes that have been witnessed.
- A witness to a felony may be unwilling to cooperate fully with law enforcement officers if the witness knows his or her personal identifying information can be made publicly available.

²³ Section 119.15(6)(a), F.S.

²⁴ Section 119.15(6)(a)1.-6., F.S.

²⁵ FLA. CONST., art. I, s. 24(c).

²⁶ Section 119.15(7), F.S.

²⁷ FLA. CONST., art. I, s. 24(c).

- A witness may be less likely to call a law enforcement officer and report a crime if his or her personal identifying information is made available in connection with the felony that is being reported or under investigation.
- A witness could become the subject of intimidation tactics or threats by the perpetrator of the felony if the witness's personal identifying information is publicly available.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, Section 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, Section 24(c) of the Florida Constitution requires a public necessity statement for a newly created public record exemption. The bill creates a public record exemption and includes a public necessity statement.

Breadth of Exemption

Article I, Section 24(c) of the Florida Constitution requires a newly created public record exemption to be no broader than necessary to accomplish the stated purpose of the law. Based on the legislative findings in the statement of public necessity, the bill does not appear to be in conflict with this constitutional requirement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill could have a minimal fiscal impact on agencies because agency staff responsible for complying with public records requests may require training related to the creation of the public records exemption. In addition, agencies could incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as they relate to day-to-day responsibilities of agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

An exemption from public records requirements does not render a document automatically privileged for purposes of discovery under the Florida Rules of Civil Procedure or in administrative proceedings.²⁸

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁸ See *Department of Highway Safety and Motor Vehicles v. Kropff*, 445 So. 2d 1068, 1069 (Fla. 3d DCA 1984) (“Although the Rules of Civil Procedure and the Public Records Act may overlap in certain areas, they are not coextensive in scope.”); *B.B. v. Department of Children and Family Services*, 731 So. 2d 30, 34 (Fla. 4th DCA 1999) (holding that the statutory exemption for active criminal investigative information did not “override the discovery authorized by the Rules of Juvenile Procedure.”).



849632

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/16/2016	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (m) is added to subsection (2) of
section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of
public records.—

(2) AGENCY INVESTIGATIONS.—

(m)1. Notwithstanding any other provision of this



849632

11 subsection, the personal identifying information of a witness to
12 a murder, as described in s. 782.04, is confidential and exempt
13 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
14 for 2 years after the date on which the murder is observed by
15 the witness. The personal identifying information may be
16 disclosed only to a criminal justice agency or governmental
17 entity for use in the performance of its official duties and
18 responsibilities.

19 2. This paragraph is subject to the Open Government Sunset
20 Review Act in accordance with s. 119.15 and shall stand repealed
21 on October 2, 2021, unless reviewed and saved from repeal
22 through reenactment by the Legislature.

23 Section 2. Paragraph (k) is added to subsection (1) of
24 section 119.0714, Florida Statutes, to read:

25 119.0714 Court files; court records; official records.—

26 (1) COURT FILES.—Nothing in this chapter shall be construed
27 to exempt from s. 119.07(1) a public record that was made a part
28 of a court file and that is not specifically closed by order of
29 court, except:

30 (k) Personal identifying information of a witness to a
31 murder as provided in s. 119.071(2)(m).

32 Section 3. The Legislature finds that it is a public
33 necessity that personal identifying information of a witness to
34 a murder, as described in s. 782.04, Florida Statutes, be made
35 confidential and exempt from s. 119.07(1), Florida Statutes, and
36 s. 24(a), Article I of the State Constitution for 2 years after
37 the date on which the murder is observed by the witness. The
38 judicial system cannot function without the participation of
39 witnesses. Complete cooperation and truthful testimony of



849632

40 witnesses is essential to the determination of the facts of a
41 case. The public disclosure of personal identifying information
42 of a witness to a murder could have an undesirable chilling
43 effect on witnesses stepping forward and providing their
44 eyewitness accounts of murders. A witness to a murder may be
45 unwilling to cooperate fully with law enforcement officers if
46 the witness knows his or her personal identifying information
47 can be made publicly available. A witness may be less likely to
48 call a law enforcement officer and report a murder if his or her
49 personal identifying information is made available in connection
50 with the murder that is being reported or under investigation.
51 The Legislature further finds that a witness could become the
52 subject of intimidation tactics or threats by the perpetrator of
53 the murder if the witness's personal identifying information is
54 publicly available. For these reasons, the Legislature finds
55 that it is a public necessity that the personal identifying
56 information of a witness to a murder, as described in s. 782.04,
57 Florida Statutes, be made confidential and exempt from public
58 record requirements.

59 Section 4. This act shall take effect July 1, 2016.

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause
64 and insert:

65 A bill to be entitled
66 An act relating to public records; amending s.
67 119.071, F.S.; providing an exemption from public
68 records requirements for personal identifying



849632

69 information of a witness to a murder for a specified
70 period; authorizing specified entities to receive the
71 information; providing for future legislative review
72 and repeal of the exemption; amending s. 119.0714,
73 F.S.; providing that the public records exemption
74 applies to personal identifying information of a
75 witness to a murder which is made part of a court
76 file; providing a statement of public necessity;
77 providing an effective date.

By Senator Dean

5-00902-16

20161314__

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for personal identifying information of a witness to a felony; prohibiting release of such information to a newspaper; providing a time limit to the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (m) is added to subsection (2) of section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(m)1. Notwithstanding any other provision of this subsection, the personal identifying information of a witness to a felony is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may not be released to a newspaper, as that term is described in s. 50.011. This exemption shall apply to each witness for a period of 2 years following the commission of the felony observed by the witness.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal identifying information of a witness to a felony be made exempt from s. 119.07(1), Florida Statutes, and

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-00902-16

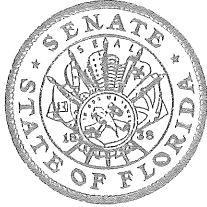
20161314__

s. 24(a), Article I of the State Constitution. The judicial system cannot function without the participation of witnesses. Complete cooperation and truthful testimony of witnesses are essential to the determination of the facts of a case. The public disclosure of personal identifying information of a witness to a felony, including disclosure to a newspaper as the term is described in s. 50.011, Florida Statutes, could have a chilling effect on persons stepping forward and providing their accounts of felony crimes that have been witnessed. A witness to a felony may be unwilling to cooperate fully with law enforcement officers if the witness knows his or her personal identifying information can be made publicly available. A witness may be less likely to call a law enforcement officer and report a crime if his or her personal identifying information is made available in connection with the felony that is being reported or under investigation. The Legislature further finds that a witness could become the subject of intimidation tactics or threats by the perpetrator of the felony if the witness's personal identifying information is publicly available. For these reasons, the Legislature finds that it is a public necessity that the personal identifying information of a witness to a felony be made exempt from public record requirements.

Section 3. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Environmental Preservation and
Conservation, *Chair*
Agriculture, *Vice Chair*
Appropriations Subcommittee on General
Government
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Community Affairs

SENATOR CHARLES S. DEAN, SR.
5th District

February 15, 2016

The Honorable Greg Evers
308 Senate Office Building
404 South Monroe St.
Tallahassee, FL 32399-1100

Dear Chairman Evers:

Thank you for allowing Senate Bill 1314, relating to Public Records/Witness to a Felony, to be placed on your agenda. Unfortunately, I will be unable to attend the Committee meeting and would like to request your permission to allow Representative Edwin Narain, to present this bill in my place.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean
State Senator, District 5

Cc: Amanda Cannon, Staff Director

REPLY TO:

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016

Meeting Date

1314

Bill Number (if applicable)

Topic Public Records/Witness to a Felony

Amendment Barcode (if applicable)

Name Nancy Daniels

Job Title Public Defender, 2nd Circuit

Address 301 S. Monroe Street

Street

Phone 850.606.1000

Tallahassee

Florida

32301

Email nancy.daniels@flpd2.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Public Defender Association, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16

Meeting Date

SB 1314

Bill Number (if applicable)

Topic Public Records / Witness to a Felony

Amendment Barcode (if applicable)

Name GARY BRADFORD

Job Title Government Relations

Address 300 E. Brevard St

Phone 800-733-3722

Street

Tallahassee

City

FL

State

33601

Zip

Email GARY@FLPBA.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA POLICE Benevolent Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/14

Meeting Date

1314

Bill Number (if applicable)

Topic SB1314 Witness Protection

Amendment Barcode (if applicable)

Name TANGELA SEARS

Job Title N/A

Address 1270 WILSON ST

Phone 786-286-1104

City Miami FL

State Zip 33147

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Miami Dade Parents of Murdered Kids

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16

Meeting Date

1314

Bill Number (if applicable)

Topic Bill Witness Protection Bill

Amendment Barcode (if applicable)

Name Mylena Williams-Cammor

Job Title Adm. Sect.

Address 2575 NW 158th Street

Phone 786-711-2525

Miami Gardens, Fla 33054

City State Zip

Email mylenawilliams@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/14

Meeting Date

1314

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Arlene Byrd

Job Title

Address Miami Dade County

Phone

Street

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing House Bill 475

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/14
Meeting Date

1314
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name TRANELL HARRIS

Job Title _____

Address _____
Street
City State Zip

Phone _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing House Bill 475

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16
Meeting Date

1314
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Karen Evans

Job Title _____

Address 1999 N.W. 5 Pl #13

Phone _____

Street

Miami

Fla

33136

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16
Meeting Date

1314
Bill Number (if applicable)

Topic Bill No. 1314

Amendment Barcode (if applicable)

Name Catherine Vogel

Job Title State Attorney 16th Circuit

Address 530 Whitehead St. Ste 301

Phone 305 292 3400

Key West, FL 33040

City State Zip

Email cvogel@kyssoa.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla. Prosecuting Attorneys

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16

Meeting Date

1314

Bill Number (if applicable)

Topic Public Records / witness to a Felony

Amendment Barcode (if applicable)

Name TIM QUIGLEY

Job Title DEPUTY SHERIFF

Address 951 SINGLETON DR.

Phone 386-736-5223

DELAND FL 32724

City

State

Zip

Email TQUIGLEY@VISOR.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA SHERIFF'S ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1314
Bill Number (if applicable)

Meeting Date _____

Amendment Barcode (if applicable) _____

Topic HB 475

Name Wanda Jones

Job Title Alfa

Address _____

Phone 786-487-2565

Street

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Miami Dade County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16

Meeting Date

1314

Bill Number (if applicable)

Topic Public Records/witness to a Febury

Amendment Barcode (if applicable)

Name Raquel Regalado

Job Title School Board Member

Address 1450 NE 2nd Ave.

Phone 305-995-1497

Street

Miami, FL 33132

Email imendoza@dadeschools.net

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing The School Board of Miami-Dade County

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16

Meeting Date

1314

Bill Number (if applicable)

Topic Public Records / witness to a Felony

Amendment Barcode (if applicable)

Name Alberto M. Carvalho

Job Title Superintendent of Schools

Address 1450 NE 2nd Ave

Phone 305-995-1497

Street

Miami, FL 33132

Email jmendez@dadeschools.net

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Miami-Dade County Public Schools

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/14/2016

Meeting Date

SB 1314

Bill Number (if applicable)

Topic Public Records / witness to a felony

Amendment Barcode (if applicable)

Name Kevin Lystad

Job Title ~~Miami~~ Chief of Police

Address 9990 NE 2nd Avenue

Phone 305-759-2468

Street

Miami Shore FL 33138

City

State

Zip

Email Kevin.Lystad@mispd.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1352

INTRODUCER: Senator Smith

SUBJECT: Autism Awareness Training for Law Enforcement Officers

DATE: February 5, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1352 requires the Florida Department of Law Enforcement to establish an online continued employment training component relating to autism spectrum disorder. Instruction must include, but is not limited to, instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. The bill specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

II. Present Situation:

Autism Spectrum Disorder

The Center for Disease Control (CDC) estimates that 1 in 68 children have been identified with Autism Spectrum Disorder (ASD).¹ The CDC defines “Autism spectrum disorder” as a developmental disability that can cause significant social, communication, and behavioral challenges. Though there is nothing about how ASD people look that sets them apart from other people, the CDC states that people with ASD may communicate, interact, behave, and learn in ways that are different from most other people. The range of abilities of people with ASD can span from gifted to severely challenged.²

¹ “Autism Spectrum Disorder (ASD),” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/research.html> (last visited on February 2, 2016). Data is from the Autism and Developmental Disabilities Monitoring (ADDM) Network.

² “Autism Spectrum Disorder (ASD),” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/facts.html> (last visited on February 2, 2016).

Though formerly diagnosed separately, autistic disorder, pervasive developmental disorder, and Asperger syndrome are now included in the diagnosis of ASD.³

The following definitions are codified in Florida law:

- “Autism” is a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.⁴
- “Developmental disability” is a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.⁵
- “Autism spectrum disorder” is any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:
 - Autistic disorder;
 - Asperger’s syndrome; and
 - Pervasive developmental disorder not otherwise specified.⁶

Law Enforcement Training on Autism Spectrum Disorder

In order to maintain their certification, law enforcement officers must satisfy the continuing training and education requirements of s. 943.135, F.S., which requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of 40 hours every 4 years. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency, and report completion of the training to the Criminal Justice Standards and Training Commission (CJSTC).⁷

The CJSTC does not offer specific post-basic training on autism spectrum disorder (ASD). Agencies wanting to offer training to their officers rely on CJSTC-certified training schools or vendors to provide training on this topic. Training schools may use CJSTC Trust Fund monies to deliver the training. This training topic is also provided in the Crisis Intervention Team training (CIT) program (the Memphis Model) that is offered independently through training facilitated by the Florida Sheriff’s Association statewide for a period of three years beginning with FY 2015-16.

The topic of ASDs is included in two sections of the Florida Law Enforcement Academy basic recruit curriculum:

- Chapter 3 (Interactions in a Diverse Community), Unit 2 (Communicating in a Diverse Society), Lesson 3 (Developmental Disabilities); and

³ *Id.*

⁴ Section 393.063(3), F.S.

⁵ Section 393.063(9), F.S.

⁶ Sections 627.6686(2)(b) and 641.31098(2), F.S.

⁷ Information in this section of the analysis is from: Analysis of SB 1182 (January 15, 2016), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice). This analysis is further cited as “FDLE Analysis.”

- Chapter 6 (Calls for Service), Unit 6 (Responding to a Person in Crisis), Lesson 2 (Intervention and Referral).

There is no set number of training hours specifically for autism spectrum disorder. For purpose of reference, Chapter 3 (Interactions in a Diverse Community) is 40 classroom hours and Chapter 6 (Calls for Service) is 36 classroom hours. Instructors for each of the referenced chapters are given resources such as videos and links to informational websites to aid classroom instruction. An instructor guide is provided to all instructors that, along with the required activities, includes suggested activities. Examples of suggested activities are reviewing websites such as floridaautismcenter.info, florida-card.org, and autismfl.com, reviewing case law, and inviting a guest speaker from the Autism Society or a member of the Exceptional Student Education Program (ESE).

III. Effect of Proposed Changes:

The bill creates s. 943.1727, F.S., which requires the Florida Department of Law Enforcement to establish an online continued employment training component relating to autism spectrum disorder. Instruction must include, but is not limited to, instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. The bill specifies that completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135, F.S.

The bill takes effect on October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the Florida Department of Law Enforcement (FDLE) to develop an online course of instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to the individual. The FDLE estimates that the development of the training will cost a minimum of \$11,934.78. The FDLE states that it basis this estimate on current estimates for curriculum development workshops and the production of online training, which may require actors and videotaping.⁸

VI. Technical Deficiencies:

Although not a technical “deficiency,” the FDLE has recommended a minor technical amendment to remove the word “online” as it appears on line 17 of the bill, which references “online continued employment training component.” The FDLE states:

The purpose of this bill is for law officers to take and complete training that will enable them to recognize the symptoms and idiosyncrasies of an individual with an autism spectrum disorder and respond appropriately. We recommend that the bill not specify a particular method of delivery for this topic. This course should offer the individuals attending the training some form of exposure to persons with an autism disorder. The training may also include the opportunity for persons familiar with the disorder to act as guest instructors. With a clear understanding of intent of the training, the instructional design staff can, with the Criminal Justice Standards and Training Commission’s approval, determine the most effective means for delivering the training, whether through classroom instruction, online training, or both....⁹

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.1727 of the Florida Statutes.

⁸ FDLE Analysis.

⁹ FDLE Analysis.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Smith

31-01460-16

20161352__

1 A bill to be entitled

2 An act relating to autism awareness training for law
3 enforcement officers; creating s. 943.1727, F.S.;
4 requiring the Department of Law Enforcement to
5 establish an online continued employment training
6 component relating to autism spectrum disorder;
7 specifying instruction to be included in the training
8 component; providing that completion of the training
9 may count toward continued employment instruction
10 requirements; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 943.1727, Florida Statutes, is created
15 to read:

16 ~~943.1727 Continued employment training relating to autism.-~~
17 The department shall establish an online continued employment
18 training component relating to autism spectrum disorder. The
19 training component shall include, but need not be limited to,
20 instruction on the recognition of the symptoms and
21 idiosyncrasies of an individual on the autism disorder spectrum
22 and appropriate responses to a person exhibiting such symptoms
23 and idiosyncrasies. Completion of the training component may
24 count toward the 40 hours of instruction for continued
25 employment or appointment as a law enforcement officer required
26 under s. 943.135.

27 Section 2. This act shall take effect October 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.16.16

Meeting Date

1352

Bill Number (if applicable)

Topic Autism Awareness Training for Law Enforcement

Amendment Barcode (if applicable)

Name Ron Draz

Job Title Director of External Affairs

Address 2331 Phillips Rd

Phone 410.2020

Street

Tall

City

FL

State

32308

Zip

Email RONALDDRAZ@FDLG.STATE.FL.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FDLE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16
Meeting Date

1352
Bill Number (if applicable)

Topic Autism Training

Amendment Barcode (if applicable)

Name RICHARD FORTIN

Job Title SERGEANT VOLUNTA COUNTY SHERIFFS OFFICE

Address 101 EAST CANAL STREET
Street
New Smyrna FL 32168
City State Zip

Phone 386-423-3301

Email RFORTIN@VCO.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA SHERIFF ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1382

INTRODUCER: Senator Flores

SUBJECT: Victim and Witness Protection

DATE: February 5, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.			JU	
3.			FP	

I. Summary:

SB 1382 broadens the application of the witness or victim protections found in ss. 92.53, and 92.54, F.S., by amending the cut-off age from under the age of 16 to under the age of 18. The bill therefore extends the court's statutory authority to order videotaped or closed circuit testimony if necessary to protect a witness or victim who is a minor from "at least moderate emotional or mental harm due to the presence of the defendant" if the child is required to testify in open court in the defendant's presence.

Likewise, the age is increased from under the age of 16 to under the age of 18 in s. 92.55, F.S., to extend the protections of those court orders intended to protect a victim or witness from "severe emotional or mental harm due to the presence of the defendant." The definition of "sexual offense victim or witness" is also amended in s. 92.55, F.S., extending the age limitation by two years.

In s. 92.55, F.S., as amended by the bill, a person appointed by the court pursuant to s. 914.17, F.S.,¹ will be able to move the court to enter a protective order on behalf of the victim or witness.

Section 794.022, F.S., dealing with rules of evidence is amended to include victims of human trafficking and victims of lewd or lascivious offenses² in the list of offenses for which the admission of certain evidence may be limited. The bill provides that victims of those crimes need not have their testimony corroborated nor should specific instances of prior consensual sexual activity with anyone other than the offender be admitted into evidence in a criminal prosecution

¹ Section 914.17, F.S., provides for a guardian ad litem or other advocate to be appointed by the court to represent the interests of a minor in a criminal proceeding where the minor is a victim of or a witness to child abuse or neglect, a victim of a sexual offense, or a witness to a sexual offense committed against another minor. "Advocate" is not defined in Chapter 914, F.S.

² Sections 787.06 and 800.04, F.S.

except under limited circumstances. This section of law is referenced in s. 90.404, F.S., therefore paragraph (b) of subsection (1) of that statute is reenacted by the bill.

The bill becomes effective July 1, 2016.

II. Present Situation:

Victim or Witness Testimony

Florida law currently contains a constitutional provision and several statutes providing for certain treatment of victims and witnesses.³ A number of these statutes authorize the court to provide special protections to a victim or witness who is under 16 years of age or who has an intellectual disability or to a victim or witness of a sexual offense who is under 16 years of age.

Sections 92.53 and 92.54, F.S., authorize a court to enter a protective order after a motion and hearing in camera⁴ if the court finds that the protected individual is a victim or witness who is under the age of 16 or has an intellectual disability,⁵ and that:

- It is substantially likely the protected individual would suffer at least moderate emotional or mental harm due to the presence of the defendant if the protected individual were required to testify in open court; or
- The court determines that the protected individual is unavailable⁶ to testify.

When the above circumstances are met, the court has several options. The court may order the protected individual's testimony be videotaped and used in lieu of testimony in open court.⁷ In the event of such an order, the defendant and the defendant's counsel must be permitted to be present at any videotaping, but the court may order the defendant to view the testimony from outside the presence of the protected individual.⁸ Alternatively, the court may require that the protected individual's testimony be taken outside the courtroom and shown in the courtroom by means of closed circuit television.⁹ Only the specified parties¹⁰ may be permitted in the room

³ See, e.g., FLA. CONST. art. I, s. 16; ss. 92.53-55, F.S.; s. 914.25, F.S.; s. 914.27.

⁴ A hearing "in camera" means the hearing is held in the judge's chambers or held in a courtroom where all spectators are excluded from being present. DUHAIME'S LAW DICTIONARY, *In Camera Definition*, <http://www.duhaime.org/LegalDictionary/I/InCamera.aspx> (last visited Jan. 14, 2016).

⁵ Under the procedure provided in s. 92.53, F.S., "intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which manifests before the age of 18 and can reasonably be expected to continue indefinitely. s. 393.063, F.S.

⁶ A witness or potential witness is considered unavailable to testify when he or she: 1) Is exempted from testifying by a ruling of a court due to a legal privilege; 2) Refuses to testify concerning the subject matter of his or her statement despite a court order to testify; 3) Has suffered a lack of memory of the subject matter of his or her statement; 4) Is unable to be present or to testify at the hearing because of death, illness or infirmity; or 5) Is absent from the hearing, and the proponent of a statement has been unable to procure the declarant's attendance by reasonable means. s. 90.804(1), F.S.

⁷ Section 92.53(1), F.S.

⁸ Section 92.53(4), F.S.

⁹ Section 92.54(1), F.S.

¹⁰ Only the judge, prosecutor, the defendant and his or her attorney, any video equipment operators, and interpreter, or any other person who is not going to be a witness in the case and, in the opinion of the court, benefits the well-being of the protected individual. s. 92.54(3), F.S.

when the testimony is recorded.¹¹ The judge may require the defendant to view the testimony from the courtroom, but must permit the defendant to observe and hear the person's testimony.¹²

Section 92.55, F.S., authorizes the court to enter a wide variety of protective orders to protect victims and witnesses under 16 years of age, sexual offense¹³ victims or witnesses under 16 years of age,¹⁴ and persons with an intellectual disability.¹⁵ A motion for protection can be raised by any party to the case, a parent, a guardian, an attorney, a guardian ad litem, or the court.¹⁶ The court must find that such order is necessary to protect the person from severe emotional or mental harm due to the defendant's presence if the person is required to testify in open court.¹⁷

The court is required to consider a lengthy list of factors, including, but not limited to the age of the person, the nature of the offense, and the functional capacity of the person if he or she has an intellectual disability.¹⁸

The court may enter orders taking the following actions, in addition to any other relief available under the law:

- Limit the number of times that the person may be interviewed;
- Prohibit depositions of the person;
- Require the submission of questions prior to examination of the person;
- Set the place and conditions for interviewing the person or for other proceedings;
- Permit or prohibit the attendance of any person at a proceeding; and
- Permit the use of a service animal during the person's testimony in any sexual offense proceeding.¹⁹

Inadmissible Evidence

In many U.S. jurisdictions, laws exist to prevent specific instances of the victim's prior sexual conduct from being admitted at trial in a prosecution for sexual battery or other sexual misconduct charges.²⁰

¹¹ Section 92.54(3), F.S.

¹² Section 92.54(4), F.S.

¹³ "Sexual offense" means any offense specified in s. 775.21(4)(a)1., F.S. (Sexual Predator criteria), or s. 943.0435(1)(a)1.a.(I), F.S. (Sexual Offender criteria).

¹⁴ A "sexual offense victim or witness" means a person who was under 16 years old when he or she was the victim of or a witness to a sexual offense. s. 92.55(1)(a), F.S.

¹⁵ Section 92.55(1)(b), F.S.

¹⁶ Section 92.55(2), F.S.

¹⁷ *Id.*

¹⁸ Section 92.55(3), F.S.

¹⁹ Section 92.55(4) and (5), F.S.

²⁰ Nat'l Dist. Attorney's Ass'n, *Rape Shield Statutes*, NAT'L DIST. ATTORNEY'S ASS'N (March 2011) (available at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiMI-Xc06XKAhWFHD4KHVs-ByAQFggcMAA&url=http%3A%2F%2Fwww.ndaa.org%2Fpdf%2FNCPCA%2520Rape%2520Shield%25202011.pdf&usg=AFQjCNGb9ME_OADBM-qIDOCmtYCs3dYB7g) (last visited Jan. 12, 2016).

These laws are commonly referred to as “Rape Shield” laws.²¹ Section 794.022, F.S., is Florida’s Rape Shield law, and it has long been considered a codification of the rule of relevancy that a victim’s prior sexual conduct is generally irrelevant in determining the defendant’s guilt.²² It applies only to criminal prosecutions for sexual battery under s. 794.011, F.S., and provides that:

- The victim’s testimony doesn’t have to be corroborated by other evidence;
- Specific instances of the victim’s sexual history with people other than the offender are inadmissible unless:
 - The evidence is introduced to prove that the defendant wasn’t the source of physical evidence, such as semen; or
 - When consent is at issue, the evidence proves a pattern of the victim’s conduct or behavior that is so similar to the conduct or behavior in the case that it is relevant to the issue of consent.
- The victim’s reputation for sexual behavior is inadmissible;
- Evidence presented to prove the victim’s appearance prompted the sexual battery is inadmissible;
- When consent is a defense, evidence of the victim’s mental incapacity or defect can be admitted to prove that consent was not given;
- An offender’s use of a prophylactic device, or a victim’s request that an offender use a prophylactic device, is not independently relevant.²³

The United States Code also has a Rape Shield statute. In contrast to Florida’s Rape Shield law, the federal statute is not limited to sexual battery offenses; rather, the federal statute applies to *any* criminal or civil proceeding involving alleged sexual misconduct.²⁴ As such, federal courts have repeatedly held that a victim’s prior history of sexual behavior, such as exotic dancing or prostitution, is irrelevant and inadmissible in prosecutions for crimes such as sex trafficking, forced labor, sex trafficking by force, fraud, or coercion, and sex trafficking of a child.²⁵

III. Effect of Proposed Changes:

The bill broadens the application of the witness or victim protections found in ss. 92.53, and 92.54, F.S., by amending the cut-off age from under the age of 16 to under the age of 18. This will allow the court to protect a witness or victim who is a minor from “at least moderate emotional or mental harm due to the presence of the defendant” if the child is required to testify in open court in the defendant’s presence. The bill extends the court’s statutory authority to order videotaped or closed circuit testimony.

²¹ See *Lewis v. State*, 591 So. 2d 922, 924 (Fla. 1991).

²² *Marr v. Florida*, 494 So. 2d 1139, 1142-43 (Fla. 1986).

²³ Section 794.022, F.S.

²⁴ 28 U.S.C. § 412.

²⁵ See *United States v. Rivera*, 799 F.3d 180, 185 (2d Cir. 2015) (holding that “[e]vidence of victims’ prior acts of commercial sex is irrelevant to whether those victims were coerced into working as prostitutes.”); *United States v. Roy*, 781 F.3d 416, 420 (8th Cir. 2015) (holding that the victim’s participation in prostitution before or after the alleged incident is irrelevant to whether the defendant threatened her, beat her, or took her money); *United States v. Cephus*, 684 F.3d 703, 708 (7th Cir. 2012) (holding that the victim’s prior history of prostitution was irrelevant to proving that she consented to having her wages withheld and be beaten).

Likewise the age is increased from under the age of 16 to under the age of 18 in s. 92.55, F.S., to extend the protections of those court orders intended to protect a victim or witness from severe emotional or mental harm due to the presence of the defendant. The definition of “sexual offense victim or witness” is also amended in s. 92.55, F.S., extending the age limitation by two years.

In s. 92.55, F.S., as amended by the bill, a person appointed by the court pursuant to s. 914.17, F.S.,²⁶ will be able to move the court to enter a protective order on behalf of the victim or witness.

Section 794.022, F.S., dealing with rules of evidence is amended to include victims of human trafficking and victims of lewd or lascivious offenses²⁷ in the list of offenses for which the admission of certain evidence may be limited. The bill provides that victims of those crimes need not have their testimony corroborated nor should specific instances of prior consensual sexual activity with anyone other than the offender be admitted into evidence in a criminal prosecution except under limited circumstances. This section of law is referenced in s. 90.404, F.S., therefore paragraph (b) of subsection (1) of that statute is reenacted by the bill.

The bill becomes effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²⁶ Section 914.17, F.S., provides for a guardian ad litem or other advocate to be appointed by the court to represent the interests of a minor in a criminal proceeding where the minor is a victim of or a witness to child abuse or neglect, a victim of a sexual offense, or a witness to a sexual offense committed against another minor. “Advocate” is not defined in Chapter 914, F.S.

²⁷ Sections 787.06 and 800.04, F.S.

C. **Government Sector Impact:**

To the extent to which the court orders the videotape and closed circuit television authorized in the bill, there may be additional costs incurred by the court.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 92.53, 92.54, 92.55, 794.022, and 90.404.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

By Senator Flores

37-01400-16

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1 A bill to be entitled
 2 An act relating to victim and witness protection;
 3 amending ss. 92.53 and 92.54, F.S.; increasing the
 4 maximum age of victims and witnesses for whom the
 5 court may order the use of videotaped testimony and
 6 closed circuit television in court proceedings in lieu
 7 of testifying in open court; amending s. 92.55, F.S.;
 8 revising the definition of the term "sexual offense
 9 victim or witness"; increasing the maximum age of
 10 victims and witnesses for whom the court may enter
 11 protective orders; authorizing certain advocates to
 12 file motions for such orders on behalf of certain
 13 persons; amending s. 794.022, F.S.; revising the
 14 corroboration requirements for certain victim
 15 testimony and the admissibility of certain evidence in
 16 prosecutions to include specified human trafficking
 17 and lewd or lascivious offenses; reenacting s.
 18 90.404(1)(b), F.S., relating to character evidence, to
 19 incorporate the amendment made to s. 794.022, F.S., in
 20 a reference thereto; providing an effective date.
 21
 22 Be It Enacted by the Legislature of the State of Florida:
 23
 24 Section 1. Section 92.53, Florida Statutes, is amended to
 25 read:
 26 92.53 Videotaping the testimony of a victim or witness
 27 under age 18 ~~16~~ or who has an intellectual disability.—
 28 (1) On motion and hearing in camera and a finding that
 29 there is a substantial likelihood that a victim or witness who
 30 is under the age of 18 ~~16~~ or who has an intellectual disability
 31 as defined in s. 393.063 would suffer at least moderate
 32 emotional or mental harm due to the presence of the defendant if

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33 such victim or witness is required to testify in open court, or
 34 is unavailable as defined in s. 90.804(1), the trial court may
 35 order the videotaping of the testimony of the victim or witness
 36 in a case, whether civil or criminal in nature, in which
 37 videotaped testimony is to be used at trial in lieu of trial
 38 testimony in open court.
 39 (2) The motion may be filed by:
 40 (a) The victim or witness, or the victim's or witness's
 41 attorney, parent, legal guardian, or guardian ad litem;
 42 (b) A trial judge on his or her own motion;
 43 (c) Any party in a civil proceeding; or
 44 (d) The prosecuting attorney or the defendant, or the
 45 defendant's counsel.
 46 (3) The judge shall preside, or shall appoint a special
 47 master to preside, at the videotaping unless:
 48 (a) The child or the person who has the intellectual
 49 disability is represented by a guardian ad litem or counsel;
 50 (b) The representative of the victim or witness and the
 51 counsel for each party stipulate that the requirement for the
 52 presence of the judge or special master may be waived; and
 53 (c) The court finds at a hearing on the motion that the
 54 presence of a judge or special master is not necessary to
 55 protect the victim or witness.
 56 (4) The defendant and the defendant's counsel must be
 57 present at the videotaping unless the defendant has waived this
 58 right. The court may require the defendant to view the testimony
 59 from outside the presence of the child or the person who has an
 60 intellectual disability by means of a two-way mirror or another
 61 similar method that ensures that the defendant can observe and

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62 hear the testimony of the victim or witness in person, but the
63 victim or witness cannot hear or see the defendant. The
64 defendant and the attorney for the defendant may communicate by
65 any appropriate private method.

66 (5) Any party, or the court on its own motion, may request
67 the aid of an interpreter, as provided in s. 90.606, to aid the
68 parties in formulating methods of questioning the child or
69 person who has the intellectual disability and in interpreting
70 the answers of the child or person during proceedings conducted
71 under this section.

72 (6) The motion referred to in subsection (1) may be made at
73 any time with reasonable notice to each party to the cause, and
74 videotaping of testimony may be made any time after the court
75 grants the motion. The videotaped testimony is admissible as
76 evidence in the trial of the cause; however, such testimony is
77 not admissible in any trial or proceeding in which such witness
78 testifies by use of closed circuit television pursuant to s.
79 92.54.

80 (7) The court shall make specific findings of fact, on the
81 record, as to the basis for its ruling under this section.

82 Section 2. Section 92.54, Florida Statutes, is amended to
83 read:

84 92.54 Use of closed circuit television in proceedings
85 involving a victim or witness under the age of 18 ~~16~~ or who has
86 an intellectual disability.-

87 (1) Upon motion and hearing in camera and upon a finding
88 that there is a substantial likelihood that a victim or witness
89 under the age of 18 ~~16~~ or who has an intellectual disability
90 will suffer at least moderate emotional or mental harm due to

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91 the presence of the defendant if such victim or witness is
92 required to testify in open court, or is unavailable as defined
93 in s. 90.804(1), the trial court may order that the testimony of
94 the victim or witness be taken outside of the courtroom and
95 shown by means of closed circuit television.

96 (2) The motion may be filed by the victim or witness; the
97 attorney, parent, legal guardian, or guardian ad litem of the
98 victim or witness; the prosecutor; the defendant or the
99 defendant's counsel; or the trial judge on his or her own
100 motion.

101 (3) Only the judge, the prosecutor, the defendant, the
102 attorney for the defendant, the operators of the videotape
103 equipment, an interpreter, and some other person who, in the
104 opinion of the court, contributes to the well-being of the child
105 or the person who has an intellectual disability and who will
106 not be a witness in the case may be in the room during the
107 recording of the testimony.

108 (4) During the victim's or witness's testimony by closed
109 circuit television, the court may require the defendant to view
110 the testimony from the courtroom. In such a case, the court
111 shall permit the defendant to observe and hear the testimony of
112 the victim or witness, but must ensure that the victim or
113 witness cannot hear or see the defendant. The defendant's right
114 to assistance of counsel, which includes the right to immediate
115 and direct communication with counsel conducting cross-
116 examination, must be protected and, upon the defendant's
117 request, such communication must be provided by any appropriate
118 electronic method.

119 (5) The court shall make specific findings of fact, on the

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120 record, as to the basis for its ruling under this section.

121 Section 3. Section 92.55, Florida Statutes, is amended to
122 read:

123 92.55 Judicial or other proceedings involving victim or
124 witness under the age of 18 ~~16~~, a person who has an intellectual
125 disability, or a sexual offense victim or witness; special
126 protections; use of registered service or therapy animals.—

127 (1) For purposes of this section, the term:

128 (a) "Sexual offense victim or witness" means a person who
129 was under the age of 18 ~~16~~ when he or she was the victim of or a
130 witness to a sexual offense.

131 (b) "Sexual offense" means any offense specified in s.
132 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

133 (2) Upon motion of any party, upon motion of a parent,
134 guardian, attorney, ~~or~~ guardian ad litem, or other advocate
135 appointed by the court under s. 914.17 for a victim or witness
136 under the age of 18 ~~16~~, a person who has an intellectual
137 disability, or a sexual offense victim or witness, or upon its
138 own motion, the court may enter any order necessary to protect
139 the victim or witness in any judicial proceeding or other
140 official proceeding from severe emotional or mental harm due to
141 the presence of the defendant if the victim or witness is
142 required to testify in open court. Such orders must relate to
143 the taking of testimony and include, but are not limited to:

144 (a) Interviewing or the taking of depositions as part of a
145 civil or criminal proceeding.

146 (b) Examination and cross-examination for the purpose of
147 qualifying as a witness or testifying in any proceeding.

148 (c) The use of testimony taken outside of the courtroom,

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149 including proceedings under ss. 92.53 and 92.54.

150 (3) In ruling upon the motion, the court shall consider:

151 (a) The age of the child, the nature of the offense or act,
152 the relationship of the child to the parties in the case or to
153 the defendant in a criminal action, the degree of emotional
154 trauma that will result to the child as a consequence of the
155 defendant's presence, and any other fact that the court deems
156 relevant;

157 (b) The age of the person who has an intellectual
158 disability, the functional capacity of such person, the nature
159 of the offenses or act, the relationship of the person to the
160 parties in the case or to the defendant in a criminal action,
161 the degree of emotional trauma that will result to the person as
162 a consequence of the defendant's presence, and any other fact
163 that the court deems relevant; or

164 (c) The age of the sexual offense victim or witness when
165 the sexual offense occurred, the relationship of the sexual
166 offense victim or witness to the parties in the case or to the
167 defendant in a criminal action, the degree of emotional trauma
168 that will result to the sexual offense victim or witness as a
169 consequence of the defendant's presence, and any other fact that
170 the court deems relevant.

171 (4) In addition to such other relief provided by law, the
172 court may enter orders limiting the number of times that a
173 child, a person who has an intellectual disability, or a sexual
174 offense victim or witness may be interviewed, prohibiting
175 depositions of the victim or witness, requiring the submission
176 of questions before the examination of the victim or witness,
177 setting the place and conditions for interviewing the victim or

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178 witness or for conducting any other proceeding, or permitting or
 179 prohibiting the attendance of any person at any proceeding. The
 180 court shall enter any order necessary to protect the rights of
 181 all parties, including the defendant in any criminal action.

182 (5) The court may set any other conditions it finds just
 183 and appropriate when taking the testimony of a child victim or
 184 witness or a sexual offense victim or witness, including the use
 185 of a service or therapy animal that has been evaluated and
 186 registered according to national standards, in any proceeding
 187 involving a sexual offense. When deciding whether to permit a
 188 child victim or witness or sexual offense victim or witness to
 189 testify with the assistance of a registered service or therapy
 190 animal, the court shall consider the age of the child victim or
 191 witness, the age of the sexual offense victim or witness at the
 192 time the sexual offense occurred, the interests of the child
 193 victim or witness or sexual offense victim or witness, the
 194 rights of the parties to the litigation, and any other relevant
 195 factor that would facilitate the testimony by the child victim
 196 or witness or sexual offense victim or witness.

197 Section 4. Subsections (1) through (4) of section 794.022,
 198 Florida Statutes, are amended to read:

199 794.022 Rules of evidence.—

200 (1) The testimony of the victim need not be corroborated in
 201 a prosecution under s. 787.06, s. 794.011, or s. 800.04.

202 (2) Specific instances of prior consensual sexual activity
 203 between the victim and any person other than the offender shall
 204 not be admitted into evidence in a prosecution under s. 787.06,
 205 s. 794.011, or s. 800.04. However, such evidence may be admitted
 206 if it is first established to the court in a proceeding in

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207 camera that such evidence may prove that the defendant was not
 208 the source of the semen, pregnancy, injury, or disease; or, when
 209 consent by the victim is at issue, such evidence may be admitted
 210 if it is first established to the court in a proceeding in
 211 camera that such evidence tends to establish a pattern of
 212 conduct or behavior on the part of the victim which is so
 213 similar to the conduct or behavior in the case that it is
 214 relevant to the issue of consent.

215 (3) Notwithstanding any other provision of law, reputation
 216 evidence relating to a victim's prior sexual conduct or evidence
 217 presented for the purpose of showing that manner of dress of the
 218 victim at the time of the offense incited the offense ~~sexual~~
 219 ~~battery~~ shall not be admitted into evidence in a prosecution
 220 under s. 787.06, s. 794.011, or s. 800.04.

221 (4) When consent of the victim is a defense to prosecution
 222 under s. 787.06, s. 794.011, or s. 800.04, evidence of the
 223 victim's mental incapacity or defect is admissible to prove that
 224 the consent was not intelligent, knowing, or voluntary; and the
 225 court shall instruct the jury accordingly.

226 Section 5. For the purpose of incorporating the amendment
 227 made by this act to section 794.022, Florida Statutes, in a
 228 reference thereto, paragraph (b) of subsection (1) of section
 229 90.404, Florida Statutes, is reenacted to read:

230 90.404 Character evidence; when admissible.—

231 (1) CHARACTER EVIDENCE GENERALLY.—Evidence of a person's
 232 character or a trait of character is inadmissible to prove
 233 action in conformity with it on a particular occasion, except:

234 (b) *Character of victim.*—

235 1. Except as provided in s. 794.022, evidence of a

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236 pertinent trait of character of the victim of the crime offered
237 by an accused, or by the prosecution to rebut the trait; or

238 2. Evidence of a character trait of peacefulness of the
239 victim offered by the prosecution in a homicide case to rebut
240 evidence that the victim was the aggressor.

241 Section 6. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16

Meeting Date

1382

Bill Number (if applicable)

Topic Victim Witness Protection

Amendment Barcode (if applicable)

Name RICHARD FORTEN

Job Title SERGEANT Volusia County Sheriff's Office

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Email R.FORTEN@VCSO.IGS

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA SHERIFFS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1500
INTRODUCER: Senator Simpson
SUBJECT: Concealed Weapons and Firearms
DATE: February 15, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1500 removes the statutory prohibition against concealed carry license-holders carrying a concealed weapon or firearm into the passenger terminal of any airport.

The inside of the airport’s sterile (secure) area is differentiated from the passenger terminal and remains in the law as amended by the bill so that concealed weapons or firearms may not be carried into the sterile area of the airport.

Section 790.06(12), F.S., as part of the concealed weapon or firearm licensure statute, appears to be clarifying in nature by stating what the license *does not* authorize. The statute specifically includes the airport passenger terminal among the places where a concealed weapon or firearm license does not authorize the licensee to “openly carry a handgun or carry a concealed weapon or firearm.”¹

It should be noted that while a licensee may be able to carry a *concealed* weapon or firearm into the passenger terminal of an airport upon the bill becoming law, *openly* carrying a firearm, except in specific locations or under certain circumstances, is not statutorily authorized under current law. Openly carrying a firearm is not directly addressed in the bill.

The bill provides an effective date of July 1, 2016.

¹ Section 790.06(12)(a)13., F.S.

II. Present Situation:

Limitations on the Concealed Carrying of a Firearm or Weapon for Licensees

Persons who hold a valid license to carry a concealed weapon or firearm are statutorily authorized to carry a handgun,² electronic weapon or device,³ tear gas gun,⁴ knife,⁵ or billie in a concealed manner.⁶

However, s. 790.06(12), F.S., sets forth the following limitations on the concealed carry statutory authorization. It should be noted that concealed carry by a licensee is not specifically limited unless the firearm or weapon is carried into the listed places.

A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into:

1. Any place of nuisance as defined in s. 823.05;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
6. Any polling place;
7. Any meeting of the governing body of a county, public school district, municipality, or special district;
8. Any meeting of the Legislature or a committee thereof;
9. Any school, college, or professional athletic event not related to firearms;
10. Any elementary or secondary school facility or administration building;
11. Any career center;
12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
14. *The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which*

² “Handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. s. 790.0655, F.S.

³ “Electric weapon or device” means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. s. 790.001(14), F.S.

⁴ “Tear gas gun” or “chemical weapon or device” means any weapon of such nature, except a device known as a “self-defense chemical spray.” “Self-defense chemical spray” means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical. s. 790.001(3)(b), F.S.

⁵ “Knife” is defined as what it is *not* in s. 790.001(13), F.S.: “Weapon” means...or other deadly weapon *except* ... a common pocketknife, plastic knife, or blunt-bladed table knife.

⁶ Section 790.06(1), F.S.

firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
15. Any place where the carrying of firearms is prohibited by federal law.⁷
(*emphasis added*)

Prohibitions Against the Concealed Carrying of a Firearm or Weapon

Section 790.01, F.S., prohibits the carrying of a concealed firearm and punishes a violation of the law as a third degree felony unless the person carrying the concealed firearm is licensed under s. 790.06, F.S.⁸ The carrying of a weapon in a concealed manner by a person who is not licensed to do so under s. 790.06, F.S., is a first degree misdemeanor.⁹

Open Carrying of a Firearm Generally Prohibited

Section 790.053, F.S., prohibits the open carrying of a firearm or electric weapon or device. The offense is punished as a second degree misdemeanor.¹⁰

It is not a violation of the open carry prohibition for a person to openly carry a self-defense chemical spray or a nonlethal stun gun, dart-firing stun gun, or other nonlethal electric weapon, if the weapon is carried for purposes of lawful self-defense.¹¹

Lawful Open and Concealed Carry in Florida

Section 790.25, F.S., contains an exception to the requirement that a person possess a valid concealed carry license in order to lawfully carry in a concealed manner *if* the person is engaged in certain listed activities. Likewise, a person engaged in those activities may lawfully carry a firearm or weapon openly.

Section 790.25, F.S., states in part:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(2) USES NOT AUTHORIZED.—

(a) This section *does not authorize* carrying a concealed weapon without a permit, as prohibited by ss. 790.01 and 790.02. ...

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 *do not apply* in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

⁷ Section 790.06(12)(a), F.S.

⁸ Section 790.01(2), (3), F.S. Concealed firearm is defined in s. 790.001(2), F.S.

⁹ Section 790.01(1), (3), F.S. Concealed weapon is defined in s. 790.001(3), F.S.

¹⁰ It is not a violation of s. 790.053, F.S., for a person who is licensed to carry a concealed firearm under s. 790.06(1), F.S., and who is carrying the firearm in a lawful manner to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in self-defense.

¹¹ Section 790.053(2), F.S.

- (a) Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;
- (b) Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;
- (c) Persons carrying out or training for emergency management duties under chapter 252;
- (d) Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;
- (e) Officers or employees of the state or United States duly authorized to carry a concealed weapon;
- (f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;
- (g) Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;
- (h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;
- (i) A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;
- (j) A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;
- (k) A person firing weapons in a safe and secure indoor range for testing and target practice;
- (l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;
- (m) A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business;
- (n) A person possessing arms at his or her home or place of business;
- (o) Investigators employed by the several public defenders of the state, while actually carrying out official duties;...and
- (p) Investigators employed by the capital collateral regional counsel, while actually carrying out official duties;...

(5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased¹² or is otherwise not readily accessible for immediate use.¹³ Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012.

Concealed Carry Licensure

The Department of Agriculture and Consumer Services (DACCS) *issues a license* to carry concealed weapons or firearms if the applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States or is a consular security official of a foreign government and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;¹⁴
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competence with a firearm;

¹² “Securely encased” means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access. s. 790.001(17), F.S.

¹³ “Readily accessible for immediate use” means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person. s. 790.001(16), F.S.

¹⁴ The minimum age requirement is waived if the applicant otherwise qualifies and is either a service member as defined in s. 250.01, F.S., or a veteran of the U.S. Armed Forces who was discharged under honorable conditions. s. 790.062, F.S.

- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.¹⁵

DACS shall *deny a concealed carry license* if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.¹⁶

DACS shall *revoke* a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.¹⁷

Upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, DACS shall *suspend* a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.¹⁸ DACS is also required to *suspend* a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.¹⁹

A license already issued must be *suspended or revoked* by DACS if the licensee:

- Is found to be ineligible under the criteria set forth in s. 790.06(2), F.S.;
- Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23, F.S.;

¹⁵ Section 790.06(2)(a)-(m), F.S.

¹⁶ Section 790.06(3), F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

- Is found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state, relating to controlled substances;
- Is committed as a substance abuser under ch. 397, F.S., or is deemed a habitual offender under s. 856.011(3), F.S., or similar laws of any other state;
- Is convicted of a second violation of s. 316.193, F.S., or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;
- Is adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state; or
- Is committed to a mental institution under ch. 394, F.S., or similar laws of any other state.²⁰

The concealed carry license issued by DACS, along with valid identification, must be carried at all times the licensee is in actual possession of a concealed weapon or firearm and must be displayed upon demand of a law enforcement officer.²¹

Airport Security

The Transportation Security Administration (TSA) was created by the Aviation and Transportation Security Act, passed by the 107th Congress and signed on November 19, 2001, in response to the events of September 11, 2001. TSA is a component of the federal Department of Homeland Security. The Office of Security Operations, within TSA, provides risk-based, adaptive security that includes airport checkpoint and baggage screening operations, regulatory compliance, cargo inspections and other specialized programs designed to secure transportation.²²

Although a person may travel with a firearm, it must be unloaded, packed to specifications, and declared to the person's airline as contents of checked baggage.²³

A person may not possess a weapon, carried on or about his or her person or accessible property when the checkpoint security screening has begun prior to entry to the sterile area of the airport.²⁴

TSA may impose civil penalties of up to \$11,000 per violation per person. The table below outlines some of the penalties that may be imposed on individuals for prohibited items violations and violations of other TSA regulations. Repeat violations will result in higher penalties.

²⁰ Section 790.06(10), F.S.

²¹ Section 790.06(1), F.S.

²² <https://www.tsa.gov/about/tsa-leadership> (visited February 11, 2016).

²³ 49 C.F.R. 1540.111.

²⁴ (a) On an individual's person or accessible property—prohibitions. Except as provided in paragraph (b) of this section, an individual may not have a weapon, explosive, or incendiary, on or about the individual's person or accessible property—

- (1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area, or before boarding an aircraft for which screening is conducted under this subchapter;
- (2) When the individual is entering or in a sterile area; or
- (3) When the individual is attempting to board or onboard an aircraft for which screening is conducted...49 C.F.R. 1540.111.

Security Violations by Individuals for Prohibited Items Discovered at Checkpoint/Sterile Area/Onboard Aircraft²⁵

Loaded firearms (or unloaded firearms with accessible ammunition)	\$3,000 - \$7,500 + criminal referral
Unloaded firearms	\$1,500 - \$3,000 + criminal referral
BB, pellet, and compressed-air guns; flare and starter pistols; realistic replicas of firearms (including gun lighters); permanently inert firearms; spear guns; stun guns, cattle prods, or other shocking devices	\$250 - \$1,500
Blasting caps; dynamite; gunpowder (more than 10 oz.); hand grenades; plastic explosives; all other high explosives	\$6,000 - \$11,000 + criminal referral
Consumer fireworks, novelty fireworks, professional display fireworks; flares; gunpowder (10 oz. or less); realistic replicas of explosives	\$250 - \$1,500 + criminal referral
Silencers, mufflers frames and/or receivers	\$1500 - 3,000 + criminal referral
Firearm parts	\$250 - \$1,500
Axes and hatchets; bows and/or arrows; ice axes and ice picks; knives with blades that open automatically (such as switchblades); knives with blades that open via gravity (such as butterfly knives); any double-edge knives or daggers; meat cleavers; sabers; swords; and machetes throwing stars	\$250 - \$1,500
Any flammable liquid or gel fuels, including gasoline, lighter fluids, cooking fuels; turpentine and paint thinners	\$250-\$1,500
Self-defense spray; tear gas; Chlorine and other chemicals for pools/spas; compressed gas cylinders (including fire extinguishers); liquid bleach	\$250-\$1,500

Additionally, a person may be fined in the amount of \$1,000 to \$3,000 for entering a sterile area without submitting to screening. The term “sterile area” is defined in TSA regulations as a portion of an airport defined in the airport security program that provides passengers access to boarding aircraft and to which the access generally is controlled by TSA, or by an aircraft operator or a foreign air carrier, through the screening of persons and property.²⁶

²⁵ <https://www.tsa.gov/travel/civil-enforcement> (visited February 11, 2016).

²⁶ 49 C.F.R. § 1540.5.

III. Effect of Proposed Changes:

The bill amends s. 790.06(12)(a)14., F.S., to remove the prohibition against a person who holds a concealed weapon or firearm license carrying a concealed weapon or firearm into the passenger terminal of any airport.

Section 790.06(12), F.S., as part of the concealed weapon or firearm licensure statute, appears to be clarifying in nature by stating what the license *does not* authorize. The statute specifically includes the airport passenger terminal among the places where a concealed weapon or firearm license does not authorize the licensee to “openly carry a handgun or carry a concealed weapon or firearm.”²⁷

The bill leaves intact the provision that prohibits such person from carrying a concealed weapon or firearm into the sterile area of any airport. Under federal law, the sterile area of an airport is that area accessible only after a person has been cleared through the checkpoint security screening process.

The prohibition against openly carrying a handgun, mentioned in s. 790.06(12)(a), F.S., is not addressed by the bill. Openly carrying handguns is currently prohibited by s. 790.053, F.S.

The effective date of the bill is July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²⁷ Section 790.06(12)(a)13., F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.06 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Simpson

18-00593-16

20161500__

1 A bill to be entitled
 2 An act relating to concealed weapons and firearms;
 3 amending s. 790.06, F.S.; revising the areas of an
 4 airport where a person is prohibited from openly
 5 carrying a handgun or from carrying a concealed weapon
 6 or firearm; providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Subsection (12) of section 790.06, Florida
 11 Statutes, is amended to read:
 12 790.06 License to carry concealed weapon or firearm.—
 13 (12) (a) A license issued under this section does not
 14 authorize any person to openly carry a handgun or carry a
 15 concealed weapon or firearm into:
 16 1. Any place of nuisance as defined in s. 823.05;
 17 2. Any police, sheriff, or highway patrol station;
 18 3. Any detention facility, prison, or jail;
 19 4. Any courthouse;
 20 5. Any courtroom, except that nothing in this section would
 21 preclude a judge from carrying a concealed weapon or determining
 22 who will carry a concealed weapon in his or her courtroom;
 23 6. Any polling place;
 24 7. Any meeting of the governing body of a county, public
 25 school district, municipality, or special district;
 26 8. Any meeting of the Legislature or a committee thereof;
 27 9. Any school, college, or professional athletic event not
 28 related to firearms;
 29 10. Any elementary or secondary school facility or
 30 administration building;
 31 11. Any career center;
 32 12. Any portion of an establishment licensed to dispense

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

18-00593-16

20161500__

33 alcoholic beverages for consumption on the premises, which
 34 portion of the establishment is primarily devoted to such
 35 purpose;
 36 13. Any college or university facility unless the licensee
 37 is a registered student, employee, or faculty member of such
 38 college or university and the weapon is a stun gun or nonlethal
 39 electric weapon or device designed solely for defensive purposes
 40 and the weapon does not fire a dart or projectile;
 41 14. The inside of the ~~passenger terminal~~ and sterile area
 42 of any airport, ~~provided that no person shall be prohibited from~~
 43 ~~carrying any legal firearm into the terminal, which firearm is~~
 44 ~~encased for shipment for purposes of checking such firearm as~~
 45 ~~baggage to be lawfully transported on any aircraft; or~~
 46 15. Any place where the carrying of firearms is prohibited
 47 by federal law.
 48 (b) A person licensed under this section shall not be
 49 prohibited from carrying or storing a firearm in a vehicle for
 50 lawful purposes.
 51 (c) This section does not modify the terms or conditions of
 52 s. 790.251(7).
 53 (d) Any person who knowingly and willfully violates any
 54 provision of this subsection commits a misdemeanor of the second
 55 degree, punishable as provided in s. 775.082 or s. 775.083.
 56 Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON
18th District

January 15, 2016

The Honorable Greg Evers
Senate Committee on Criminal Justice, Chair
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Evers:

I respectfully request that Senate Bill 1500, relating to *Concealed Weapons/Airports*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18th District

CC: Criminal Justice Staff

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

SB 1500
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name MICHAEL D. STEWART FAC

Job Title DIRECTOR - EX. AFFAIRS JAA

Address _____
Street

Phone 904-741-2721

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA AIRPORTS COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16

Meeting Date

1500

Bill Number (if applicable)

Topic Concealed Weapons

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9106 Sunrise Dr
Street

Phone _____

Kato Fla 33773
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1580

INTRODUCER: Senator Legg

SUBJECT: First Responders

DATE: February 5, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1580 requires state agencies to provide a voluntary first responder career development plan for law enforcement officers, correctional officers, correctional probation officers, and firefighters. The plan will provide salary increases to those officers and firefighters in good standing who achieve and maintain specified levels of achievement determined by the agency. Each agency's plan will identify the activities approved to attain the levels. Each level achieved must be documented by specific achievements and completion of a specified number of years of service.

II. Present Situation:

Section 943.22, F.S., and s. 633.422, F.S., provide salary incentive increases for law enforcement officers and firefighters who successfully complete and are awarded an Associate Degree or a Bachelor Degree. The increases or supplements are as follows:

- \$30 per month for law enforcement officers with an Associate Degree;
- \$50 per month for law enforcement officers with a Bachelors Degree;
- \$50 per month for firefighters with an Associate Degree; and
- \$110 per month for firefighters with a Bachelors Degree.

Law enforcement officers can also receive incentive increases for additional approved training classes up to \$130 per month.

III. Effect of Proposed Changes:

This bill requires state agencies to provide a voluntary first responder career development plan for law enforcement officers, correctional officers, correctional probation officers, and firefighters. The plan will provide salary increases to those officers and firefighters in good standing who achieve and maintain specified levels of achievement determined by the agency.

Each agency's plan will identify the activities approved to attain the levels. Each level achieved must be documented by specific achievements and completion of a specified number of years of service.

The bill has an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Florida Department of Law Enforcement (FDLE), a career development plan based on first responder skill specialization would most likely result in the establishment of a lead, master, or senior officer rank. If these levels are defined and a 5 percent pay increase is associated with each, assuming a required time in service of 5 years for all non-supervisory sworn positions (186 sworn positions meet this initial criterion), the plan could have a recurring fiscal impact of over \$700,000 if all reach a single level of achievement.

The Department of Financial Services states persons affected by the bill would be 103 sworn law enforcement personnel and 61 certified firefighters employed by the Division of State Marshal and 153 sworn law enforcement personnel employed by the Division of Insurance Fraud.

VI. Technical Deficiencies:

According to FDLE, a first responder is an employee of an emergency service agency who is likely to be among the first people to arrive and assist at an emergency scene (generally

municipal and county law enforcement officers). FDLE states that except in rare incidences, FDLE is not a first responder.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 110.2035 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Legg

17-01197-16

20161580__

A bill to be entitled

An act relating to first responders; amending s.

110.2035, F.S.; requiring state agencies to establish a first responder career development plan for certain purposes; providing duties of the agencies relating to the implementation of the plan; providing an effective date.

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

Section 1. Subsection (9) is added to section 110.2035, Florida Statutes, to read:

110.2035 Classification and compensation program.—

(9)(a) In order to strengthen the ability of state agencies to provide career development for law enforcement officers, correctional officers, correctional probation officers, and firefighters and retain well-qualified and experienced officers and firefighters, all state agencies employing law enforcement officers, correctional officers, correctional probation officers, and firefighters shall establish a first responder career development plan. The plan shall be voluntary for law enforcement officers, correctional officers, correctional probation officers, and firefighters and shall provide salary increases for officer and firefighter achievements that exceed the minimum requirements for employment.

(b) Salary increases shall be awarded to an officer or a firefighter in good standing who achieves and maintains specified levels of achievement as determined by the agency.

(c)1. Each state agency shall provide levels of achievement for law enforcement officers, correctional officers, correctional probation officers, and firefighters and develop standards, through collective bargaining, if applicable, that

Page 1 of 2

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17-01197-16

20161580__

provide approved activities recognized for attaining the levels. The achievement of each level must be documented by the attainment of specific achievements and the completion of a specified number of years of service.

2. Achievements may include the earning of postsecondary education credits and the completion of leadership or advanced training. Officers and firefighters may attain specified levels by participating in approved activities that advance the officer's or firefighter's professional interests as specified in the officer's or firefighter's job description.

(d) The plan shall be made available to law enforcement officers as defined in s. 943.10, correctional officers as defined in s. 943.10, and firefighters as defined in s. 633.102, in all career service positions. The number of officers or firefighters who may qualify for each level may not exceed the number of officers or firefighters covered by the bargaining unit covering such classes of employees in the agency.

Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Education Pre-K - 12, Chair
Ethics and Elections, Vice Chair
Appropriations Subcommittee on Education
Fiscal Policy
Government Oversight and Accountability
Higher Education

SENATOR JOHN LEGG
17th District

Legg.John.web@FLSenate.gov

February 15, 2016

The Honorable Greg Evers
Committee on Criminal Justice, Chair
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1580 - First Responders

Dear Chair Evers:

SB 1580: First Responders is on the Committee on Criminal Justice agenda, February 16, 2016. Please recognize my Legislative Assistant, Rich Reidy, to present SB 1580 on my behalf. Should you have any questions, please feel free to contact me. Your consideration is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John Legg".

John Legg
State Senator, District 17

cc: Amanda Cannon, Staff Director
Sue Arnold, Administrative Assistant

REPLY TO:

- 262 Crystal Grove Boulevard, Lutz, Florida 33548 (813) 909-9919
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016
Meeting Date

SB 1580
Bill Number (if applicable)

Topic First Responders

Amendment Barcode (if applicable)

Name Matt Pickett

Job Title Lobbyist

Address 300 East Brevard St.

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Police Benevolent Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/16

Meeting Date

1580

Bill Number (if applicable)

Topic First Responders

Amendment Barcode (if applicable)

Name James Tolley

Job Title President, Florida Professional Firefighters

Address 1689 Mahan Center Blvd. , Suite B

Phone (321)-543-6796

Street

Tallahassee

FL

32308

City

State

Zip

Email tolley@mindspring.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Professional Firefighters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1632

INTRODUCER: Senator Clemens

SUBJECT: Criminal Justice Standards and Training Commission

DATE: February 15, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1632 requires the Criminal Justice Standards and Training Commission (commission) to implement, administer, maintain and revise a basic abilities examination. The commission will set a fee for the basic abilities examination, which will be deposited in the Commission Trust Fund.

II. Present Situation:

The Criminal Justice Standards and Training Commission, established pursuant to s. 943.11, F.S., has a number of responsibilities relating to the training, certification, and discipline of full-time, part-time, and auxiliary¹ law enforcement officers,² correctional officers,³ and correctional

¹ Section 943.10(8), F.S., defines “auxiliary law enforcement officer” to mean any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions. Section 943.10(9), F.S., defines “auxiliary correctional officer” to mean any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.

² Section 943.10(1), F.S., defines “law enforcement officer” to mean any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

³ Section 943.10(2), F.S., defines “correctional officer” to mean any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a

probation officers.^{4,5} The commission is a division of the Florida Department of Law Enforcement (FDLE).

Duties for the commission, include, in part, responsibility for:

- Certifying, and revoking the certification of, officers, instructors, including agency in-service training instructors, and criminal justice training schools.⁶
- Establishing uniform minimum employment standards for the various criminal justice disciplines.
- Establishing uniform minimum training standards for the training of officers in the various criminal justice disciplines.
- Establishing minimum curricular requirements for criminal justice training schools.
- Making, publishing, or encouraging studies on any aspect of criminal justice education and training or recruitment, including the development of defensible and job-related psychological, selection, and performance evaluation tests.
- Implementing, administering, maintaining, and revising a job-related officer certification examination for each criminal justice discipline.

Additionally, under s. 943.17, F.S., the commission is required, in part, to ensure that applicants entering into a criminal justice basic recruit program have successfully passed a commission-approved basic abilities test (BAT).⁷ BATs must be administered in Florida and tailored to the applicable discipline for which the recruit is seeking program admission.⁸

FDLE reports that the commission has contracted with multiple vendors, two out-of-state and one in-state, to develop and administer the BATs.⁹ FDLE also reports that it has established basic

correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

⁴ Section 943.10(3), F.S., defines “correctional probation officer” to mean a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

⁵ Section 943.11(1)(a), F.S., provides that the commission must consist of 19 members, including: the Secretary of Corrections or a designated assistant; the Attorney General or a designee; the Director of the Division of the Florida Highway Patrol; and 16 members appointed by the Governor, consisting of three sheriffs; three chiefs of police; five law enforcement officers who are of the rank of sergeant or below within the employing agency; two correctional officers, one of whom is an administrator of a state correctional institution and one of whom is of the rank of sergeant or below within the employing agency; one training center director; one person who is in charge of a county correctional institution; and one resident of the state who falls into none of the foregoing classifications. Prior to the appointment, the sheriff, chief of police, law enforcement officer, and correctional officer members must have had at least four years’ experience as law enforcement officers or correctional officers.

⁶ Section 943.10(16), F.S., defines “criminal justice training school” to mean any private or public criminal justice training school certified by the commission.

⁷ Section 943.17(1)(g), F.S., and Rule 11B-35.0011(1), F.A.C. The determination of whether a recruit has passed a basic skills test is based on a job task analysis in each discipline that is adopted by the commission.

⁸ Rule 11B-35.0011(1), F.A.C. The rule includes references to law enforcement, correctional, or correctional probation disciplines.

⁹ The in-state provider is Miami Dade College. The two out-of-state providers are I/O Solutions, Inc. and Morris and McDaniel, Inc. FDLE *Basic Abilities Test Background Information and Proposed Initiative*, FDLE at p. 3 (hereinafter cited as “BAT Background”).

criteria for the BAT, but that each vendor's test is unique.¹⁰ Training centers and selection centers have the discretion to choose which test to administer.¹¹ As a result, the difficulty levels among the BATs lack consistency across the state.¹² There is also inconsistency across the state as to the fee a student is responsible to pay for taking the BAT.¹³

III. Effect of Proposed Changes:

The bill amends s. 943.12, F.S., to require the commission to implement, administer, maintain, and revise an examination for the BAT. The bill requires the commission to establish rules regarding procedures for the administration of the BAT and standards of acceptable performance on the examination. The bill shifts FDLE's role with the BAT from monitoring vendors for compliance with the BAT guidelines to the development and administration of the examination.

The bill also amends s. 943.17, F.S., to add that the commission must set a fee for the BAT, which is not to exceed \$75. The bill further provides that a fee collected for the BAT:

- Applies to one scheduled examination attempt;
- Is not refundable if the applicant does not appear for the examination or does not achieve an acceptable score; and
- Must be placed in the Criminal Justice Standards and Training Trust Fund.

The bill provides that the examination fee does not take effect until the implementation of the revised basic abilities examination, which will be on or before January 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁰ *Id.*

¹¹ BAT Background, p. 3.

¹² FDLE Analysis, p. 2.

¹³ FDLE Analysis, p. 2 and BAT Background p. 4-5. The fee ranges from \$18-75 dollars.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to FDLE, the projected financial impact to the Commission Trust Fund is an additional \$400,000 annually. This is an estimate of net revenue after accounting for Miami-Dade College's costs for administering the examinations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.12 and 943.17.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Clemens

27-01022A-16

20161632__

1 A bill to be entitled
 2 An act relating to the Criminal Justice Standards and
 3 Training Commission; amending s. 943.12, F.S.;
 4 requiring the Criminal Justice Standards and Training
 5 Commission to implement, administer, maintain, and
 6 revise a basic abilities examination by a specified
 7 date; requiring the commission to establish specified
 8 procedures and standards; amending s. 943.17, F.S.;
 9 requiring the commission to set a fee for the basic
 10 abilities examination; requiring a nonrefundable fee
 11 for each examination attempt; requiring that
 12 examination fees be deposited in the Criminal Justice
 13 Standards and Training Trust Fund; providing a
 14 condition for when the examination fee takes effect;
 15 providing an effective date.

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

17 Section 1. Subsection (18) is added to section 943.12,
 18 Florida Statutes, to read:

19 943.12 Powers, duties, and functions of the commission.—The
 20 commission shall:

21 (18) On or before January 1, 2018, implement, administer,
 22 maintain, and revise a basic abilities examination for all
 23 applicants for basic recruit training in law enforcement and
 24 corrections. The commission shall establish by rule procedures
 25 for the administration of the basic abilities examination. The
 26 commission shall also establish standards for acceptable
 27 performance on the examination.

28 Section 2. Paragraph (g) of subsection (1) of section
 29 943.17, Florida Statutes, is amended, and paragraph (h) is added
 30 to that subsection, to read:

31 Page 1 of 2

32 CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27-01022A-16

20161632__

33 943.17 Basic recruit, advanced, and career development
 34 training programs; participation; cost; evaluation.—The
 35 commission shall, by rule, design, implement, maintain,
 36 evaluate, and revise entry requirements and job-related
 37 curricula and performance standards for basic recruit, advanced,
 38 and career development training programs and courses. The rules
 39 shall include, but are not limited to, a methodology to assess
 40 relevance of the subject matter to the job, student performance,
 41 and instructor competency.

42 (1) The commission shall:

43 (g) Assure that entrance into the basic recruit training
 44 program for law enforcement and correctional officers be limited
 45 to those who have passed a basic abilities ~~skills~~ examination
 46 ~~and assessment instrument~~, based on a job task analysis in each
 47 discipline and adopted by the commission.

48 (h) Set a fee, not to exceed \$75, for the basic abilities
 49 examination. The fee applies to one scheduled examination
 50 attempt and is not refundable if the applicant does not appear
 51 for the examination or does not achieve an acceptable score on
 52 the examination. Fees collected pursuant to this paragraph shall
 53 be deposited in the Criminal Justice Standards and Training
 54 Trust Fund. This paragraph shall take effect upon the
 55 implementation of the revised basic abilities examination on or
 56 before January 1, 2018, as specified in s. 943.12(18).

57 Section 3. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Vice Chair*
Banking and Insurance
Criminal Justice
Education Pre-K-12
Ethics and Elections
Fiscal Policy

SENATOR JEFF CLEMENS
27th District

January 25, 2016

Senator Greg Evers, Chair
Senate Committee on Criminal Justice
510 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Evers:

I respectfully request that SB 1632 – Criminal Justice Standards and Training Commission be added to the agenda for the next Senate Committee on Criminal Justice meeting.

SB 1632, at the request of the Florida Department of Law Enforcement, authorizes the Department to create, administer and maintain a new Basic Abilities Test (BAT) to meet the requirements of Section 943.17(1) (g), Florida Statutes.

Please feel free to contact me with any questions. Thank you, in advance, for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Clemens".

Senator Jeff Clemens
Florida Senate District 27

REPLY TO:

- 508 Lake Avenue, Unit C, Lake Worth, Florida 33460 (561) 540-1140 FAX: (561) 540-1143
- 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.14.14

Meeting Date

1632

Bill Number (if applicable)

Topic Criminal Justice Standards & Training Commission

Amendment Barcode (if applicable)

Name Ron Dree

Job Title Director of External Affairs

Address 2331 Phillips Rd

Phone 410.7020

Street

Tall

City

FL

State

32308

Zip

Email RONALDDREE@FDLE.STATE.FL.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FDLE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-16-16

Meeting Date

1632

Bill Number (if applicable)

Topic CSSTC

Amendment Barcode (if applicable)

Name TIM QUIGLEY

Job Title DEPUTY SHERIFF

Address 951 SINGLETON DR.

Phone 386 736 5333

Street

City DELAND State FL Zip 32724

Email TQUIGLEY@VCSO.GOV

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing FLORIDA SHERIFF'S ASSOCIATION

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016

Meeting Date

SB 1632

Bill Number (if applicable)

Topic Criminal Justice Standards + Training Commission

Amendment Barcode (if applicable)

Name Kevin Lystad

Job Title Chief of Police

Address 9990 NE 2nd Avenue

Phone 305-759-2468

Miami Shores FL 33138

Email Kevin.Lystad@mspd.org

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1662
INTRODUCER: Senator Bradley
SUBJECT: Sexual Offenders
DATE: February 5, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1662 amends numerous provisions of the laws pertaining to registration of sexual predators and sexual offenders. Some of these changes are to more closely align Florida’s registry laws with requirements of the federal Sex Offender Registration and Notification Act. Major features of the bill include:

- Requiring sexual predator or sexual offender registration by a parent or guardian convicted of kidnapping, falsely imprisoning, or luring or enticing his or her child if the child is a minor and the offense has a sexual component;
- Clarifying that s. 943.0435, F.S. (the “Romeo and Juliet” law), applies only to consensual acts and removing sexual battery as a qualifying offense;
- Clarifying to which court a sexual offender must petition for removal from registration requirements and removing inoperable language regarding calculation of the registration period;
- Including lewd or lascivious battery upon an elderly or disabled person as an offense that requires sexual offenders to register quarterly and for life;
- Amending various definitions relevant to registration of certain information, primarily to address omissions, and providing consistency among relevant statutes regarding registration requirements;
- Expanding the types of information that can be registered or updated through the Florida Department of Law Enforcement’s online system;
- Clarifying the appropriate entity to which a sexual predator or sexual offender must report;
- Modifying reporting requirements for international travel;
- Requiring sexual predators and sexual offenders taking online courses at Florida higher education institutions to report such information and for institutions of higher education to be notified of such attendance; and
- Clarifying the obligation to obtain a driver license or identification card.

II. Present Situation:

Overview of Sexual Predator and Sexual Offender Registration

Florida law requires certain persons to register as a sexual predator or sexual offender. In very general terms, the distinction between a sexual predator and a sexual offender depends on what offense the person has been convicted of, whether the person has previously been convicted of a sexual offense, and the date the offense occurred.¹

A sexual predator or sexual offender must comply with a number of registration requirements.² Most of these requirements relate to the registration of particular identifying and residence information but other information may also be required (e.g., vehicular information, attendance at an institution of higher education, and temporarily or permanently departing from or reentering this state). The agency to which the person reports this information is determined by the person's status or the type of information that has to be reported. For example, if the person is not in the custody of or under the supervision of the Department of Corrections (DOC), Department of Juvenile Justice (DJJ), or Department of Children and Families (DCF) (civilly-confined violent sexual predators), he or she would report, in most circumstances, to the local sheriff's office. An exception would be reporting to the Department of Highway Safety and Motor Vehicles (DHSMV) to obtain or renew a driver license or state identification card (or to update information relevant to the license or card).

Information reported by registered sexual predators and sexual offenders is provided to the Florida Department of Law Enforcement (FDLE) and entered in a statewide database. The registry laws contain a public or community notification component.³ The FDLE maintains a website that makes available to the public some of this information (e.g., identifying information, residence information, and registration-qualifying sexual offense or offenses).⁴ Information is also available through a toll-free hotline.

Provided as follows is a description of those registration requirements and other provisions of the registry laws that are relevant to the bill.

¹ See generally ss. 775.21, 943.0435, 944.607, and 985.4815, F.S. "All sex offenders that are required to register have been convicted of certain qualifying felonies set forth in Florida statutes or have registration requirements in other states.... Some sex offenders are designated by the court as sexual predators because they are deemed to present an extreme threat to public safety as demonstrated through repeated sex offenses, the use of physical violence, or preying on child victims." *Sex Offender Registration and Monitoring: Statewide Requirements, Local Practices, and Monitoring Procedures*, Report No. 15-16, p. 2 (footnote omitted), Office of Program Policy Analysis & Government Accountability, The Florida Legislature. This report is available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1516rpt.pdf> (last visited on January 27, 2016). This report is further referenced in this analysis as "OPPAGA Report."

² *Id.* Failure to comply with these requirements is generally a third degree felony. See ss. 775.21, 943.0435, and 985.4815, F.S.

³ "Local law enforcement agencies are ... required to notify the public of the presence of sexual predators living in their communities. Within 48 hours, law enforcement agencies must notify licensed child care centers and schools within a one-mile radius of the predator's residence." OPAAGA Report. "In addition, local law enforcement agencies, or ... [DOC], if an offender is on community supervision, are also required to notify institutions of higher learning when a sex offender enrolls, is employed, or volunteers at that institution of higher learning, including technical schools, community colleges, and state universities." *Id.*

⁴ See <https://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on January 29, 2016).

Sexual Predator and Sexual Offender Criteria

Several provisions of the registry laws specify that the following offenses are registration-qualifying offenses: kidnapping (s. 797.01, F.S.); false imprisonment (s. 787.02, F.S.); and luring or enticing a child (s. 787.025(2)(c)), F.S. However, these offenses only apply if the victim is a minor and the defendant is not the victim's parent or guardian.⁵

Further, convictions for these offenses can only be used as a registration-qualifying offense if there is a finding that the conviction has a sexual component. As one Florida appellate court has held, the state has an interest in protecting the public from sexual offenders and the designation of a person as a sexual offender is rationally related to that goal where an accused has been convicted of false imprisonment of a child under 13 when committed along with an enumerated sexual offense. However, where an accused is convicted of false imprisonment devoid of a sexual component, such rational basis is lost.⁶

The "parent or guardian" language also appears in s. 856.022, F.S., the loitering or prowling statute, which prohibits a person convicted of a specified sexual offense from being within 300 feet of a place where children are congregating. Sexual offenses specified in this section include, in part, convictions for kidnapping, false imprisonment, and luring or enticing a child if any of these offenses involved a victim who is a minor and a defendant who is not the victim's parent or guardian. The statute does not apply to a person who has been removed from the requirement to register as a sexual predator or sexual offender.

Section 943.0435(1)(a)1.d., F.S., includes a list of registration-qualifying offenses relevant to certain juvenile offenders. Omitted from this provision is any similar offense committed in this state which has been redesignated from a former statute number to one of the listed offenses. This appears to be an error because a provision of this type appears in all provisions of the registry laws relating to registration criteria.

Registration and Reregistration

Sexual predators and sexual offenders must register at the sheriff's office within 48 hours of establishing or maintaining a residence.⁷ Sexual predators and sexual offenders who are in the custody of or under the supervision of the DOC or a local jail must register with the DOC and the jail, respectively. During initial registration, the registrant must provide certain information, including, in part, his or her name, address, e-mail address, home and cellular telephone number, and Internet identifier, to the sheriff's department, which then provides the information to the FDLE for inclusion in the statewide database. Sexual predators and sexual offenders also must reregister at specified intervals and immediately report any changes to registration information.⁸

Sexual predators and sexual offenders must reregister at varying intervals depending on the type of designation and the qualifying offense that was the basis for the designation as a sexual

⁵ Sections 775.21(4)(a), 943.0435(1) and (14)(b), and 944.607(1)(a) and (13)(b), F.S. This language is also relevant to notifications regarding certain sex offenders that the FDLE and/or others are required to make under ss. 944.606(1)(b), F.S.

⁶ *Raines v. State*, 805 So. 2d 999, 1003 (Fla. 4th DCA 2001).

⁷ See ss. 775.21 and 943.0435, F.S.

⁸ *Id.*

predator or sexual offender. Sexual predators and certain sexual offenders must report in person each year during the month of the registrant's birthday and during every third month thereafter to the sheriff's office in the county in which the registrant resides or is otherwise located to reregister.⁹ Examples of sexual offenders who must register quarterly include sexual offenders who have a conviction for kidnapping or false imprisonment (where the victim is a minor and the offender is not the victim's parent or guardian) and sexual battery.¹⁰ Sexual offenders who do not fall in this reporting category must report each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month.¹¹ Reporting must be done in person to the sheriff's office in the county in which the registrant resides or is otherwise located.¹²

Registration – Electronic Mail Addresses and Internet Identifiers

Sexual predators and sexual offenders must register all electronic mail (e-mail) address or Internet identifiers with the FDLE before such addresses or identifiers can be used.¹³ Registration must be made either in person or through the FDLE's online system.¹⁴

Relevant to the bill, the term "Internet identifier" is defined in s. 775.21(2)(i), F.S., to mean all electronic mail, chat, instant messenger, social networking, application software, or similar names used for Internet communication, but does not include a date of birth, social security number, or personal identification number (PIN).¹⁵ According to the FDLE, this definition does not currently include "corresponding website URL or application software associated with the login/username/screen identifier."¹⁶

Sections 775.21 and 943.0435, F.S., require the FDLE to establish an online system through which sexual predators and sexual offenders may securely access and update all electronic mail addresses and Internet identifier information.

Registration – Location of Residence or Travel

Sexual predators and sexual offenders must register their permanent, temporary, or transient residences both within the state and outside the state.¹⁷ A sexual predator or sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than Florida must report in person to the sheriff of the county of current residence within:

- 48 hours before the date he or she intends to leave Florida to establish residence in another state or jurisdiction; or

⁹ Sections 775.21(8)(a), 943.0435(14)(b), 944.607(13)(b), and 985.4815(13)(a), F.S.

¹⁰ Sections 943.0435(14)(b) and 944.607(13)(b), F.S.

¹¹ Sections 943.0435(14)(a) and 944.607(13)(a), F.S.

¹² *Id.*

¹³ Sections 775.21(6)(a)1., (6)(e)2., and (6)(g)5. and 943.0435(2)(a), (2)(b), and (4)(e), F.S.

¹⁴ Sections 775.21(6)(g)5. and 943.0435(4)(e), F.S.

¹⁵ Voluntary disclosure by a sexual predator of his or her date of birth, social security number, or PIN as an Internet identifier waives the disclosure exemption in this paragraph for such personal information. *Id.*

¹⁶ Analysis of SB 1662, Florida Department of Law Enforcement (October 1, 2016) (on file with Senate Committee on Criminal Justice). This document is further referenced in this analysis as "FDLE Analysis."

¹⁷ Sections 775.21(6)(i) and 943.0435(7), F.S.

- 21 days before his or her planned departure date for stays outside the country lasting longer than five days.¹⁸

The notification provided to the sheriff must include the address, municipality, county, state, and country of intended residence.¹⁹ The sheriff must promptly provide the FDLE with the information received from the registrant and the FDLE must notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the registrant's intended residence.²⁰

Registration – Institution of Higher Education

Sexual predators and sexual offenders who are enrolled, employed, volunteering, or carrying on a vocation at an institution of high education must provide:

- The name, address, and county of each institution, including each campus attended; and
- Enrollment, volunteer, or employment status.²¹

Additionally, a change in such enrollment, volunteer, or employment status must be reported in person to the appropriate entity within 48 hours.²² The appropriate entity must promptly notify each institution of the sexual predator's or sexual offender's presence and any change in enrollment, volunteer, or employment status.²³

Relevant to the bill, the term:

- “Institution of higher education” is included in ss. 775.21, 943.0435, 944.607, and 985.4815, F.S., and is defined to mean a “career center, community college, college, state university, or independent postsecondary institution.”²⁴
- “Change in enrollment or employment status” is included in ss. 775.21, 943.0435, 944.607, and 985.4815, F.S., and is defined to mean the “commencement or termination of enrollment or employment or a change in location of enrollment or employment.”²⁵

Registration – Professional Licenses and Employment Information

Sexual predators and sexual offenders must provide information about employment and any professional licenses they may possess.²⁶ The term “professional license” is not currently defined in the registry laws.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Sections 775.21(6)(b), 943.0435(2)(b)2., 944.607(4)(b), and 985.4815(4)(b), F.S.

²² Section 775.21(6)(b), F.S., provides that the sheriff or the DOC is the appropriate reporting entity. Section 943.0435(2)(b)2., F.S., provides that the sheriff is the appropriate reporting entity. Section 944.607(4)(b), F.S., provides that the DOC is the appropriate reporting agency. Section 985.4815(4)(b), F.S., provides that the DJJ is the appropriate reporting agency.

²³ *Id.*

²⁴ Sections 775.21(1)(j), 943.0435(1)(d), 944.607(1)(d), and 985.4815(1)(c), F.S.

²⁵ Sections 775.21(1)(a), 943.0435(1)(e), 944.607(1)(e), and 985.4815(1)(a), F.S.

²⁶ Sections 775.21(6)(a)1. and (8), 943.0435(2)(b) and (14)(c), 944.606(3)(a), 944.607(4)(a) and (14)(c), 985.481(3)(a)1., 985.4815(4)(a) and (13)(b)1., F.S.

Registration – Driver License or Identification Card

Sexual predators and sexual offenders who are not incarcerated must register in person at a driver license office within 48 hours to obtain a driver license or identification card.²⁷

Additionally, sexual predators and sexual offenders must report specified information to the Department of Highway Safety and Motor Vehicles (DHSMV), maintain an accurate driver license or identification card, and report to a driver license office within 48 hours any time the registrant's:

- Driver license or identification card is subject to renewal;
- Residence has changed; or
- Name has changed by reason of marriage or other legal process.²⁸

The DHSMV must forward to the FDLE and the DOC all photographs and information provided by sexual predators and sexual offenders.²⁹

A sexual predator or sexual offender who is unable to secure or update a driver license or identification card with the DHSMV as described must report any change of the residence or change in name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the registrant resides or is located and provide confirmation that he or she reported such information to the DHSMV.³⁰

Removal of the Requirement to Register as a Sexual Offender or Sexual Predator

Generally, a sexual offender must maintain registration with the FDLE for the duration of the offender's life unless he or she has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation or that met the criteria for classifying the person as a sexual offender for purposes of registration.³¹ However, there are ways in which the registration requirements can be removed.³²

Registration Removal under s. 943.0435(11), F.S.

Section 943.0435(11)(a), F.S., permits sexual offenders who have been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and who have not been arrested for any felony or misdemeanor offense since release to petition the criminal division of the circuit court of the circuit where the conviction or adjudication occurred for the purpose of removing the requirement for registration as a sexual offender, provided that the

²⁷ Sections 775.21(6)(f) and (g) and 943.0435(4)(a), F.S. Section 944.607, F.S., covers this requirement for sexual offenders who are not incarcerated, but are under the supervision of the DOC.

²⁸ *Id.* "Local tax collectors perform driver's license related functions previously conducted by DHSMV, including processing sex offender identification requests, for 64 of Florida's 67 counties. The three counties with DHSMV offices are Broward, Miami Dade, and Volusia. When combined, these three counties reflect approximately 40% of all transactions and will remain the responsibility of DHSMV because their tax collectors are appointed, not elected officials." OPPAGA Report.

²⁹ *Id.*

³⁰ *Id.*

³¹ Sections 775.21(6) and 943.0435(11), F.S.

³² Sections 775.21(6) and 943.0435(11), F.S.

offender's requirement to register was not based on an adult conviction for any specified, excludable offense such as kidnapping, false imprisonment, or sexual battery.³³

Relevant to the bill, s. 943.0435(11)(a)4., F.S., contains language regarding calculation of the registration period. According to the FDLE, this language was included in legislation which passed in 2014.³⁴ The FDLE states that this language was connected to provisions of the original bill that were subsequently removed, and therefore, the language is orphaned and inoperable. Additionally, the language "added some unnecessary ambiguity to the long preexisting language regarding duration of registration requirements and has already allowed at least one offender to gain relief from registration despite not technically qualifying for it."³⁵

Registration Removal under Section 943.04354, F.S.

Section 943.04354, F.S., which is sometimes referred to as the "Romeo and Juliet" statute, allows certain minors or young adults who must register as a sexual predator or sexual offender to request removal of registration requirements if the court finds that certain criteria are met. Criteria that must be met include:

- The person was convicted, regardless of adjudication, or adjudicated delinquent of:
 - Sexual battery (s. 794.011, F.S.), a lewd offense (s. 800.04, F.S., F.S.), promoting, etc., sexual performance of a child (s. 827.071, F.S.), or lewd acts transmitted over a computer (s. 847.0135(5), F.S.), or of a similar offense in another jurisdiction if the person does not have any other conviction, regardless of adjudication, or adjudication of delinquency for a violation of any of these referenced statutes or for a similar offense in another jurisdiction;
 - A conviction, etc., of a violation of any of these referenced statutes and the person must register as a sexual offender or sexual predator solely on the basis of this conviction or adjudication; or
 - A conviction, etc., of an offense in another jurisdiction which is similar to a violation of any of the referenced statutes and the person no longer meets the criteria for registration as a sexual offender or sexual predator under the laws of the jurisdiction in which the similar offense occurred; and
- The person is not more than 4 years older than the victim of this violation who was 13 years of age or older but younger than 18 years of age at the time the person committed this violation.

³³ The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief. Section 943.0435(11)(a), F.S.

³⁴ CS/CS/SB 528 (ch. 2014-5, L.O.F.). FDLE Analysis.

³⁵ E-mail to Senate Criminal Justice staff from FDLE staff (January 28, 2016) (on file with the Senate Committee on Criminal Justice).

A person who meets these criteria may move the criminal division of the circuit court of the circuit where the conviction or adjudication for the qualifying offense occurred to remove the requirement that the person register as a sexual offender or sexual predator. The person must:

- Allege in the motion that he or she meets these criteria and that removal of the registration requirement will not “conflict with federal law”; and
- Provide the court with written confirmation that he or she is not required to register in the jurisdiction in which the conviction or adjudication occurred if the offense occurred in a jurisdiction other than Florida.³⁶

While Florida is substantially compliant with the requirements of the federal Sex Offender Registration and Notification Act (SORNA),³⁷ one requirement of the SORNA is not specifically articulated in the registry laws. According to the FDLE, the SORNA requires that the sexual act be “consensual, notwithstanding the age of the victim”³⁸ and the FDLE interprets the words “conflict with federal law” to mean a conflict with this federal requirement (i.e., a non-consensual sexual act would conflict with the SORNA).³⁹ The FDLE notes that it “received a recent court order for registration relief based on the R&J statute and further review found that the act was not consensual and attorneys involved in the matter were not aware of the requirements of the federal law.”⁴⁰

III. Effect of Proposed Changes:

The bill, which takes effect October 1, 2016, amends numerous provisions of the laws pertaining to registration of sexual predators and sexual offenders. Some of these changes are to more closely align Florida’s registry laws with requirements of the federal Sex Offender Registration and Notification Act.

³⁶ The state attorney and the FDLE must be given notice of the motion at least 21 days before the date of sentencing, disposition of the violation, or hearing on the motion and may present evidence in opposition to the requested relief or may otherwise demonstrate why the motion should be denied. If the court determines the person meets the criteria in subsection (1) and the removal of the registration requirements will not conflict with federal law, it may grant the motion and order the removal of the registration requirements. If the motion is granted, the person must provide the FDLE with a certified copy of the order granting relief. If the motion is denied, the person is not authorized under s. 943.04354, F.S., to file another motion for removal of the registration requirements. Section 943.04354(2), F.S.

³⁷ Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). OPPAGA Report.

³⁸ “SORNA section 111(5)(C) addresses the minimum standards for requiring sex offender registration for consensual sexual conduct under the Adam Walsh Act. SORNA does NOT require registration in the following situations: 1) If both participants are adults, and neither is under the custodial authority of the other (e.g., inmate/prison guard) and the conduct was consensual, then this conduct does not constitute a registerable sex offense for purposes of the Adam Walsh Act. 2) With respect to acts involving at least one minor (person under 18) who engages in consensual sexual conduct, the following minimum standards apply: Where both participants are at least 13 years old and neither participant is more than 4 years older than the other, a sex offense conviction based on consensual sexual conduct does not require registration under the Adam Walsh Act. In all situations, jurisdictions have discretion to exceed the minimum standards of SORNA and require registration upon convictions based on consensual sexual conduct.” “Frequently Asked Questions: The Sex Offender Registration and Notification Act (SORNA) Final Guidelines” (July 2008), Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, U.S. Department of Justice, available at http://ojp.gov/smart/pdfs/faq_sorna_guidelines.pdf (last visited on January 27, 2016).

³⁹ FDLE Analysis.

⁴⁰ *Id.*

Sexual Predator and Sexual Offender Criteria

The bill amends ss. 775.21, 856.022, 943.0435, 944.606, and 944.607, F.S., to remove language associated with kidnapping, false imprisonment, and luring or enticing a child that prevents a parent or guardian who committed such a registration-qualifying offense against his or her minor child for a sexual purpose from being designated as a sexual predator or sexual offender. Therefore, if a parent or guardian is convicted of any of these offenses against his or her minor child and such offense had a sexual component, this will result in the parent or guardian being designated as a sexual predator or sexual offender.

The bill amends s. 856.022, F.S., relating to loitering or prowling by a person convicted of a sexual offense, to remove this language from the enumerated list of offenses in that statute. As a result of these changes, additional persons (qualifying parents or guardians) could be designated as a sexual predator or sexual offender and subject to registration requirements.

The bill amends a list of registration-qualifying offenses relevant to certain juvenile offenders to include any similar offense committed in this state which has been redesignated from a former statute number to one of the listed offenses. This change is consistent with other criteria provisions of the registry laws that include identical language.

Removal of the Requirement to Register as a Sexual Offender or Sexual Predator

Registration Removal under s. 943.0435(11), F.S.

The bill amends s. 943.0435, F.S., to include a violation of s. 825.1025(2)(a), F.S. (lewd or lascivious battery upon an elderly or disabled person), as an offense that, if committed as an adult, will prohibit a sexual offender from petitioning the court for removal from registration. This change will bring the statute in line with the federal Adam Walsh Act.

The bill removes from s. 943.0435(11), F.S. (petition for removal of registration requirements), inoperable language regarding calculation of the registration period.

The bill amends s. 943.0435, F.S., to clarify that an eligible sexual offender may, for the purpose of removing the requirement for registration as a sexual offender, petition the criminal division of the circuit court of the circuit where the:

- Conviction or adjudication occurred, for a conviction in this state;
- Sexual offender resides, for a conviction of a violation of similar law of another jurisdiction; or
- Sexual offender last resided, for a sexual offender who has a conviction for a violation of a similar law of another jurisdiction and who no longer resides in this state.

Registration Removal under Section 943.04354, F.S.

The bill amends s. 943.04354(1), F.S., to remove sexual battery (s. 794.011, F.S.) as a qualifying offense for seeking removal from registration requirements under this provision.

The bill clarifies that a person who seeks to have his or her registration requirements removed under this statute must file a motion in the criminal division of the circuit court where the:

- Conviction or adjudication for the qualifying offense occurred if registration is required for a conviction that occurred in this state;
- Sexual offender or sexual predator resides if registration is required for a violation of a similar law of another jurisdiction; or
- Sexual offender or sexual predator last resided for a sexual offender or sexual predator who has a conviction for a violation of a similar law of another jurisdiction and who no longer resides in this state.

Registration and Reregistration

The bill amends ss. 943.0435 and 944.607, F.S., to provide that a sexual offender who must register as a result of a conviction for lewd or lascivious battery upon an elderly or disabled person (s. 825.1025(2)(a), F.S.), must reregister quarterly and for life. According to the FDLE, this change accords with federal SORNA requirements.⁴¹

Online Registration and Reregistration

The bill amends ss. 775.21 and 943.0435, F.S., to expand the information that can be registered or updated due to changes through the FDLE's online system, including change to:

- Home telephone numbers and cellular telephone numbers, including added and deleted numbers;
- Employment information; and
- Status relating to enrollment, volunteering, or employment at institutions of higher education.

Additionally, the bill provides that sexual predators and sexual offenders may continue to register such changes in person. If a sexual predator or sexual offender chooses to register information changes in person, he or she must ensure that the changes are registered with the appropriate entity.⁴² The bill further provides that changes in information registered in person or through the online system must be done within 48 hours of the change.

The bill amends ss. 775.21 and 943.0435, F.S., to provide that the FDLEs online system must permit sexual predators and sexual offenders to securely access, submit, and update all home telephone numbers and cellular telephone numbers, employment information, and institution of higher education information.

Registration – Electronic Mail Addresses and Internet Identifiers

The bill amends s. 775.21, F.S., to modify the definition of the term “Internet identifier” to include, but not be limited to:

all website uniform resource locators (URLs) and application software, whether mobile or nonmobile, used for Internet communication, including anonymous communication, through electronic mail, chat, instant messages, social networking, social gaming, or

⁴¹ FDLE Analysis.

⁴² Applicable entities include the sheriff's office; in person at the DOC, if in the custody or control, or under the supervision of the DOC; or in person at the DJJ, if in the custody or control, or under the supervision of the DJJ.

other similar programs and all corresponding usernames, logins, screen names, and screen identifiers associated with each URL or application software. Internet identifier does not include a date of birth, Social Security number, or personal identification number (PIN), URL, or application software used for utility, banking, retail, or medical purposes. Voluntary disclosure by a sexual predator or sexual offender of his or her date of birth, Social Security number, or PIN as an Internet identifier waives the disclosure exemption in this paragraph for such personal information.

This modification expands the definition of “Internet identifier” to include the corresponding website URLs or application software that is associated with the identifier, rather than limiting the information that must be registered to the names used for Internet communication. The bill amends the definition of “Internet identifier” found in ss. 943.0435, 944.606, 944.607, and 985.4815, F.S., to have the same meaning as in s. 775.21, F.S.

The bill adds the term “electronic mail address” to ss. 985.481 and 985.4815, F.S., and provides that the term has the same meaning as in s. 668.602, F.S.

Relevant to information on electronic mail addresses and Internet identifiers that must be registered prior to their use, the bill amends ss. 775.21 and 943.0435, F.S., to provide that sexual predators and sexual offenders may register such information through the FDLE’s online system or in person at the sheriff’s office. Additionally, the bill amends these sections to provide that sexual predators and sexual offenders who are in the custody or control, or under the supervision, of the DOC or the DJJ must report all email addresses and Internet identifiers to the applicable agency prior to using such email addresses or Internet identifiers.

Registration – Location of Residence or Travel

The bill amends the definition sections found in ss. 944.606, 985.481, and 985.4815, F.S., to include definitions for the terms permanent, temporary, and transient residence. The definitions are relevant to reporting residence information. The bill provides these terms have the same meaning as provided in s. 775.21, F.S.

The bill amends ss. 775.21 and 943.0435, F.S., to clarify that sexual predators and sexual offenders must report to the sheriff of the county of current residence at least 21 days before the date of intended travel for international travel, rather than within 21 days of the planned departure date. Additionally, the bill requires registrants to provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel for international travel plans.

Registration – Institution of Higher Education

The bill amends s. 775.21, F.S., to rename the term “change in enrollment or employment status” as “change in status at an institution of higher education,” and to amend the definition to mean the commencement or termination of enrollment, including, but not limited to, traditional classroom setting or online courses, or employment, whether for compensation or as a volunteer, at an institution of higher education or a change in location of enrollment or employment, whether for compensation or as a volunteer, at an institution of higher education. The bill also

amends the name of the term in ss. 943.0435, 944.607, and 985.4815, F.S., in the same manner and provides that the term has the same meaning as provided in s. 775.21, F.S.

As a result of these changes, sexual predators and sexual offenders who are enrolled in online classes at institutions that meet this definition will now be required to register such information and reregister changes to status. Additionally, appropriate reporting entities will be required to notify institutions of sexual predators and sexual offenders who are enrolled in online classes through their institution.

The bill retains the reporting agencies included in ss. 944.607 and 985.4815, F.S., but amends ss. 775.21 and 943.0435, F.S., to provide that the sheriff, the DOC, or the DJJ shall promptly notify each institution of higher education of a registrant's presence or change in status.

The bill amends ss. 775.21, 943.0435, 944.607, and 985.4815, F.S., to specifically include information regarding changes in enrollment status to the types of information that sexual predators and sexual offenders must register and reregister.

Registration – Professional Licenses and Employment Information

The bill amends s. 775.21, F.S., to define the term “professional license” as a document of authorization or certification issued by an agency of this state for a regulatory purpose, or by any similar agency in another jurisdiction for a regulatory purpose, to a person to engage in an occupation or to carry out a trade or business. The bill also amends ss. 943.0435, 944.606, 944.607, 985.481, and 985.4815, F.S., to include the term “professional license” and define the term to have the same meaning as in s. 775.21, F.S.

As a result of these changes, sexual predators and sexual offenders who have been issued or are issued a professional license that meets the definition will be required to provide information about such license at the time of registration.

The bill amends ss. 775.21, 943.0435, 944.607, and 985.4815, F.S., to specifically include employment information and changes in employment information as information that sexual predators and sexual offenders must register and reregister.

Registration – Driver License or Identification Card

The bill amends s. 775.21, F.S., to clarify that a sexual predator who has previously obtained a driver license or identification card as a requirement under s. 944.607, F.S., is not required to obtain a driver license or identification card again.

The bill amends ss. 775.21 and 943.0435, F.S., to clarify that the requirement to report specified information to the DHSMV does not negate the requirement to obtain a Florida driver license or identification card.

Penalties for Failure to Register

As noted above, the bill expands various current registration and reregistration requirements or adds new registration requirements. If a sexual predator or sexual offender fails to provide initially or update as necessary any of the above-mentioned types of information, he or she will be subject to the criminal penalties for failure to comply with registration requirements.

The bills amends s. 775.21(10) F.S., to provide that a sexual predator commits a third degree felony if he or she fails to provide employment information or information regarding change in status at an institution of higher education. While it appears the failure to provide employment information or information regarding change in status at an institution of higher education is already punishable under subsection (10) as a failure, by act or omission, to comply with the requirements of s. 775.21, F.S., the inclusion of this information in subsection (10) would clearly indicate that failure to provide this information is a third degree felony.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, estimates that the bill will have a positive indeterminate impact (an unquantifiable increase in prison bed impact). Potential prison bed impact in regard to registry laws involves registered sexual predators and sexual offenders who are convicted of failing to meet registration requirements.

Per the DOC, in FY 2014-15, one offender was sentenced for s. 825.102(2)(a), F.S., and that offender received a prison sentence (sentence length of 48.0 months). There were 58

(adj.) offenders sentenced under s. 787.01, F.S., s. 787.02, F.S., or s. 787.025(2), F.S., and 265 (adj.) of these offenders were sentenced to prison (mean sentence length of 109.2 months; incarceration rate: 47.5 percent adj.-47.5 percent unadj.). It is unknown how many of these offenders were parents and how many offenses had a sexual component.

Per the DOC, in Fiscal Year 2014-15, there were 1,145 (adj.) offenders sentenced for offenses relating to sexual offenders and sexual predators, with 620 (adj.) of these offenders sentenced to prison (mean sentence length of 43.4 months; incarceration rate: 52.4 percent adj.-54.1 percent unadj.). It is unknown how many additional offenders might be added due to changes in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 92.55, 775.0862, 775.21, 856.022, 943.0435, 943.04354, 943.0515, 944.606, 944.607, 947.1405, 948.30, 948.31, 985.481, 985.4815, 1012.315, and 1012.467.

This bill reenacts the following sections (or provisions of those sections) of the Florida Statutes: 322.141, 397.4872, 435.07, 775.25, 775.24, 794.056, 921.0022, 938.085, 944.607, 944.608, 948.06, 948.063, and 985.04.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bradley

7-01110A-16

20161662__

1 A bill to be entitled
 2 An act relating to sexual offenders; amending s.
 3 775.21, F.S.; revising definitions; revising the
 4 criteria for a felony offense for which an offender is
 5 designated as a sexual predator; expanding the
 6 criteria by removing a requirement that the defendant
 7 not be the victim's parent or guardian; revising the
 8 information that a sexual predator is required to
 9 provide to specified entities under certain
 10 circumstances; revising registration and verification
 11 requirements imposed upon a sexual predator;
 12 conforming provisions to changes made by the act;
 13 amending s. 856.022, F.S.; revising the criteria for
 14 loitering or prowling by certain offenders; expanding
 15 the criteria by removing a requirement that the
 16 offender not be the victim's parent or guardian;
 17 amending s. 943.0435, F.S.; revising definitions;
 18 revising the reporting and registering requirements
 19 imposed upon a sexual offender to conform provisions
 20 to changes made by the act; deleting provisions of
 21 applicability; amending s. 943.04354, F.S.; modifying
 22 the list of offenses for which a sexual offender or
 23 sexual predator must be considered by the department
 24 for removal from registration requirements; deleting
 25 from the list a conviction or adjudication of
 26 delinquency for sexual battery; specifying the
 27 appropriate venue for a defendant to move the circuit
 28 court to remove the requirement to register as a
 29 sexual offender or sexual predator; amending s.
 30 944.606, F.S.; revising definitions; revising the
 31 information that the Department of Law Enforcement is
 32 required to provide about a sexual offender upon his

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33 or her release from incarceration; conforming
 34 provisions to changes made by the act; amending s.
 35 944.607, F.S.; revising definitions; conforming
 36 provisions to changes made by the act; amending s.
 37 985.481, F.S.; revising definitions; conforming
 38 provisions to changes made by the act; amending s.
 39 985.4815, F.S.; revising definitions; revising the
 40 reporting and registering requirements imposed upon a
 41 sexual offender to conform provisions to changes made
 42 by the act; amending ss. 92.55, 775.0862, 943.0515,
 43 947.1405, 948.30, 948.31, 1012.315, and 1012.467,
 44 F.S.; conforming cross-references; reenacting s.
 45 938.085, F.S., relating to additional costs to fund
 46 rape crisis centers, to incorporate the amendment made
 47 to s. 775.21, F.S., in a reference thereto; reenacting
 48 s. 794.056(1), F.S., relating to the Rape Crisis
 49 Program Trust Fund, to incorporate the amendments made
 50 to ss. 775.21 and 943.0435, F.S., in references
 51 thereto; reenacting s. 921.0022(3)(g), F.S., relating
 52 to level 7 of the offense severity ranking chart of
 53 the Criminal Punishment Code, to incorporate the
 54 amendments made to ss. 775.21, 943.0435, 944.607, and
 55 985.4815, F.S., in references thereto; reenacting s.
 56 985.04(6)(b), F.S., relating to confidential
 57 information, to incorporate the amendments made to ss.
 58 775.21, 943.0435, 944.606, 944.607, 985.481, and
 59 985.4815, F.S., in references thereto; reenacting ss.
 60 322.141(3) and (4), 948.06(4), and 948.063, F.S.,
 61 relating to color or markings of certain licenses or

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62 identification cards, probation or community control,
 63 and violations of probation or community control by
 64 designated sexual offenders and sexual predators,
 65 respectively, to incorporate the amendments made to
 66 ss. 775.21, 943.0435, and 944.607, F.S., in references
 67 thereto; reenacting s. 944.607(10)(c), F.S., relating
 68 to notification to the Department of Law Enforcement
 69 of information on sexual offenders, to incorporate the
 70 amendment made to s. 943.0435, F.S., in a reference
 71 thereto; reenacting ss. 397.4872(2) and 435.07(4)(b),
 72 F.S., relating to exemptions from disqualification, to
 73 incorporate the amendment made to s. 943.04354, F.S.,
 74 in references thereto; reenacting s. 775.25, F.S.,
 75 relating to prosecutions for acts or omissions, to
 76 incorporate the amendments made to ss. 944.606 and
 77 944.607, F.S., in references thereto; reenacting ss.
 78 775.24(2) and 944.608(7), F.S., relating to duty of
 79 the court to uphold laws governing sexual predators
 80 and sexual offenders and notification to the
 81 Department of Law Enforcement of information on career
 82 offenders, respectively, to incorporate the amendment
 83 made to s. 944.607, F.S., in references thereto;
 84 providing an effective date.

85
 86 Be It Enacted by the Legislature of the State of Florida:

87
 88 Section 1. Subsection (2), paragraph (a) of subsection (4),
 89 paragraphs (a), (e), (f), (g), and (i) of subsection (6),
 90 paragraph (a) of subsection (8), and paragraphs (a) and (b) of

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91 subsection (10) of section 775.21, Florida Statutes, are
 92 amended, and paragraphs (c) and (d) of subsection (4),
 93 paragraphs (a) and (b) of subsection (5), and paragraphs (c) and
 94 (e) of subsection (10) of that section are republished, to read:
 95 775.21 The Florida Sexual Predators Act.—
 96 (2) DEFINITIONS.—As used in this section, the term:
 97 (a) “Change in ~~enrollment or employment~~ status at an
 98 institution of higher education” means the commencement or
 99 termination of enrollment, including, but not limited to,
 100 traditional classroom settings or online courses, or employment,
 101 whether for compensation or as a volunteer, at an institution of
 102 higher education or a change in location of enrollment or
 103 employment, whether for compensation or as a volunteer, at an
 104 institution of higher education.
 105 (b) “Chief of police” means the chief law enforcement
 106 officer of a municipality.
 107 (c) “Child care facility” has the same meaning as provided
 108 in s. 402.302.
 109 (d) “Community” means any county where the sexual predator
 110 lives or otherwise establishes or maintains a permanent,
 111 temporary, or transient ~~permanent~~ residence.
 112 (e) “Conviction” means a determination of guilt which is
 113 the result of a trial or the entry of a plea of guilty or nolo
 114 contendere, regardless of whether adjudication is withheld. A
 115 conviction for a similar offense includes, but is not limited
 116 to, a conviction by a federal or military tribunal, including
 117 courts-martial conducted by the Armed Forces of the United
 118 States, and includes a conviction or entry of a plea of guilty
 119 or nolo contendere resulting in a sanction in any state of the

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120 United States or other jurisdiction. A sanction includes, but is
 121 not limited to, a fine, probation, community control, parole,
 122 conditional release, control release, or incarceration in a
 123 state prison, federal prison, private correctional facility, or
 124 local detention facility.

125 (f) "Department" means the Department of Law Enforcement.

126 (g) "Electronic mail address" has the same meaning as
 127 provided in s. 668.602.

128 (h) "Entering the county" includes being discharged from a
 129 correctional facility or jail or secure treatment facility
 130 within the county or being under supervision within the county
 131 for the commission of a violation enumerated in subsection (4).

132 (i) "Institution of higher education" means a career
 133 center, a community college, a college, a state university, or
 134 an independent postsecondary institution.

135 (j) ~~(i)~~ "Internet identifier" includes, but is not limited
 136 to, all website uniform resource locators (URLs) and application
 137 software, whether mobile or nonmobile, used for Internet
 138 communication, including anonymous communication, through means
 139 all electronic mail, chat, instant messages messenger, social
 140 networking, social gaming, or other similar programs and all
 141 corresponding usernames, logins, screen names, and screen
 142 identifiers associated with each URL or application software.
 143 Internet identifier application software, or similar names used
 144 for Internet communication, but does not include a date of
 145 birth, Social Security number, or personal identification number
 146 (PIN), URL, or application software used for utility, banking,
 147 retail, or medical purposes. Voluntary disclosure by a sexual
 148 predator or sexual offender of his or her date of birth, Social

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149 Security number, or PIN as an Internet identifier waives the
 150 disclosure exemption in this paragraph for such personal
 151 information.

152 ~~(j) "Institution of higher education" means a career~~
 153 ~~center, community college, college, state university, or~~
 154 ~~independent postsecondary institution.~~

155 (k) "Permanent residence" means a place where the person
 156 abides, lodges, or resides for 5 or more consecutive days.

157 (l) "Professional license" means the document of
 158 authorization or certification issued by an agency of this state
 159 for a regulatory purpose, or by any similar agency in another
 160 jurisdiction for a regulatory purpose, to a person to engage in
 161 an occupation or to carry out a trade or business.

162 (m) ~~(l)~~ "Temporary residence" means a place where the person
 163 abides, lodges, or resides, including, but not limited to,
 164 vacation, business, or personal travel destinations in or out of
 165 this state, for a period of 5 or more days in the aggregate
 166 during any calendar year and which is not the person's permanent
 167 address or, for a person whose permanent residence is not in
 168 this state, a place where the person is employed, practices a
 169 vocation, or is enrolled as a student for any period of time in
 170 this state.

171 (n) ~~(m)~~ "Transient residence" means a county where a person
 172 lives, remains, or is located for a period of 5 or more days in
 173 the aggregate during a calendar year and which is not the
 174 person's permanent or temporary address. The term includes, but
 175 is not limited to, a place where the person sleeps or seeks
 176 shelter and a location that has no specific street address.

177 (o) ~~(n)~~ "Vehicles owned" means any motor vehicle as defined

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178 in s. 320.01, which is registered, coregistered, leased, titled,
 179 or rented by a sexual predator or sexual offender; a rented
 180 vehicle that a sexual predator or sexual offender is authorized
 181 to drive; or a vehicle for which a sexual predator or sexual
 182 offender is insured as a driver. The term also includes any
 183 motor vehicle as defined in s. 320.01, which is registered,
 184 coregistered, leased, titled, or rented by a person or persons
 185 residing at a sexual predator's or sexual offender's permanent
 186 residence for 5 or more consecutive days.

187 (4) SEXUAL PREDATOR CRITERIA.—

188 (a) For a current offense committed on or after October 1,
 189 1993, upon conviction, an offender shall be designated as a
 190 "sexual predator" under subsection (5), and subject to
 191 registration under subsection (6) and community and public
 192 notification under subsection (7) if:

193 1. The felony is:

194 a. A capital, life, or first degree felony violation, or
 195 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 196 is a minor ~~and the defendant is not the victim's parent or~~
 197 ~~guardian~~, or s. 794.011, s. 800.04, or s. 847.0145, or a
 198 violation of a similar law of another jurisdiction; or

199 b. Any felony violation, or any attempt thereof, of s.
 200 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 201 787.025(2)(c), where the victim is a minor ~~and the defendant is~~
 202 ~~not the victim's parent or guardian~~; s. 787.06(3)(b), (d), (f),
 203 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 204 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 205 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135,
 206 excluding s. 847.0135(6); s. 847.0145; s. 916.1075(2); or s.

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207 985.701(1); or a violation of a similar law of another
 208 jurisdiction, and the offender has previously been convicted of
 209 or found to have committed, or has pled nolo contendere or
 210 guilty to, regardless of adjudication, any violation of s.
 211 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 212 787.025(2)(c), where the victim is a minor ~~and the defendant is~~
 213 ~~not the victim's parent or guardian~~; s. 787.06(3)(b), (d), (f),
 214 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 215 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 216 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 217 excluding s. 847.0135(6); s. 847.0145; s. 916.1075(2); or s.
 218 985.701(1); or a violation of a similar law of another
 219 jurisdiction;

220 2. The offender has not received a pardon for any felony or
 221 similar law of another jurisdiction that is necessary for the
 222 operation of this paragraph; and

223 3. A conviction of a felony or similar law of another
 224 jurisdiction necessary to the operation of this paragraph has
 225 not been set aside in any postconviction proceeding.

226 (c) If an offender has been registered as a sexual predator
 227 by the Department of Corrections, the department, or any other
 228 law enforcement agency and if:

229 1. The court did not, for whatever reason, make a written
 230 finding at the time of sentencing that the offender was a sexual
 231 predator; or

232 2. The offender was administratively registered as a sexual
 233 predator because the Department of Corrections, the department,
 234 or any other law enforcement agency obtained information that
 235 indicated that the offender met the criteria for designation as

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236 a sexual predator based on a violation of a similar law in
 237 another jurisdiction,
 238
 239 the department shall remove that offender from the department's
 240 list of sexual predators and, for an offender described under
 241 subparagraph 1., shall notify the state attorney who prosecuted
 242 the offense that met the criteria for administrative designation
 243 as a sexual predator, and, for an offender described under this
 244 paragraph, shall notify the state attorney of the county where
 245 the offender establishes or maintains a permanent, temporary, or
 246 transient residence. The state attorney shall bring the matter
 247 to the court's attention in order to establish that the offender
 248 meets the criteria for designation as a sexual predator. If the
 249 court makes a written finding that the offender is a sexual
 250 predator, the offender must be designated as a sexual predator,
 251 must register or be registered as a sexual predator with the
 252 department as provided in subsection (6), and is subject to the
 253 community and public notification as provided in subsection (7).
 254 If the court does not make a written finding that the offender
 255 is a sexual predator, the offender may not be designated as a
 256 sexual predator with respect to that offense and is not required
 257 to register or be registered as a sexual predator with the
 258 department.

259 (d) An offender who has been determined to be a sexually
 260 violent predator pursuant to a civil commitment proceeding under
 261 chapter 394 shall be designated as a "sexual predator" under
 262 subsection (5) and subject to registration under subsection (6)
 263 and community and public notification under subsection (7).

264 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated

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265 as a sexual predator as follows:

266 (a)1. An offender who meets the sexual predator criteria
 267 described in paragraph (4) (d) is a sexual predator, and the
 268 court shall make a written finding at the time such offender is
 269 determined to be a sexually violent predator under chapter 394
 270 that such person meets the criteria for designation as a sexual
 271 predator for purposes of this section. The clerk shall transmit
 272 a copy of the order containing the written finding to the
 273 department within 48 hours after the entry of the order;

274 2. An offender who meets the sexual predator criteria
 275 described in paragraph (4) (a) who is before the court for
 276 sentencing for a current offense committed on or after October
 277 1, 1993, is a sexual predator, and the sentencing court must
 278 make a written finding at the time of sentencing that the
 279 offender is a sexual predator, and the clerk of the court shall
 280 transmit a copy of the order containing the written finding to
 281 the department within 48 hours after the entry of the order; or

282 3. If the Department of Corrections, the department, or any
 283 other law enforcement agency obtains information which indicates
 284 that an offender who establishes or maintains a permanent,
 285 temporary, or transient residence in this state meets the sexual
 286 predator criteria described in paragraph (4) (a) or paragraph
 287 (4) (d) because the offender was civilly committed or committed a
 288 similar violation in another jurisdiction on or after October 1,
 289 1993, the Department of Corrections, the department, or the law
 290 enforcement agency shall notify the state attorney of the county
 291 where the offender establishes or maintains a permanent,
 292 temporary, or transient residence of the offender's presence in
 293 the community. The state attorney shall file a petition with the

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 294 criminal division of the circuit court for the purpose of
 295 holding a hearing to determine if the offender's criminal record
 296 or record of civil commitment from another jurisdiction meets
 297 the sexual predator criteria. If the court finds that the
 298 offender meets the sexual predator criteria because the offender
 299 has violated a similar law or similar laws in another
 300 jurisdiction, the court shall make a written finding that the
 301 offender is a sexual predator.

302
 303 When the court makes a written finding that an offender is a
 304 sexual predator, the court shall inform the sexual predator of
 305 the registration and community and public notification
 306 requirements described in this section. Within 48 hours after
 307 the court designating an offender as a sexual predator, the
 308 clerk of the circuit court shall transmit a copy of the court's
 309 written sexual predator finding to the department. If the
 310 offender is sentenced to a term of imprisonment or supervision,
 311 a copy of the court's written sexual predator finding must be
 312 submitted to the Department of Corrections.

313 (b) If a sexual predator is not sentenced to a term of
 314 imprisonment, the clerk of the court shall ensure that the
 315 sexual predator's fingerprints are taken and forwarded to the
 316 department within 48 hours after the court renders its written
 317 sexual predator finding. The fingerprints shall be clearly
 318 marked, "Sexual Predator Registration." The clerk of the court
 319 that convicts and sentences the sexual predator for the offense
 320 or offenses described in subsection (4) shall forward to the
 321 department and to the Department of Corrections a certified copy
 322 of any order entered by the court imposing any special condition

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 323 or restriction on the sexual predator that restricts or
 324 prohibits access to the victim, if the victim is a minor, or to
 325 other minors.

326 (6) REGISTRATION.—

327 (a) A sexual predator shall register with the department
 328 through the sheriff's office by providing the following
 329 information to the department:

330 1. Name; social security number; age; race; sex; date of
 331 birth; height; weight; tattoos or other identifying marks; hair
 332 and eye color; photograph; address of legal residence and
 333 address of any current temporary residence, within the state or
 334 out of state, including a rural route address and a post office
 335 box; if no permanent or temporary address, any transient
 336 residence within the state; address, location or description,
 337 and dates of any current or known future temporary residence
 338 within the state or out of state; all electronic mail addresses
 339 and all Internet identifiers required to be provided pursuant to
 340 subparagraph (g)5.; all home telephone numbers and cellular
 341 telephone numbers required to be provided pursuant to
 342 subparagraph (g)5.; ~~date and place of any employment information~~
 343 required to be provided pursuant to subparagraph (g)5.; the
 344 make, model, color, vehicle identification number (VIN), and
 345 license tag number of all vehicles owned; date and place of each
 346 conviction; fingerprints; palm prints; and a brief description
 347 of the crime or crimes committed by the offender. A post office
 348 box may not be provided in lieu of a physical residential
 349 address. The sexual predator shall produce his or her passport,
 350 if he or she has a passport, and, if he or she is an alien,
 351 shall produce or provide information about documents

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352 establishing his or her immigration status. The sexual predator
 353 shall also provide information about any professional licenses
 354 he or she has.

355 a. If the sexual predator's place of residence is a motor
 356 vehicle, trailer, mobile home, or manufactured home, as defined
 357 in chapter 320, the sexual predator shall also provide to the
 358 department written notice of the vehicle identification number;
 359 the license tag number; the registration number; and a
 360 description, including color scheme, of the motor vehicle,
 361 trailer, mobile home, or manufactured home. If a sexual
 362 predator's place of residence is a vessel, live-aboard vessel,
 363 or houseboat, as defined in chapter 327, the sexual predator
 364 shall also provide to the department written notice of the hull
 365 identification number; the manufacturer's serial number; the
 366 name of the vessel, live-aboard vessel, or houseboat; the
 367 registration number; and a description, including color scheme,
 368 of the vessel, live-aboard vessel, or houseboat.

369 b. If the sexual predator is enrolled or, employed, whether
 370 for compensation or as a volunteer ~~volunteering, or carrying on~~
 371 ~~a vocation~~ at an institution of higher education in this state,
 372 the sexual predator shall also provide to the department
 373 pursuant to subparagraph (g)5. the name, address, and county of
 374 each institution, including each campus attended, and the sexual
 375 predator's enrollment, volunteer, or employment status. ~~Each~~
 376 ~~change in enrollment, volunteer, or employment status must be~~
 377 ~~reported in person at the sheriff's office, or the Department of~~
 378 ~~Corrections if the sexual predator is in the custody or control~~
 379 ~~of or under the supervision of the Department of Corrections,~~
 380 ~~within 48 hours after any change in status.~~ The sheriff, ~~or~~ the

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381 Department of Corrections, or the Department of Juvenile Justice
 382 shall promptly notify each institution of higher education of
 383 the sexual predator's presence and any change in the sexual
 384 predator's enrollment, volunteer, or employment status.

385 c. A sexual predator shall report in person to the
 386 sheriff's office within 48 hours after any change in vehicles
 387 owned to report those vehicle information changes.

388 2. Any other information determined necessary by the
 389 department, including criminal and corrections records;
 390 nonprivileged personnel and treatment records; and evidentiary
 391 genetic markers when available.

392 (e)1. If the sexual predator is not in the custody or
 393 control of, or under the supervision of, the Department of
 394 Corrections or is not in the custody of a private correctional
 395 facility, the sexual predator shall register in person:

396 a. At the sheriff's office in the county where he or she
 397 establishes or maintains a residence within 48 hours after
 398 establishing or maintaining a residence in this state; and

399 b. At the sheriff's office in the county where he or she
 400 was designated a sexual predator by the court within 48 hours
 401 after such finding is made.

402 2. Any change in the sexual predator's permanent, ~~or~~
 403 temporary, or transient residence; ~~name;~~ vehicles owned;
 404 electronic mail addresses; ~~Internet identifiers;~~ home
 405 telephone numbers and cellular telephone numbers; and employment
 406 information and any change in status at an institution of higher
 407 education, required to be provided pursuant to subparagraph
 408 (g)5., after the sexual predator registers in person at the
 409 sheriff's office as provided in subparagraph 1. ~~must be~~

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 410 accomplished in the manner provided in paragraphs (g), (i), and
 411 (j). When a sexual predator registers with the sheriff's office,
 412 the sheriff shall take a photograph, a set of fingerprints, and
 413 palm prints of the predator and forward the photographs, palm
 414 prints, and fingerprints to the department, along with the
 415 information that the predator is required to provide pursuant to
 416 this section.

(f) Within 48 hours after the registration required under
 418 paragraph (a) or paragraph (e), a sexual predator who is not
 419 incarcerated and who resides in the community, including a
 420 sexual predator under the supervision of the Department of
 421 Corrections, shall register in person at a driver license office
 422 of the Department of Highway Safety and Motor Vehicles and shall
 423 present proof of registration unless a driver license or an
 424 identification card that complies with the requirements of s.
 425 322.141(3) was previously secured or updated under s. 944.607.

At the driver license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver license,
 428 renew a Florida driver license, or secure an identification
 429 card. The sexual predator shall identify himself or herself as a
 430 sexual predator who is required to comply with this section,
 431 provide his or her place of permanent, temporary, or transient
 432 residence, including a rural route address and a post office
 433 box, and submit to the taking of a photograph for use in issuing
 434 a driver license, a renewed license, or an identification card,
 435 and for use by the department in maintaining current records of
 436 sexual predators. A post office box may not be provided in lieu
 437 of a physical residential address. If the sexual predator's
 438 place of residence is a motor vehicle, trailer, mobile home, or

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 439 manufactured home, as defined in chapter 320, the sexual
 440 predator shall also provide to the Department of Highway Safety
 441 and Motor Vehicles the vehicle identification number; the
 442 license tag number; the registration number; and a description,
 443 including color scheme, of the motor vehicle, trailer, mobile
 444 home, or manufactured home. If a sexual predator's place of
 445 residence is a vessel, live-aboard vessel, or houseboat, as
 446 defined in chapter 327, the sexual predator shall also provide
 447 to the Department of Highway Safety and Motor Vehicles the hull
 448 identification number; the manufacturer's serial number; the
 449 name of the vessel, live-aboard vessel, or houseboat; the
 450 registration number; and a description, including color scheme,
 451 of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway
 453 Safety and Motor Vehicles for issuing or renewing a driver
 454 license or an identification card as required by this section.
 455 The driver license or identification card issued to the sexual
 456 predator must comply with s. 322.141(3).

3. Provide, upon request, any additional information
 458 necessary to confirm the identity of the sexual predator,
 459 including a set of fingerprints.

(g)1. Each time a sexual predator's driver license or
 461 identification card is subject to renewal, and, without regard
 462 to the status of the predator's driver license or identification
 463 card, within 48 hours after any change of the predator's
 464 residence or change in the predator's name by reason of marriage
 465 or other legal process, the predator shall report in person to a
 466 driver license office and is subject to the requirements
 467 specified in paragraph (f). The Department of Highway Safety and

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468 Motor Vehicles shall forward to the department and to the
 469 Department of Corrections all photographs and information
 470 provided by sexual predators. Notwithstanding the restrictions
 471 set forth in s. 322.142, the Department of Highway Safety and
 472 Motor Vehicles may release a reproduction of a color-photograph
 473 or digital-image license to the Department of Law Enforcement
 474 for purposes of public notification of sexual predators as
 475 provided in this section. A sexual predator who is unable to
 476 secure or update a driver license or an identification card with
 477 the Department of Highway Safety and Motor Vehicles as provided
 478 in paragraph (f) and this paragraph shall also report any change
 479 of the predator's residence or change in the predator's name by
 480 reason of marriage or other legal process within 48 hours after
 481 the change to the sheriff's office in the county where the
 482 predator resides or is located and provide confirmation that he
 483 or she reported such information to the Department of Highway
 484 Safety and Motor Vehicles. The reporting requirements under this
 485 subparagraph do not negate the requirement for a sexual predator
 486 to obtain a Florida driver license or identification card as
 487 required by this section.

488 2.a. A sexual predator who vacates a permanent, temporary,
 489 or transient residence and fails to establish or maintain
 490 another permanent, temporary, or transient residence shall,
 491 within 48 hours after vacating the permanent, temporary, or
 492 transient residence, report in person to the sheriff's office of
 493 the county in which he or she is located. The sexual predator
 494 shall specify the date upon which he or she intends to or did
 495 vacate such residence. The sexual predator shall provide or
 496 update all of the registration information required under

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497 paragraph (a). The sexual predator shall provide an address for
 498 the residence or other place that he or she is or will be
 499 located during the time in which he or she fails to establish or
 500 maintain a permanent or temporary residence.

501 b. A sexual predator shall report in person at the
 502 sheriff's office in the county in which he or she is located
 503 within 48 hours after establishing a transient residence and
 504 thereafter must report in person every 30 days to the sheriff's
 505 office in the county in which he or she is located while
 506 maintaining a transient residence. The sexual predator must
 507 provide the addresses and locations where he or she maintains a
 508 transient residence. Each sheriff's office shall establish
 509 procedures for reporting transient residence information and
 510 provide notice to transient registrants to report transient
 511 residence information as required in this sub-subparagraph.
 512 Reporting to the sheriff's office as required by this sub-
 513 subparagraph does not exempt registrants from any reregistration
 514 requirement. The sheriff may coordinate and enter into
 515 agreements with police departments and other governmental
 516 entities to facilitate additional reporting sites for transient
 517 residence registration required in this sub-subparagraph. The
 518 sheriff's office shall, within 2 business days, electronically
 519 submit and update all information provided by the sexual
 520 predator to the department.

521 3. A sexual predator who remains at a permanent, temporary,
 522 or transient residence after reporting his or her intent to
 523 vacate such residence shall, within 48 hours after the date upon
 524 which the predator indicated he or she would or did vacate such
 525 residence, report in person to the sheriff's office to which he

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526 or she reported pursuant to subparagraph 2. for the purpose of
 527 reporting his or her address at such residence. When the sheriff
 528 receives the report, the sheriff shall promptly convey the
 529 information to the department. An offender who makes a report as
 530 required under subparagraph 2. but fails to make a report as
 531 required under this subparagraph commits a felony of the second
 532 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 533 775.084.

534 4. The failure of a sexual predator who maintains a
 535 transient residence to report in person to the sheriff's office
 536 every 30 days as required by sub-subparagraph 2.b. is punishable
 537 as provided in subsection (10).

538 5.a. A sexual predator shall register all electronic mail
 539 addresses and Internet identifiers with the department through
 540 the department's online system or in person at the sheriff's
 541 office before using such electronic mail addresses and Internet
 542 identifiers. If the sexual predator is in the custody or
 543 control, or under the supervision, of the Department of
 544 Corrections, he or she must report all electronic mail addresses
 545 and Internet identifiers to the Department of Corrections before
 546 using such electronic mail addresses or Internet identifiers. If
 547 the sexual predator is in the custody or control, or under the
 548 supervision, of the Department of Juvenile Justice, he or she
 549 must report all electronic mail addresses and Internet
 550 identifiers to the Department of Juvenile Justice before using
 551 such electronic mail addresses or Internet identifiers.

552 b. A sexual predator shall register all changes to home
 553 telephone numbers and cellular telephone numbers, including
 554 added and deleted numbers, all changes to employment

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555 information, and all changes in status related to enrollment,
 556 volunteering, or employment at institutions of higher education,
 557 through the department's online system; in person at the
 558 sheriff's office; in person at the Department of Corrections if
 559 the sexual predator is in the custody or control, or under the
 560 supervision, of the Department of Corrections; or in person at
 561 the Department of Juvenile Justice if the sexual predator is in
 562 the custody or control, or under the supervision, of the
 563 Department of Juvenile Justice. All changes required to be
 564 reported in this subparagraph shall be reported within 48 hours
 565 after the change.

566 c. The department shall establish an online system through
 567 which sexual predators may securely access, submit, and update
 568 all electronic mail address and Internet identifier information,
 569 home telephone numbers and cellular telephone numbers,
 570 employment information, and institution of higher education
 571 information.

572 (i) A sexual predator who intends to establish a permanent,
 573 temporary, or transient residence in another state or
 574 jurisdiction other than the State of Florida shall report in
 575 person to the sheriff of the county of current residence within
 576 48 hours before the date he or she intends to leave this state
 577 to establish residence in another state or jurisdiction or at
 578 least within 21 days before the date he or she intends to travel
 579 before his or her planned departure date if the intended
 580 residence of 5 days or more is outside of the United States. Any
 581 travel that is not known by the sexual predator 21 days before
 582 the departure date must be reported to the sheriff's office as
 583 soon as possible before departure. The sexual predator shall

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584 provide to the sheriff the address, municipality, county, state,
 585 and country of intended residence. For international travel, the
 586 sexual predator shall also provide travel information,
 587 including, but not limited to, expected departure and return
 588 dates, flight number, airport of departure, cruise port of
 589 departure, or any other means of intended travel. The sheriff
 590 shall promptly provide to the department the information
 591 received from the sexual predator. The department shall notify
 592 the statewide law enforcement agency, or a comparable agency, in
 593 the intended state, jurisdiction, or country of residence of the
 594 sexual predator's intended residence. The failure of a sexual
 595 predator to provide his or her intended place of residence is
 596 punishable as provided in subsection (10).

597 (8) VERIFICATION.—The department and the Department of
 598 Corrections shall implement a system for verifying the addresses
 599 of sexual predators. The system must be consistent with ~~the~~
 600 provisions of the federal Adam Walsh Child Protection and Safety
 601 Act of 2006 and any other federal standards applicable to such
 602 verification or required to be met as a condition for the
 603 receipt of federal funds by the state. The Department of
 604 Corrections shall verify the addresses of sexual predators who
 605 are not incarcerated but who reside in the community under the
 606 supervision of the Department of Corrections and shall report to
 607 the department any failure by a sexual predator to comply with
 608 registration requirements. County and local law enforcement
 609 agencies, in conjunction with the department, shall verify the
 610 addresses of sexual predators who are not under the care,
 611 custody, control, or supervision of the Department of
 612 Corrections, and may verify the addresses of sexual predators

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613 who are under the care, custody, control, or supervision of the
 614 Department of Corrections. Local law enforcement agencies shall
 615 report to the department any failure by a sexual predator to
 616 comply with registration requirements.

617 (a) A sexual predator shall report in person each year
 618 during the month of the sexual predator's birthday and during
 619 every third month thereafter to the sheriff's office in the
 620 county in which he or she resides or is otherwise located to
 621 reregister. The sheriff's office may determine the appropriate
 622 times and days for reporting by the sexual predator, which must
 623 be consistent with the reporting requirements of this paragraph.
 624 Reregistration must include any changes to the following
 625 information:

626 1. Name; social security number; age; race; sex; date of
 627 birth; height; weight; tattoos or other identifying marks; hair
 628 and eye color; address of any permanent residence and address of
 629 any current temporary residence, within the state or out of
 630 state, including a rural route address and a post office box; if
 631 no permanent or temporary address, any transient residence
 632 within the state; address, location or description, and dates of
 633 any current or known future temporary residence within the state
 634 or out of state; all electronic mail addresses or Internet
 635 identifiers required to be provided pursuant to subparagraph
 636 (6)(g)5.; all home telephone numbers and cellular telephone
 637 numbers required to be provided pursuant to subparagraph
 638 (6)(g)5.; date and place of any employment required to be
 639 provided pursuant to subparagraph (6)(g)5.; the make, model,
 640 color, vehicle identification number (VIN), and license tag
 641 number of all vehicles owned; fingerprints; palm prints; and

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642 photograph. A post office box may not be provided in lieu of a
 643 physical residential address. The sexual predator shall also
 644 produce his or her passport, if he or she has a passport, and,
 645 if he or she is an alien, shall produce or provide information
 646 about documents establishing his or her immigration status. The
 647 sexual predator shall also provide information about any
 648 professional licenses he or she has.

649 2. If the sexual predator is enrolled ~~or~~ employed, whether
 650 for compensation or as a volunteer ~~volunteering, or carrying on~~
 651 ~~a vocation~~ at an institution of higher education in this state,
 652 the sexual predator shall also provide to the department the
 653 name, address, and county of each institution, including each
 654 campus attended, and the sexual predator's enrollment,
 655 volunteer, or employment status.

656 3. If the sexual predator's place of residence is a motor
 657 vehicle, trailer, mobile home, or manufactured home, as defined
 658 in chapter 320, the sexual predator shall also provide the
 659 vehicle identification number; the license tag number; the
 660 registration number; and a description, including color scheme,
 661 of the motor vehicle, trailer, mobile home, or manufactured
 662 home. If the sexual predator's place of residence is a vessel,
 663 live-aboard vessel, or houseboat, as defined in chapter 327, the
 664 sexual predator shall also provide the hull identification
 665 number; the manufacturer's serial number; the name of the
 666 vessel, live-aboard vessel, or houseboat; the registration
 667 number; and a description, including color scheme, of the
 668 vessel, live-aboard vessel, or houseboat.

669 (10) PENALTIES.—

670 (a) Except as otherwise specifically provided, a sexual

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671 predator who fails to register; who fails, after registration,
 672 to maintain, acquire, or renew a driver license or an
 673 identification card; who fails to provide required location
 674 information, electronic mail address information before use,
 675 Internet identifier information before use, all home telephone
 676 numbers and cellular telephone numbers, employment information,
 677 change in status at an institution of higher education, or
 678 change-of-name information; who fails to make a required report
 679 in connection with vacating a permanent residence; who fails to
 680 reregister as required; who fails to respond to any address
 681 verification correspondence from the department within 3 weeks
 682 of the date of the correspondence; who knowingly provides false
 683 registration information by act or omission; or who otherwise
 684 fails, by act or omission, to comply with the requirements of
 685 this section commits a felony of the third degree, punishable as
 686 provided in s. 775.082, s. 775.083, or s. 775.084.

687 (b) A sexual predator who has been convicted of or found to
 688 have committed, or has pled nolo contendere or guilty to,
 689 regardless of adjudication, any violation, or attempted
 690 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 691 the victim is a minor ~~and the defendant is not the victim's~~
 692 ~~parent or guardian~~; s. 794.011, excluding s. 794.011(10); s.
 693 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 694 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.
 695 985.701(1); or a violation of a similar law of another
 696 jurisdiction when the victim of the offense was a minor, and who
 697 works, whether for compensation or as a volunteer, at any
 698 business, school, child care facility, park, playground, or
 699 other place where children regularly congregate, commits a

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700 felony of the third degree, punishable as provided in s.
 701 775.082, s. 775.083, or s. 775.084.

702 (c) Any person who misuses public records information
 703 relating to a sexual predator, as defined in this section, or a
 704 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 705 secure a payment from such a predator or offender; who knowingly
 706 distributes or publishes false information relating to such a
 707 predator or offender which the person misrepresents as being
 708 public records information; or who materially alters public
 709 records information with the intent to misrepresent the
 710 information, including documents, summaries of public records
 711 information provided by law enforcement agencies, or public
 712 records information displayed by law enforcement agencies on
 713 websites or provided through other means of communication,
 714 commits a misdemeanor of the first degree, punishable as
 715 provided in s. 775.082 or s. 775.083.

716 (e) An arrest on charges of failure to register, the
 717 service of an information or a complaint for a violation of this
 718 section, or an arraignment on charges for a violation of this
 719 section constitutes actual notice of the duty to register when
 720 the predator has been provided and advised of his or her
 721 statutory obligation to register under subsection (6). A sexual
 722 predator's failure to immediately register as required by this
 723 section following such arrest, service, or arraignment
 724 constitutes grounds for a subsequent charge of failure to
 725 register. A sexual predator charged with the crime of failure to
 726 register who asserts, or intends to assert, a lack of notice of
 727 the duty to register as a defense to a charge of failure to
 728 register shall immediately register as required by this section.

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729 A sexual predator who is charged with a subsequent failure to
 730 register may not assert the defense of a lack of notice of the
 731 duty to register.

732 Section 2. Subsection (1) of section 856.022, Florida
 733 Statutes, is amended, and subsections (2), (3), and (4) of that
 734 section are republished, to read:

735 856.022 Loitering or prowling by certain offenders in close
 736 proximity to children; penalty.—

737 (1) Except as provided in subsection (2), this section
 738 applies to a person convicted of committing, or attempting,
 739 soliciting, or conspiring to commit, any of the criminal
 740 offenses proscribed in the following statutes in this state or
 741 similar offenses in another jurisdiction against a victim who
 742 was under 18 years of age at the time of the offense: s. 787.01,
 743 s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and~~
 744 ~~the offender was not the victim's parent or guardian~~; s.
 745 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 746 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
 747 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 748 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any
 749 similar offense committed in this state which has been
 750 redesignated from a former statute number to one of those listed
 751 in this subsection, if the person has not received a pardon for
 752 any felony or similar law of another jurisdiction necessary for
 753 the operation of this subsection and a conviction of a felony or
 754 similar law of another jurisdiction necessary for the operation
 755 of this subsection has not been set aside in any postconviction
 756 proceeding.

757 (2) This section does not apply to a person who has been

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758 removed from the requirement to register as a sexual offender or
759 sexual predator pursuant to s. 943.04354.

760 (3) A person described in subsection (1) commits loitering
761 and prowling by a person convicted of a sexual offense against a
762 minor if, in committing loitering and prowling, he or she was
763 within 300 feet of a place where children were congregating.

764 (4) It is unlawful for a person described in subsection (1)
765 to:

766 (a) Knowingly approach, contact, or communicate with a
767 child under 18 years of age in any public park building or on
768 real property comprising any public park or playground with the
769 intent to engage in conduct of a sexual nature or to make a
770 communication of any type with any content of a sexual nature.
771 This paragraph applies only to a person described in subsection
772 (1) whose offense was committed on or after May 26, 2010.

773 (b)1. Knowingly be present in any child care facility or
774 school containing any students in prekindergarten through grade
775 12 or on real property comprising any child care facility or
776 school containing any students in prekindergarten through grade
777 12 when the child care facility or school is in operation unless
778 the person had previously provided written notification of his
779 or her intent to be present to the school board, superintendent,
780 principal, or child care facility owner;

781 2. Fail to notify the child care facility owner or the
782 school principal's office when he or she arrives and departs the
783 child care facility or school; or

784 3. Fail to remain under direct supervision of a school
785 official or designated chaperone when present in the vicinity of
786 children. As used in this paragraph, the term "school official"

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787 means a principal, a school resource officer, a teacher or any
788 other employee of the school, the superintendent of schools, a
789 member of the school board, a child care facility owner, or a
790 child care provider.

791 (c) A person is not in violation of paragraph (b) if:

792 1. The child care facility or school is a voting location
793 and the person is present for the purpose of voting during the
794 hours designated for voting; or

795 2. The person is only dropping off or picking up his or her
796 own children or grandchildren at the child care facility or
797 school.

798 Section 3. Subsection (1) of section 943.0435, Florida
799 Statutes, is reordered and amended, and subsection (2),
800 paragraphs (a) and (e) of subsection (4), subsection (7),
801 subsection (11), and paragraphs (b) and (c) of subsection (14)
802 of that section are amended, to read:

803 943.0435 Sexual offenders required to register with the
804 department; penalty.—

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

806 (h)~~(a)~~1. "Sexual offender" means a person who meets the
807 criteria in sub-subparagraph a., sub-subparagraph b., sub-
808 subparagraph c., or sub-subparagraph d., as follows:

809 a.(I) Has been convicted of committing, or attempting,
810 soliciting, or conspiring to commit, any of the criminal
811 offenses proscribed in the following statutes in this state or
812 similar offenses in another jurisdiction: s. 393.135(2); s.
813 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
814 the victim is a minor ~~and the defendant is not the victim's~~
815 ~~parent or guardian~~; s. 787.06(3)(b), (d), (f), or (g); former s.

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816 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
 817 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
 818 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 819 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.

820 916.1075(2); or s. 985.701(1); or any similar offense committed
 821 in this state which has been redesignated from a former statute
 822 number to one of those listed in this sub-sub-subparagraph; and

823 (II) Has been released on or after October 1, 1997, from
 824 the sanction imposed for any conviction of an offense described
 825 in sub-sub-subparagraph (I). For purposes of sub-sub-
 826 subparagraph (I), a sanction imposed in this state or in any
 827 other jurisdiction includes, but is not limited to, a fine,
 828 probation, community control, parole, conditional release,
 829 control release, or incarceration in a state prison, federal
 830 prison, private correctional facility, or local detention
 831 facility;

832 b. Establishes or maintains a residence in this state and
 833 who has not been designated as a sexual predator by a court of
 834 this state but who has been designated as a sexual predator, as
 835 a sexually violent predator, or by another sexual offender
 836 designation in another state or jurisdiction and was, as a
 837 result of such designation, subjected to registration or
 838 community or public notification, or both, or would be if the
 839 person were a resident of that state or jurisdiction, without
 840 regard to whether the person otherwise meets the criteria for
 841 registration as a sexual offender;

842 c. Establishes or maintains a residence in this state who
 843 is in the custody or control of, or under the supervision of,
 844 any other state or jurisdiction as a result of a conviction for

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845 committing, or attempting, soliciting, or conspiring to commit,
 846 any of the criminal offenses proscribed in the following
 847 statutes or similar offense in another jurisdiction: s.
 848 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.

849 ~~787.025(2)(c), where the victim is a minor and the defendant is~~
 850 ~~not the victim's parent or guardian;~~ s. 787.06(3)(b), (d), (f),
 851 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.

852 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 853 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
 854 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 855 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
 856 offense committed in this state which has been redesignated from
 857 a former statute number to one of those listed in this sub-
 858 subparagraph; or

859 d. On or after July 1, 2007, has been adjudicated
 860 delinquent for committing, or attempting, soliciting, or
 861 conspiring to commit, any of the criminal offenses proscribed in
 862 the following statutes in this state or similar offenses in
 863 another jurisdiction when the juvenile was 14 years of age or
 864 older at the time of the offense:

865 (I) Section 794.011, excluding s. 794.011(10);

866 (II) Section 800.04(4)(a)2. where the victim is under 12
 867 years of age or where the court finds sexual activity by the use
 868 of force or coercion;

869 (III) Section 800.04(5)(c)1. where the court finds
 870 molestation involving unclothed genitals; or

871 (IV) Section 800.04(5)(d) where the court finds the use of
 872 force or coercion and unclothed genitals.

873 (V) Any similar offense committed in this state which has

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874 been redesignated from a former statute number to one of those
875 listed in this sub-subparagraph.

876 2. For all qualifying offenses listed in sub-subparagraph
877 1.d. (1)(a)1.d., the court shall make a written finding of the
878 age of the offender at the time of the offense.

879
880 For each violation of a qualifying offense listed in this
881 subsection, except for a violation of s. 794.011, the court
882 shall make a written finding of the age of the victim at the
883 time of the offense. For a violation of s. 800.04(4), the court
884 shall also make a written finding indicating whether the offense
885 involved sexual activity and indicating whether the offense
886 involved force or coercion. For a violation of s. 800.04(5), the
887 court shall also make a written finding that the offense did or
888 did not involve unclothed genitals or genital area and that the
889 offense did or did not involve the use of force or coercion.

890 (b) "Convicted" means that there has been a determination
891 of guilt as a result of a trial or the entry of a plea of guilty
892 or nolo contendere, regardless of whether adjudication is
893 withheld, and includes an adjudication of delinquency of a
894 juvenile as specified in this section. Conviction of a similar
895 offense includes, but is not limited to, a conviction by a
896 federal or military tribunal, including courts-martial conducted
897 by the Armed Forces of the United States, and includes a
898 conviction or entry of a plea of guilty or nolo contendere
899 resulting in a sanction in any state of the United States or
900 other jurisdiction. A sanction includes, but is not limited to,
901 a fine, probation, community control, parole, conditional
902 release, control release, or incarceration in a state prison,

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903 federal prison, private correctional facility, or local
904 detention facility.

905 ~~(f)(e)~~ "Permanent residence," "temporary residence," and
906 "transient residence" have the same meaning as provided ~~ascribed~~
907 in s. 775.21.

908 (d) "Institution of higher education" has the same meaning
909 as provided in s. 775.21 ~~means a career center, community~~
910 ~~college, college, state university, or independent postsecondary~~
911 ~~institution.~~

912 ~~(a)(e)~~ "Change in enrollment or employment status at an
913 institution of higher education" has the same meaning as
914 provided in s. 775.21 ~~means the commencement or termination of~~
915 ~~enrollment or employment or a change in location of enrollment~~
916 ~~or employment.~~

917 ~~(c)(f)~~ "Electronic mail address" has the same meaning as
918 provided in s. 668.602.

919 ~~(e)(g)~~ "Internet identifier" has the same meaning as
920 provided in s. 775.21.

921 ~~(i)(h)~~ "Vehicles owned" has the same meaning as provided in
922 s. 775.21.

923 (g) "Professional license" has the same meaning as provided
924 in s. 775.21.

925 (2) A sexual offender shall:

926 (a) Report in person at the sheriff's office:

927 1. In the county in which the offender establishes or
928 maintains a permanent, temporary, or transient residence within
929 48 hours after:

930 a. Establishing permanent, temporary, or transient
931 residence in this state; or

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932 b. Being released from the custody, control, or supervision
933 of the Department of Corrections or from the custody of a
934 private correctional facility; or

935 2. In the county where he or she was convicted within 48
936 hours after being convicted for a qualifying offense for
937 registration under this section if the offender is not in the
938 custody or control of, or under the supervision of, the
939 Department of Corrections, or is not in the custody of a private
940 correctional facility.

941

942 Any change in the information required to be provided pursuant
943 to paragraph (b), including, but not limited to, any change in
944 the sexual offender's permanent, temporary, or transient
945 residence; ~~name;~~ electronic mail addresses; ~~or~~ Internet
946 identifiers; home telephone numbers and cellular telephone
947 numbers; and employment information and any change in status at
948 an institution of higher education, required to be provided
949 pursuant to paragraph (4) (e), after the sexual offender reports
950 in person at the sheriff's office, must be accomplished in the
951 manner provided in subsections (4), (7), and (8).

952 (b) Provide his or her name; date of birth; social security
953 number; race; sex; height; weight; hair and eye color; tattoos
954 or other identifying marks; fingerprints; palm prints;
955 photograph; ~~occupation and place of employment information~~
956 required to be provided pursuant to paragraph (4) (e); address of
957 permanent or legal residence or address of any current temporary
958 residence, within the state or out of state, including a rural
959 route address and a post office box; if no permanent or
960 temporary address, any transient residence within the state,

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961 address, location or description, and dates of any current or
962 known future temporary residence within the state or out of
963 state; the make, model, color, vehicle identification number
964 (VIN), and license tag number of all vehicles owned; all home
965 telephone numbers and cellular telephone numbers required to be
966 provided pursuant to paragraph (4) (e); all electronic mail
967 addresses and all Internet identifiers required to be provided
968 pursuant to paragraph (4) (e); date and place of each conviction;
969 and a brief description of the crime or crimes committed by the
970 offender. A post office box may not be provided in lieu of a
971 physical residential address. The sexual offender shall also
972 produce his or her passport, if he or she has a passport, and,
973 if he or she is an alien, shall produce or provide information
974 about documents establishing his or her immigration status. The
975 sexual offender shall also provide information about any
976 professional licenses he or she has.

977 1. If the sexual offender's place of residence is a motor
978 vehicle, trailer, mobile home, or manufactured home, as defined
979 in chapter 320, the sexual offender shall also provide to the
980 department through the sheriff's office written notice of the
981 vehicle identification number; the license tag number; the
982 registration number; and a description, including color scheme,
983 of the motor vehicle, trailer, mobile home, or manufactured
984 home. If the sexual offender's place of residence is a vessel,
985 live-aboard vessel, or houseboat, as defined in chapter 327, the
986 sexual offender shall also provide to the department written
987 notice of the hull identification number; the manufacturer's
988 serial number; the name of the vessel, live-aboard vessel, or
989 houseboat; the registration number; and a description, including

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990 color scheme, of the vessel, live-aboard vessel, or houseboat.

991 2. If the sexual offender is enrolled or, employed, whether
 992 for compensation or as a volunteer volunteering, or carrying on
 993 a vocation at an institution of higher education in this state,
 994 the sexual offender shall also provide to the department
 995 pursuant to paragraph (4) (e) through the sheriff's office the
 996 name, address, and county of each institution, including each
 997 campus attended, and the sexual offender's enrollment,
 998 volunteer, or employment status. ~~Each change in enrollment,~~
 999 ~~volunteer, or employment status must be reported in person at~~
 1000 ~~the sheriff's office, within 48 hours after any change in~~
 1001 ~~status.~~ The sheriff, the Department of Corrections, or the
 1002 Department of Juvenile Justice shall promptly notify each
 1003 institution of higher education of the sexual offender's
 1004 presence and any change in the sexual offender's enrollment,
 1005 volunteer, or employment status.

1006 3. A sexual offender shall report in person to the
 1007 sheriff's office within 48 hours after any change in vehicles
 1008 owned to report those vehicle information changes.

1009 (c) Provide any other information determined necessary by
 1010 the department, including criminal and corrections records;
 1011 nonprivileged personnel and treatment records; and evidentiary
 1012 genetic markers, when available.

1013
 1014 When a sexual offender reports at the sheriff's office, the
 1015 sheriff shall take a photograph, a set of fingerprints, and palm
 1016 prints of the offender and forward the photographs, palm prints,
 1017 and fingerprints to the department, along with the information
 1018 provided by the sexual offender. The sheriff shall promptly

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1019 provide to the department the information received from the
 1020 sexual offender.

1021 (4) (a) Each time a sexual offender's driver license or
 1022 identification card is subject to renewal, and, without regard
 1023 to the status of the offender's driver license or identification
 1024 card, within 48 hours after any change in the offender's
 1025 permanent, temporary, or transient residence or change in the
 1026 offender's name by reason of marriage or other legal process,
 1027 the offender shall report in person to a driver license office,
 1028 and is subject to the requirements specified in subsection (3).
 1029 The Department of Highway Safety and Motor Vehicles shall
 1030 forward to the department all photographs and information
 1031 provided by sexual offenders. Notwithstanding the restrictions
 1032 set forth in s. 322.142, the Department of Highway Safety and
 1033 Motor Vehicles may release a reproduction of a color-photograph
 1034 or digital-image license to the Department of Law Enforcement
 1035 for purposes of public notification of sexual offenders as
 1036 provided in this section and ss. 943.043 and 944.606. A sexual
 1037 offender who is unable to secure or update a driver license or
 1038 an identification card with the Department of Highway Safety and
 1039 Motor Vehicles as provided in subsection (3) and this subsection
 1040 shall also report any change in the sexual offender's permanent,
 1041 temporary, or transient residence or change in the offender's
 1042 name by reason of marriage or other legal process within 48
 1043 hours after the change to the sheriff's office in the county
 1044 where the offender resides or is located and provide
 1045 confirmation that he or she reported such information to the
 1046 Department of Highway Safety and Motor Vehicles. The reporting
 1047 requirements under this paragraph do not negate the requirement

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1048 for a sexual offender to obtain a Florida driver license or an
 1049 identification card as required in this section.

1050 (e)1. A sexual offender shall register all electronic mail
 1051 addresses and Internet identifiers with the department through
 1052 the department's online system or in person at the sheriff's
 1053 office before using such electronic mail addresses and Internet
 1054 identifiers. If the sexual offender is in the custody or
 1055 control, or under the supervision, of the Department of
 1056 Corrections, he or she must report all electronic mail addresses
 1057 and Internet identifiers to the Department of Corrections before
 1058 using such electronic mail addresses or Internet identifiers. If
 1059 the sexual offender is in the custody or control, or under the
 1060 supervision, of the Department of Juvenile Justice, he or she
 1061 must report all electronic mail addresses and Internet
 1062 identifiers to the Department of Juvenile Justice before using
 1063 such electronic mail addresses or Internet identifiers.

1064 2. A sexual offender shall register all changes to home
 1065 telephone numbers and cellular telephone numbers, including
 1066 added and deleted numbers, all changes to employment
 1067 information, and all changes in status related to enrollment,
 1068 volunteering, or employment at institutions of higher education,
 1069 through the department's online system; in person at the
 1070 sheriff's office; in person at the Department of Corrections if
 1071 the sexual offender is in the custody or control, or under the
 1072 supervision, of the Department of Corrections; or in person at
 1073 the Department of Juvenile Justice if the sexual offender is in
 1074 the custody or control, or under the supervision, of the
 1075 Department of Juvenile Justice. All changes required to be
 1076 reported under this subparagraph must be reported within 48

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1077 hours after the change.

1078 3. The department shall establish an online system through
 1079 which sexual offenders may securely access, submit, and update
 1080 all changes in status to electronic mail address and Internet
 1081 identifier information, home telephone numbers and cellular
 1082 telephone numbers, employment information, and institution of
 1083 higher education information.

1084 (7) A sexual offender who intends to establish a permanent,
 1085 temporary, or transient residence in another state or
 1086 jurisdiction other than the State of Florida shall report in
 1087 person to the sheriff of the county of current residence within
 1088 48 hours before the date he or she intends to leave this state
 1089 to establish residence in another state or jurisdiction or at
 1090 least within 21 days before the date he or she intends to travel
 1091 before his or her planned departure date if the intended
 1092 residence of 5 days or more is outside of the United States. Any
 1093 travel that is not known by the sexual offender 21 days before
 1094 the departure date must be reported in person to the sheriff's
 1095 office as soon as possible before departure. The sexual offender
 1096 shall provide to the sheriff ~~The notification must include~~ the
 1097 address, municipality, county, state, and country of intended
 1098 residence. For international travel, the sexual offender shall
 1099 also provide travel information, including, but not limited to,
 1100 expected departure and return dates, flight number, airport of
 1101 departure, cruise port of departure, or any other means of
 1102 intended travel. The sheriff shall promptly provide to the
 1103 department the information received from the sexual offender.
 1104 The department shall notify the statewide law enforcement
 1105 agency, or a comparable agency, in the intended state,

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1106 jurisdiction, or country of residence of the sexual offender's
1107 intended residence. The failure of a sexual offender to provide
1108 his or her intended place of residence is punishable as provided
1109 in subsection (9).

1110 (11) Except as provided in s. 943.04354, a sexual offender
1111 shall maintain registration with the department for the duration
1112 of his or her life unless the sexual offender has received a
1113 full pardon or has had a conviction set aside in a
1114 postconviction proceeding for any offense that meets the
1115 criteria for classifying the person as a sexual offender for
1116 purposes of registration. However, a sexual offender shall be
1117 considered for removal of the requirement to register as a
1118 sexual offender only if the person:

1119 (a)1. ~~Who~~ Has been lawfully released from confinement,
1120 supervision, or sanction, whichever is later, for at least 25
1121 years and has not been arrested for any felony or misdemeanor
1122 offense since release, provided that the sexual offender's
1123 requirement to register was not based upon an adult conviction:

- 1124 a. For a violation of s. 787.01 or s. 787.02;
- 1125 b. For a violation of s. 794.011, excluding s. 794.011(10);
- 1126 c. For a violation of s. 800.04(4)(a)2. where the court
1127 finds the offense involved a victim under 12 years of age or
1128 sexual activity by the use of force or coercion;
- 1129 d. For a violation of s. 800.04(5)(b);
- 1130 e. For a violation of s. 800.04(5)(c)2. where the court
1131 finds the offense involved the use of force or coercion and
1132 unclothed genitals or genital area;
- 1133 f. For a violation of s. 825.1025(2)(a);
- 1134 g.~~f.~~ For any attempt or conspiracy to commit any such

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1135 offense;

1136 ~~h.g.~~ For a violation of similar law of another
1137 jurisdiction; or

1138 ~~i.h.~~ For a violation of a similar offense committed in this
1139 state which has been redesignated from a former statute number
1140 to one of those listed in this subparagraph.~~7~~

1141 2. If the sexual offender meets the criteria in
1142 subparagraph 1., the sexual offender may, for the purpose of
1143 removing the requirement for registration as a sexual offender,
1144 petition the criminal division of the circuit court of the
1145 circuit:

1146 a. Where the conviction or adjudication occurred, for a
1147 conviction in this state;

1148 b. Where the sexual offender resides, for a conviction of a
1149 violation of similar law of another jurisdiction; or

1150 c. Where the sexual offender last resided, for a sexual
1151 offender with a conviction of a violation of similar law of
1152 another jurisdiction who no longer resides in this state ~~for the~~
1153 ~~purpose of removing the requirement for registration as a sexual~~
1154 ~~offender.~~

1155 ~~3.2-~~ The court may grant or deny relief if the offender
1156 demonstrates to the court that he or she has not been arrested
1157 for any crime since release; the requested relief complies with
1158 ~~the provisions of~~ the federal Adam Walsh Child Protection and
1159 Safety Act of 2006 and any other federal standards applicable to
1160 the removal of registration requirements for a sexual offender
1161 or required to be met as a condition for the receipt of federal
1162 funds by the state; and the court is otherwise satisfied that
1163 the offender is not a current or potential threat to public

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1164 safety. The state attorney in the circuit in which the petition
 1165 is filed must be given notice of the petition at least 3 weeks
 1166 before the hearing on the matter. The state attorney may present
 1167 evidence in opposition to the requested relief or may otherwise
 1168 demonstrate the reasons why the petition should be denied. If
 1169 the court denies the petition, the court may set a future date
 1170 at which the sexual offender may again petition the court for
 1171 relief, subject to the standards for relief provided in this
 1172 subsection.

1173 ~~4.3.~~ The department shall remove an offender from
 1174 classification as a sexual offender for purposes of registration
 1175 if the offender provides to the department a certified copy of
 1176 the court's written findings or order that indicates that the
 1177 offender is no longer required to comply with the requirements
 1178 for registration as a sexual offender.

1179 ~~4. For purposes of this paragraph:~~

1180 ~~a. The registration period of a sexual offender sentenced~~
 1181 ~~to a term of incarceration or committed to a residential program~~
 1182 ~~begins upon the offender's release from incarceration or~~
 1183 ~~commitment for the most recent conviction that required the~~
 1184 ~~offender to register.~~

1185 ~~b. A sexual offender's registration period is tolled during~~
 1186 ~~any period in which the offender is incarcerated, civilly~~
 1187 ~~committed, detained pursuant to chapter 985, or committed to a~~
 1188 ~~residential program.~~

1189 ~~c. Except as provided in sub-subparagraph c., if the sexual~~
 1190 ~~offender is only sentenced to a term of supervision for the most~~
 1191 ~~recent conviction that required the offender to register as a~~
 1192 ~~sexual offender or is only subject to a period of supervision~~

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1193 ~~for that conviction, the registration period begins when the~~
 1194 ~~term or period of supervision for that conviction begins.~~

1195 ~~d. Except as provided in sub-subparagraph c., if the sexual~~
 1196 ~~offender is sentenced to a term of supervision that follows a~~
 1197 ~~term of incarceration for the most recent conviction that~~
 1198 ~~required the offender to register as a sexual offender or is~~
 1199 ~~subject to a period of supervision that follows commitment to a~~
 1200 ~~residential program for that conviction, the registration period~~
 1201 ~~begins when the term or period of supervision for that~~
 1202 ~~conviction begins.~~

1203 ~~e. If a sexual offender is sentenced to a term of more than~~
 1204 ~~25 years' supervision for the most recent conviction that~~
 1205 ~~required the offender to register as a sexual offender, the~~
 1206 ~~sexual offender may not petition for removal of the requirement~~
 1207 ~~for registration as a sexual offender until the term of~~
 1208 ~~supervision for that conviction is completed.~~

1209 ~~(b) As defined in sub-subparagraph (1)(h)1.b. (1)(a)1.b.~~
 1210 ~~must maintain registration with the department for the duration~~
 1211 ~~of his or her life until the person provides the department with~~
 1212 ~~an order issued by the court that designated the person as a~~
 1213 ~~sexual predator, as a sexually violent predator, or by another~~
 1214 ~~sexual offender designation in the state or jurisdiction in~~
 1215 ~~which the order was issued which states that such designation~~
 1216 ~~has been removed or demonstrates to the department that such~~
 1217 ~~designation, if not imposed by a court, has been removed by~~
 1218 ~~operation of law or court order in the state or jurisdiction in~~
 1219 ~~which the designation was made, and provided such person no~~
 1220 ~~longer meets the criteria for registration as a sexual offender~~
 1221 ~~under the laws of this state.~~

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1222 (14)

1223 (b) However, a sexual offender who is required to register

1224 as a result of a conviction for:

1225 1. Section 787.01 or s. 787.02 where the victim is a minor

1226 ~~and the offender is not the victim's parent or guardian;~~

1227 2. Section 794.011, excluding s. 794.011(10);

1228 3. Section 800.04(4)(a)2. where the court finds the offense

1229 involved a victim under 12 years of age or sexual activity by

1230 the use of force or coercion;

1231 4. Section 800.04(5)(b);

1232 5. Section 800.04(5)(c)1. where the court finds molestation

1233 involving unclothed genitals or genital area;

1234 6. Section 800.04(5)(c)2. where the court finds molestation

1235 involving the use of force or coercion and unclothed genitals or

1236 genital area;

1237 7. Section 800.04(5)(d) where the court finds the use of

1238 force or coercion and unclothed genitals or genital area;

1239 8. Section 825.1025(2)(a);

1240 9.8. Any attempt or conspiracy to commit such offense;

1241 10.9. A violation of a similar law of another jurisdiction;

1242 or

1243 11.10. A violation of a similar offense committed in this

1244 state which has been redesignated from a former statute number

1245 to one of those listed in this paragraph,

1246

1247 must reregister each year during the month of the sexual

1248 offender's birthday and every third month thereafter.

1249 (c) The sheriff's office may determine the appropriate

1250 times and days for reporting by the sexual offender, which must

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1251 be consistent with the reporting requirements of this

1252 subsection. Reregistration must include any changes to the

1253 following information:

1254 1. Name; social security number; age; race; sex; date of

1255 birth; height; weight; tattoos or other identifying marks; hair

1256 and eye color; address of any permanent residence and address of

1257 any current temporary residence, within the state or out of

1258 state, including a rural route address and a post office box; if

1259 no permanent or temporary address, any transient residence

1260 within the state; address, location or description, and dates of

1261 any current or known future temporary residence within the state

1262 or out of state; all electronic mail addresses or Internet

1263 identifiers required to be provided pursuant to paragraph

1264 (4)(e); all home telephone numbers and cellular telephone

1265 numbers required to be provided pursuant to paragraph (4)(e);

1266 date and place of any employment information required to be

1267 provided pursuant to paragraph (4)(e); the make, model, color,

1268 vehicle identification number (VIN), and license tag number of

1269 all vehicles owned; fingerprints; palm prints; and photograph. A

1270 post office box may not be provided in lieu of a physical

1271 residential address. The sexual offender shall also produce his

1272 or her passport, if he or she has a passport, and, if he or she

1273 is an alien, shall produce or provide information about

1274 documents establishing his or her immigration status. The sexual

1275 offender shall also provide information about any professional

1276 licenses he or she has.

1277 2. If the sexual offender is enrolled ~~or, volunteering,~~

1278 ~~employed, whether for compensation or as a volunteer, or~~

1279 ~~carrying on a vocation~~ at an institution of higher education in

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1280 this state, the sexual offender shall also provide to the
1281 department the name, address, and county of each institution,
1282 including each campus attended, and the sexual offender's
1283 enrollment, volunteer, or employment status.

1284 3. If the sexual offender's place of residence is a motor
1285 vehicle, trailer, mobile home, or manufactured home, as defined
1286 in chapter 320, the sexual offender shall also provide the
1287 vehicle identification number; the license tag number; the
1288 registration number; and a description, including color scheme,
1289 of the motor vehicle, trailer, mobile home, or manufactured
1290 home. If the sexual offender's place of residence is a vessel,
1291 live-aboard vessel, or houseboat, as defined in chapter 327, the
1292 sexual offender shall also provide the hull identification
1293 number; the manufacturer's serial number; the name of the
1294 vessel, live-aboard vessel, or houseboat; the registration
1295 number; and a description, including color scheme, of the
1296 vessel, live-aboard vessel or houseboat.

1297 4. Any sexual offender who fails to report in person as
1298 required at the sheriff's office, who fails to respond to any
1299 address verification correspondence from the department within 3
1300 weeks of the date of the correspondence, who fails to report all
1301 electronic mail addresses and all Internet identifiers before
1302 ~~prior to~~ use, or who knowingly provides false registration
1303 information by act or omission commits a felony of the third
1304 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1305 775.084.

1306 Section 4. Subsections (1) and (2) of section 943.04354,
1307 Florida Statutes, are amended to read:

1308 943.04354 Removal of the requirement to register as a

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1309 sexual offender or sexual predator in special circumstances.-

1310 (1) For purposes of this section, a person shall be
1311 considered for removal of the requirement to register as a
1312 sexual offender or sexual predator only if the person:

1313 (a) Was convicted, regardless of adjudication, or
1314 adjudicated delinquent of a violation of ~~s. 794.011~~, s. 800.04,
1315 s. 827.071, or s. 847.0135(5) or of a similar offense in another
1316 jurisdiction and if the person does not have any other
1317 conviction, regardless of adjudication, or adjudication of
1318 delinquency for a violation of s. 794.011, s. 800.04, s.
1319 827.071, or s. 847.0135(5) or for a similar offense in another
1320 jurisdiction;

1321 (b)1. Was convicted, regardless of adjudication, or
1322 adjudicated delinquent of an offense listed in paragraph (a) and
1323 is required to register as a sexual offender or sexual predator
1324 solely on the basis of this conviction or adjudication; or

1325 2. Was convicted, regardless of adjudication, or
1326 adjudicated delinquent of an offense in another jurisdiction
1327 which is similar to an offense listed in paragraph (a) and no
1328 longer meets the criteria for registration as a sexual offender
1329 or sexual predator under the laws of the jurisdiction in which
1330 the similar offense occurred; and

1331 (c) Is not more than 4 years older than the victim of this
1332 violation who was 13 years of age or older but younger than 18
1333 years of age at the time the person committed this violation.

1334 (2) (a) If a person meets the criteria in subsection (1),
1335 the person may, for the purpose of removing the requirement that
1336 he or she register as a sexual offender or sexual predator, move
1337 the criminal division of the circuit court of the circuit:

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1338 ~~1. the person may move the criminal division of the circuit~~
 1339 ~~court of the circuit~~ Where the conviction or adjudication for
 1340 the qualifying offense occurred for a conviction in this state;
 1341 2. Where the sexual offender or sexual predator resides for
 1342 a conviction for a violation of similar law of another
 1343 jurisdiction; or
 1344 3. Where the sexual offender or sexual predator last
 1345 resided for a sexual offender or sexual predator with a
 1346 conviction of a violation of a similar law of another
 1347 jurisdiction who no longer resides in this state to remove the
 1348 requirement that the person register as a sexual offender or
 1349 sexual predator.

1350 (b) The person must allege in the motion that he or she
 1351 meets the criteria in subsection (1) and that removal of the
 1352 registration requirement will not conflict with federal law that
 1353 requires that the sexual act be consensual, notwithstanding the
 1354 age of the victim. A person convicted or adjudicated delinquent
 1355 of an offense in another jurisdiction which is similar to an
 1356 offense listed in paragraph (1) (a) must provide the court
 1357 written confirmation that he or she is not required to register
 1358 in the jurisdiction in which the conviction or adjudication
 1359 occurred. The state attorney and the department must be given
 1360 notice of the motion at least 21 days before the date of
 1361 sentencing, disposition of the violation, or hearing on the
 1362 motion and may present evidence in opposition to the requested
 1363 relief or may otherwise demonstrate why the motion should be
 1364 denied. At sentencing, disposition of the violation, or hearing
 1365 on the motion, the court shall rule on the motion, and, if the
 1366 court determines the person meets the criteria in subsection (1)

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1367 and the removal of the registration requirement will not
 1368 conflict with federal law that requires that the sexual act be
 1369 consensual, notwithstanding the age of the victim, it may grant
 1370 the motion and order the removal of the registration
 1371 requirement. The court shall instruct the person to provide the
 1372 department a certified copy of the order granting relief. If the
 1373 court denies the motion, the person is not authorized under this
 1374 section to file another motion for removal of the registration
 1375 requirement.

1376 Section 5. Subsection (1) of section 944.606, Florida
 1377 Statutes, is reordered and amended, and paragraph (a) of
 1378 subsection (3) of that section is amended, to read:
 1379 944.606 Sexual offenders; notification upon release.—
 1380 (1) As used in this section, the term:

1381 (a) "Convicted" means there has been a determination of
 1382 guilt as a result of a trial or the entry of a plea of guilty or
 1383 nolo contendere, regardless of whether adjudication is withheld.
 1384 A conviction for a similar offense includes, but is not limited
 1385 to, a conviction by a federal or military tribunal, including
 1386 courts-martial conducted by the Armed Forces of the United
 1387 States, and includes a conviction or entry of a plea of guilty
 1388 or nolo contendere resulting in a sanction in any state of the
 1389 United States or other jurisdiction. A sanction includes, but is
 1390 not limited to, a fine; probation; community control; parole;
 1391 conditional release; control release; or incarceration in a
 1392 state prison, federal prison, private correctional facility, or
 1393 local detention facility.

1394 ~~(f)(b)~~ "Sexual offender" means a person who has been
 1395 convicted of committing, or attempting, soliciting, or

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 1396 conspiring to commit, any of the criminal offenses proscribed in
 1397 the following statutes in this state or similar offenses in
 1398 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 1399 s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and~~
 1400 ~~the defendant is not the victim's parent or guardian~~; s.
 1401 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 1402 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 1403 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
 1404 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1405 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
 1406 985.701(1); or any similar offense committed in this state which
 1407 has been redesignated from a former statute number to one of
 1408 those listed in this subsection, when the department has
 1409 received verified information regarding such conviction; an
 1410 offender's computerized criminal history record is not, in and
 1411 of itself, verified information.

1412 (b)(e) "Electronic mail address" has the same meaning as
 1413 provided in s. 668.602.

1414 (c)(d) "Internet identifier" has the same meaning as
 1415 provided in s. 775.21.

1416 (d) "Permanent residence," "temporary residence," and
 1417 "transient residence" have the same meaning as provided in s.
 1418 775.21.

1419 (e) "Professional license" has the same meaning as provided
 1420 in s. 775.21.

1421 (3)(a) The department shall provide information regarding
 1422 any sexual offender who is being released after serving a period
 1423 of incarceration for any offense, as follows:

- 1424 1. The department shall provide: the sexual offender's

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 1425 name, any change in the offender's name by reason of marriage or
 1426 other legal process, and any alias, if known; the correctional
 1427 facility from which the sexual offender is released; the sexual
 1428 offender's social security number, race, sex, date of birth,
 1429 height, weight, and hair and eye color; tattoos or other
 1430 identifying marks; address of any planned permanent residence or
 1431 temporary residence, within the state or out of state, including
 1432 a rural route address and a post office box; if no permanent or
 1433 temporary address, any transient residence within the state;
 1434 address, location or description, and dates of any known future
 1435 temporary residence within the state or out of state; date and
 1436 county of sentence and each crime for which the offender was
 1437 sentenced; a copy of the offender's fingerprints, palm prints,
 1438 and a digitized photograph taken within 60 days before release;
 1439 the date of release of the sexual offender; all electronic mail
 1440 addresses and all Internet identifiers required to be provided
 1441 pursuant to s. 943.0435(4)(e); employment information, if known,
 1442 provided pursuant to s. 943.0435(4)(e); all home telephone
 1443 numbers and cellular telephone numbers required to be provided
 1444 pursuant to s. 943.0435(4)(e); information about any
 1445 professional licenses the offender has, if known; and passport
 1446 information, if he or she has a passport, and, if he or she is
 1447 an alien, information about documents establishing his or her
 1448 immigration status. The department shall notify the Department
 1449 of Law Enforcement if the sexual offender escapes, absconds, or
 1450 dies. If the sexual offender is in the custody of a private
 1451 correctional facility, the facility shall take the digitized
 1452 photograph of the sexual offender within 60 days before the
 1453 sexual offender's release and provide this photograph to the

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1454 Department of Corrections and also place it in the sexual
 1455 offender's file. If the sexual offender is in the custody of a
 1456 local jail, the custodian of the local jail shall register the
 1457 offender within 3 business days after intake of the offender for
 1458 any reason and upon release, and shall notify the Department of
 1459 Law Enforcement of the sexual offender's release and provide to
 1460 the Department of Law Enforcement the information specified in
 1461 this paragraph and any information specified in subparagraph 2.
 1462 that the Department of Law Enforcement requests.

1463 2. The department may provide any other information deemed
 1464 necessary, including criminal and corrections records,
 1465 nonprivileged personnel and treatment records, when available.

1466 Section 6. Subsection (1) of section 944.607, Florida
 1467 Statutes, is reordered and amended, and subsections (4) and (13)
 1468 of that section are amended, to read:

1469 944.607 Notification to Department of Law Enforcement of
 1470 information on sexual offenders.—

1471 (1) As used in this section, the term:

1472 (f)(a) "Sexual offender" means a person who is in the
 1473 custody or control of, or under the supervision of, the
 1474 department or is in the custody of a private correctional
 1475 facility:

1476 1. On or after October 1, 1997, as a result of a conviction
 1477 for committing, or attempting, soliciting, or conspiring to
 1478 commit, any of the criminal offenses proscribed in the following
 1479 statutes in this state or similar offenses in another
 1480 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 1481 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the~~
 1482 ~~defendant is not the victim's parent or guardian;~~ s.

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1483 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 1484 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 1485 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
 1486 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1487 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
 1488 985.701(1); or any similar offense committed in this state which
 1489 has been redesignated from a former statute number to one of
 1490 those listed in this paragraph; or

1491 2. Who establishes or maintains a residence in this state
 1492 and who has not been designated as a sexual predator by a court
 1493 of this state but who has been designated as a sexual predator,
 1494 as a sexually violent predator, or by another sexual offender
 1495 designation in another state or jurisdiction and was, as a
 1496 result of such designation, subjected to registration or
 1497 community or public notification, or both, or would be if the
 1498 person were a resident of that state or jurisdiction, without
 1499 regard as to whether the person otherwise meets the criteria for
 1500 registration as a sexual offender.

1501 (g)(b) "Vehicles owned" has the same meaning as provided in
 1502 s. 775.21.

1503 (b)(e) "Conviction" means a determination of guilt which is
 1504 the result of a trial or the entry of a plea of guilty or nolo
 1505 contendere, regardless of whether adjudication is withheld.
 1506 Conviction of a similar offense includes, but is not limited to,
 1507 a conviction by a federal or military tribunal, including
 1508 courts-martial conducted by the Armed Forces of the United
 1509 States, and includes a conviction or entry of a plea of guilty
 1510 or nolo contendere resulting in a sanction in any state of the
 1511 United States or other jurisdiction. A sanction includes, but is

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1512 not limited to, a fine; probation; community control; parole;
 1513 conditional release; control release; or incarceration in a
 1514 state prison, federal prison, private correctional facility, or
 1515 local detention facility.

1516 (d) "Institution of higher education" has the same meaning
 1517 as provided in s. 775.21 ~~means a career center, community~~
 1518 ~~college, college, state university, or independent postsecondary~~
 1519 ~~institution.~~

1520 ~~(a)(c)~~ "Change in enrollment or employment status at an
 1521 institution of higher education" has the same meaning as
 1522 provided in s. 775.21 ~~means the commencement or termination of~~
 1523 ~~enrollment or employment or a change in location of enrollment~~
 1524 ~~or employment.~~

1525 ~~(c)(f)~~ "Electronic mail address" has the same meaning as
 1526 provided in s. 668.602.

1527 ~~(e)(g)~~ "Internet identifier" has the same meaning as
 1528 provided in s. 775.21.

1529 (4) A sexual offender, as described in this section, who is
 1530 under the supervision of the Department of Corrections but is
 1531 not incarcerated shall register with the Department of
 1532 Corrections within 3 business days after sentencing for a
 1533 registrable offense and otherwise provide information as
 1534 required by this subsection.

1535 (a) The sexual offender shall provide his or her name; date
 1536 of birth; social security number; race; sex; height; weight;
 1537 hair and eye color; tattoos or other identifying marks; all
 1538 electronic mail addresses and Internet identifiers required to
 1539 be provided pursuant to s. 943.0435(4) (e); employment
 1540 information required to be provided pursuant to s.

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1541 943.0435(4) (e); all home telephone numbers and cellular
 1542 telephone numbers required to be provided pursuant to s.
 1543 943.0435(4) (e); the make, model, color, vehicle identification
 1544 number (VIN), and license tag number of all vehicles owned;
 1545 permanent or legal residence and address of temporary residence
 1546 within the state or out of state while the sexual offender is
 1547 under supervision in this state, including any rural route
 1548 address or post office box; if no permanent or temporary
 1549 address, any transient residence within the state; and address,
 1550 location or description, and dates of any current or known
 1551 future temporary residence within the state or out of state. The
 1552 sexual offender shall also produce his or her passport, if he or
 1553 she has a passport, and, if he or she is an alien, shall produce
 1554 or provide information about documents establishing his or her
 1555 immigration status. The sexual offender shall also provide
 1556 information about any professional licenses he or she has. The
 1557 Department of Corrections shall verify the address of each
 1558 sexual offender in the manner described in ss. 775.21 and
 1559 943.0435. The department shall report to the Department of Law
 1560 Enforcement any failure by a sexual predator or sexual offender
 1561 to comply with registration requirements.

1562 (b) If the sexual offender is enrolled ~~or~~ employed,
 1563 whether for compensation or as a volunteer ~~volunteering, or~~
 1564 ~~carrying on a vocation~~ at an institution of higher education in
 1565 this state, the sexual offender shall provide the name, address,
 1566 and county of each institution, including each campus attended,
 1567 and the sexual offender's enrollment, volunteer, or employment
 1568 status required to be provided pursuant to s. 943.0435(4) (e).
 1569 Each change in enrollment, ~~volunteer, or employment~~ status at an

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1570 institution of higher education must be reported to the
 1571 department within 48 hours after the change in status at an
 1572 institution of higher education as provided pursuant to s.
 1573 943.0435(4)(e). The Department of Corrections shall promptly
 1574 notify each institution of the sexual offender's presence and
 1575 any change in the sexual offender's enrollment, volunteer, or
 1576 employment status.

1577 (c) A sexual offender shall report in person to the
 1578 sheriff's office within 48 hours after any change in vehicles
 1579 owned to report those vehicle information changes.

1580 (13)(a) A sexual offender must report in person each year
 1581 during the month of the sexual offender's birthday and during
 1582 the sixth month following the sexual offender's birth month to
 1583 the sheriff's office in the county in which he or she resides or
 1584 is otherwise located to reregister.

1585 (b) However, a sexual offender who is required to register
 1586 as a result of a conviction for:

- 1587 1. Section 787.01 or s. 787.02 where the victim is a minor
 1588 ~~and the offender is not the victim's parent or guardian;~~
- 1589 2. Section 794.011, excluding s. 794.011(10);
- 1590 3. Section 800.04(4)(a)2. where the victim is under 12
 1591 years of age or where the court finds sexual activity by the use
 1592 of force or coercion;
- 1593 4. Section 800.04(5)(b);
- 1594 5. Section 800.04(5)(c)1. where the court finds molestation
 1595 involving unclothed genitals or genital area;
- 1596 6. Section 800.04(5)(c)2. where the court finds molestation
 1597 involving use of force or coercion and unclothed genitals or
 1598 genital area;

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- 1599 7. Section 800.04(5)(d) where the court finds the use of
 1600 force or coercion and unclothed genitals or genital area;
- 1601 8. Section 825.1025(2)(a);
 1602 9.8. Any attempt or conspiracy to commit such offense;
 1603 10.9. A violation of a similar law of another jurisdiction;
 1604 or
 1605 11.10. A violation of a similar offense committed in this
 1606 state which has been redesignated from a former statute number
 1607 to one of those listed in this paragraph,
 1608
 1609 must reregister each year during the month of the sexual
 1610 offender's birthday and every third month thereafter.
- 1611 (c) The sheriff's office may determine the appropriate
 1612 times and days for reporting by the sexual offender, which must
 1613 be consistent with the reporting requirements of this
 1614 subsection. Reregistration must include any changes to the
 1615 following information:
- 1616 1. Name; social security number; age; race; sex; date of
 1617 birth; height; weight; tattoos or other identifying marks; hair
 1618 and eye color; address of any permanent residence and address of
 1619 any current temporary residence, within the state or out of
 1620 state, including a rural route address and a post office box; if
 1621 no permanent or temporary address, any transient residence;
 1622 address, location or description, and dates of any current or
 1623 known future temporary residence within the state or out of
 1624 state; all electronic mail addresses and Internet identifiers
 1625 required to be provided pursuant to s. 943.0435(4)(e); all home
 1626 telephone numbers and cellular telephone numbers required to be
 1627 provided pursuant to s. 943.0435(4)(e); ~~date and place of any~~

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1628 employment information required to be provided pursuant to s.
 1629 943.0435(4)(e); the make, model, color, vehicle identification
 1630 number (VIN), and license tag number of all vehicles owned;
 1631 fingerprints; palm prints; and photograph. A post office box may
 1632 not be provided in lieu of a physical residential address. The
 1633 sexual offender shall also produce his or her passport, if he or
 1634 she has a passport, and, if he or she is an alien, shall produce
 1635 or provide information about documents establishing his or her
 1636 immigration status. The sexual offender shall also provide
 1637 information about any professional licenses he or she has.

1638 2. If the sexual offender is enrolled or, employed, whether
 1639 for compensation or as a volunteer volunteering, or carrying on
 1640 a vocation at an institution of higher education in this state,
 1641 the sexual offender shall also provide to the department the
 1642 name, address, and county of each institution, including each
 1643 campus attended, and the sexual offender's enrollment,
 1644 volunteer, or employment status.

1645 3. If the sexual offender's place of residence is a motor
 1646 vehicle, trailer, mobile home, or manufactured home, as defined
 1647 in chapter 320, the sexual offender shall also provide the
 1648 vehicle identification number; the license tag number; the
 1649 registration number; and a description, including color scheme,
 1650 of the motor vehicle, trailer, mobile home, or manufactured
 1651 home. If the sexual offender's place of residence is a vessel,
 1652 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1653 sexual offender shall also provide the hull identification
 1654 number; the manufacturer's serial number; the name of the
 1655 vessel, live-aboard vessel, or houseboat; the registration
 1656 number; and a description, including color scheme, of the

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1657 vessel, live-aboard vessel or houseboat.

1658 4. Any sexual offender who fails to report in person as
 1659 required at the sheriff's office, who fails to respond to any
 1660 address verification correspondence from the department within 3
 1661 weeks of the date of the correspondence, who fails to report all
 1662 electronic mail addresses or Internet identifiers before prior
 1663 ~~to~~ use, or who knowingly provides false registration information
 1664 by act or omission commits a felony of the third degree,
 1665 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1666 (d) The sheriff's office shall, within 2 working days,
 1667 electronically submit and update all information provided by the
 1668 sexual offender to the Department of Law Enforcement in a manner
 1669 prescribed by that department.

1670 Section 7. Subsection (1) and paragraph (a) of subsection
 1671 (3) of section 985.481, Florida Statutes, are amended to read:

1672 985.481 Sexual offenders adjudicated delinquent;
 1673 notification upon release.—

1674 (1) As used in this section:

1675 (a) "Convicted" has the same meaning as provided in s.
 1676 943.0435.

1677 (b) "Electronic mail address" has the same meaning as
 1678 provided in s. 668.602.

1679 (c)(b) "Internet identifier" has the same meaning as
 1680 provided in s. 775.21.

1681 (d) "Permanent residence," "temporary residence," and
 1682 "transient residence" have the same meaning as provided in s.
 1683 775.21.

1684 (e) "Professional license" has the same meaning as provided
 1685 in s. 775.21.

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1686 ~~(f)(e)~~ "Sexual offender" means a person who has been
 1687 adjudicated delinquent as provided in s. 943.0435(1)(h)1.d. ~~s.~~
 1688 ~~943.0435(1)(a)1.d.~~

1689 ~~(g)(d)~~ "Vehicles owned" has the same meaning as provided in
 1690 s. 775.21.

1691 (3)(a) The department shall provide information regarding
 1692 any sexual offender who is being released after serving a period
 1693 of residential commitment under the department for any offense,
 1694 as follows:

1695 1. The department shall provide the sexual offender's name,
 1696 any change in the offender's name by reason of marriage or other
 1697 legal process, and any alias, if known; the correctional
 1698 facility from which the sexual offender is released; the sexual
 1699 offender's social security number, race, sex, date of birth,
 1700 height, weight, and hair and eye color; tattoos or other
 1701 identifying marks; the make, model, color, vehicle
 1702 identification number (VIN), and license tag number of all
 1703 vehicles owned; address of any planned permanent residence or
 1704 temporary residence, within the state or out of state, including
 1705 a rural route address and a post office box; if no permanent or
 1706 temporary address, any transient residence within the state;
 1707 address, location or description, and dates of any known future
 1708 temporary residence within the state or out of state; date and
 1709 county of disposition and each crime for which there was a
 1710 disposition; a copy of the offender's fingerprints, palm prints,
 1711 and a digitized photograph taken within 60 days before release;
 1712 the date of release of the sexual offender; all home telephone
 1713 numbers and cellular telephone numbers required to be provided
 1714 pursuant to s. 943.0435(4)(e); all electronic mail addresses and

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1715 Internet identifiers required to be provided pursuant to s.
 1716 943.0435(4)(e); information about any professional licenses the
 1717 offender has, if known; and passport information, if he or she
 1718 has a passport, and, if he or she is an alien, information about
 1719 documents establishing his or her immigration status. The
 1720 department shall notify the Department of Law Enforcement if the
 1721 sexual offender escapes, absconds, or dies. If the sexual
 1722 offender is in the custody of a private correctional facility,
 1723 the facility shall take the digitized photograph of the sexual
 1724 offender within 60 days before the sexual offender's release and
 1725 also place it in the sexual offender's file. If the sexual
 1726 offender is in the custody of a local jail, the custodian of the
 1727 local jail shall register the offender within 3 business days
 1728 after intake of the offender for any reason and upon release,
 1729 and shall notify the Department of Law Enforcement of the sexual
 1730 offender's release and provide to the Department of Law
 1731 Enforcement the information specified in this subparagraph and
 1732 any information specified in subparagraph 2. which the
 1733 Department of Law Enforcement requests.

1734 2. The department may provide any other information
 1735 considered necessary, including criminal and delinquency
 1736 records, when available.

1737 Section 8. Subsections (1), (4), and (13) of section
 1738 985.4815, Florida Statutes, are amended, and paragraph (c) of
 1739 subsection (10) is republished, to read:

1740 985.4815 Notification to Department of Law Enforcement of
 1741 information on juvenile sexual offenders.—

1742 (1) As used in this section, the term:

1743 (a) "Change in ~~enrollment or employment~~ status at an

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1744 institution of higher education has the same meaning as
 1745 provided in s. 775.21 means the commencement or termination of
 1746 ~~enrollment or employment or a change in location of enrollment~~
 1747 ~~or employment.~~

1748 (b) "Conviction" has the same meaning as provided in s.
 1749 943.0435.

1750 (c) "Electronic mail address" has the same meaning as
 1751 provided in s. 668.602.

1752 ~~(d)(e)~~ "Institution of higher education" has the same
 1753 meaning as provided in s. 775.21 means a career center,
 1754 ~~community college, college, state university, or independent~~
 1755 ~~postsecondary institution.~~

1756 ~~(e)(d)~~ "Internet identifier" has the same meaning as
 1757 provided in s. 775.21.

1758 (f) "Permanent residence," "temporary residence," and
 1759 "transient residence" have the same meaning as provided in s.
 1760 775.21.

1761 (g) "Professional license" has the same meaning as provided
 1762 in s. 775.21.

1763 ~~(h)(e)~~ "Sexual offender" means a person who is in the care
 1764 or custody or under the jurisdiction or supervision of the
 1765 department or is in the custody of a private correctional
 1766 facility and who:

1767 1. Has been adjudicated delinquent as provided in s.
 1768 943.0435(1)(h)1.d. s. 943.0435(1)(a)1.d.; or

1769 2. Establishes or maintains a residence in this state and
 1770 has not been designated as a sexual predator by a court of this
 1771 state but has been designated as a sexual predator, as a
 1772 sexually violent predator, or by another sexual offender

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1773 designation in another state or jurisdiction and was, as a
 1774 result of such designation, subjected to registration or
 1775 community or public notification, or both, or would be if the
 1776 person were a resident of that state or jurisdiction, without
 1777 regard to whether the person otherwise meets the criteria for
 1778 registration as a sexual offender.

1779 ~~(i)(f)~~ "Vehicles owned" has the same meaning as provided in
 1780 s. 775.21.

1781 (4) A sexual offender, as described in this section, who is
 1782 under the supervision of the department but who is not committed
 1783 shall register with the department within 3 business days after
 1784 adjudication and disposition for a registrable offense and
 1785 otherwise provide information as required by this subsection.

1786 (a) The sexual offender shall provide his or her name; date
 1787 of birth; social security number; race; sex; height; weight;
 1788 hair and eye color; tattoos or other identifying marks; the
 1789 make, model, color, vehicle identification number (VIN), and
 1790 license tag number of all vehicles owned; permanent or legal
 1791 residence and address of temporary residence within the state or
 1792 out of state while the sexual offender is in the care or custody
 1793 or under the jurisdiction or supervision of the department in
 1794 this state, including any rural route address or post office
 1795 box; if no permanent or temporary address, any transient
 1796 residence; address, location or description, and dates of any
 1797 current or known future temporary residence within the state or
 1798 out of state; all home telephone numbers and cellular telephone
 1799 numbers required to be provided pursuant to s. 943.0435(4)(e);
 1800 all electronic mail addresses and Internet identifiers required
 1801 to be provided pursuant to s. 943.0435(4)(e); and the name and

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1802 address of each school attended. The sexual offender shall also
 1803 produce his or her passport, if he or she has a passport, and,
 1804 if he or she is an alien, shall produce or provide information
 1805 about documents establishing his or her immigration status. The
 1806 offender shall also provide information about any professional
 1807 licenses he or she has. The department shall verify the address
 1808 of each sexual offender and shall report to the Department of
 1809 Law Enforcement any failure by a sexual offender to comply with
 1810 registration requirements.

1811 (b) If the sexual offender is enrolled ~~or~~, employed,
 1812 whether for compensation or as a volunteer ~~volunteering, or~~
 1813 ~~carrying on a vocation~~ at an institution of higher education in
 1814 this state, the sexual offender shall provide the name, address,
 1815 and county of each institution, including each campus attended,
 1816 and the sexual offender's enrollment, volunteer, or employment
 1817 status. Each change in ~~enrollment, volunteer, or employment~~
 1818 status at an institution of higher education must be reported to
 1819 the department within 48 hours after the change in status at an
 1820 institution of higher education. The department shall promptly
 1821 notify each institution of the sexual offender's presence and
 1822 any change in the sexual offender's enrollment, volunteer, or
 1823 employment status.

1824 (c) A sexual offender shall report in person to the
 1825 sheriff's office within 48 hours after any change in vehicles
 1826 owned to report those vehicle information changes.

1827 (10)

1828 (c) An arrest on charges of failure to register when the
 1829 offender has been provided and advised of his or her statutory
 1830 obligations to register under s. 943.0435(2), the service of an

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1831 information or a complaint for a violation of this section, or
 1832 an arraignment on charges for a violation of this section
 1833 constitutes actual notice of the duty to register. A sexual
 1834 offender's failure to immediately register as required by this
 1835 section following such arrest, service, or arraignment
 1836 constitutes grounds for a subsequent charge of failure to
 1837 register. A sexual offender charged with the crime of failure to
 1838 register who asserts, or intends to assert, a lack of notice of
 1839 the duty to register as a defense to a charge of failure to
 1840 register shall immediately register as required by this section.
 1841 A sexual offender who is charged with a subsequent failure to
 1842 register may not assert the defense of a lack of notice of the
 1843 duty to register.

1844 (13) (a) A sexual offender must report in person each year
 1845 during the month of the sexual offender's birthday and during
 1846 every third month thereafter to the sheriff's office in the
 1847 county in which he or she resides or is otherwise located to
 1848 reregister.

1849 (b) The sheriff's office may determine the appropriate
 1850 times and days for reporting by the sexual offender, which must
 1851 be consistent with the reporting requirements of this
 1852 subsection. Reregistration must include any changes to the
 1853 following information:

1854 1. Name; social security number; age; race; sex; date of
 1855 birth; height; weight; hair and eye color; tattoos or other
 1856 identifying marks; fingerprints; palm prints; address of any
 1857 permanent residence and address of any current temporary
 1858 residence, within the state or out of state, including a rural
 1859 route address and a post office box; if no permanent or

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1860 temporary address, any transient residence; address, location or
 1861 description, and dates of any current or known future temporary
 1862 residence within the state or out of state; passport
 1863 information, if he or she has a passport, and, if he or she is
 1864 an alien, information about documents establishing his or her
 1865 immigration status; all home telephone numbers and cellular
 1866 telephone numbers required to be provided pursuant to s.
 1867 943.0435(4)(e); all electronic mail addresses and Internet
 1868 identifiers required to be provided pursuant to s.
 1869 943.0435(4)(e); name and address of each school attended; date
 1870 and place of any employment information required to be provided
 1871 pursuant to s. 943.0435(4)(e); the make, model, color, vehicle
 1872 identification number (VIN), and license tag number of all
 1873 vehicles owned; and photograph. A post office box may not be
 1874 provided in lieu of a physical residential address. The offender
 1875 shall also provide information about any professional licenses
 1876 he or she has.

1877 2. If the sexual offender is enrolled or, employed, whether
 1878 for compensation or as a volunteer volunteering, or carrying on
 1879 a vocation at an institution of higher education in this state,
 1880 the sexual offender shall also provide to the department the
 1881 name, address, and county of each institution, including each
 1882 campus attended, and the sexual offender's enrollment,
 1883 volunteer, or employment status.

1884 3. If the sexual offender's place of residence is a motor
 1885 vehicle, trailer, mobile home, or manufactured home, as defined
 1886 in chapter 320, the sexual offender shall also provide the
 1887 vehicle identification number; the license tag number; the
 1888 registration number; and a description, including color scheme,

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1889 of the motor vehicle, trailer, mobile home, or manufactured
 1890 home. If the sexual offender's place of residence is a vessel,
 1891 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1892 sexual offender shall also provide the hull identification
 1893 number; the manufacturer's serial number; the name of the
 1894 vessel, live-aboard vessel, or houseboat; the registration
 1895 number; and a description, including color scheme, of the
 1896 vessel, live-aboard vessel, or houseboat.

1897 4. Any sexual offender who fails to report in person as
 1898 required at the sheriff's office, who fails to respond to any
 1899 address verification correspondence from the department within 3
 1900 weeks after the date of the correspondence, or who knowingly
 1901 provides false registration information by act or omission
 1902 commits a felony of the third degree, punishable as provided in
 1903 ss. 775.082, 775.083, and 775.084.

1904 (c) The sheriff's office shall, within 2 working days,
 1905 electronically submit and update all information provided by the
 1906 sexual offender to the Department of Law Enforcement in a manner
 1907 prescribed by that department.

1908 Section 9. Paragraph (b) of subsection (1) of section
 1909 92.55, Florida Statutes, is amended to read:

1910 92.55 Judicial or other proceedings involving victim or
 1911 witness under the age of 16, a person who has an intellectual
 1912 disability, or a sexual offense victim or witness; special
 1913 protections; use of registered service or therapy animals.—

1914 (1) For purposes of this section, the term:

1915 (b) "Sexual offense" means any offense specified in s.
 1916 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I) ~~or~~
 1917 ~~943.0435(1)(a)1.a.(I)~~.

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1918 Section 10. Subsection (2) of section 775.0862, Florida
1919 Statutes, is amended to read:

1920 775.0862 Sexual offenses against students by authority
1921 figures; reclassification.—

1922 (2) The felony degree of a violation of an offense listed
1923 in s. 943.0435(1)(h)1.a. ~~s. 943.0435(1)(a)1.a.~~, unless the
1924 offense is a violation of s. 794.011(4)(e)7. or s.
1925 810.145(8)(a)2., shall be reclassified as provided in this
1926 section if the offense is committed by an authority figure of a
1927 school against a student of the school.

1928 Section 11. Subsection (3) of section 943.0515, Florida
1929 Statutes, is amended to read:

1930 943.0515 Retention of criminal history records of minors.—

1931 (3) Notwithstanding any other provision of this section,
1932 the Criminal Justice Information Program shall retain the
1933 criminal history record of a minor adjudicated delinquent for a
1934 violation committed on or after July 1, 2007, as provided in s.
1935 943.0435(1)(h)1.d. ~~s. 943.0435(1)(a)1.d.~~ Such records may not be
1936 destroyed and must be merged with the person's adult criminal
1937 history record and retained as a part of the person's adult
1938 record.

1939 Section 12. Subsection (12) of section 947.1405, Florida
1940 Statutes, is amended to read:

1941 947.1405 Conditional release program.—

1942 (12) In addition to all other conditions imposed, for a
1943 releasee who is subject to conditional release for a crime that
1944 was committed on or after May 26, 2010, and who has been
1945 convicted at any time of committing, or attempting, soliciting,
1946 or conspiring to commit, any of the criminal offenses listed in

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1947 s. 943.0435(1)(h)1.a.(I) ~~s. 943.0435(1)(a)1.a.(I)~~, or a similar
1948 offense in another jurisdiction against a victim who was under
1949 18 years of age at the time of the offense, if the releasee has
1950 not received a pardon for any felony or similar law of another
1951 jurisdiction necessary for the operation of this subsection, if
1952 a conviction of a felony or similar law of another jurisdiction
1953 necessary for the operation of this subsection has not been set
1954 aside in any postconviction proceeding, or if the releasee has
1955 not been removed from the requirement to register as a sexual
1956 offender or sexual predator pursuant to s. 943.04354, the
1957 commission must impose the following conditions:

1958 (a) A prohibition on visiting schools, child care
1959 facilities, parks, and playgrounds without prior approval from
1960 the releasee's supervising officer. The commission may also
1961 designate additional prohibited locations to protect a victim.
1962 The prohibition ordered under this paragraph does not prohibit
1963 the releasee from visiting a school, child care facility, park,
1964 or playground for the sole purpose of attending a religious
1965 service as defined in s. 775.0861 or picking up or dropping off
1966 the releasee's child or grandchild at a child care facility or
1967 school.

1968 (b) A prohibition on distributing candy or other items to
1969 children on Halloween; wearing a Santa Claus costume, or other
1970 costume to appeal to children, on or preceding Christmas;
1971 wearing an Easter Bunny costume, or other costume to appeal to
1972 children, on or preceding Easter; entertaining at children's
1973 parties; or wearing a clown costume without prior approval from
1974 the commission.

1975 Section 13. Subsection (4) of section 948.30, Florida

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1976 Statutes, is amended to read:

1977 948.30 Additional terms and conditions of probation or
1978 community control for certain sex offenses.—Conditions imposed
1979 pursuant to this section do not require oral pronouncement at
1980 the time of sentencing and shall be considered standard
1981 conditions of probation or community control for offenders
1982 specified in this section.

1983 (4) In addition to all other conditions imposed, for a
1984 probationer or community controllee who is subject to
1985 supervision for a crime that was committed on or after May 26,
1986 2010, and who has been convicted at any time of committing, or
1987 attempting, soliciting, or conspiring to commit, any of the
1988 criminal offenses listed in s. 943.0435(1)(h)1.a.(I) ~~s.~~
1989 ~~943.0435(1)(a)1.a.(I)~~, or a similar offense in another
1990 jurisdiction, against a victim who was under the age of 18 at
1991 the time of the offense; if the offender has not received a
1992 pardon for any felony or similar law of another jurisdiction
1993 necessary for the operation of this subsection, if a conviction
1994 of a felony or similar law of another jurisdiction necessary for
1995 the operation of this subsection has not been set aside in any
1996 postconviction proceeding, or if the offender has not been
1997 removed from the requirement to register as a sexual offender or
1998 sexual predator pursuant to s. 943.04354, the court must impose
1999 the following conditions:

2000 (a) A prohibition on visiting schools, child care
2001 facilities, parks, and playgrounds, without prior approval from
2002 the offender's supervising officer. The court may also designate
2003 additional locations to protect a victim. The prohibition
2004 ordered under this paragraph does not prohibit the offender from

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2005 visiting a school, child care facility, park, or playground for
2006 the sole purpose of attending a religious service as defined in
2007 s. 775.0861 or picking up or dropping off the offender's
2008 children or grandchildren at a child care facility or school.

2009 (b) A prohibition on distributing candy or other items to
2010 children on Halloween; wearing a Santa Claus costume, or other
2011 costume to appeal to children, on or preceding Christmas;
2012 wearing an Easter Bunny costume, or other costume to appeal to
2013 children, on or preceding Easter; entertaining at children's
2014 parties; or wearing a clown costume; without prior approval from
2015 the court.

2016 Section 14. Section 948.31, Florida Statutes, is amended to
2017 read:

2018 948.31 Evaluation and treatment of sexual predators and
2019 offenders on probation or community control.—The court may
2020 require any probationer or community controllee who is required
2021 to register as a sexual predator under s. 775.21 or sexual
2022 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
2023 an evaluation, at the probationer or community controllee's
2024 expense, by a qualified practitioner to determine whether such
2025 probationer or community controllee needs sexual offender
2026 treatment. If the qualified practitioner determines that sexual
2027 offender treatment is needed and recommends treatment, the
2028 probationer or community controllee must successfully complete
2029 and pay for the treatment. Such treatment must be obtained from
2030 a qualified practitioner as defined in s. 948.001. Treatment may
2031 not be administered by a qualified practitioner who has been
2032 convicted or adjudicated delinquent of committing, or
2033 attempting, soliciting, or conspiring to commit, any offense

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2034 that is listed in s. 943.0435(1)(h)1.a.(I) ~~s.~~
 2035 ~~943.0435(1)(a)1.a.(I)~~.

2036 Section 15. Subsection (4) of section 1012.315, Florida
 2037 Statutes, is amended to read:

2038 1012.315 Disqualification from employment.—A person is
 2039 ineligible for educator certification, and instructional
 2040 personnel and school administrators, as defined in s. 1012.01,
 2041 are ineligible for employment in any position that requires
 2042 direct contact with students in a district school system,
 2043 charter school, or private school that accepts scholarship
 2044 students under s. 1002.39 or s. 1002.395, if the person,
 2045 instructional personnel, or school administrator has been
 2046 convicted of:

2047 (4) Any delinquent act committed in this state or any
 2048 delinquent or criminal act committed in another state or under
 2049 federal law which, if committed in this state, qualifies an
 2050 individual for inclusion on the Registered Juvenile Sex Offender
 2051 List under s. 943.0435(1)(h)1.d. ~~s. 943.0435(1)(a)1.d.~~

2052 Section 16. Paragraph (g) of subsection (2) of section
 2053 1012.467, Florida Statutes, is amended to read:

2054 1012.467 Noninstructional contractors who are permitted
 2055 access to school grounds when students are present; background
 2056 screening requirements.—

2057 (2)

2058 (g) A noninstructional contractor for whom a criminal
 2059 history check is required under this section may not have been
 2060 convicted of any of the following offenses designated in the
 2061 Florida Statutes, any similar offense in another jurisdiction,
 2062 or any similar offense committed in this state which has been

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2063 redesignated from a former provision of the Florida Statutes to
 2064 one of the following offenses:

2065 1. Any offense listed in s. 943.0435(1)(h)1. ~~s.~~
 2066 ~~943.0435(1)(a)1.~~, relating to the registration of an individual
 2067 as a sexual offender.

2068 2. Section 393.135, relating to sexual misconduct with
 2069 certain developmentally disabled clients and the reporting of
 2070 such sexual misconduct.

2071 3. Section 394.4593, relating to sexual misconduct with
 2072 certain mental health patients and the reporting of such sexual
 2073 misconduct.

2074 4. Section 775.30, relating to terrorism.

2075 5. Section 782.04, relating to murder.

2076 6. Section 787.01, relating to kidnapping.

2077 7. Any offense under chapter 800, relating to lewdness and
 2078 indecent exposure.

2079 8. Section 826.04, relating to incest.

2080 9. Section 827.03, relating to child abuse, aggravated
 2081 child abuse, or neglect of a child.

2082 Section 17. For the purpose of incorporating the amendment
 2083 made by this act to section 775.21, Florida Statutes, in a
 2084 reference thereto, section 938.085, Florida Statutes, is
 2085 reenacted to read:

2086 938.085 Additional cost to fund rape crisis centers.—In
 2087 addition to any sanction imposed when a person pleads guilty or
 2088 nolo contendere to, or is found guilty of, regardless of
 2089 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 2090 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 2091 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.

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2092 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 2093 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 2094 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 2095 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 2096 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 2097 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 2098 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
 2099 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
 2100 \$151. Payment of the surcharge shall be a condition of
 2101 probation, community control, or any other court-ordered
 2102 supervision. The sum of \$150 of the surcharge shall be deposited
 2103 into the Rape Crisis Program Trust Fund established within the
 2104 Department of Health by chapter 2003-140, Laws of Florida. The
 2105 clerk of the court shall retain \$1 of each surcharge that the
 2106 clerk of the court collects as a service charge of the clerk's
 2107 office.

2108 Section 18. For the purpose of incorporating the amendments
 2109 made by this act to sections 775.21 and 943.0435, Florida
 2110 Statutes, in references thereto, subsection (1) of section
 2111 794.056, Florida Statutes, is reenacted to read:
 2112 794.056 Rape Crisis Program Trust Fund.—
 2113 (1) The Rape Crisis Program Trust Fund is created within
 2114 the Department of Health for the purpose of providing funds for
 2115 rape crisis centers in this state. Trust fund moneys shall be
 2116 used exclusively for the purpose of providing services for
 2117 victims of sexual assault. Funds credited to the trust fund
 2118 consist of those funds collected as an additional court
 2119 assessment in each case in which a defendant pleads guilty or
 2120 nolo contendere to, or is found guilty of, regardless of

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2121 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 2122 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 2123 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 2124 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 2125 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 2126 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 2127 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 2128 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 2129 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 2130 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 2131 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 2132 fund also shall include revenues provided by law, moneys
 2133 appropriated by the Legislature, and grants from public or
 2134 private entities.

2135 Section 19. For the purpose of incorporating the amendments
 2136 made by this act to sections 775.21, 943.0435, 944.607, and
 2137 985.4815, Florida Statutes, in references thereto, paragraph (g)
 2138 of subsection (3) of section 921.0022, Florida Statutes, is
 2139 reenacted to read:
 2140 921.0022 Criminal Punishment Code; offense severity ranking
 2141 chart.—
 2142 (3) OFFENSE SEVERITY RANKING CHART
 2143 (g) LEVEL 7
 2144

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving

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2146	316.193(3)(c)2.	3rd		DUI resulting in serious bodily injury.
2147	316.1935(3)(b)	1st		Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2148	327.35(3)(c)2.	3rd		Vessel BUI resulting in serious bodily injury.
2149	402.319(2)	2nd		Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2150	409.920 (2)(b)1.a.	3rd		Medicaid provider fraud; \$10,000 or less.
2151				

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	409.920 (2)(b)1.b.	2nd		Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2152	456.065(2)	3rd		Practicing a health care profession without a license.
2153	456.065(2)	2nd		Practicing a health care profession without a license which results in serious bodily injury.
2154	458.327(1)	3rd		Practicing medicine without a license.
2155	459.013(1)	3rd		Practicing osteopathic medicine without a license.
2156	460.411(1)	3rd		Practicing chiropractic medicine without a license.
2157	461.012(1)	3rd		Practicing podiatric medicine without a license.
2158	462.17	3rd		Practicing naturopathy

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				without a license.
2159	463.015(1)	3rd		Practicing optometry without a license.
2160	464.016(1)	3rd		Practicing nursing without a license.
2161	465.015(2)	3rd		Practicing pharmacy without a license.
2162	466.026(1)	3rd		Practicing dentistry or dental hygiene without a license.
2163	467.201	3rd		Practicing midwifery without a license.
2164	468.366	3rd		Delivering respiratory care services without a license.
2165	483.828(1)	3rd		Practicing as clinical laboratory personnel without a license.
2166	483.901(9)	3rd		Practicing medical physics without a license.
2167				

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	484.013(1)(c)	3rd		Preparing or dispensing optical devices without a prescription.
2168	484.053	3rd		Dispensing hearing aids without a license.
2169	494.0018(2)	1st		Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2170	560.123(8)(b)1.	3rd		Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
2171	560.125(5)(a)	3rd		Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2172	655.50(10)(b)1.	3rd		Failure to report financial transactions

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			exceeding \$300 but less than \$20,000 by financial institution.
2173	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
2174	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
2175	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2176	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2177	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of

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			another (manslaughter).
2178	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2179	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2180	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2181	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
2182	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2183	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

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2184	784.048(7)	3rd	Aggravated stalking; violation of court order.
2185	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
2186	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
2187	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
2188	784.081(1)	1st	Aggravated battery on specified official or employee.
2189	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
2190	784.083(1)	1st	Aggravated battery on code inspector.
2191	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.

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2192	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
2193	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2194	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2195	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2196	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2197	790.166(3)	2nd	Possessing, selling, using, or attempting to

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	7-01110A-16		20161662__	use a hoax weapon of mass destruction.
2198	790.166(4)	2nd		Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2199	790.23	1st,PBL		Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2200	794.08(4)	3rd		Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
2201	796.05(1)	1st		Live on earnings of a prostitute; 2nd offense.
2202	796.05(1)	1st		Live on earnings of a prostitute; 3rd and subsequent offense.
2203				

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	800.04(5)(c)1.	2nd		Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2204	800.04(5)(c)2.	2nd		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2205	800.04(5)(e)	1st		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2206	806.01(2)	2nd		Maliciously damage structure by fire or explosive.
2207	810.02(3)(a)	2nd		Burglary of occupied dwelling; unarmed; no assault or battery.
2208				

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2209	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2210	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2211	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
2212	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
2213	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2214	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

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2215	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2216	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2217	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2218	812.131(2)(a)	2nd	Robbery by sudden snatching.
2219	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2220	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.

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2221	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2222	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2223	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2224	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
2225	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2226	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult

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			and property is valued at \$10,000 or more, but less than \$50,000.
2227	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2228	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2229	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2230	838.015	2nd	Bribery.
2231	838.016	2nd	Unlawful compensation or reward for official behavior.
2232	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2233	838.22	2nd	Bid tampering.

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2234	843.0855(2)	3rd	Impersonation of a public officer or employee.
2235	843.0855(3)	3rd	Unlawful simulation of legal process.
2236	843.0855(4)	3rd	Intimidation of a public officer or employee.
2237	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2238	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2239	872.06	2nd	Abuse of a dead human body.
2240	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2241	874.10	1st,PBL	Knowingly initiates, organizes, plans,

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			finances, directs, manages, or supervises criminal gang-related activity.
2242	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
2243	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
2244			

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	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
2245	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2246	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
2247	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
2248	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
2249	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2250	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.

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2251	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2252	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
2253	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
2254	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2255	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2256	893.135 (1)(h)1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2257	893.135	1st	Trafficking in 1,4-

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	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.	
2258	893.135	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	
	(1) (k) 2.a.			
2259	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.	
2260	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	
2261	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	
2262	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with	

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			reporting requirements.	
2263	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	
2264	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.	
2265	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
2266	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	
2267	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.	
2268				

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	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2269			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2270			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2271			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2272			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2273			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister;

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			failure to respond to address verification; providing false registration information.
2274			
2275			Section 20. For the purpose of incorporating the amendments
2276			made by this act to sections 775.21, 943.0435, 944.606, 944.607,
2277			985.481, and 985.4815, Florida Statutes, in references thereto,
2278			paragraph (b) of subsection (6) of section 985.04, Florida
2279			Statutes, is reenacted to read:
2280			985.04 Oaths; records; confidential information.-
2281			(6)
2282			(b) Sexual offender and predator registration information
2283			as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
2284			and 985.4815 is a public record pursuant to s. 119.07(1) and as
2285			otherwise provided by law.
2286			Section 21. For the purpose of incorporating the amendments
2287			made by this act to sections 775.21, 943.0435, and 944.607,
2288			Florida Statutes, in references thereto, subsections (3) and (4)
2289			of section 322.141, Florida Statutes, are reenacted to read:
2290			322.141 Color or markings of certain licenses or
2291			identification cards.-
2292			(3) All licenses for the operation of motor vehicles or
2293			identification cards originally issued or reissued by the
2294			department to persons who are designated as sexual predators
2295			under s. 775.21 or subject to registration as sexual offenders
2296			under s. 943.0435 or s. 944.607, or who have a similar
2297			designation or are subject to a similar registration under the
2298			laws of another jurisdiction, shall have on the front of the

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2299 license or identification card the following:

2300 (a) For a person designated as a sexual predator under s.
2301 775.21 or who has a similar designation under the laws of
2302 another jurisdiction, the marking "SEXUAL PREDATOR."

2303 (b) For a person subject to registration as a sexual
2304 offender under s. 943.0435 or s. 944.607, or subject to a
2305 similar registration under the laws of another jurisdiction, the
2306 marking "943.0435, F.S."

2307 (4) Unless previously secured or updated, each sexual
2308 offender and sexual predator shall report to the department
2309 during the month of his or her reregistration as required under
2310 s. 775.21(8), s. 943.0435(14), or s. 944.607(13) in order to
2311 obtain an updated or renewed driver license or identification
2312 card as required by subsection (3).

2313 Section 22. For the purpose of incorporating the amendments
2314 made by this act to sections 775.21, 943.0435, and 944.607,
2315 Florida Statutes, in references thereto, subsection (4) of
2316 section 948.06, Florida Statutes, is reenacted to read:

2317 948.06 Violation of probation or community control;
2318 revocation; modification; continuance; failure to pay
2319 restitution or cost of supervision.—

2320 (4) Notwithstanding any other provision of this section, a
2321 felony probationer or an offender in community control who is
2322 arrested for violating his or her probation or community control
2323 in a material respect may be taken before the court in the
2324 county or circuit in which the probationer or offender was
2325 arrested. That court shall advise him or her of the charge of a
2326 violation and, if such charge is admitted, shall cause him or
2327 her to be brought before the court that granted the probation or

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2328 community control. If the violation is not admitted by the
2329 probationer or offender, the court may commit him or her or
2330 release him or her with or without bail to await further
2331 hearing. However, if the probationer or offender is under
2332 supervision for any criminal offense proscribed in chapter 794,
2333 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
2334 registered sexual predator or a registered sexual offender, or
2335 is under supervision for a criminal offense for which he or she
2336 would meet the registration criteria in s. 775.21, s. 943.0435,
2337 or s. 944.607 but for the effective date of those sections, the
2338 court must make a finding that the probationer or offender is
2339 not a danger to the public prior to release with or without
2340 bail. In determining the danger posed by the offender's or
2341 probationer's release, the court may consider the nature and
2342 circumstances of the violation and any new offenses charged; the
2343 offender's or probationer's past and present conduct, including
2344 convictions of crimes; any record of arrests without conviction
2345 for crimes involving violence or sexual crimes; any other
2346 evidence of allegations of unlawful sexual conduct or the use of
2347 violence by the offender or probationer; the offender's or
2348 probationer's family ties, length of residence in the community,
2349 employment history, and mental condition; his or her history and
2350 conduct during the probation or community control supervision
2351 from which the violation arises and any other previous
2352 supervisions, including disciplinary records of previous
2353 incarcerations; the likelihood that the offender or probationer
2354 will engage again in a criminal course of conduct; the weight of
2355 the evidence against the offender or probationer; and any other
2356 facts the court considers relevant. The court, as soon as is

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2357 practicable, shall give the probationer or offender an
 2358 opportunity to be fully heard on his or her behalf in person or
 2359 by counsel. After the hearing, the court shall make findings of
 2360 fact and forward the findings to the court that granted the
 2361 probation or community control and to the probationer or
 2362 offender or his or her attorney. The findings of fact by the
 2363 hearing court are binding on the court that granted the
 2364 probation or community control. Upon the probationer or offender
 2365 being brought before it, the court that granted the probation or
 2366 community control may revoke, modify, or continue the probation
 2367 or community control or may place the probationer into community
 2368 control as provided in this section. However, the probationer or
 2369 offender shall not be released and shall not be admitted to
 2370 bail, but shall be brought before the court that granted the
 2371 probation or community control if any violation of felony
 2372 probation or community control other than a failure to pay costs
 2373 or fines or make restitution payments is alleged to have been
 2374 committed by:

2375 (a) A violent felony offender of special concern, as
 2376 defined in this section;

2377 (b) A person who is on felony probation or community
 2378 control for any offense committed on or after the effective date
 2379 of this act and who is arrested for a qualifying offense as
 2380 defined in this section; or

2381 (c) A person who is on felony probation or community
 2382 control and has previously been found by a court to be a
 2383 habitual violent felony offender as defined in s. 775.084(1)(b),
 2384 a three-time violent felony offender as defined in s.
 2385 775.084(1)(c), or a sexual predator under s. 775.21, and who is

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2386 arrested for committing a qualifying offense as defined in this
 2387 section on or after the effective date of this act.

2388 Section 23. For the purpose of incorporating the amendments
 2389 made by this act to sections 775.21, 943.0435, and 944.607,
 2390 Florida Statutes, in references thereto, section 948.063,
 2391 Florida Statutes, is reenacted to read:

2392 948.063 Violations of probation or community control by
 2393 designated sexual offenders and sexual predators.—

2394 (1) If probation or community control for any felony
 2395 offense is revoked by the court pursuant to s. 948.06(2)(e) and
 2396 the offender is designated as a sexual offender pursuant to s.
 2397 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
 2398 775.21 for unlawful sexual activity involving a victim 15 years
 2399 of age or younger and the offender is 18 years of age or older,
 2400 and if the court imposes a subsequent term of supervision
 2401 following the revocation of probation or community control, the
 2402 court must order electronic monitoring as a condition of the
 2403 subsequent term of probation or community control.

2404 (2) If the probationer or offender is required to register
 2405 as a sexual predator under s. 775.21 or as a sexual offender
 2406 under s. 943.0435 or s. 944.607 for unlawful sexual activity
 2407 involving a victim 15 years of age or younger and the
 2408 probationer or offender is 18 years of age or older and has
 2409 violated the conditions of his or her probation or community
 2410 control, but the court does not revoke the probation or
 2411 community control, the court shall nevertheless modify the
 2412 probation or community control to include electronic monitoring
 2413 for any probationer or offender not then subject to electronic
 2414 monitoring.

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2415 Section 24. For the purpose of incorporating the amendment
 2416 made by this act to section 943.0435, Florida Statutes, in a
 2417 reference thereto, paragraph (c) of subsection (10) of section
 2418 944.607, Florida Statutes, is reenacted to read:

2419 944.607 Notification to Department of Law Enforcement of
 2420 information on sexual offenders.—

2421 (10)

2422 (c) An arrest on charges of failure to register when the
 2423 offender has been provided and advised of his or her statutory
 2424 obligations to register under s. 943.0435(2), the service of an
 2425 information or a complaint for a violation of this section, or
 2426 an arraignment on charges for a violation of this section
 2427 constitutes actual notice of the duty to register. A sexual
 2428 offender's failure to immediately register as required by this
 2429 section following such arrest, service, or arraignment
 2430 constitutes grounds for a subsequent charge of failure to
 2431 register. A sexual offender charged with the crime of failure to
 2432 register who asserts, or intends to assert, a lack of notice of
 2433 the duty to register as a defense to a charge of failure to
 2434 register shall immediately register as required by this section.
 2435 A sexual offender who is charged with a subsequent failure to
 2436 register may not assert the defense of a lack of notice of the
 2437 duty to register.

2438 Section 25. For the purpose of incorporating the amendment
 2439 made by this act to section 943.04354, Florida Statutes, in a
 2440 reference thereto, subsection (2) of section 397.4872, Florida
 2441 Statutes, is reenacted to read:

2442 397.4872 Exemption from disqualification; publication.—

2443 (2) The department may exempt a person from ss. 397.487(6)

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2444 and 397.4871(5) if it has been at least 3 years since the person
 2445 has completed or been lawfully released from confinement,
 2446 supervision, or sanction for the disqualifying offense. An
 2447 exemption from the disqualifying offenses may not be given under
 2448 any circumstances for any person who is a:

2449 (a) Sexual predator pursuant to s. 775.21;

2450 (b) Career offender pursuant to s. 775.261; or

2451 (c) Sexual offender pursuant to s. 943.0435, unless the
 2452 requirement to register as a sexual offender has been removed
 2453 pursuant to s. 943.04354.

2454 Section 26. For the purpose of incorporating the amendment
 2455 made by this act to section 943.04354, Florida Statutes, in a
 2456 reference thereto, paragraph (b) of subsection (4) of section
 2457 435.07, Florida Statutes, is reenacted to read:

2458 435.07 Exemptions from disqualification.—Unless otherwise
 2459 provided by law, the provisions of this section apply to
 2460 exemptions from disqualification for disqualifying offenses
 2461 revealed pursuant to background screenings required under this
 2462 chapter, regardless of whether those disqualifying offenses are
 2463 listed in this chapter or other laws.

2464 (4)

2465 (b) Disqualification from employment under this chapter may
 2466 not be removed from, nor may an exemption be granted to, any
 2467 person who is a:

2468 1. Sexual predator as designated pursuant to s. 775.21;

2469 2. Career offender pursuant to s. 775.261; or

2470 3. Sexual offender pursuant to s. 943.0435, unless the
 2471 requirement to register as a sexual offender has been removed
 2472 pursuant to s. 943.04354.

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2473 Section 27. For the purpose of incorporating the amendments
 2474 made by this act to sections 944.606 and 944.607, Florida
 2475 Statutes, in references thereto, section 775.25, Florida
 2476 Statutes, is reenacted to read:

2477 775.25 Prosecutions for acts or omissions.—A sexual
 2478 predator or sexual offender who commits any act or omission in
 2479 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
 2480 944.607, or former s. 947.177 may be prosecuted for the act or
 2481 omission in the county in which the act or omission was
 2482 committed, in the county of the last registered address of the
 2483 sexual predator or sexual offender, in the county in which the
 2484 conviction occurred for the offense or offenses that meet the
 2485 criteria for designating a person as a sexual predator or sexual
 2486 offender, in the county where the sexual predator or sexual
 2487 offender was released from incarceration, or in the county of
 2488 the intended address of the sexual predator or sexual offender
 2489 as reported by the predator or offender prior to his or her
 2490 release from incarceration. In addition, a sexual predator may
 2491 be prosecuted for any such act or omission in the county in
 2492 which he or she was designated a sexual predator.

2493 Section 28. For the purpose of incorporating the amendment
 2494 made by this act to section 944.607, Florida Statutes, in a
 2495 reference thereto, subsection (2) of section 775.24, Florida
 2496 Statutes, is reenacted to read:

2497 775.24 Duty of the court to uphold laws governing sexual
 2498 predators and sexual offenders.—

2499 (2) If a person meets the criteria in this chapter for
 2500 designation as a sexual predator or meets the criteria in s.
 2501 943.0435, s. 944.606, s. 944.607, or any other law for

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2502 classification as a sexual offender, the court may not enter an
 2503 order, for the purpose of approving a plea agreement or for any
 2504 other reason, which:

2505 (a) Exempts a person who meets the criteria for designation
 2506 as a sexual predator or classification as a sexual offender from
 2507 such designation or classification, or exempts such person from
 2508 the requirements for registration or community and public
 2509 notification imposed upon sexual predators and sexual offenders;

2510 (b) Restricts the compiling, reporting, or release of
 2511 public records information that relates to sexual predators or
 2512 sexual offenders; or

2513 (c) Prevents any person or entity from performing its
 2514 duties or operating within its statutorily conferred authority
 2515 as such duty or authority relates to sexual predators or sexual
 2516 offenders.

2517 Section 29. For the purpose of incorporating the amendment
 2518 made by this act to section 944.607, Florida Statutes, in a
 2519 reference thereto, subsection (7) of section 944.608, Florida
 2520 Statutes, is reenacted to read:

2521 944.608 Notification to Department of Law Enforcement of
 2522 information on career offenders.—

2523 (7) A career offender who is under the supervision of the
 2524 department but who is not incarcerated shall, in addition to the
 2525 registration requirements provided in subsection (3), register
 2526 in the manner provided in s. 775.261(4)(c), unless the career
 2527 offender is a sexual predator, in which case he or she shall
 2528 register as required under s. 775.21, or is a sexual offender,
 2529 in which case he or she shall register as required in s.
 2530 944.607. A career offender who fails to comply with the

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2531 requirements of s. 775.261(4) is subject to the penalties
2532 provided in s. 775.261(8).

2533 Section 30. This act shall take effect October 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.14.14
Meeting Date

1662
Bill Number (if applicable)

Topic Sexual offenders

Amendment Barcode (if applicable)

Name Ron Draz

Job Title Director of External Affairs

Address 2331 Phillips Rd
Street

Phone 410.7020

Tall FL 32308
City State Zip

Email RONALDDRAZ@FDLE.STATE.FL.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FDLE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016
Meeting Date

1662
Bill Number (if applicable)

Topic Sexual Offenders

Amendment Barcode (if applicable)

Name RICHARD FORTIN

Job Title SERGEANT VOLUSIA COUNTY SHERIFFS OFFICE

Address 101 EAST CANAL STREET
Street

Phone (386) 423-3301

NEW SMYRNA FL 32168
City State Zip

Email RFORTIN@VCSO.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA SHERIFFS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/2016
Meeting Date

SB 1662
Bill Number (if applicable)

Topic Sexual Offenders

Amendment Barcode (if applicable)

Name Kevin Lystad

Job Title Chief of Police

Address 9990 NE 2nd Avenue

Phone 305-759-2468

Street

Miami Shores FL 33138

Email Kevin.Lystad@mpd.org

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

1940

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

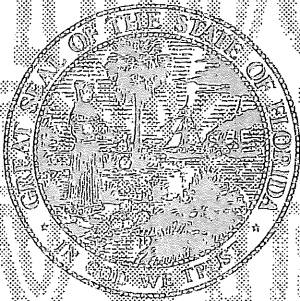
I, Ken Detzner, Secretary of State,
do hereby certify that

Alan L. Garey

is duly appointed a member of the
**Board of Directors,
Prison Rehabilitative Industries and Diversified
Enterprises, Inc.**

for a term beginning on the
Thirtieth day of October, A.D., 2015,
until the Thirtieth day of September, A.D., 2019
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Seventh day of December, A.D., 2015.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 NOV -9 AM 10:28
DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 4, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 946.504, Florida Statutes:

Mr. Alan Garey

as a member of the Prison Rehabilitative Industries and Diversified Enterprises, Inc., Board of Directors, subject to confirmation by the Senate. This appointment is effective October 30, 2015, for a term ending September 30, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2015 NOV 24 AM 9:48

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Broward

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Director - PRIDE Board of Directors

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

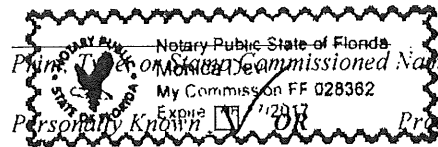
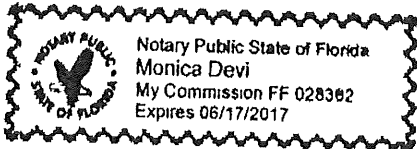
Alan L. Garey

Signature

Sworn to and subscribed before me this 20th day of November, 2015.

Monica Devi

Signature of Officer Administering Oath or of Notary Public



Print Name of Notary Public

My Commission FF 028382

Expires 11/2017

Personally Known

Produced Identification

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2640 N. Powerline Road
Street or Post Office Box

Pompano Beach, Florida 33069
City, State, Zip Code

Alan L. Garey

Print name as you desire commission issued

Alan L. Garey

Signature

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

11/17/15

Date Completed

1. Name: Mr. Garey Alan Lee
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 2640 North Powerline Road Pompano Beach
Street Office # City
Florida 33069 954-975-7992
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address:

Post Office Box

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
		2001	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
N/A			

5. Date of Birth: 03/20/1963 Place of Birth: Ft. Lauderdale, Florida

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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DEPARTMENT OF STATE
2015 NOV 21 AM 9:48
DIVISION OF ELECTIONS
TALLAHASSEE FL

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1963

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Broward B. Current Party Affiliation: Republican

12. Education

A. High School: St. Thomas Aquinas Ft. Lauderdale, Florida Year Graduated: 1981
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Florida Southern College - Lakeland, FL</u>	<u>1981-1985</u>	<u>BS in Accounting</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Decimal Engineering, Inc.</u>	<u>Manufacturing</u>	<u>CEO/President</u>	<u>1980 - Present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have worked in the manufacturing industry over 30 years. Currently I am CEO/President of
Decimal Engineering, Inc., a manufacturer of sheet metal, machining and stamped components for
several diverse industries. For the past 20 years I have extensive experience in leading employees,
suppliers and customers to resolve many different business issues. This together with my
accounting background should serve very useful in being a Director on Pride Enterprises Board.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

2008 - SFMA Manufacturer of the Year Winner
2009 - MAF Manufacturer of the Year Finalist
2009 - Movers & Shakers - South Florida Business Leader Magazine
2011 & 2012 - Fab 40 - Rank # 32 in the US - Fabricator Magazine

D. Identify all association memberships and association offices held by you that relate to this appointment:

SFMA - South Florida Manufacturers Association - Past Chairman and Current Director
MAF - Manufacturers Association of Florida - Current Director
Greater Ft. Lauderdale Chamber of Commerce 2012 & 2013 Director
Vistage Florida - Current Member
PRIDE - 2014 & Current Director

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Monthly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>100</u>	<u>8</u>	<u>Family</u>

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Jeff Strohecker			
Vinnie Morris			
June Wolfe			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Lambda Chi Alpha			1985 - Present
SFMA		Chairman/Current Director	
MAF		Current Director	
March of Dimes		Past Director	
PRIDE		Current Director	

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

114255

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Broward

Before me, the undersigned Notary Public of Florida, personally appeared

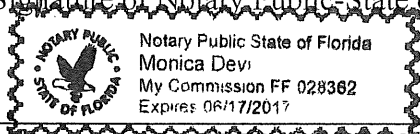
Alan L. Garey

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Alan L. Garey
Signature of Applicant-Affiant

Sworn to and subscribed before me this 30th day of November, 2015.

Monica Dev
Signature of Notary Public, State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 06/17/2017

Personally Known OR Produced Identification

Type of Identification Produced _____

RECEIVED
DEPARTMENT OF STATE
2015 DEC -7 AM 9:57
OFFICE OF ELECTORAL SERVICES

(seal)

1940 5

A black and white copy of this document is not official

1940

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

James Upchurch

is duly appointed a member of the

Board of Directors,
Prison Rehabilitative Industries and Diversified
Enterprises, Inc.

for a term beginning on the
Thirtieth day of October, A.D., 2015,
until the Thirtieth day of September, A.D., 2017
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of December, A.D., 2015



Ken Detzner
Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STA
2015 NOV -9 AM 10: 2.
DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 4, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 946.504, Florida Statutes:

Mr. James Upchurch

as a member of the Prison Rehabilitative Industries and Diversified Enterprises, Inc., Board of Directors, succeeding Richard Hanas, subject to confirmation by the Senate. This appointment is effective October 30, 2015, for a term ending September 30, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

2015 DEC 10 AM 9:31

RECEIVED
NOTARY PUBLIC
2015 DEC 10 A 9:53

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Directors PRIDE
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 14 day of NOV. 2015.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Sonya Summers
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced JLDC



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

James R. Vachurch
Print name as you desire commission issued

[Signature]
Signature

114303

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

11/25/15
Date Completed

1. Name: Mr. Vpchurch James R
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: Same as residence
Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: _____

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
<u>Same as above</u>			

RECEIVED
DEPARTMENT OF STATE
2015 DEC 10 AM 9:30
DIVISION OF ELECTIONS

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
<u>POB</u>	<u>Parchman, Mississippi</u>	<u>1975</u>	<u>1982</u>
<u>Linda Lane</u>	<u>Chandler, Arizona</u>	<u>1992</u>	<u>1996</u>
<u>UNKNOWN</u>	<u>Glendale Arizona</u>	<u>1982</u>	<u>1985</u>
<u>UNKNOWN</u>	<u>Tucson, Arizona</u>	<u>1985</u>	<u>1986</u>
<u>POB</u>	<u>Florence, Arizona</u>	<u>1986</u>	<u>1992</u>

5. Date of Birth: 4/12/48 Place of Birth: Macon, Mississippi

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1996

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: NPA

12. Education

A. High School: Stelby High School Stelby, Mississippi Year Graduated: 1967
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>University of Ms., Oxford Ms.</u>	<u>1967-1969</u>	<u>NONE</u>
<u>Delta State University, Cleveland, Ms</u>	<u>1972-1975</u>	<u>BS, MS</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: 1969-1972

B. Branch or Component: Army

C. Date & type of discharge: Jan 28, 1972 Honorable

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
<u>Florida Department of Corrections</u>	<u>501 S. Calhoun St Tallahassee, FL 32399</u>	<u>Government/Corrections; Bureau Chief, Wardens, Division Director, Assistant Secretary for Institutions;</u>	<u>1996-2015 (retired March 31, 2015)</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment
<u>see Above response #15</u>		

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have 43 years of prison/corrections experience including frequent interactions with and knowledge of prison industries programs

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Executive Management Certifications From Arizona State University and University of Southern California.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

American Correctional Association
Southern States Correctional Association

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
William D. Bales	Professor		
Berinda P. Watson			

Secretary Julie Jones

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
American Correctional Association	206 W. Washington St. Alexandria, Va		22314-1978
Southern States Correctional Association	P.O. Box 928 Crestwood Ky		40114 present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) Identity Theft Crimes - limited to
SSN, DL number, etc.

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared JAMES RAY UPCHURCH, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 25 day of NOV, 2015.

[Signature]
Signature of Notary Public-State of Florida

SONYA SUMMERS
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 5/1/2016

Personally Known OR Produced Identification

Type of Identification Produced FLDL



(seal)

1940

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Don Hunter

is duly appointed a member of the
**Board of Directors,
Prison Rehabilitative Industries and Diversified
Enterprises, Inc.**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the Thirtieth day of September, A.D., 2017
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of July, A.D., 2015.*



Ken Detzner
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
CORRECTIONS

2015 JUL -9 AM 9:53

DEPARTMENT OF
CORRECTIONS

STATE OF FLORIDA

County of COLLIER

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member Prison Rehabilitative Industries and Diversified Enterprises, Inc. Board of Directors

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Handwritten Signature]
Signature

Sworn to and subscribed before me this 2nd day of July, 2015.

[Handwritten Signature]
Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR

Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

Street or Post Office Box

City, State, Zip Code

DON HUNTER

Print name as you desire commission issued

[Handwritten Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 946.504, Florida Statutes:

Mr. Don C. Hunter

as a member of the Prison Rehabilitative Industries and Diversified Enterprises, Inc., Board of Directors, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending September 30, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

112857

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

March 30, 2015

Date Completed

1. Name: Mr. Hunter Donald Curtis
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: N/A
Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: _____
Street City

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
			sent

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
NONE			

5. Date of Birth: 10/09/1951 Place of Birth: Tallahassee, Florida

6. Social Security Number: _____

7. Driver License Number: _____ ing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

Nickname of "Don Hunter"

RECEIVED
DEPARTMENT OF STATE
DIVISION OF ELECTIONS
2015 JUL -9 AM 9:53

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1951

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Collier B. Current Party Affiliation: Republican

12. Education

A. High School: Naples Senior High, Naples, Florida Year Graduated: 1969
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Florida State University</u>	<u>August, 1972-June, 1974</u>	<u>B.S.</u>
<u>Florida State University</u>	<u>August 1976-June, 1976</u>	
<u>University of South Florida</u>	<u>January, 1983</u>	<u>M.S.</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>PLEASE SEE NEXT PAGE ATTACHED</u>			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Sheriff</u>	<u>Collier County Sheriff's Office</u>	<u>12/1988 - 1/2009</u>
<u>Deputy Sheriff/Major</u>	<u>Collier County Sheriff's Office</u>	<u>10/1979 - 12/1988</u>
<u>Regional Administrator</u>	<u>Southwest Fl. Reg. Planning Council</u>	<u>10/1976 - 10/1979</u>

ADDENDUM ITEM 15: "... current employer and for all of your employment during the last five years, ..."

Self employed Security/personal protection consulting Principal of Company 6/2014 - present (Investigative Security Specialists International, LLC)

Marco Island, Fl. 50 Bald Eagle Drive Marco Island, Fl. 34145 Law Enforcement as Chief of Police 8/2011 - 6/2014

National Center for Missing & Exploited Children 699 Prince St. Alexandria, Va. 22314
National Center is a national child protection federal, state and local collaboration served as Contractor/Consultant and Law Enforcement Liaison 1/2009 - 2/1011

Technology Investors, Inc. 4530 Conference Way Boca Raton, Fl. 33431 Software development company designed to find predators of children on the worldwide web served as company contractor/associate for law enforcement liaison and consultation

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Served as Chief Administrator and then Sheriff of Collier County Sheriff's Office 1981-2009; held responsibility for jails and prisoner care; created juvenile offender rehabilitation facility in Collier County, judged as exemplary in study conducted by University of Maryland; created an in-jail habilitation inmate pod for educational attainment of H.S. diploma and addiction treatment.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

B.S. and M.S. (non-terminal) in Criminology, FSU/USF
Received national and state accreditation for jail systems under my administration as Sheriff of Collier County

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

As noted in "B." above, State and National Jail/Corrections Accreditation certifications

D. Identify all association memberships and association offices held by you that relate to this appointment:

International Association of Chiefs of Police (lifetime member)
National Sheriff's Association (member)
Commissioner Commission on Accreditation for Law Enforcement Agencies
Commissioner Florida Accreditation Commission (also its Chair)
Florida Sheriff's Association (member and board of directors)

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Sheriff	11/1988 - 11/2004	12/1988 - 1/2009	County
Florida Parole Commission Nomination Board	(dates in state record)		State
Chief of Police	8/2011 - 6/2014		Municipal
Intelligence Chair Florida Domestic Security Oversight Council	2007-2008		State
PLEASE SEE NEXT PAGE ATTACHED			

ADDENDUM PAGE 4 ITEM 19. "... elected or appointed to any public office..."

Regional Co-Chairman Florida Domestic Security Oversight Council (approximately 2004 appointment) Term 2004 - 2008 State level of government

FBI Domestic Security Task Force Co-Chairman (approximately 2004 appointed) Term from 2004 - 2008 State and Federal level of government

Florida Criminal and Juvenile Justice Information Systems Council (approximate date of appointment 2005) term of 3 years State level of government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Periodic as needed (Quarterly typical)

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>Matter of State Record Fl. Parole Comm. Nomination Board</u>	<u>- none recalled</u>	
<u>Matter of State Record Fl. Dom. Sec. Oversight Council</u>	<u>- none recalled</u>	
<u>Matter of State Record Fl. Criminal & Juv. Just. Info. Sys. Council</u>	<u>- none recalled</u>	

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____
B. Term of Appointment: _____
C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>City of Marco Island, Fl.</u>	<u>Chief of Police (Contractor)</u>	<u>Marco Police Dept.</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Collier County Public Schools	Spouse	Employee of District	none
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
_____	_____
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Kevin Rambosk	_____	_____	_____
Jim Williams	_____	_____	_____
Ed Morton	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
SEE NEXT PAGE	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

ADDENDUM QUESTIONNAIRE ITEM 28. "... business, professional, occupational, civic, or fraternal organizations ..."

Florida Sheriff's Association 2617 Mahan Dr. Tallahassee, Fl. 32317 Member/Board Member since approximately 1988-present

National Sheriff's Association 1450 Duke St. Alexandria, Va. 22314 - Member 1988 - present

FBI National Academy Associates FBI National Academy Quantico, Va. 22135 - Graduate Member 1994 - present

International Association of Chiefs of Police 44 Canal Center Plaza, Suite 200 Alexandria, Va. 22314 Member (Lifetime) 1994 (approximately) - present

American Society of Industrial Security 1625 Prince St. Alexandria, Va. 22314 Member 2010 - present

Association of Former Intelligence Officers 7700 Leesburg Pike suite 324 Falls Church, Va. Member/Associate approximately 2005 - present

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) Applicant is retired law enforcement

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

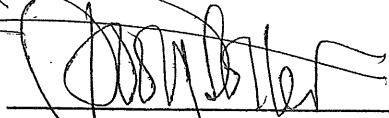
CERTIFICATION

STATE OF FLORIDA
COUNTY OF COLLER

Before me, the undersigned Notary Public of Florida, personally appeared

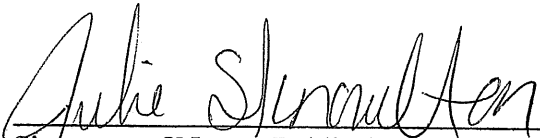
Don Hunter

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

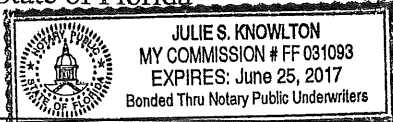


Signature of Applicant-Affiant

Sworn to and subscribed before me this 2nd day of July, 2015.



Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 6/25/17

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Criminal Justice Committee

Judge:

Started: 2/16/2016 10:04:34 AM

Ends: 2/16/2016 11:56:03 AM

Length: 01:51:30

10:04:42 AM Meeting called to order - Roll Call
10:05:42 AM Tab 7 SB 1352 by Senator Smith-Autism Awareness Training for Law Enforcement
10:07:57 AM Senator Gibson asks a question about the bill.
10:08:34 AM Roll call for SB 1352
10:09:09 AM Tab 4 SB 1072 by Senator Soto-Arrest Booking Photographs
10:10:03 AM Senator Clemens asks a question
10:10:22 AM Senator Soto responds to the question
10:11:22 AM Senator Bradley asks a question
10:11:35 AM Senator Soto responds to the question
10:16:09 AM Roll call for SB 1072
10:17:16 AM Tab 12 SB 1662 by Senator Bradley-Sexual Offenders
10:23:09 AM Roll call for SB 1662
10:23:37 AM Tab 2 SB 360 by Senator Clemens -Victim Assistance
10:24:31 AM Amendment Barcode 640324, Senator Clemens
10:25:10 AM Without objection, show the amendment adopted.
10:25:27 AM Roll call for SB 360
10:26:17 AM Tab 11 SB 1632 by Senator Clemens-Criminal Justice Standards and Training Com
10:27:37 AM Roll call for SB 1632
10:28:27 AM Tab 6 SB 1314 by Senator Dean-Public Records/Witness to a Felony tp'd
10:29:16 AM Tab 9 SB 1500 by Senator Simpson-Concealed Weapons and Firearms
10:35:54 AM Michael D. Stewart, Florida Airports Council, Jacksonville, FL
10:37:08 AM Greg Pound, Largo, FL
10:39:16 AM Roll call for SB 1500
10:40:17 AM Tab 6 SB 1314 by Senator Dean-Public Records/Witness to a Felony
10:40:34 AM Representative Narain is recognized to explain the bill.
10:41:19 AM Amendment Barcode 849632, Senator Bradley explained by Mr. Narain
10:41:48 AM Without objection, show the amendment adopted.
10:42:32 AM Tangelo Spears, Miami Dade Parents of Murdered Kids
10:45:51 AM Nancy Daniels, Florida Public Defender Assn. Inc.
10:47:26 AM Alberto Carvalho, Miami-Dade County Public Schools
10:49:22 AM Raquel Regalado, School Board of Miami-Dade County
10:50:35 AM Wanda Jones, Miami Dade County
10:52:11 AM Karen Evans, Miami, FL
10:52:37 AM Tranell Harris
10:52:58 AM Arlene Byrd, Miami Dade County
10:54:10 AM Myrna Williams-Cammon, Miami Garden, FL
10:55:41 AM Tab 5 SB 1182 by Senator Latvala-Controlled Substances
10:57:48 AM Senator Bradley takes the chair
10:58:52 AM Senator Evers explains late-filed amendment
10:59:19 AM Greg Pound, Pinellas FL Government Corruption
11:01:54 AM Senator Evers asked Thomas Harrison a question.
11:03:39 AM Mr. Harrison responds to Senator Evers a question.
11:04:27 AM Senator Bradley asks Ms. McDonald a question
11:06:01 AM Kristie McDonald, Purple Lotus
11:06:48 AM Senator Gibson asks Ms. McDonald a question about Kratom under age
11:07:31 AM Mike Erickson answers Senator Gibson's question.
11:09:43 AM Senator Evers asks Mike a question about the age
11:10:10 AM Mike responds to Senator Evers question.
11:10:55 AM Senator Latvala makes a comment about Kratom
11:17:01 AM Senator Evers makes a comment about Kratom
11:19:44 AM Senator Latvala closes on SB 1182
11:23:23 AM Roll call for SB 1182

11:24:22 AM Tab 3 SB 408 by Senator Altman-Juvenile Civil Citations
11:24:34 AM Devon West is recognized to explain the bill.
11:25:41 AM Tab 1 CS/SB 332 by Transportation / Senator Altman-Highway Safety
11:26:50 AM Devon West is recognized to explain the bill.
11:27:43 AM Amendment Barcode 196208, Senator Clemens
11:29:08 AM James Reichenbach, ABATE of Florida, Inc.
11:37:00 AM Amendment failed
11:40:15 AM Roll call for CS/SB 332
11:40:43 AM Tab 3 SB 408 by Senator Altman-Juvenile Civil Citations
11:41:00 AM Late file amendment 802076?
11:41:50 AM Without objection, show the amendment adopted.
11:43:42 AM Jeffrey Chudnow, Florida Police Chiefs Association
11:45:27 AM Vern Pickup-Crawford, Palm Beach School District
11:46:50 AM Rev. C. Moss, DART Criminal Justice Collaborative
11:48:56 AM Sarrah Carroll, Florida Sheriffs Association
11:50:07 AM Rev. Bernice Powell Jackson, Hillsborough Org. for Progress and Equality
11:50:59 AM Roll call for SB 408
11:51:17 AM Tab 8 SB 1382 by Senator Flores-Victim and Witness Protection
11:51:24 AM Senator Flores aide explains the bill
11:52:25 AM Roll call for SB 1382
11:53:22 AM Tab 10 SB 1580 by Senator Legg-First Responders
11:53:41 AM Rich Reidy is recognized to explain the bill.
11:54:34 AM Roll call for SB 1580
11:54:55 AM Senate Confirmation Hearing - PRIDE, Board of Directors:
11:55:30 AM Confirmation Hearing - TP'd
11:55:54 AM Meeting adjourned