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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on Judiciary (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

775.21 The Florida Sexual Predators Act.—

(10) PENALTIES.—

(b) A sexual predator who has been convicted of or found to
have committed, or has pled nolo contendere or guilty to,



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13 regardless of adjudication, any violation, or attempted
14 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
15 the victim is a minor and the defendant is not the victim's
16 parent or guardian; s. 794.011(2), (3), (4), (5), or (8) ~~s.~~
17 ~~794.011, excluding s. 794.011(10);~~ s. 794.05; s. 796.03; s.
18 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s.
19 847.0145; or s. 985.701(1); or a violation of a similar law of
20 another jurisdiction when the victim of the offense was a minor,
21 and who works, whether for compensation or as a volunteer, at
22 any business where children regularly congregate, school, child
23 care facility ~~day care center~~, park as defined in s. 794.0701,
24 playground, or other place where children regularly congregate,
25 commits a felony of the third degree, punishable as provided in
26 s. 775.082, s. 775.083, or s. 775.084.

27 Section 2. Section 794.0701, Florida Statutes, is created
28 to read:

29 794.0701 Loitering or prowling by persons convicted of
30 certain sex offenses.-

31 (1) Any person who:

32 (a) Has been convicted of a violation of s. 787.01, s.
33 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,
34 regardless of whether adjudication has been withheld, in which
35 the victim of the offense was younger than 16 years of age; and

36 (b) Loiters or prowls as proscribed in s. 856.021 within
37 300 feet of a place where children regularly congregate,
38 including a school, designated public school bus stop, child
39 care facility, playground, or park as defined in s. 794.0701,

40
41 commits a misdemeanor of the first degree, punishable as



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42 provided in s. 775.082 or s. 775.083.

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

45 (3) "Park" means and includes all public and private
46 property specifically designated as being used for park and
47 recreational purposes and where children regularly congregate.

48 (4) "School" has the same meaning as provided in s. 1003.01
49 and includes a "private school" as defined in s. 1002.01, a
50 "voluntary prekindergarten education program" as described in s.
51 1002.53(3), a "public school" as described in s. 402.3025(1),
52 the Florida School for the Deaf and the Blind, the Florida
53 Virtual School as established in s. 1002.37, and a K-8 Virtual
54 School as established in s. 1002.415, excluding facilities
55 dedicated exclusively to the education of adults.

56 Section 3. Section 940.061, Florida Statutes, is amended to
57 read:

58 940.061 Informing persons about executive clemency and
59 restoration of civil rights.—The Department of Corrections shall
60 inform and educate inmates and offenders on community
61 supervision about the restoration of civil rights. The
62 Department of Corrections shall send the Parole Commission a
63 monthly electronic list containing the names of inmates released
64 from incarceration and offenders who have been terminated from
65 supervision and who may be eligible for restoration of civil
66 rights and assist eligible inmates and offenders on community
67 supervision with the completion of the application for the
68 restoration of civil rights.

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

70 Section 5. Paragraph (b) of subsection (3) of section



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71 944.35, Florida Statutes, is amended to read:

72 944.35 Authorized use of force; malicious battery and
73 sexual misconduct prohibited; reporting required; penalties.—

74 (3)

75 (b)1. As used in this paragraph, the term "sexual
76 misconduct" means the oral, anal, or vaginal penetration by, or
77 union with, the sexual organ of another or the anal or vaginal
78 penetration of another by any other object, but does not include
79 an act done for a bona fide medical purpose or an internal
80 search conducted in the lawful performance of the employee's
81 duty.

82 2. Any employee of the department or any employee of a
83 private correctional facility, as defined in s. 944.710, who
84 engages in sexual misconduct with an inmate or an offender
85 supervised by the department in the community, without
86 committing the crime of sexual battery, commits a felony of the
87 third degree, punishable as provided in s. 775.082, s. 775.083,
88 or s. 775.084.

89 3. The consent of the inmate or offender supervised by the
90 department in the community to any act of sexual misconduct may
91 not be raised as a defense to a prosecution under this
92 paragraph.

93 4. This paragraph does not apply to any employee of the
94 department or any employee of a private correctional facility
95 who is legally married to an inmate or an offender supervised by
96 the department in the community, nor does it apply to any
97 employee who has no knowledge, and would have no reason to
98 believe, that the person with whom the employee has engaged in
99 sexual misconduct is an inmate or an offender under community



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100 supervision of the department.

101 Section 6. Section 945.604, Florida Statutes, is created to
102 read:

103 945.604 Medical claims.-

104 (1) DEFINITION OF "CLAIM."As used in this section, for a
105 noninstitutional health care provider the term "claim" means a
106 paper or electronic billing instrument submitted to the
107 department that consists of the HCFA 1500 data set, or its
108 successor, that has all mandatory entries for a physician
109 licensed under chapter 458, chapter 459, chapter 460, chapter
110 461, or chapter 463 or a psychologist licensed under chapter 490
111 or any appropriate billing instrument that has all mandatory
112 entries for any other noninstitutional health care provider. For
113 an institutional health care provider, the term "claim" means a
114 paper or electronic billing instrument submitted to the
115 department that consists of the UB-92 data set or its successor
116 with entries stated as mandatory by the National Uniform Billing
117 Committee.

118 (2) SUBMISSION DATE.-Claims for payment or underpayment are
119 considered submitted on the date the claim for payment is mailed
120 or electronically transferred to the department by the health
121 care provider. Claims for overpayment are considered submitted
122 on the date the claim for overpayment is mailed or
123 electronically transferred to the health care provider by the
124 department.

125 (3) Claims for payment or underpayment.

126 (a) Claims for payment or underpayment must be submitted to
127 the department within 6 months after the following have
128 occurred:



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129 1. The discharge of the inmate for inpatient services
130 rendered to the inmate or the date of service for outpatient
131 services rendered to the inmate; and

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

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

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

140 (4) Claims for overpayment.

141 (a) If the department determines that it has made an
142 overpayment to a health care provider for services rendered to
143 an inmate, it must make a claim for such overpayment to the
144 provider's designated location. The department shall provide a
145 written or electronic statement specifying the basis for
146 overpayment. The department must identify the claim or claims,
147 or overpayment claim portion thereof, for which a claim for
148 overpayment is submitted.

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

154 (c) Health care providers are not obligated to pay claims
155 for overpayment that were not submitted in accordance with
156 paragraph (b).

157 (d) A health care provider must pay, deny, or contest the



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158 department's claim for overpayment within 40 days after the
159 receipt of the claim for overpayment.

160 (e) A health care provider that denies or contests the
161 department's claim for overpayment or any portion of a claim
162 shall notify the department, in writing, within 40 days after
163 the provider receives the claim. The notice that the claim for
164 overpayment is denied or contested must identify the contested
165 portion of the claim and the specific reason for contesting or
166 denying the claim and, if contested, must include a request for
167 additional information.

168 (f) All contested claims for overpayment must be paid or
169 denied within 120 days after receipt of the claim. Failure to
170 pay or deny the claim for overpayment within 140 days after
171 receipt creates an uncontestable obligation to pay the claim.

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

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

178 Section 7. Section 945.6041, Florida Statutes, is created
179 to read:

180 945.6041 Inmate medical services.—

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

182 (a) "Emergency medical transportation services" includes,
183 but is not limited to, services rendered by ambulances,
184 emergency medical services vehicles, and air ambulances as those
185 terms are defined in s. 401.23.

186 (b) "Health care provider" has the same meaning as provided



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187 in s. 766.105.

188 (2) (a) If no contract for the provision of inmate medical
189 services exists between the department and a health care
190 provider or between a private correctional facility, as defined
191 in s. 944.710, and a health care provider, compensation for such
192 services may not exceed 110 percent of the Medicare allowable
193 rate.

194 (b) Notwithstanding paragraph (a), if no contract for the
195 provision of inmate medical services exists between the
196 department and a health care provider or between a private
197 correctional facility, as defined in s. 944.710, and a health
198 care provider that reported to the Agency for Health Care
199 Administration, through hospital-audited financial data, a
200 negative operating margin for the previous year, compensation
201 for such services may not exceed 125 percent of the Medicare
202 allowable rate.

203 (3) If no contract for emergency medical transportation
204 services exists between the department and an entity that
205 provides emergency medical transportation services or between a
206 private correctional facility, as defined in s. 944.710, and an
207 entity that provides emergency medical transportation services,
208 compensation for such services may not exceed 110 percent of the
209 Medicare allowable rate.

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

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

214 947.1405 Conditional release program.—

215 (7) (a) Any inmate who is convicted of a crime committed on



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216 or after October 1, 1995, or who has been previously convicted
217 of a crime committed on or after October 1, 1995, in violation
218 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
219 847.0145, and is subject to conditional release supervision,
220 shall have, in addition to any other conditions imposed, the
221 following special conditions imposed by the commission:

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

228 2.a. If the victim was under the age of 18, a prohibition
229 on living within 1,000 feet of a school, child care facility ~~day~~
230 ~~care center~~, park as defined in s. 794.0701, playground,
231 designated public school bus stop, or other place where children
232 regularly congregate. A releasee who is subject to this
233 subparagraph may not relocate to a residence that is within
234 1,000 feet of a public school bus stop.

235 b. Beginning October 1, 2004, the commission or the
236 department may not approve a residence that is located within
237 1,000 feet of a school, child care facility ~~day care center~~,
238 park as defined in s. 794.0701, playground, designated school
239 bus stop, or other place where children regularly congregate for
240 any releasee who is subject to this subparagraph. On October 1,
241 2004, the department shall notify each affected school district
242 of the location of the residence of a releasee 30 days prior to
243 release and thereafter, if the releasee relocates to a new
244 residence, shall notify any affected school district of the



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245 residence of the releasee within 30 days after relocation. If,
246 on October 1, 2004, any public school bus stop is located within
247 1,000 feet of the existing residence of such releasee, the
248 district school board shall relocate that school bus stop.
249 Beginning October 1, 2004, a district school board may not
250 establish or relocate a public school bus stop within 1,000 feet
251 of the residence of a releasee who is subject to this
252 subparagraph. The failure of the district school board to comply
253 with this subparagraph shall not result in a violation of
254 conditional release supervision.

255 3. Active participation in and successful completion of a
256 sex offender treatment program with qualified practitioners
257 specifically trained to treat sex offenders, at the releasee's
258 own expense. If a qualified practitioner is not available within
259 a 50-mile radius of the releasee's residence, the offender shall
260 participate in other appropriate therapy.

261 4. A prohibition on any contact with the victim, directly
262 or indirectly, including through a third person, unless approved
263 by the victim, the offender's therapist, and the sentencing
264 court.

265 5. If the victim was under the age of 18, a prohibition
266 against contact with children under the age of 18 without review
267 and approval by the commission. The commission may approve
268 supervised contact with a child under the age of 18 if the
269 approval is based upon a recommendation for contact issued by a
270 qualified practitioner who is basing the recommendation on a
271 risk assessment. Further, the sex offender must be currently
272 enrolled in or have successfully completed a sex offender
273 therapy program. The commission may not grant supervised contact



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274 with a child if the contact is not recommended by a qualified
275 practitioner and may deny supervised contact with a child at any
276 time. When considering whether to approve supervised contact
277 with a child, the commission must review and consider the
278 following:

279 a. A risk assessment completed by a qualified practitioner.
280 The qualified practitioner must prepare a written report that
281 must include the findings of the assessment and address each of
282 the following components:

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

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

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

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

290 (V) The sex offender's offender treatment history,
291 including a consultation from the sex offender's treating, or
292 most recent treating, therapist;

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

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

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

298 (IX) The results of current psychological testing of the
299 sex offender if determined necessary by the qualified
300 practitioner;

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



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

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

307 (XIII) The qualified practitioner's opinion, along with the
308 basis for that opinion, as to whether the proposed contact would
309 likely pose significant risk of emotional or physical harm to
310 the child.

311
312 The written report of the assessment must be given to the
313 commission.

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

317 c. A written consent signed by the child's parent or legal
318 guardian, if the parent or legal guardian is not the sex
319 offender, agreeing to the sex offender having supervised contact
320 with the child after receiving full disclosure of the sex
321 offender's present legal status, past criminal history, and the
322 results of the risk assessment. The commission may not approve
323 contact with the child if the parent or legal guardian refuses
324 to give written consent for supervised contact;

325 d. A safety plan prepared by the qualified practitioner,
326 who provides treatment to the offender, in collaboration with
327 the sex offender, the child's parent or legal guardian, and the
328 child, when age appropriate, which details the acceptable
329 conditions of contact between the sex offender and the child.
330 The safety plan must be reviewed and approved by the Department
331 of Corrections before being submitted to the commission; and



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332 e. Evidence that the child's parent or legal guardian, if
333 the parent or legal guardian is not the sex offender,
334 understands the need for and agrees to the safety plan and has
335 agreed to provide, or to designate another adult to provide,
336 constant supervision any time the child is in contact with the
337 offender.

338
339 The commission may not appoint a person to conduct a risk
340 assessment and may not accept a risk assessment from a person
341 who has not demonstrated to the commission that he or she has
342 met the requirements of a qualified practitioner as defined in
343 this section.

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

349 7. Unless otherwise indicated in the treatment plan
350 provided by the sexual offender treatment program, a prohibition
351 on viewing, owning, or possessing any obscene, pornographic, or
352 sexually stimulating visual or auditory material, including
353 telephone, electronic media, computer programs, or computer
354 services that are relevant to the offender's deviant behavior
355 pattern.

356 8. Effective for a releasee whose crime is committed on or
357 after July 1, 2005, a prohibition on accessing the Internet or
358 other computer services until the offender's sex offender
359 treatment program, after a risk assessment is completed,
360 approves and implements a safety plan for the offender's



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361 accessing or using the Internet or other computer services.

362 9. A requirement that the releasee must submit two
363 specimens of blood to the Florida Department of Law Enforcement
364 to be registered with the DNA database.

365 10. A requirement that the releasee make restitution to the
366 victim, as determined by the sentencing court or the commission,
367 for all necessary medical and related professional services
368 relating to physical, psychiatric, and psychological care.

369 11. Submission to a warrantless search by the community
370 control or probation officer of the probationer's or community
371 controllee's person, residence, or vehicle.

372 (b) For a releasee whose crime was committed on or after
373 October 1, 1997, in violation of chapter 794, s. 800.04, s.
374 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
375 conditional release supervision, in addition to any other
376 provision of this subsection, the commission shall impose the
377 following additional conditions of conditional release
378 supervision:

379 1. As part of a treatment program, participation in a
380 minimum of one annual polygraph examination to obtain
381 information necessary for risk management and treatment and to
382 reduce the sex offender's denial mechanisms. The polygraph
383 examination must be conducted by a polygrapher trained
384 specifically in the use of the polygraph for the monitoring of
385 sex offenders, where available, and at the expense of the sex
386 offender. The results of the polygraph examination shall not be
387 used as evidence in a hearing to prove that a violation of
388 supervision has occurred.

389 2. Maintenance of a driving log and a prohibition against



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390 driving a motor vehicle alone without the prior approval of the
391 supervising officer.

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

394 4. If there was sexual contact, a submission to, at the
395 probationer's or community controllee's expense, an HIV test
396 with the results to be released to the victim or the victim's
397 parent or guardian.

398 5. Electronic monitoring of any form when ordered by the
399 commission. Any person being electronically monitored by the
400 department as a result of placement on supervision shall be
401 required to pay the department for electronic monitoring
402 services at a rate that may not exceed the full cost of the
403 monitoring service. Funds collected pursuant to this
404 subparagraph shall be deposited in the General Revenue Fund. The
405 department may exempt a person from the payment of all or any
406 part of the electronic monitoring service if it finds that
407 factors exist as provided in s. 948.09(3).

408 Section 9. Subsections (4) through (10) of section 948.001,
409 Florida Statutes, are renumbered as subsections (3) through (9),
410 respectively, and subsection (3) of that section is amended to
411 read:

412 948.001 Definitions.—As used in this chapter, the term:

413 ~~(3) "Criminal quarantine community control" means intensive~~
414 ~~supervision, by officers with restricted caseloads, with a~~
415 ~~condition of 24-hour-per-day electronic monitoring, and a~~
416 ~~condition of confinement to a designated residence during~~
417 ~~designated hours.~~

418 Section 10. Section 775.0877, Florida Statutes, is amended



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419 to read:

420 775.0877 Criminal transmission of HIV; procedures;
421 penalties.—

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

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

428 (b) Section 826.04, relating to incest,

429 (c) Section 800.04(1), (2), and (3), relating to lewd,
430 lascivious, or indecent assault or act upon any person less than
431 16 years of age,

432 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
433 relating to assault,

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

436 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
437 relating to battery,

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

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

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

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

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

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



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448 (m) Sections 796.03, 796.07, and 796.08, relating to
449 prostitution, or

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

452

453 the court shall order the offender to undergo HIV testing, to be
454 performed under the direction of the Department of Health in
455 accordance with s. 381.004, unless the offender has undergone
456 HIV testing voluntarily or pursuant to procedures established in
457 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
458 rule providing for HIV testing of criminal offenders or inmates,
459 subsequent to her or his arrest for an offense enumerated in
460 paragraphs (a)-(n) for which she or he was convicted or to which
461 she or he pled nolo contendere or guilty. The results of an HIV
462 test performed on an offender pursuant to this subsection are
463 not admissible in any criminal proceeding arising out of the
464 alleged offense.

465 (2) The results of the HIV test must be disclosed under the
466 direction of the Department of Health, to the offender who has
467 been convicted of or pled nolo contendere or guilty to an
468 offense specified in subsection (1), the public health agency of
469 the county in which the conviction occurred and, if different,
470 the county of residence of the offender, and, upon request
471 pursuant to s. 960.003, to the victim or the victim's legal
472 guardian, or the parent or legal guardian of the victim if the
473 victim is a minor.

474 (3) An offender who has undergone HIV testing pursuant to
475 subsection (1), and to whom positive test results have been
476 disclosed pursuant to subsection (2), who commits a second or



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477 subsequent offense enumerated in paragraphs (1)(a)-(n), commits
478 criminal transmission of HIV, a felony of the third degree,
479 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
480 ~~subsection (7)~~. A person may be convicted and sentenced
481 separately for a violation of this subsection and for the
482 underlying crime enumerated in paragraphs (1)(a)-(n).

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

486 (5) Nothing in this section requires that an HIV infection
487 have occurred in order for an offender to have committed
488 criminal transmission of HIV.

489 (6) For an alleged violation of any offense enumerated in
490 paragraphs (1)(a)-(n) for which the consent of the victim may be
491 raised as a defense in a criminal prosecution, it is an
492 affirmative defense to a charge of violating this section that
493 the person exposed knew that the offender was infected with HIV,
494 knew that the action being taken could result in transmission of
495 the HIV infection, and consented to the action voluntarily with
496 that knowledge.

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

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

504 384.34 Penalties.—

505 (5) Any person who violates the provisions of s. 384.24(2)



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506 commits a felony of the third degree, punishable as provided in
507 s. ~~ss.~~ 775.082, s. 775.083, or s. 775.084, and ~~775.0877(7)~~. Any
508 person who commits multiple violations of the provisions of s.
509 384.24(2) commits a felony of the first degree, punishable as
510 provided in s. ~~ss.~~ 775.082, s. 775.083, or s. 775.084, and
511 ~~775.0877(7)~~.

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

514 796.08 Screening for HIV and sexually transmissible
515 diseases; providing penalties.—

516 (5) A person who:

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

518 (b) Procures another for prostitution by engaging in sexual
519 activity in a manner likely to transmit the human
520 immunodeficiency virus,

521
522 and who, prior to the commission of such crime, had tested
523 positive for human immunodeficiency virus and knew or had been
524 informed that he or she had tested positive for human
525 immunodeficiency virus and could possibly communicate such
526 disease to another person through sexual activity commits
527 criminal transmission of HIV, a felony of the third degree,
528 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
529 ~~or s. 775.0877(7)~~. A person may be convicted and sentenced
530 separately for a violation of this subsection and for the
531 underlying crime of prostitution or procurement of prostitution.

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

534 921.187 Disposition and sentencing; alternatives;



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535 restitution.-

536 ~~(2) In addition to any other penalty provided by law for an~~
537 ~~offense enumerated in s. 775.0877(1)(a)-(n), if the offender is~~
538 ~~convicted of criminal transmission of HIV pursuant to s.~~
539 ~~775.0877, the court may sentence the offender to criminal~~
540 ~~quarantine community control as described in s. 948.001.~~

541 (2)~~(3)~~ The court shall require an offender to make
542 restitution under s. 775.089, unless the court finds clear and
543 compelling reasons not to order such restitution. If the court
544 does not order restitution, or orders restitution of only a
545 portion of the damages, as provided in s. 775.089, the court
546 shall state the reasons on the record in detail. An order
547 requiring an offender to make restitution to a victim under s.
548 775.089 does not remove or diminish the requirement that the
549 court order payment to the Crimes Compensation Trust Fund under
550 chapter 960.

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

553 948.01 When court may place defendant on probation or into
554 community control.-

555 (1) (a) Any court of the state having original jurisdiction
556 of criminal actions may at a time to be determined by the court,
557 either with or without an adjudication of the guilt of the
558 defendant, hear and determine the question of the probation of a
559 defendant in a criminal case, except for an offense punishable
560 by death, who has been found guilty by the verdict of a jury,
561 has entered a plea of guilty or a plea of nolo contendere, or
562 has been found guilty by the court trying the case without a
563 jury. If the court places the defendant on probation or into



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564 community control for a felony, the department shall provide
565 immediate supervision by an officer employed in compliance with
566 the minimum qualifications for officers as provided in s.
567 943.13. In no circumstances shall a private entity provide
568 probationary or supervision services to felony or misdemeanor
569 offenders sentenced or placed on probation or other supervision
570 by the circuit court.

571 (b) The department, in consultation with the Office of the
572 State Courts Administrator, shall develop and disseminate to the
573 courts uniform order of supervision forms by July 1 of each
574 year, or as necessary. Courts shall use the uniform order of
575 supervision forms provided by the department for all persons
576 placed on community supervision.

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

579 948.03 Terms and conditions of probation.—

580 (1) The court shall determine the terms and conditions of
581 probation. Conditions specified in this section do not require
582 oral pronouncement at the time of sentencing and may be
583 considered standard conditions of probation. These conditions
584 may include among them the following, that the probationer or
585 offender in community control shall:

586 (a) Report to the probation and parole supervisors as
587 directed.

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

590 (c) Work faithfully at suitable employment insofar as may
591 be possible.

592 (d) Remain within a specified place.



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

597 ~~(f)~~(e) Make reparation or restitution to the aggrieved
598 party for the damage or loss caused by his or her offense in an
599 amount to be determined by the court. The court shall make such
600 reparation or restitution a condition of probation, unless it
601 determines that clear and compelling reasons exist to the
602 contrary. If the court does not order restitution, or orders
603 restitution of only a portion of the damages, as provided in s.
604 775.089, it shall state on the record in detail the reasons
605 therefor.

606 ~~(g)~~(f) Effective July 1, 1994, and applicable for offenses
607 committed on or after that date, make payment of the debt due
608 and owing to a county or municipal detention facility under s.
609 951.032 for medical care, treatment, hospitalization, or
610 transportation received by the felony probationer while in that
611 detention facility. The court, in determining whether to order
612 such repayment and the amount of such repayment, shall consider
613 the amount of the debt, whether there was any fault of the
614 institution for the medical expenses incurred, the financial
615 resources of the felony probationer, the present and potential
616 future financial needs and earning ability of the probationer,
617 and dependents, and other appropriate factors.

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

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



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622 circumstances.

623 (j)~~(i)~~ Pay any application fee assessed under s.
624 27.52(1)(b) and attorney's fees and costs assessed under s.
625 938.29, subject to modification based on change of
626 circumstances.

627 (k)~~(j)~~ Not associate with persons engaged in criminal
628 activities.

629 (l)~~(k)~~1. Submit to random testing as directed by the
630 correctional probation officer or the professional staff of the
631 treatment center where he or she is receiving treatment to
632 determine the presence or use of alcohol or controlled
633 substances.

634 2. If the offense was a controlled substance violation and
635 the period of probation immediately follows a period of
636 incarceration in the state correction system, the conditions
637 shall include a requirement that the offender submit to random
638 substance abuse testing intermittently throughout the term of
639 supervision, upon the direction of the correctional probation
640 officer as defined in s. 943.10(3).

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

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

649 (o)~~(n)~~ Submit to the drawing of blood or other biological
650 specimens as prescribed in ss. 943.325 and 948.014, and



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651 reimburse the appropriate agency for the costs of drawing and
652 transmitting the blood or other biological specimens to the
653 Department of Law Enforcement.

654 (p) Submit to the taking of a digitized photograph by the
655 department as a part of the offender's records. This photograph
656 may be displayed on the department's public website while the
657 offender is on a form of court-ordered supervision, with the
658 exception of offenders on pretrial intervention supervision, or
659 who would otherwise be exempt from public records due to
660 provisions in s. 119.07.

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

663 948.09 Payment for cost of supervision and rehabilitation.—

664 (2) Any person being electronically monitored by the
665 department as a result of placement on supervision ~~community~~
666 ~~control~~ shall be required to pay the department for electronic
667 monitoring services at a rate as a surcharge an amount that may
668 not exceed the full cost of the monitoring service in addition
669 to the cost of supervision fee as directed by the sentencing
670 court. Funds collected pursuant to this subsection ~~The surcharge~~
671 shall be deposited in the General Revenue Fund. The department
672 may exempt a person from the payment of all or any part of the
673 electronic monitoring service if it finds that factors exist as
674 provided in subsection (3).

675 (7) The department shall establish a payment plan for all
676 costs ordered by the courts for collection by the department and
677 a priority order for payments, except that victim restitution
678 payments authorized under s. 948.03(1) (f) ~~(e)~~ take precedence
679 over all other court-ordered payments. The department is not



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680 required to disburse cumulative amounts of less than \$10 to
681 individual payees established on this payment plan.

682 Section 17. Section 948.101, Florida Statutes, is amended
683 to read:

684 948.101 Terms and conditions of community control ~~and~~
685 ~~criminal quarantine community control.~~

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

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

693 ~~(a)1.~~ Specified contact with the parole and probation
694 officer.

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

697 ~~(c)3.~~ Mandatory public service.

698 ~~(d)4.~~ Supervision by the Department of Corrections by means
699 of an electronic monitoring device or system.

700 ~~(e)5.~~ The standard conditions of probation set forth in s.
701 948.03 or s. 948.30.

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

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

705 ~~2. Confinement to a designated residence during designated~~
706 ~~hours.~~

707 (2) The enumeration of specific kinds of terms and
708 conditions does not prevent the court from adding thereto any



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709 other terms or conditions that the court considers proper.
710 However, the sentencing court may only impose a condition of
711 supervision allowing an offender convicted of s. 794.011, s.
712 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in
713 another state if the order stipulates that it is contingent upon
714 the approval of the receiving state interstate compact
715 authority. The court may rescind or modify at any time the terms
716 and conditions theretofore imposed by it upon the offender in
717 community control. However, if the court withholds adjudication
718 of guilt or imposes a period of incarceration as a condition of
719 community control, the period may not exceed 364 days, and
720 incarceration shall be restricted to a county facility, a
721 probation and restitution center under the jurisdiction of the
722 Department of Corrections, a probation program drug punishment
723 phase I secure residential treatment institution, or a community
724 residential facility owned or operated by any entity providing
725 such services.

726 ~~(3) The court may place a defendant who is being sentenced~~
727 ~~for criminal transmission of HIV in violation of s. 775.0877 on~~
728 ~~criminal quarantine community control. The Department of~~
729 ~~Corrections shall develop and administer a criminal quarantine~~
730 ~~community control program emphasizing intensive supervision with~~
731 ~~24-hour-per-day electronic monitoring. Criminal quarantine~~
732 ~~community control status must include surveillance and may~~
733 ~~include other measures normally associated with community~~
734 ~~control, except that specific conditions necessary to monitor~~
735 ~~this population may be ordered.~~

736 Section 18. Section 948.11, Florida Statutes, is amended to
737 read:



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738 948.11 Electronic monitoring devices.-

739 (1) ~~(a)~~ The Department of Corrections may, at its
740 discretion, electronically monitor an offender sentenced to
741 community control.

742 ~~(b) The Department of Corrections shall electronically~~
743 ~~monitor an offender sentenced to criminal quarantine community~~
744 ~~control 24 hours per day.~~

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

749 ~~(3) For those offenders being electronically monitored, the~~
750 ~~Department of Corrections shall develop procedures to determine,~~
751 ~~investigate, and report the offender's noncompliance with the~~
752 ~~terms and conditions of sentence 24 hours per day. All reports~~
753 ~~of noncompliance shall be immediately investigated by a~~
754 ~~community control officer.~~

755 ~~(4) The Department of Corrections may contract with local~~
756 ~~law enforcement agencies to assist in the location and~~
757 ~~apprehension of offenders who are in noncompliance as reported~~
758 ~~by the electronic monitoring system. This contract is intended~~
759 ~~to provide the department a means for providing immediate~~
760 ~~investigation of noncompliance reports, especially after normal~~
761 ~~office hours.~~

762 (2) ~~(5)~~ Any person being electronically monitored by the
763 department as a result of placement on supervision ~~community~~
764 ~~control~~ shall be required to pay the department for electronic
765 monitoring services ~~a surcharge~~ as provided in s. 948.09(2).

766 (3) ~~(6)~~ For probationers, community controllees, or



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767 conditional releasees who have current or prior convictions for
768 violent or sexual offenses, the department, in carrying out a
769 court or commission order to electronically monitor an offender,
770 must use a system that actively monitors and identifies the
771 offender's location and timely reports or records the offender's
772 presence near or within a crime scene or in a prohibited area or
773 the offender's departure from specified geographic limitations.
774 Procurement of electronic monitoring services under this
775 subsection shall be by competitive procurement in accordance
776 with invitation to bid as defined in s. 287.057.

777 (4)~~(7)~~ A person who intentionally alters, tampers with,
778 damages, or destroys any electronic monitoring equipment
779 pursuant to court or commission order, unless such person is the
780 owner of the equipment, or an agent of the owner, performing
781 ordinary maintenance and repairs, commits a felony of the third
782 degree, punishable as provided in s. 775.082, s. 775.083, or s.
783 775.084.

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

786 948.30 Additional terms and conditions of probation or
787 community control for certain sex offenses.—Conditions imposed
788 pursuant to this section do not require oral pronouncement at
789 the time of sentencing and shall be considered standard
790 conditions of probation or community control for offenders
791 specified in this section.

792 (1) Effective for probationers or community controllees
793 whose crime was committed on or after October 1, 1995, and who
794 are placed under supervision for violation of chapter 794, s.
795 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court



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796 must impose the following conditions in addition to all other
797 standard and special conditions imposed:

798 (b) If the victim was under the age of 18, a prohibition on
799 living within 1,000 feet of a school, child care facility ~~day~~
800 ~~care center~~, park as defined in s. 794.0701, playground, or
801 other place where children regularly congregate, as prescribed
802 by the court. The 1,000-foot distance shall be measured in a
803 straight line from the offender's place of residence to the
804 nearest boundary line of the school, child care facility ~~day~~
805 ~~care center~~, park as defined in s. 794.0701, playground, or
806 other place where children regularly congregate. The distance
807 may not be measured by a pedestrian route or automobile route.

808 (3) Effective for a probationer or community controllee
809 whose crime was committed on or after September 1, 2005, and
810 who:

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

816 (b) Is designated a sexual predator pursuant to s. 775.21;
817 or

818 (c) Has previously been convicted of a violation of chapter
819 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and
820 the unlawful sexual activity involved a victim younger than 16
821 ~~15~~ years of age ~~or younger~~ and the offender is 18 years of age
822 or older,

823
824 the court must order, in addition to any other provision of this



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825 section, mandatory electronic monitoring as a condition of the
826 probation or community control supervision.

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

829 951.23 County and municipal detention facilities;
830 definitions; administration; standards and requirements.—

831 (2) COLLECTION OF INFORMATION.—In conjunction with the
832 administrators of county detention facilities, the Department of
833 Corrections shall develop an instrument for the collection of
834 information from the administrator of each county detention
835 facility. Whenever possible, the information shall be
836 transmitted by the administrator to the Department of
837 Corrections electronically or in a computer readable format. The
838 information shall be provided on a monthly basis and shall
839 include, but is not limited to, the following:

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

841 1. Felons sentenced to cumulative sentences of
842 incarceration of 364 days or less.

843 2. Felons sentenced to cumulative sentences of
844 incarceration of 365 days or more.

845 3. Sentenced misdemeanants.

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

847 5. Awaiting trial on misdemeanor charges only.

848 6. Convicted felons and misdemeanants who are awaiting
849 sentencing.

850 7. Juveniles.

851 8. State parole violators.

852 9. State inmates who were transferred from a state
853 correctional facility, as defined in s. 944.02, to the county



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854 detention facility.

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

- 859 ~~1. Permanent legal resident of the United States.~~
860 ~~2. Legal visitor.~~
861 ~~3. Undocumented or illegal alien.~~
862 ~~4. Unknown status.~~

863 ~~(b)(e)~~ The number of persons housed per day:

- 864 1. Pursuant to part I of chapter 394, "The Florida Mental
865 Health Act."
866 2. Pursuant to chapter 397, "Substance Abuse Services."

867 ~~(d) The cost per day for housing a person in the county~~
868 ~~detention facility.~~

869 ~~(e) The number of persons admitted per month, and the~~
870 ~~number of persons housed on the last day of the month, by age,~~
871 ~~race, and sex, who are:~~

872 ~~1. Felons sentenced to cumulative sentences of~~
873 ~~incarceration of 364 days or less.~~

874 ~~2. Felons sentenced to cumulative sentences of~~
875 ~~incarceration of 365 days or more.~~

876 ~~3. Sentenced misdemeanants.~~

877 ~~4. Awaiting trial on at least one felony charge.~~

878 ~~5. Awaiting trial on misdemeanor charges only.~~

879 ~~6. Convicted felons and misdemeanants who are awaiting~~
880 ~~sentencing.~~

881 ~~7. Juveniles.~~

882 ~~8. State parole violators.~~



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883 ~~9. State inmates who were transferred from a state~~
884 ~~correctional facility, as defined in s. 944.02, to the county~~
885 ~~detention facility.~~

886 ~~(f) The number of persons admitted per month, by age, race,~~
887 ~~and sex:~~

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

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

891 (9) INMATE COMMISSARY AND WELFARE FUND.—

892 (e) The officer in charge shall be responsible for an audit
893 of the fiscal management of the commissary by a disinterested
894 party on an annual basis, which shall include certification of
895 compliance with the pricing requirements of paragraph ~~(1)~~(b)
896 ~~above~~. Appropriate transaction records and stock inventory shall
897 be kept current.

898 Section 21. Paragraph (c) of subsection (5) of section
899 958.045, Florida Statutes, is amended to read:

900 958.045 Youthful offender basic training program.—

901 (5)

902 (c) The portion of the sentence served prior to placement
903 in the basic training program may not be counted toward program
904 completion. Within 30 days before to the scheduled completion of
905 the basic training program, the department shall submit a report
906 to the court that describes the offender's performance. If the
907 offender's performance has been satisfactory, the court shall
908 issue an order modifying the sentence imposed and placing the
909 offender on probation effective upon the offender's successful
910 completion of the remainder of the program ~~Upon the offender's~~
911 ~~completion of the basic training program, the department shall~~



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912 ~~submit a report to the court that describes the offender's~~
913 ~~performance. If the offender's performance has been~~
914 ~~satisfactory, the court shall issue an order modifying the~~
915 ~~sentence imposed and placing the offender on probation. The term~~
916 of probation may include placement in a community residential
917 program. If the offender violates the conditions of probation,
918 the court may revoke probation and impose any sentence that it
919 might have originally imposed.

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

922 960.292 Enforcement of the civil restitution lien through
923 civil restitution lien order.—The civil restitution lien shall
924 be made enforceable by means of a civil restitution lien order.

925 (2) Upon motion by the state, upon petition of the local
926 subdivision, crime victim, or aggrieved party, or on its own
927 motion, the court in which the convicted offender is convicted
928 shall enter civil restitution lien orders in favor of crime
929 victims, the state, its local subdivisions, and other aggrieved
930 parties. The court shall retain continuing jurisdiction over the
931 convicted offender for the sole purpose of entering civil
932 restitution lien orders for the duration of the sentence and up
933 to 5 years from release from incarceration or supervision,
934 whichever occurs later.

935 Section 23. Paragraph (b) of subsection (2) of section
936 960.293, Florida Statutes, is amended to read:

937 960.293 Determination of damages and losses.—

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



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941 (b) If the conviction is for an offense other than a
942 capital or life felony, a liquidated damage amount of \$50 per
943 day of the convicted offender's sentence shall be assessed
944 against the convicted offender and in favor of the state or its
945 local subdivisions. Damages shall be based upon the length of
946 the sentence imposed by the court at the time of sentencing.

947 Section 24. Section 960.297, Florida Statutes, is amended
948 to read:

949 960.297 Authorization for governmental right of restitution
950 for costs of incarceration.-

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

954 (2) For those convicted offenders convicted before July 1,
955 1994, the state and its local subdivisions, in a separate civil
956 action or as a counterclaim in any civil action, may seek
957 recovery of the damages and losses set forth in s. 960.293, for
958 the convicted offender's remaining sentence after July 1, 1994.

959 (3) Civil actions authorized by the section may be
960 commenced anytime during the offender's incarceration and up to
961 5 years after the date of the offender's release from
962 incarceration or supervision, whichever occurs later.

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

964
965 ===== T I T L E A M E N D M E N T =====

966 And the title is amended as follows:

967 Delete everything before the enacting clause
968 and insert:

969 A bill to be entitled



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970 An act relating to criminal justice; amending s.
971 775.21, F.S.; revising definitions; creating s.
972 794.0701, F.S.; providing that if a person has been
973 convicted of certain specified violations in which the
974 victim of the offense was younger than 16 years of age
975 and the person loiters or prowls within 300 feet of a
976 place where children regularly congregate, he or she
977 commits a misdemeanor of the first degree; providing a
978 criminal penalty; defining terms; amending s. 940.061,
979 F.S.; requiring the Department of Corrections to send
980 the Parole Commission a monthly electronic list
981 containing the names of inmates released from
982 incarceration and offenders who have been terminated
983 from supervision and who may be eligible for
984 restoration of civil rights; repealing s. 944.293,
985 F.S., relating to procedures for initiation of civil
986 rights restoration; amending s. 944.35, F.S.; applying
987 provisions prohibiting sexual misconduct to employees
988 of private correctional facilities; providing
989 penalties; creating s. 945.604, F.S.; defining the
990 term "claim" for purposes of the State of Florida
991 Correctional Medical Authority act; providing for
992 filing and payment of medical claims for payment or
993 underpayment; providing for filing and payment of
994 claims for overpayment; providing for recovery of
995 overpayment of claims; creating s. 945.6041, F.S.;
996 providing definitions; providing limits on
997 reimbursement for certain inmate medical expenses when
998 there is no contract between the Department of



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999 Corrections or a private correctional facility and the
1000 health care provider or provider of emergency medical
1001 transportation services; amending s. 947.1405, F.S.;
1002 revising conditional release restrictions for certain
1003 offenders; providing that persons on supervision who
1004 are electronically monitored pay for the monitoring;
1005 providing exceptions; providing for disposition of
1006 funds collected; amending s. 948.001, F.S.; deleting
1007 the definition of the term "criminal quarantine
1008 community control"; amending s. 775.0877, F.S.;
1009 revising the penalty for criminal transmission of HIV;
1010 conforming provisions to changes made by the act;
1011 amending ss. 384.34, 796.08, and 921.187, F.S.;
1012 conforming provisions to changes made by the act;
1013 amending s. 948.01, F.S.; providing for development
1014 and distribution of uniform order of supervision
1015 forms; requiring use of such forms; amending s.
1016 948.03, F.S.; providing as a condition of probation,
1017 community control, or any other form of court-ordered
1018 supervision that an offender live without violating
1019 any law; providing that a conviction in a court of law
1020 is not necessary for a violation of law to constitute
1021 a violation of such a condition; eliminating a
1022 requirement that a probation officer consent to
1023 possession of a firearm by a probationer with court
1024 authorization; requiring that an offender on probation
1025 or community control submit to the taking of a
1026 digitized photograph; providing for display of such
1027 photographs on the department's public website while



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1028 the offender is on supervision; providing exceptions;
1029 amending s. 948.09, F.S.; revising language relating
1030 to payments by persons on supervision for the costs of
1031 electronic monitoring services; providing exemptions;
1032 conforming a cross-reference; amending s. 948.101,
1033 F.S.; deleting provisions relating to criminal
1034 quarantine community control; amending s. 948.11,
1035 F.S.; deleting provisions relating to criminal
1036 quarantine community control; deleting the requirement
1037 that for offenders being electronically monitored, the
1038 Department of Corrections develop specified procedures
1039 concerning offender's noncompliance; deleting a
1040 provision allowing the Department of Corrections to
1041 contract for local law enforcement assistance with
1042 noncompliant offenders; revising language relating to
1043 payment for electronic monitoring to conform to
1044 changes made by the act; amending s. 948.30, F.S.;
1045 revising provisions relating to terms and conditions
1046 of probation or community control for certain sex
1047 offenses; revising restrictions for certain
1048 probationers or community controllees who committed
1049 sexual offenses against a minor younger than 16 years
1050 of age; amending s. 951.23, F.S.; eliminating the
1051 requirements for collection of certain information
1052 from the administrator of each county detention
1053 facility; correcting a cross-reference; amending s.
1054 958.045, F.S.; requiring a report to be submitted to
1055 the court concerning an offender's performance while
1056 in youthful offender basic training within a specified



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1057 period prior to the offender's scheduled release;
1058 providing for specified court actions if the
1059 offender's performance is satisfactory; amending s.
1060 960.292, F.S.; providing for retention of court
1061 jurisdiction over certain offenders for a specified
1062 period after release from incarceration or supervision
1063 for the sole purpose of entering civil restitution
1064 orders; amending s. 960.293, F.S.; providing that
1065 damages due from an offender for correctional costs be
1066 based upon the length of the sentence imposed by the
1067 court at the time of sentencing; amending s. 960.297,
1068 F.S.; providing a time period in which civil actions
1069 for the costs of incarceration may be initiated;
1070 providing an effective date.