

By Senator Meek

36-903A-99

1 A bill to be entitled
 2 An act relating to the criminal justice system;
 3 amending s. 316.2045, F.S.; prohibiting minors
 4 from standing or approaching vehicles on any
 5 public street, highway, road, or state
 6 transportation facility right-of-way for
 7 purposes of soliciting; providing a civil
 8 penalty; amending s. 943.13, F.S.; providing
 9 minimum qualifications for employment for
 10 correctional probation officers and persons
 11 employed by a private entity under contract
 12 with the Department of Corrections or with a
 13 county commission; creating s. 944.6125, F.S.;
 14 providing that certain women who are confined
 15 by the Department of Corrections must be placed
 16 in a correctional facility located within a
 17 reasonable distance from the residence of the
 18 minor child of the confined woman; providing
 19 for a child-friendly environment; providing for
 20 the application of the act; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsection (6) is added to section
 26 316.2045, Florida Statutes, to read:

27 316.2045 Obstruction of public streets, highways, and
 28 roads.--

29 (6) A minor under the age of 18 years may not stand or
 30 approach motor vehicles on any public street, highway, or road
 31 in order to solicit. A person who violates this subsection is

1 guilty of a noncriminal traffic infraction and subject to a
2 civil penalty of \$100.

3 Section 2. Section 943.13, Florida Statutes, is
4 amended to read:

5 943.13 Officers' minimum qualifications for employment
6 or appointment.--~~On or after October 1, 1984,~~Any person
7 employed or appointed as a full-time, part-time, or auxiliary
8 law enforcement officer, correctional probation officer,or
9 correctional officer, including persons employed by a private
10 entity under contract with the Department of Corrections, with
11 a county commission,~~; on or after October 1, 1986, any person~~
12 ~~employed as a full-time, part-time, or auxiliary correctional~~
13 ~~probation officer; and on or after October 1, 1986, any person~~
14 ~~employed as a full-time, part-time, or auxiliary correctional~~
15 ~~officer by a private entity under contract to the Department~~
16 ~~of Corrections, to a county commission,~~or with to the
17 Correctional Privatization Commission must ~~shall~~:

18 (1) Be at least 19 years of age.

19 (2) Be a citizen of the United States, notwithstanding
20 any law of the state to the contrary.

21 (3) Be a high school graduate or its "equivalent" as
22 the commission has defined the term by rule. However, any
23 person whose employment or appointment as a full-time or
24 part-time law enforcement officer commences on or after
25 October 1, 2005, must have received at least an associate
26 degree or its equivalent, as defined by rule of the
27 commission.

28 (4) Not have been convicted of any felony or of a
29 misdemeanor involving perjury or a false statement, or have
30 received a dishonorable discharge from any of the Armed Forces
31 of the United States. Any person who, after July 1, 1981,

1 pleads guilty or nolo contendere to or is found guilty of any
2 felony or of a misdemeanor involving perjury or a false
3 statement is not eligible for employment or appointment as an
4 officer, notwithstanding suspension of sentence or withholding
5 of adjudication. Notwithstanding this subsection, any person
6 who has pled nolo contendere to a misdemeanor involving a
7 false statement, prior to December 1, 1985, and has had such
8 record sealed or expunged shall not be deemed ineligible for
9 employment or appointment as an officer.

10 (5) Have documentation of his or her processed
11 fingerprints on file with the employing agency or, if a
12 private correctional officer, have documentation of his or her
13 processed fingerprints on file with the Department of
14 Corrections or the Criminal Justice Standards and Training
15 Commission. If administrative delays are caused by the
16 department or the Federal Bureau of Investigation and the
17 person has complied with subsections (1)-(4) and (6)-(9), he
18 or she may be employed or appointed for a period not to exceed
19 1 calendar year from the date he or she was employed or
20 appointed or until return of the processed fingerprints
21 documenting noncompliance with subsections (1)-(4) or
22 subsection (7), whichever occurs first.

23 (6) Have passed a physical examination by a licensed
24 physician, based on specifications established by the
25 commission.

26 (7) Have a good moral character as determined by a
27 background investigation under procedures established by the
28 commission.

29 (8) Execute and submit to the employing agency or, if
30 a private correctional officer, submit to the appropriate
31 governmental entity an affidavit-of-applicant form, adopted by

1 the commission, attesting to his or her compliance with
2 subsections (1)-(7). The affidavit shall be executed under
3 oath and constitutes an official statement within the purview
4 of s. 837.06. The affidavit shall include conspicuous language
5 that the intentional false execution of the affidavit
6 constitutes a misdemeanor of the second degree. The affidavit
7 shall be retained by the employing agency.

8 (9) Complete a commission-approved basic recruit
9 training program for the applicable criminal justice
10 discipline, unless exempt under this subsection. An applicant
11 who has:

12 (a) Completed a comparable basic recruit training
13 program for the applicable criminal justice discipline in
14 another state or for the Federal Government; and

15 (b) Served as a full-time sworn officer in another
16 state or for the Federal Government for at least one year

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18 is exempt in accordance with s. 943.131(2) from completing the
19 commission-approved basic recruit training program.

20 (10) Achieve an acceptable score on the officer
21 certification examination for the applicable criminal justice
22 discipline.

23 (11) Comply with the continuing training or education
24 requirements of s. 943.135.

25 Section 3. Section 944.6125, Florida Statutes, is
26 created to read:

27 944.6125 Imprisoned women; location of women with
28 children.--

29 (1) When at all possible, women who are confined by
30 the Florida Department of Corrections for nonviolent offenses,
31 and who have minor children, must be placed in a facility that

1 is within a reasonable distance from the child's place of
2 residence.

3 (2) Once the mother has been placed near the minor
4 child, the facility must provide a child-friendly environment
5 in which the mother and child may continue the bonding process
6 even in the harsh reality of a prison setting.

7 (3) This mandate in no way requires a minor child to
8 visit an incarcerated parent. The provisions of this section
9 apply only to a child whose mother is incarcerated and whose
10 family unit has made a conscious decision to allow the child
11 to visit the imprisoned parent.

12 Section 4. This act shall take effect October 1, 1999.

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15 SENATE SUMMARY

16 Prohibits minors under the age of 18 years from standing
17 or approaching vehicles on any public street, highway,
18 road, or state transportation facility right-of-way for
19 purposes of soliciting. Provides a civil penalty.
20 Provides minimum qualifications for employment for
21 correctional probation officers and persons employed by a
22 private entity under contract to the Department of
23 Corrections or to a county commission. Provides that when
24 at all possible, women who are confined by the Department
25 of Corrections for nonviolent offenses and who have minor
26 children, must be placed at a correctional facility
27 within a reasonable distance from the minor children.
28 Provides for a child-friendly environment at the facility
29 for the continued bonding of the minor child and the
30 confined parent.
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