

1 A bill to be entitled
2 An act relating to criminal justice; amending s. 940.061,
3 F.S.; requiring the Department of Corrections to send the
4 Parole Commission a monthly electronic list containing the
5 names of inmates released from incarceration and offenders
6 who have been terminated from supervision and who may be
7 eligible for restoration of civil rights; repealing s.
8 944.293, F.S., relating to procedures for initiation of
9 civil rights restoration; amending s. 944.35, F.S.;
10 applying provisions prohibiting sexual misconduct to
11 employees of private correctional facilities; providing
12 penalties; creating s. 945.604, F.S.; defining the term
13 "claim" for purposes of the State of Florida Correctional
14 Medical Authority act; providing for filing and payment of
15 medical claims for payment or underpayment; providing for
16 filing and payment of claims for overpayment; providing
17 for recovery of overpayment of claims; creating s.
18 945.6041, F.S.; providing definitions; providing limits on
19 reimbursement for certain inmate medical expenses when
20 there is no contract between the Department of Corrections
21 or a private correctional facility and the health care
22 provider or provider of emergency medical transportation
23 services; amending s. 947.1405, F.S.; providing that
24 persons on supervision who are electronically monitored
25 pay for the monitoring; providing exceptions; providing
26 for disposition of funds collected; amending s. 948.001,
27 F.S.; deleting the definition of the term "criminal
28 quarantine community control"; amending s. 775.0877, F.S.;

29 | revising the penalty for criminal transmission of HIV;
30 | conforming provisions to changes made by the act; amending
31 | ss. 384.34, 796.08, and 921.187, F.S.; conforming
32 | provisions to changes made by the act; amending s. 948.01,
33 | F.S.; requiring a court placing a person on community
34 | supervision to use the orders of supervision provided by
35 | the Department of Corrections; amending s. 948.03, F.S.;
36 | providing as a condition of probation, community control,
37 | or any other form of court-ordered supervision that an
38 | offender live without violating any law; providing that a
39 | conviction in a court of law is not necessary for a
40 | violation of law to constitute a violation of such a
41 | condition; eliminating a requirement that a probation
42 | officer consent to possession of a firearm by a
43 | probationer with court authorization; requiring that an
44 | offender on probation or community control submit to the
45 | taking of a digitized photograph; providing for display of
46 | such photographs on the department's public website while
47 | the offender is on supervision; providing exceptions;
48 | amending s. 948.09, F.S.; revising language relating to
49 | payments by persons on supervision for the costs of
50 | electronic monitoring services; providing exemptions;
51 | conforming a cross-reference; amending s. 948.101, F.S.;
52 | deleting provisions relating to criminal quarantine
53 | community control; amending s. 948.11, F.S.; deleting
54 | provisions relating to criminal quarantine community
55 | control; deleting the requirement that for offenders being
56 | electronically monitored, the Department of Corrections

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57 | develop specified procedures concerning offender's
58 | noncompliance; deleting a provision allowing the
59 | Department of Corrections to contract for local law
60 | enforcement assistance with noncompliant offenders;
61 | revising language relating to payment for electronic
62 | monitoring to conform to changes made by the act; amending
63 | s. 951.23, F.S.; eliminating the requirements for
64 | collection of certain information from the administrator
65 | of each county detention facility; correcting a cross-
66 | reference; amending s. 958.045, F.S.; requiring a report
67 | to be submitted to the court concerning an offender's
68 | performance while in youthful offender basic training
69 | within a specified period prior to the offender's
70 | scheduled release; providing for specified court actions
71 | if the offender's performance is satisfactory; amending s.
72 | 960.292, F.S.; providing for retention of court
73 | jurisdiction over certain offenders for a specified period
74 | after release from incarceration or supervision for the
75 | sole purpose of entering civil restitution orders;
76 | amending s. 960.293, F.S.; providing that damages due from
77 | an offender for correctional costs be based upon the
78 | length of the sentence imposed by the court at the time of
79 | sentencing; amending s. 960.297, F.S.; providing a time
80 | period in which civil actions for the costs of
81 | incarceration may be initiated; providing an effective
82 | date.

83 |
84 | Be It Enacted by the Legislature of the State of Florida:

85
 86 Section 1. Section 940.061, Florida Statutes, is amended
 87 to read:

88 940.061 Informing persons about executive clemency and
 89 restoration of civil rights.--The Department of Corrections
 90 shall inform and educate inmates and offenders on community
 91 supervision about the restoration of civil rights. The
 92 Department of Corrections shall send the Parole Commission a
 93 monthly electronic list containing the names of inmates released
 94 from incarceration and offenders who have been terminated from
 95 supervision and who may be eligible for restoration of civil
 96 rights ~~and assist eligible inmates and offenders on community~~
 97 ~~supervision with the completion of the application for the~~
 98 ~~restoration of civil rights.~~

99 Section 2. Section 944.293, Florida Statutes, is repealed.

100 Section 3. Paragraph (b) of subsection (3) of section
 101 944.35, Florida Statutes, is amended to read:

102 944.35 Authorized use of force; malicious battery and
 103 sexual misconduct prohibited; reporting required; penalties.--

104 (3)

105 (b)1. As used in this paragraph, the term "sexual
 106 misconduct" means the oral, anal, or vaginal penetration by, or
 107 union with, the sexual organ of another or the anal or vaginal
 108 penetration of another by any other object, but does not include
 109 an act done for a bona fide medical purpose or an internal
 110 search conducted in the lawful performance of the employee's
 111 duty.

112 2. Any employee of the department or any employee of a
 113 private correctional facility, as defined in s. 944.710, who
 114 engages in sexual misconduct with an inmate or an offender
 115 supervised by the department in the community, without
 116 committing the crime of sexual battery, commits a felony of the
 117 third degree, punishable as provided in s. 775.082, s. 775.083,
 118 or s. 775.084.

119 3. The consent of the inmate or offender supervised by the
 120 department in the community to any act of sexual misconduct may
 121 not be raised as a defense to a prosecution under this
 122 paragraph.

123 4. This paragraph does not apply to any employee of the
 124 department or any employee of a private correctional facility
 125 who is legally married to an inmate or an offender supervised by
 126 the department in the community, nor does it apply to any
 127 employee who has no knowledge, and would have no reason to
 128 believe, that the person with whom the employee has engaged in
 129 sexual misconduct is an inmate or an offender under community
 130 supervision of the department.

131 Section 4. Section 945.604, Florida Statutes, is created
 132 to read:

133 945.604 Medical claims.--

134 (1) DEFINITION OF "CLAIM."--As used in this section, for a
 135 noninstitutional health care provider the term "claim" means a
 136 paper or electronic billing instrument submitted to the
 137 department that consists of the HCFA 1500 data set, or its
 138 successor, that has all mandatory entries for a physician
 139 licensed under chapter 458, chapter 459, chapter 460, chapter

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140 461, or chapter 463 or a psychologist licensed under chapter 490
141 or any appropriate billing instrument that has all mandatory
142 entries for any other noninstitutional health care provider. For
143 an institutional health care provider, the term "claim" means a
144 paper or electronic billing instrument submitted to the
145 department that consists of the UB-92 data set or its successor
146 with entries stated as mandatory by the National Uniform Billing
147 Committee.

148 (2) SUBMISSION DATE.--Claims for payment or underpayment
149 are considered submitted on the date the claim for payment is
150 mailed or electronically transferred to the department by the
151 health care provider. Claims for overpayment are considered
152 submitted on the date the claim for overpayment is mailed or
153 electronically transferred to the health care provider by the
154 department.

155 (3) CLAIMS FOR PAYMENT OR UNDERPAYMENT.--

156 (a) Claims for payment or underpayment must be submitted
157 to the department within 6 months after the following have
158 occurred:

159 1. The discharge of the inmate for inpatient services
160 rendered to the inmate or the date of service for outpatient
161 services rendered to the inmate; and

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

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

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

170 (4) CLAIMS FOR OVERPAYMENT.--

171 (a) If the department determines that it has made an
172 overpayment to a health care provider for services rendered to
173 an inmate, it must make a claim for such overpayment to the
174 provider's designated location. The department shall provide a
175 written or electronic statement specifying the basis for
176 overpayment. The department must identify the claim or claims,
177 or overpayment claim portion thereof, for which a claim for
178 overpayment is submitted.

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

184 (c) Health care providers are not obligated to pay claims
185 for overpayment that were not submitted in accordance with
186 paragraph (b).

187 (d) A health care provider must pay, deny, or contest the
188 department's claim for overpayment within 40 days after the
189 receipt of the claim for overpayment.

190 (e) A health care provider that denies or contests the
191 department's claim for overpayment or any portion of a claim
192 shall notify the department, in writing, within 40 days after
193 the provider receives the claim. The notice that the claim for
194 overpayment is denied or contested must identify the contested

195 portion of the claim and the specific reason for contesting or
 196 denying the claim and, if contested, must include a request for
 197 additional information.

198 (f) All contested claims for overpayment must be paid or
 199 denied within 120 days after receipt of the claim. Failure to
 200 pay or deny the claim for overpayment within 140 days after
 201 receipt creates an uncontestable obligation to pay the claim.

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

206 (5) NONWAIVER OF PROVISIONS.--The provisions of this
 207 section may not be waived, voided, or nullified by contract.

208 Section 5. Section 945.6041, Florida Statutes, is created
 209 to read:

210 945.6041 Inmate medical services.--

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

212 (a) "Emergency medical transportation services" includes,
 213 but is not limited to, services rendered by ambulances,
 214 emergency medical services vehicles, and air ambulances as those
 215 terms are defined in s. 401.23.

216 (b) "Health care provider" has the same meaning as
 217 provided in s. 766.105.

218 (2) (a) If no contract for the provision of inmate medical
 219 services exists between the department and a health care
 220 provider or between a private correctional facility, as defined
 221 in s. 944.710, and a health care provider, compensation for such

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222 services may not exceed 110 percent of the Medicare allowable
223 rate.

224 (b) Notwithstanding paragraph (a), if no contract for the
225 provision of inmate medical services exists between the
226 department and a health care provider or between a private
227 correctional facility, as defined in s. 944.710, and a health
228 care provider that reported to the Agency for Health Care
229 Administration, through hospital-audited financial data, a
230 negative operating margin for the previous year, compensation
231 for such services may not exceed 125 percent of the Medicare
232 allowable rate.

233 (3) If no contract for emergency medical transportation
234 services exists between the department and an entity that
235 provides emergency medical transportation services or between a
236 private correctional facility, as defined in s. 944.710, and an
237 entity that provides emergency medical transportation services,
238 compensation for such services may not exceed 110 percent of the
239 Medicare allowable rate.

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

242 Section 6. Paragraph (b) of subsection (7) of section
243 947.1405, Florida Statutes, is amended to read:

244 947.1405 Conditional release program.--

245 (7)

246 (b) For a releasee whose crime was committed on or after
247 October 1, 1997, in violation of chapter 794, s. 800.04, s.
248 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
249 conditional release supervision, in addition to any other

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250 provision of this subsection, the commission shall impose the
251 following additional conditions of conditional release
252 supervision:

253 1. As part of a treatment program, participation in a
254 minimum of one annual polygraph examination to obtain
255 information necessary for risk management and treatment and to
256 reduce the sex offender's denial mechanisms. The polygraph
257 examination must be conducted by a polygrapher trained
258 specifically in the use of the polygraph for the monitoring of
259 sex offenders, where available, and at the expense of the sex
260 offender. The results of the polygraph examination shall not be
261 used as evidence in a hearing to prove that a violation of
262 supervision has occurred.

263 2. Maintenance of a driving log and a prohibition against
264 driving a motor vehicle alone without the prior approval of the
265 supervising officer.

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

268 4. If there was sexual contact, a submission to, at the
269 probationer's or community controllee's expense, an HIV test
270 with the results to be released to the victim or the victim's
271 parent or guardian.

272 5. Electronic monitoring of any form when ordered by the
273 commission. Any person being electronically monitored by the
274 department as a result of placement on supervision shall be
275 required to pay the department for electronic monitoring
276 services at a rate that may not exceed the full cost of the
277 monitoring service. Funds collected pursuant to this

278 subparagraph shall be deposited in the General Revenue Fund. The
 279 department may exempt a person from the payment of all or any
 280 part of the electronic monitoring service if it finds that
 281 factors exist as provided in s. 948.09(3).

282 Section 7. Subsections (4) through (10) of section
 283 948.001, Florida Statutes, are renumbered as subsections (3)
 284 through (9), respectively, and subsection (3) of that section is
 285 amended to read:

286 948.001 Definitions.--As used in this chapter, the term:
 287 ~~(3) "Criminal quarantine community control" means~~
 288 ~~intensive supervision, by officers with restricted caseloads,~~
 289 ~~with a condition of 24-hour-per-day electronic monitoring, and a~~
 290 ~~condition of confinement to a designated residence during~~
 291 ~~designated hours.~~

292 Section 8. Section 775.0877, Florida Statutes, is amended
 293 to read:

294 775.0877 Criminal transmission of HIV; procedures;
 295 penalties.--

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

- 301 (a) Section 794.011, relating to sexual battery,
- 302 (b) Section 826.04, relating to incest,
- 303 (c) Section 800.04(1), (2), and (3), relating to lewd,
 304 lascivious, or indecent assault or act upon any person less than
 305 16 years of age,

306 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
 307 relating to assault,
 308 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
 309 relating to aggravated assault,
 310 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
 311 relating to battery,
 312 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
 313 relating to aggravated battery,
 314 (h) Section 827.03(1), relating to child abuse,
 315 (i) Section 827.03(2), relating to aggravated child abuse,
 316 (j) Section 825.102(1), relating to abuse of an elderly
 317 person or disabled adult,
 318 (k) Section 825.102(2), relating to aggravated abuse of an
 319 elderly person or disabled adult,
 320 (l) Section 827.071, relating to sexual performance by
 321 person less than 18 years of age,
 322 (m) Sections 796.03, 796.07, and 796.08, relating to
 323 prostitution, or
 324 (n) Section 381.0041(11)(b), relating to donation of
 325 blood, plasma, organs, skin, or other human tissue,
 326
 327 the court shall order the offender to undergo HIV testing, to be
 328 performed under the direction of the Department of Health in
 329 accordance with s. 381.004, unless the offender has undergone
 330 HIV testing voluntarily or pursuant to procedures established in
 331 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
 332 rule providing for HIV testing of criminal offenders or inmates,
 333 subsequent to her or his arrest for an offense enumerated in

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334 paragraphs (a)-(n) for which she or he was convicted or to which
335 she or he pled nolo contendere or guilty. The results of an HIV
336 test performed on an offender pursuant to this subsection are
337 not admissible in any criminal proceeding arising out of the
338 alleged offense.

339 (2) The results of the HIV test must be disclosed under
340 the direction of the Department of Health, to the offender who
341 has been convicted of or pled nolo contendere or guilty to an
342 offense specified in subsection (1), the public health agency of
343 the county in which the conviction occurred and, if different,
344 the county of residence of the offender, and, upon request
345 pursuant to s. 960.003, to the victim or the victim's legal
346 guardian, or the parent or legal guardian of the victim if the
347 victim is a minor.

348 (3) An offender who has undergone HIV testing pursuant to
349 subsection (1), and to whom positive test results have been
350 disclosed pursuant to subsection (2), who commits a second or
351 subsequent offense enumerated in paragraphs (1)(a)-(n), commits
352 criminal transmission of HIV, a felony of the third degree,
353 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
354 ~~subsection (7)~~. A person may be convicted and sentenced
355 separately for a violation of this subsection and for the
356 underlying crime enumerated in paragraphs (1)(a)-(n).

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

360 (5) Nothing in this section requires that an HIV infection
 361 have occurred in order for an offender to have committed
 362 criminal transmission of HIV.

363 (6) For an alleged violation of any offense enumerated in
 364 paragraphs (1)(a)-(n) for which the consent of the victim may be
 365 raised as a defense in a criminal prosecution, it is an
 366 affirmative defense to a charge of violating this section that
 367 the person exposed knew that the offender was infected with HIV,
 368 knew that the action being taken could result in transmission of
 369 the HIV infection, and consented to the action voluntarily with
 370 that knowledge.

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

376 Section 9. Subsection (5) of section 384.34, Florida
 377 Statutes, is amended to read:

378 384.34 Penalties.--

379 (5) Any person who violates the provisions of s. 384.24(2)
 380 commits a felony of the third degree, punishable as provided in
 381 s. 775.082, s. 775.083, or s. 775.084, ~~and 775.0877(7)~~. Any
 382 person who commits multiple violations of the provisions of s.
 383 384.24(2) commits a felony of the first degree, punishable as
 384 provided in s. 775.082, s. 775.083, or s. 775.084, ~~and~~
 385 ~~775.0877(7)~~.

386 Section 10. Subsection (5) of section 796.08, Florida
 387 Statutes, is amended to read:

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388 796.08 Screening for HIV and sexually transmissible
 389 diseases; providing penalties.--
 390 (5) A person who:
 391 (a) Commits or offers to commit prostitution; or
 392 (b) Procures another for prostitution by engaging in
 393 sexual activity in a manner likely to transmit the human
 394 immunodeficiency virus,
 395
 396 and who, prior to the commission of such crime, had tested
 397 positive for human immunodeficiency virus and knew or had been
 398 informed that he or she had tested positive for human
 399 immunodeficiency virus and could possibly communicate such
 400 disease to another person through sexual activity commits
 401 criminal transmission of HIV, a felony of the third degree,
 402 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 403 ~~or s. 775.0877(7)~~. A person may be convicted and sentenced
 404 separately for a violation of this subsection and for the
 405 underlying crime of prostitution or procurement of prostitution.
 406 Section 11. Subsections (2) and (3) of section 921.187,
 407 Florida Statutes, are amended to read:
 408 921.187 Disposition and sentencing; alternatives;
 409 restitution.--
 410 ~~(2) In addition to any other penalty provided by law for~~
 411 ~~an offense enumerated in s. 775.0877(1)(a)-(n), if the offender~~
 412 ~~is convicted of criminal transmission of HIV pursuant to s.~~
 413 ~~775.0877, the court may sentence the offender to criminal~~
 414 ~~quarantine community control as described in s. 948.001.~~

415 (2)~~(3)~~ The court shall require an offender to make
 416 restitution under s. 775.089, unless the court finds clear and
 417 compelling reasons not to order such restitution. If the court
 418 does not order restitution, or orders restitution of only a
 419 portion of the damages, as provided in s. 775.089, the court
 420 shall state the reasons on the record in detail. An order
 421 requiring an offender to make restitution to a victim under s.
 422 775.089 does not remove or diminish the requirement that the
 423 court order payment to the Crimes Compensation Trust Fund under
 424 chapter 960.

425 Section 12. Subsection (1) of section 948.01, Florida
 426 Statutes, is amended to read:

427 948.01 When court may place defendant on probation or into
 428 community control.--

429 (1) (a) Any court of the state having original jurisdiction
 430 of criminal actions may at a time to be determined by the court,
 431 either with or without an adjudication of the guilt of the
 432 defendant, hear and determine the question of the probation of a
 433 defendant in a criminal case, except for an offense punishable
 434 by death, who has been found guilty by the verdict of a jury,
 435 has entered a plea of guilty or a plea of nolo contendere, or
 436 has been found guilty by the court trying the case without a
 437 jury. If the court places the defendant on probation or into
 438 community control for a felony, the department shall provide
 439 immediate supervision by an officer employed in compliance with
 440 the minimum qualifications for officers as provided in s.
 441 943.13. In no circumstances shall a private entity provide
 442 probationary or supervision services to felony or misdemeanor

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443 offenders sentenced or placed on probation or other supervision
444 by the circuit court.

445 (b) The court shall use the orders of supervision provided
446 by the Department of Corrections for all persons placed on
447 community supervision.

448 Section 13. Subsection (1) of section 948.03, Florida
449 Statutes, is amended to read:

450 948.03 Terms and conditions of probation.--

451 (1) The court shall determine the terms and conditions of
452 probation. Conditions specified in this section do not require
453 oral pronouncement at the time of sentencing and may be
454 considered standard conditions of probation. These conditions
455 may include among them the following, that the probationer or
456 offender in community control shall:

457 (a) Report to the probation and parole supervisors as
458 directed.

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

461 (c) Work faithfully at suitable employment insofar as may
462 be possible.

463 (d) Remain within a specified place.

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

468 (f) ~~(e)~~ Make reparation or restitution to the aggrieved
469 party for the damage or loss caused by his or her offense in an
470 amount to be determined by the court. The court shall make such

471 reparation or restitution a condition of probation, unless it
 472 determines that clear and compelling reasons exist to the
 473 contrary. If the court does not order restitution, or orders
 474 restitution of only a portion of the damages, as provided in s.
 475 775.089, it shall state on the record in detail the reasons
 476 therefor.

477 (g)~~(f)~~ Effective July 1, 1994, and applicable for offenses
 478 committed on or after that date, make payment of the debt due
 479 and owing to a county or municipal detention facility under s.
 480 951.032 for medical care, treatment, hospitalization, or
 481 transportation received by the felony probationer while in that
 482 detention facility. The court, in determining whether to order
 483 such repayment and the amount of such repayment, shall consider
 484 the amount of the debt, whether there was any fault of the
 485 institution for the medical expenses incurred, the financial
 486 resources of the felony probationer, the present and potential
 487 future financial needs and earning ability of the probationer,
 488 and dependents, and other appropriate factors.

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

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

494 (j)~~(i)~~ Pay any application fee assessed under s.
 495 27.52(1)(b) and attorney's fees and costs assessed under s.
 496 938.29, subject to modification based on change of
 497 circumstances.

498 (k)~~(j)~~ Not associate with persons engaged in criminal
 499 activities.

500 (l)~~(k)~~ 1. Submit to random testing as directed by the
 501 correctional probation officer or the professional staff of the
 502 treatment center where he or she is receiving treatment to
 503 determine the presence or use of alcohol or controlled
 504 substances.

505 2. If the offense was a controlled substance violation and
 506 the period of probation immediately follows a period of
 507 incarceration in the state correction system, the conditions
 508 shall include a requirement that the offender submit to random
 509 substance abuse testing intermittently throughout the term of
 510 supervision, upon the direction of the correctional probation
 511 officer as defined in s. 943.10(3).

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

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

520 (o)~~(n)~~ Submit to the drawing of blood or other biological
 521 specimens as prescribed in ss. 943.325 and 948.014, and
 522 reimburse the appropriate agency for the costs of drawing and
 523 transmitting the blood or other biological specimens to the
 524 Department of Law Enforcement.

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525 (p) Submit to the taking of a digitized photograph by the
526 department as a part of the offender's records. This photograph
527 may be displayed on the department's public website while the
528 offender is on a form of court-ordered supervision, with the
529 exception of offenders on pretrial intervention supervision, or
530 who would otherwise be exempt from public records due to
531 provisions in s. 119.07.

532 Section 14. Subsections (2) and (7) of section 948.09,
533 Florida Statutes, are amended to read:

534 948.09 Payment for cost of supervision and
535 rehabilitation.--

536 (2) Any person being electronically monitored by the
537 department as a result of placement on supervision ~~community~~
538 ~~control~~ shall be required to pay the department for electronic
539 monitoring services at a rate as a surcharge an amount that may
540 not exceed the full cost of the monitoring service in addition
541 to the cost of supervision fee as directed by the sentencing
542 court. Funds collected pursuant to this subsection ~~The surcharge~~
543 shall be deposited in the General Revenue Fund. The department
544 may exempt a person from the payment of all or any part of the
545 electronic monitoring service if it finds that factors exist as
546 provided in subsection (3).

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

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

554 Section 15. Section 948.101, Florida Statutes, is amended
 555 to read:

556 948.101 Terms and conditions of community control ~~and~~
 557 ~~criminal quarantine community control.~~--

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

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

565 (a)1. Specified contact with the parole and probation
 566 officer.

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

569 (c)3. Mandatory public service.

570 (d)4. Supervision by the Department of Corrections by
 571 means of an electronic monitoring device or system.

572 (e)5. The standard conditions of probation set forth in s.
 573 948.03 or s. 948.30.

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

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

577 ~~2. Confinement to a designated residence during designated~~
 578 ~~hours.~~

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579 (2) The enumeration of specific kinds of terms and
580 conditions does not prevent the court from adding thereto any
581 other terms or conditions that the court considers proper.
582 However, the sentencing court may only impose a condition of
583 supervision allowing an offender convicted of s. 794.011, s.
584 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in
585 another state if the order stipulates that it is contingent upon
586 the approval of the receiving state interstate compact
587 authority. The court may rescind or modify at any time the terms
588 and conditions theretofore imposed by it upon the offender in
589 community control. However, if the court withholds adjudication
590 of guilt or imposes a period of incarceration as a condition of
591 community control, the period may not exceed 364 days, and
592 incarceration shall be restricted to a county facility, a
593 probation and restitution center under the jurisdiction of the
594 Department of Corrections, a probation program drug punishment
595 phase I secure residential treatment institution, or a community
596 residential facility owned or operated by any entity providing
597 such services.

598 ~~(3) The court may place a defendant who is being sentenced~~
599 ~~for criminal transmission of HIV in violation of s. 775.0877 on~~
600 ~~criminal quarantine community control. The Department of~~
601 ~~Corrections shall develop and administer a criminal quarantine~~
602 ~~community control program emphasizing intensive supervision with~~
603 ~~24-hour-per-day electronic monitoring. Criminal quarantine~~
604 ~~community control status must include surveillance and may~~
605 ~~include other measures normally associated with community~~

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606 ~~control, except that specific conditions necessary to monitor~~
607 ~~this population may be ordered.~~

608 Section 16. Section 948.11, Florida Statutes, is amended
609 to read:

610 948.11 Electronic monitoring devices.--

611 (1)~~(a)~~ The Department of Corrections may, at its
612 discretion, electronically monitor an offender sentenced to
613 community control.

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

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

621 ~~(3) For those offenders being electronically monitored,~~
622 ~~the Department of Corrections shall develop procedures to~~
623 ~~determine, investigate, and report the offender's noncompliance~~
624 ~~with the terms and conditions of sentence 24 hours per day. All~~
625 ~~reports of noncompliance shall be immediately investigated by a~~
626 ~~community control officer.~~

627 ~~(4) The Department of Corrections may contract with local~~
628 ~~law enforcement agencies to assist in the location and~~
629 ~~apprehension of offenders who are in noncompliance as reported~~
630 ~~by the electronic monitoring system. This contract is intended~~
631 ~~to provide the department a means for providing immediate~~
632 ~~investigation of noncompliance reports, especially after normal~~
633 ~~office hours.~~

634 (2)~~(5)~~ Any person being electronically monitored by the
 635 department as a result of placement on supervision ~~community~~
 636 ~~control~~ shall be required to pay the department for electronic
 637 monitoring services ~~a surcharge~~ as provided in s. 948.09(2).

638 (3)~~(6)~~ For probationers, community controllees, or
 639 conditional releasees who have current or prior convictions for
 640 violent or sexual offenses, the department, in carrying out a
 641 court or commission order to electronically monitor an offender,
 642 must use a system that actively monitors and identifies the
 643 offender's location and timely reports or records the offender's
 644 presence near or within a crime scene or in a prohibited area or
 645 the offender's departure from specified geographic limitations.
 646 Procurement of electronic monitoring services under this
 647 subsection shall be by competitive procurement in accordance
 648 with invitation to bid as defined in s. 287.057.

649 (4)~~(7)~~ A person who intentionally alters, tampers with,
 650 damages, or destroys any electronic monitoring equipment
 651 pursuant to court or commission order, unless such person is the
 652 owner of the equipment, or an agent of the owner, performing
 653 ordinary maintenance and repairs, commits a felony of the third
 654 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 655 775.084.

656 Section 17. Subsection (2) and paragraph (e) of subsection
 657 (9) of section 951.23, Florida Statutes, are amended to read:

658 951.23 County and municipal detention facilities;
 659 definitions; administration; standards and requirements.--

660 (2) COLLECTION OF INFORMATION.--In conjunction with the
 661 administrators of county detention facilities, the Department of

662 Corrections shall develop an instrument for the collection of
 663 information from the administrator of each county detention
 664 facility. Whenever possible, the information shall be
 665 transmitted by the administrator to the Department of
 666 Corrections electronically or in a computer readable format. The
 667 information shall be provided on a monthly basis and shall
 668 include, but is not limited to, the following:

- 669 (a) The number of persons housed per day who are:
- 670 1. Felons sentenced to cumulative sentences of
 - 671 incarceration of 364 days or less.
 - 672 2. Felons sentenced to cumulative sentences of
 - 673 incarceration of 365 days or more.
 - 674 3. Sentenced misdemeanants.
 - 675 4. Awaiting trial on at least one felony charge.
 - 676 5. Awaiting trial on misdemeanor charges only.
 - 677 6. Convicted felons and misdemeanants who are awaiting
 - 678 sentencing.
 - 679 7. Juveniles.
 - 680 8. State parole violators.
 - 681 9. State inmates who were transferred from a state
 - 682 correctional facility, as defined in s. 944.02, to the county
 - 683 detention facility.

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

- 688 1. ~~Permanent legal resident of the United States.~~
- 689 2. ~~Legal visitor.~~

- 690 ~~3. Undocumented or illegal alien.~~
- 691 ~~4. Unknown status.~~
- 692 (b) ~~(e)~~ The number of persons housed per day:
 - 693 1. Pursuant to part I of chapter 394, "The Florida Mental
 - 694 Health Act."
 - 695 2. Pursuant to chapter 397, "Substance Abuse Services."
- 696 ~~(d) The cost per day for housing a person in the county~~
- 697 ~~detention facility.~~
- 698 ~~(e) The number of persons admitted per month, and the~~
- 699 ~~number of persons housed on the last day of the month, by age,~~
- 700 ~~race, and sex, who are:~~
 - 701 1. ~~Felons sentenced to cumulative sentences of~~
 - 702 ~~incarceration of 364 days or less.~~
 - 703 2. ~~Felons sentenced to cumulative sentences of~~
 - 704 ~~incarceration of 365 days or more.~~
 - 705 3. ~~Sentenced misdemeanants.~~
 - 706 4. ~~Awaiting trial on at least one felony charge.~~
 - 707 5. ~~Awaiting trial on misdemeanor charges only.~~
 - 708 6. ~~Convicted felons and misdemeanants who are awaiting~~
 - 709 ~~sentencing.~~
 - 710 7. ~~Juveniles.~~
 - 711 8. ~~State parole violators.~~
 - 712 9. ~~State inmates who were transferred from a state~~
 - 713 ~~correctional facility, as defined in s. 944.02, to the county~~
 - 714 ~~detention facility.~~
- 715 ~~(f) The number of persons admitted per month, by age,~~
- 716 ~~race, and sex:~~

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

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

720 (9) INMATE COMMISSARY AND WELFARE FUND.--

721 (e) The officer in charge shall be responsible for an
 722 audit of the fiscal management of the commissary by a
 723 disinterested party on an annual basis, which shall include
 724 certification of compliance with the pricing requirements of
 725 paragraph ~~(1)(b) above~~. Appropriate transaction records and
 726 stock inventory shall be kept current.

727 Section 18. Paragraph (c) of subsection (5) of section
 728 958.045, Florida Statutes, is amended to read:

729 958.045 Youthful offender basic training program.--

730 (5)

731 (c) The portion of the sentence served prior to placement
 732 in the basic training program may not be counted toward program
 733 completion. Within 30 days prior to the scheduled completion of
 734 the basic training program, the department shall submit a report
 735 to the court that describes the offender's performance. If the
 736 offender's performance has been satisfactory, the court shall
 737 issue an order modifying the sentence imposed and placing the
 738 offender on probation effective upon the offender's successful
 739 completion of the remainder of the program ~~Upon the offender's~~
 740 ~~completion of the basic training program, the department shall~~
 741 ~~submit a report to the court that describes the offender's~~
 742 ~~performance. If the offender's performance has been~~
 743 ~~satisfactory, the court shall issue an order modifying the~~
 744 ~~sentence imposed and placing the offender on probation. The term~~

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745 of probation may include placement in a community residential
746 program. If the offender violates the conditions of probation,
747 the court may revoke probation and impose any sentence that it
748 might have originally imposed.

749 Section 19. Subsection (2) of section 960.292, Florida
750 Statutes, is amended to read:

751 960.292 Enforcement of the civil restitution lien through
752 civil restitution lien order.--The civil restitution lien shall
753 be made enforceable by means of a civil restitution lien order.

754 (2) Upon motion by the state, upon petition of the local
755 subdivision, crime victim, or aggrieved party, or on its own
756 motion, the court in which the convicted offender is convicted
757 shall enter civil restitution lien orders in favor of crime
758 victims, the state, its local subdivisions, and other aggrieved
759 parties. The court shall retain continuing jurisdiction over the
760 convicted offender for the sole purpose of entering civil
761 restitution lien orders for the duration of the sentence and up
762 to 5 years from release from incarceration or supervision,
763 whichever occurs later.

764 Section 20. Paragraph (b) of subsection (2) of section
765 960.293, Florida Statutes, is amended to read:

766 960.293 Determination of damages and losses.--

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

770 (b) If the conviction is for an offense other than a
771 capital or life felony, a liquidated damage amount of \$50 per
772 day of the convicted offender's sentence shall be assessed

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773 against the convicted offender and in favor of the state or its
774 local subdivisions. Damages shall be based upon the length of
775 the sentence imposed by the court at the time of sentencing.

776 Section 21. Section 960.297, Florida Statutes, is amended
777 to read:

778 960.297 Authorization for governmental right of
779 restitution for costs of incarceration.--

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

783 (2) For those convicted offenders convicted before July 1,
784 1994, the state and its local subdivisions, in a separate civil
785 action or as a counterclaim in any civil action, may seek
786 recovery of the damages and losses set forth in s. 960.293, for
787 the convicted offender's remaining sentence after July 1, 1994.

788 (3) Civil actions authorized by the section may be
789 commenced anytime during the offender's incarceration and up to
790 5 years after the date of the offender's release from
791 incarceration or supervision, whichever occurs later.

792 Section 22. This act shall take effect October 1, 2009.