



616016

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2010	.	
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The Committee on Criminal Justice (Dockery) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (1) of section 775.0877, Florida Statutes, is amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(1) In any case in which a person has been convicted of or has pled nolo contendere or guilty to, regardless of whether adjudication is withheld, any of the following offenses, or the attempt thereof, which offense or attempted offense involves the



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13 transmission of body fluids from one person to another:

14 (c) Section 800.04~~(1), (2), and (3)~~, relating to lewd or  
15 lascivious offenses committed upon or in the presence of persons  
16 ~~lewd, lascivious, or indecent assault or act upon any person~~  
17 less than 16 years of age,

18  
19 the court shall order the offender to undergo HIV testing, to be  
20 performed under the direction of the Department of Health in  
21 accordance with s. 381.004, unless the offender has undergone  
22 HIV testing voluntarily or pursuant to procedures established in  
23 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or  
24 rule providing for HIV testing of criminal offenders or inmates,  
25 subsequent to her or his arrest for an offense enumerated in  
26 paragraphs (a)-(n) for which she or he was convicted or to which  
27 she or he pled nolo contendere or guilty. The results of an HIV  
28 test performed on an offender pursuant to this subsection are  
29 not admissible in any criminal proceeding arising out of the  
30 alleged offense.

31 Section 2. Section 775.25, Florida Statutes, is amended to  
32 read:

33 775.25 Prosecutions for acts or omissions.—A sexual  
34 predator or sexual offender who commits any act or omission in  
35 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
36 944.607, or former s. 947.177 may be prosecuted for the act or  
37 omission in the county in which the act or omission was  
38 committed, the county of the last registered address of the  
39 sexual predator or sexual offender, or the county in which the  
40 conviction occurred for the offense or offenses that meet the  
41 criteria for designating a person as a sexual predator or sexual



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42 offender. In addition, a sexual predator may be prosecuted for  
43 any such act or omission in the county in which he or she was  
44 designated a sexual predator.

45 Section 3. Subsection (2) of section 784.07, Florida  
46 Statutes, is amended to read:

47 784.07 Assault or battery of law enforcement officers,  
48 firefighters, emergency medical care providers, public transit  
49 employees or agents, or other specified officers;  
50 reclassification of offenses; minimum sentences.—

51 (2) Whenever any person is charged with knowingly  
52 committing an assault or battery upon a law enforcement officer,  
53 a firefighter, an emergency medical care provider, a traffic  
54 accident investigation officer as described in s. 316.640, a  
55 nonsworn law enforcement agency employee who is certified as an  
56 agency inspector, a blood alcohol analyst, or a breath test  
57 operator while such employee is in uniform and engaged in  
58 processing, testing, evaluating, analyzing, or transporting a  
59 person who is detained or under arrest for DUI, a law  
60 enforcement explorer, a traffic infraction enforcement officer  
61 as described in s. 316.640, a parking enforcement specialist as  
62 defined in s. 316.640, a person licensed as a security officer  
63 as defined in s. 493.6101 and wearing a uniform that bears at  
64 least one patch or emblem that is visible at all times that  
65 clearly identifies the employing agency and that clearly  
66 identifies the person as a licensed security officer, or a  
67 security officer employed by the board of trustees of a  
68 community college, while the officer, firefighter, emergency  
69 medical care provider, ~~intake officer,~~ traffic accident  
70 investigation officer, traffic infraction enforcement officer,



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71 inspector, analyst, operator, law enforcement explorer, parking  
72 enforcement specialist, public transit employee or agent, or  
73 security officer is engaged in the lawful performance of his or  
74 her duties, the offense for which the person is charged shall be  
75 reclassified as follows:

76 (a) In the case of assault, from a misdemeanor of the  
77 second degree to a misdemeanor of the first degree.

78 (b) In the case of battery, from a misdemeanor of the first  
79 degree to a felony of the third degree.

80 (c) In the case of aggravated assault, from a felony of the  
81 third degree to a felony of the second degree. Notwithstanding  
82 any other provision of law, any person convicted of aggravated  
83 assault upon a law enforcement officer shall be sentenced to a  
84 minimum term of imprisonment of 3 years.

85 (d) In the case of aggravated battery, from a felony of the  
86 second degree to a felony of the first degree. Notwithstanding  
87 any other provision of law, any person convicted of aggravated  
88 battery of a law enforcement officer shall be sentenced to a  
89 minimum term of imprisonment of 5 years.

90 Section 4. Subsection (11) of section 815.03, Florida  
91 Statutes, is amended to read:

92 815.03 Definitions.—As used in this chapter, unless the  
93 context clearly indicates otherwise:

94 (11) "Property" means anything of value as defined in s.  
95 812.012 ~~812.011~~ and includes, but is not limited to, financial  
96 instruments, information, including electronically produced data  
97 and computer software and programs in either machine-readable or  
98 human-readable form, and any other tangible or intangible item  
99 of value.



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100 Section 5. Subsection (4) of section 817.554, Florida  
101 Statutes, is amended to read:

102 817.554 Fraudulently offering for sale tour or travel-  
103 related services.-

104 (4) Any individual or group which meets the standards of  
105 organized fraud as defined in s. 817.034 ~~817.036~~ shall be  
106 punished as provided in s. 817.034 ~~817.036~~.

107 Section 6. Section 828.17, Florida Statutes, is amended to  
108 read:

109 828.17 Officer to arrest without warrant.-Any sheriff or  
110 any other peace officer of the state, or any police officer of  
111 any city or town of the state, shall arrest without warrant any  
112 person found violating any of the provisions of ss. ~~828.04,~~  
113 828.08, 828.12, and 828.13-828.16, and the officer making the  
114 arrest shall hold the offender until a warrant can be procured,  
115 and he or she shall use proper diligence to procure such  
116 warrant.

117 Section 7. Section 831.16, Florida Statutes, is amended to  
118 read:

119 831.16 Having fewer ~~less~~ than 10 counterfeit coins in  
120 possession, with intent to utter.-Whoever has in his or her  
121 possession any number of pieces fewer ~~less~~ than 10 of the  
122 counterfeit coin mentioned in s. 831.15 ~~the preceding section,~~  
123 knowing the same to be counterfeit, with intent to utter or pass  
124 the same as true, or who utters, passes or tenders in payment as  
125 true any such counterfeit coin, knowing the same to be false and  
126 counterfeit, commits a felony of the third degree, punishable as  
127 provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be~~  
128 ~~punished by imprisonment in the state prison not exceeding 10~~



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129 ~~years, or in the county jail not exceeding 12 months, or by fine~~  
130 ~~not exceeding \$1,000.~~

131 Section 8. Section 831.17, Florida Statutes, is amended to  
132 read:

133 831.17 Violation of s. 831.16; second conviction.—Whoever  
134 having been convicted of either of the offenses mentioned in s.  
135 831.16 ~~the preceding section~~, is again convicted of either of  
136 the same offenses, committed after the former conviction, and  
137 whoever is at the same term of the court convicted upon three  
138 distinct charges of said offenses, commits a felony of the  
139 second degree, punishable as provided in s. 775.082, s. 775.083,  
140 or s. 775.084 ~~shall be deemed a common utterer of counterfeit~~  
141 ~~coin and punished by imprisonment in the state prison not~~  
142 ~~exceeding 20 years.~~

143 Section 9. Section 831.18, Florida Statutes, is amended to  
144 read:

145 831.18 Making or possessing instruments for forging bills.—  
146 Whoever engraves, makes, or amends, or begins to engrave, make, or  
147 or amend, any plate, block, press, or other tool, instrument, or  
148 implement, or makes or provides any paper or other material,  
149 adapted and designed for the making of a false and counterfeit  
150 note, certificate, or other bill of credit, purporting to be  
151 issued by lawful authority for a debt of this state, or a false  
152 or counterfeit note or bill, in the similitude of the notes or  
153 bills issued by any bank or banking company established in this  
154 state, or within the United States, or in any foreign province,  
155 state, or government; and whoever has in his or her possession  
156 any such plate or block engraved in any part, or any press or  
157 other tool, instrument, or any paper or other material adapted



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158 and designed as aforesaid, with intent to issue the same, or to  
159 cause or permit the same to be used in forging or making any  
160 such false and counterfeit certificates, bills, or notes,  
161 commits a felony of the third degree, punishable as provided in  
162 s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished by~~  
163 ~~imprisonment in the state prison not exceeding 10 years, or by~~  
164 ~~fine not exceeding \$1,000.~~

165 Section 10. Section 831.21, Florida Statutes, is amended to  
166 read:

167 831.21 Forging or counterfeiting doctor's certificate of  
168 examination.—Whoever falsely makes, alters, forges, or  
169 counterfeits any doctor's certificate or record of examination  
170 to an application for a policy of insurance, or knowing such  
171 doctor's certificate or record of examination to be falsely  
172 made, altered, forged, or counterfeited, passes ~~shall pass,~~  
173 utters, utter or publishes ~~publish~~ such certificate as true,  
174 with intent to injure or defraud any person, commits a felony of  
175 the third degree, punishable as provided in s. 775.082, s.  
176 775.083, or s. 775.084 ~~shall be deemed guilty of forgery, and~~  
177 ~~upon conviction thereof shall be punished by imprisonment in the~~  
178 ~~state penitentiary not exceeding 5 years, or by fine not~~  
179 ~~exceeding \$500.~~

180 Section 11. Section 831.27, Florida Statutes, is amended to  
181 read:

182 831.27 Issuing notes.—Whoever issues any note, bill, order,  
183 or check, other than foreign bills of exchange and notes or  
184 bills of some bank or company incorporated by the laws of this  
185 state, or by the laws of the United States, or by the laws of  
186 Canada ~~either of the British provinces in North America,~~ with



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187 intent that the same ~~shall~~ be circulated as currency, commits  
188 ~~shall be guilty of~~ a misdemeanor of the second degree,  
189 punishable as provided in s. 775.083.

190 Section 12. Section 831.30, Florida Statutes, is amended to  
191 read:

192 831.30 Medicinal drugs; fraud in obtaining.—Whoever:

193 (1) Falsely makes, alters, or forges any prescription, as  
194 defined in s. 465.003 ~~465.031(2)~~, for a medicinal drug other  
195 than a drug controlled by chapter 893;

196 (2) Knowingly causes such prescription to be falsely made,  
197 altered, forged, or counterfeited; or

198 (3) Passes, utters, or publishes such prescription or  
199 otherwise knowingly holds out such false or forged prescription  
200 as true,

201  
202 with intent to obtain such drug commits, ~~shall be guilty of~~ a  
203 misdemeanor of the second degree, punishable as provided in s.  
204 775.082 or s. 775.083. A second or subsequent conviction  
205 constitutes ~~shall constitute~~ a misdemeanor of the first degree,  
206 punishable as provided in s. 775.082 or s. 775.083.

207 Section 13. Subsection (1) of section 838.021, Florida  
208 Statutes, is amended to read:

209 838.021 Corruption by threat against public servant.—

210 (1) It is unlawful to harm ~~Whoever unlawfully harms~~ or  
211 threaten to ~~threatens unlawful harm to~~ any public servant, ~~to~~  
212 his or her immediate family, or ~~to~~ any other person with whose  
213 welfare the public servant is interested, with the intent to ~~or~~  
214 purpose:

215 (a) ~~To~~ Influence the performance of any act or omission





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216 that ~~which~~ the person believes to be, or that the public servant  
217 represents as being, within the official discretion of the  
218 public servant, in violation of a public duty, or in performance  
219 of a public duty.

220 (b) ~~To~~ Cause or induce the public servant to use or exert,  
221 or procure the use or exertion of, any influence upon or with  
222 any other public servant regarding any act or omission that  
223 ~~which~~ the person believes to be, or that the public servant  
224 represents as being, within the official discretion of the  
225 public servant, in violation of a public duty, or in performance  
226 of a public duty.

227 Section 14. Section 847.0125, Florida Statutes, is  
228 reenacted to read:

229 847.0125 Retail display of materials harmful to minors  
230 prohibited.—

231 (1) "KNOWINGLY" DEFINED.—As used in this section,  
232 "knowingly" means having general knowledge of, reason to know,  
233 or a belief or ground for belief which warrants further  
234 inspection or inquiry of both:

235 (a) The character and content of any material described  
236 herein which is reasonably susceptible of examination by the  
237 defendant, and

238 (b) The age of the minor; however, an honest mistake shall  
239 constitute an excuse from liability hereunder if the defendant  
240 made a reasonable bona fide attempt to ascertain the true age of  
241 such minor.

242 (2) OFFENSES AND PENALTIES.—

243 (a) It is unlawful for anyone offering for sale in a retail  
244 establishment open to the general public any book, magazine, or



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245 other printed material, the cover of which depicts material  
246 which is harmful to minors, to knowingly exhibit such book,  
247 magazine, or material in such establishment in such a way that  
248 it is on open display to, or within the convenient reach of,  
249 minors who may frequent the retail establishment. Such items  
250 shall, however, be displayed, either individually or  
251 collectively, behind an opaque covering which conceals the book,  
252 magazine, or other printed material.

253 (b) It is unlawful for anyone offering for sale in a retail  
254 establishment open to the general public any book, magazine, or  
255 other printed material, the content of which exploits, is  
256 devoted to, or is principally made up of descriptions or  
257 depictions of material which is harmful to minors, to knowingly  
258 exhibit such book, magazine, or material in such establishment  
259 in such a way that it is within the convenient reach of minors  
260 who may frequent the retail establishment.

261 (c) A violation of any provision of this section  
262 constitutes a misdemeanor of the first degree, punishable as  
263 provided in s. 775.082 or s. 775.083.

264 Section 15. Subsection (4) of section 860.13, Florida  
265 Statutes, is amended to read:

266 860.13 Operation of aircraft while intoxicated or in  
267 careless or reckless manner; penalty.-

268 (4) It shall be the duty of any court in which there is a  
269 conviction for violation of this statute to report such  
270 conviction to the Federal Aviation Civil Aeronautics  
271 Administration for its guidance and information with respect to  
272 the pilot's certificate.

273 Section 16. Subsection (11) of section 865.09, Florida



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274 Statutes, is amended to read:

275 865.09 Fictitious name registration.—

276 (11) FORMS.—Registration, cancellation, and renewal shall  
277 be made on forms prescribed by the Department of State, which  
278 may include the uniform business report, pursuant to s. 606.06,  
279 as a means of satisfying the requirement of this section part.

280 Section 17. Subsection (4) of section 877.22, Florida  
281 Statutes, is amended to read:

282 877.22 Minors prohibited in public places and  
283 establishments during certain hours; penalty; procedure.—

284 (4) If a minor violates a curfew and is taken into custody,  
285 the minor shall be transported immediately to a police station  
286 or to a facility operated by a religious, charitable, or civic  
287 organization that conducts a curfew program in cooperation with  
288 a local law enforcement agency. After recording pertinent  
289 information about the minor, the law enforcement agency shall  
290 attempt to contact the parent of the minor and, if successful,  
291 shall request that the parent take custody of the minor and  
292 shall release the minor to the parent. If the law enforcement  
293 agency is not able to contact the minor's parent within 2 hours  
294 after the minor is taken into custody, or if the parent refuses  
295 to take custody of the minor, the law enforcement agency may  
296 transport the minor to her or his residence or proceed as  
297 authorized under part V ~~II~~ of chapter 39.

298 Section 18. Subsection (21) of section 893.02, Florida  
299 Statutes, is amended to read:

300 893.02 Definitions.—The following words and phrases as used  
301 in this chapter shall have the following meanings, unless the  
302 context otherwise requires:



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303           (21) "Prescription" means and includes an order for drugs  
304 or medicinal supplies written, signed, or transmitted by word of  
305 mouth, telephone, telegram, or other means of communication by a  
306 duly licensed practitioner licensed by the laws of the state to  
307 prescribe such drugs or medicinal supplies, issued in good faith  
308 and in the course of professional practice, intended to be  
309 filled, compounded, or dispensed by another person licensed by  
310 the laws of the state to do so, and meeting the requirements of  
311 s. 893.04. The term also includes an order for drugs or  
312 medicinal supplies so transmitted or written by a physician,  
313 dentist, veterinarian, or other practitioner licensed to  
314 practice in a state other than Florida, but only if the  
315 pharmacist called upon to fill such an order determines, in the  
316 exercise of his or her professional judgment, that the order was  
317 issued pursuant to a valid patient-physician relationship, that  
318 it is authentic, and that the drugs or medicinal supplies so  
319 ordered are considered necessary for the continuation of  
320 treatment of a chronic or recurrent illness. However, if the  
321 physician writing the prescription is not known to the  
322 pharmacist, the pharmacist shall obtain proof to a reasonable  
323 certainty of the validity of said prescription. A prescription  
324 order for a controlled substance shall not be issued on the same  
325 prescription blank with another prescription order for a  
326 controlled substance which is named or described in a different  
327 schedule, nor shall any prescription order for a controlled  
328 substance be issued on the same prescription blank as a  
329 prescription order for a medicinal drug, as defined in s.  
330 465.003(8) ~~465.031(5)~~, which does not fall within the definition  
331 of a controlled substance as defined in this act.



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332           Section 19. Subsections (3) and (4) of section 893.10,  
333 Florida Statutes, are renumbered as subsections (2) and (3),  
334 respectively, and present subsection (2) of that section is  
335 amended to read:

336           893.10 Burden of proof; photograph or video recording of  
337 evidence.—

338           ~~(2) In the case of a person charged under s. 893.14(1) with~~  
339 ~~the possession of a controlled substance, the label required~~  
340 ~~under s. 893.04(1) or s. 893.05(2) is admissible in evidence and~~  
341 ~~prima facie evidence that such substance was obtained pursuant~~  
342 ~~to a valid prescription form or dispensed by a practitioner~~  
343 ~~while acting in the course of his or her professional practice.~~

344           Section 20. Paragraph (a) of subsection (2) of section  
345 914.24, Florida Statutes, is reenacted to read:

346           914.24 Civil action to restrain harassment of a victim or  
347 witness.—

348           (2) (a) A circuit court, upon motion of the state attorney,  
349 shall issue a protective order prohibiting the harassment of a  
350 victim or witness in a criminal case if the court, after a  
351 hearing, finds by a preponderance of the evidence that  
352 harassment of an identified victim or witness in a criminal case  
353 exists or that such order is necessary to prevent and restrain  
354 an offense under s. 914.22, other than an offense consisting of  
355 misleading conduct, or to prevent and restrain an offense under  
356 s. 914.23.

357           Section 21. Subsection (3) of section 916.12, Florida  
358 Statutes, is amended to read:

359           916.12 Mental competence to proceed.—

360           (3) In considering the issue of competence to proceed, an



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361 examining expert shall first consider and specifically include  
362 in his or her report the defendant's capacity to:

363 (a) Appreciate the charges or allegations against the  
364 defendant.

365 (b) Appreciate the range and nature of possible penalties,  
366 if applicable, that may be imposed in the proceedings against  
367 the defendant.

368 (c) Understand the adversarial nature of the legal process.

369 (d) Disclose to counsel facts pertinent to the proceedings  
370 at issue.

371 (e) Manifest appropriate courtroom behavior.

372 (f) Testify relevantly.

373

374 ~~(g)~~ In addition, an examining expert shall consider and  
375 include in his or her report any other factor deemed relevant by  
376 the expert.

377 Section 22. Subsection (3) of section 916.3012, Florida  
378 Statutes, is amended to read:

379 916.3012 Mental competence to proceed.—

380 (3) In considering the issue of competence to proceed, an  
381 ~~the~~ examining expert ~~experts~~ shall first consider and  
382 specifically include in his or her ~~their~~ report the defendant's  
383 capacity to:

384 (a) Appreciate the charges or allegations against the  
385 defendant.

386 (b) Appreciate the range and nature of possible penalties,  
387 if applicable, that may be imposed in the proceedings against  
388 the defendant.

389 (c) Understand the adversarial nature of the legal process.



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390 (d) Disclose to counsel facts pertinent to the proceedings  
391 at issue.

392 (e) Manifest appropriate courtroom behavior.

393 (f) Testify relevantly.

394

395 ~~(g) In addition, an examining expert shall consider and~~  
396 ~~include in his or her report any other factor deemed relevant by~~  
397 ~~the expert experts.~~

398 Section 23. Section 918.0155, Florida Statutes, is amended  
399 to read:

400 918.0155 Expeditious disposition of particular criminal  
401 cases involving a child under age 16.—Every criminal case  
402 prosecuted under chapter 782, chapter 784, chapter 787, chapter  
403 794, chapter 796, chapter 800, chapter 827, or chapter 847 which  
404 involves the abuse of a child or unlawful sexual contact or acts  
405 performed in the presence of, with, or upon a child under the  
406 age of 16 shall be heard and disposed of as expeditiously as  
407 possible. ~~The Legislature requests the Supreme Court to adopt~~  
408 ~~emergency rules regarding the expeditious handling of the~~  
409 ~~matters enumerated in this section.~~

410 Section 24. Paragraphs (b) and (d) of subsection (3) of  
411 section 921.0022, Florida Statutes, are amended to read:

412 921.0022 Criminal Punishment Code; offense severity ranking  
413 chart.—

414 (3) OFFENSE SEVERITY RANKING CHART

415 (b) LEVEL 2

Florida Statute	Felony Description
	Degree

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417  
379.2431(1)(e)3. 3rd Possession of 11 or fewer marine turtle  
eggs in violation of the Marine Turtle  
Protection Act.

418  
419  
379.2431(1)(e)4. 3rd Possession of more than 11 marine turtle  
eggs in violation of the Marine Turtle  
Protection Act.

420  
421  
403.413(5)(c) 3rd Dumps waste litter exceeding 500 lbs. in  
weight or 100 cubic feet in volume or  
any quantity for commercial purposes, or  
hazardous waste.

422  
423  
517.07 3rd Registration of securities and  
furnishing of prospectus required.

424  
425  
590.28(1) 3rd ~~Willful, malicious, or~~ Intentional  
burning of lands.

426  
427  
784.05(3) 3rd Storing or leaving a loaded firearm  
within reach of minor who uses it to  
inflict injury or death.

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429			
	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
430			
431			
	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
432			
433			
	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
434			
435			
	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
436			
437			
	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
438			
439			
	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
440			
441			
	812.015(7)	3rd	Possession, use, or attempted use of an



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antishoplifting or inventory control  
device countermeasure.

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817.234(1)(a)2. 3rd False statement in support of insurance  
claim.

444

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817.481(3)(a) 3rd Obtain credit or purchase with false,  
expired, counterfeit, etc., credit card,  
value over \$300.

446

447

817.52(3) 3rd Failure to redeliver hired vehicle.

448

449

817.54 3rd With intent to defraud, obtain mortgage  
note, etc., by false representation.

450

451

817.60(5) 3rd Dealing in credit cards of another.

452

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817.60(6)(a) 3rd Forgery; purchase goods, services with  
false card.

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817.61 3rd Fraudulent use of credit cards over \$100  
or more within 6 months.



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826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.



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471	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
472			
473	843.08	3rd	Falsely impersonating an officer.
474			
475	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
476			
477	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
478			
479	(d) LEVEL 4		
	Florida Statute	Felony Degree	Description
480			
481	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
482			
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484	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
485			
486	499.0051(2)	3rd	Failure to authenticate pedigree papers.
487			
488	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
489			
490	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, <del>intake officer,</del> etc.
491			
492	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
493			
494	784.075	3rd	Battery on detention or commitment facility staff.
495			
496	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
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498	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
499			
500	784.081 (3)	3rd	Battery on specified official or employee.
501			
502	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
503			
504	784.083 (3)	3rd	Battery on code inspector.
505			
506	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
507			
508	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
509			
510	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
511			



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787.04 (3) 3rd Carrying child beyond state lines with  
criminal intent to avoid producing child  
at custody hearing or delivering to  
designated person.

512

513

790.115 (1) 3rd Exhibiting firearm or weapon within  
1,000 feet of a school.

514

515

790.115 (2) (b) 3rd Possessing electric weapon or device,  
destructive device, or other weapon on  
school property.

516

517

790.115 (2) (c) 3rd Possessing firearm on school property.

518

519

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender  
less than 18 years.

520

521

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an  
unoccupied structure; unarmed; no  
assault or battery.

522

523

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an  
unoccupied conveyance; unarmed; no



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assault or battery.

524

525

810.06 3rd Burglary; possession of tools.

526

527

810.08(2)(c) 3rd Trespass on property, armed with firearm  
or dangerous weapon.

528

529

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more  
but less than \$20,000.

530

531

812.014(2)(c)4.- 3rd Grand theft, 3rd degree, a will,  
10. firearm, motor vehicle, livestock, etc.

532

533

812.0195(2) 3rd Dealing in stolen property by use of the  
Internet; property stolen \$300 or more.

534

535

817.563(1) 3rd Sell or deliver substance other than  
controlled substance agreed upon,  
excluding s. 893.03(5) drugs.

536

537

817.568(2)(a) 3rd Fraudulent use of personal  
identification information.





538  
539  
817.625 (2) (a) 3rd Fraudulent use of scanning device or  
reencoder.  
540  
541  
828.125 (1) 2nd Kill, maim, or cause great bodily harm  
or permanent breeding disability to any  
registered horse or cattle.  
542  
543  
837.02 (1) 3rd Perjury in official proceedings.  
544  
545  
837.021 (1) 3rd Make contradictory statements in  
official proceedings.  
546  
547  
838.022 3rd Official misconduct.  
548  
549  
839.13 (2) (a) 3rd Falsifying records of an individual in  
the care and custody of a state agency.  
550  
551  
839.13 (2) (c) 3rd Falsifying records of the Department of  
Children and Family Services.  
552  
553



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554	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
555			
556	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
557			
558	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
559			
560	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
561			
562	874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
563			
564	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
565			
566	914.14(2)	3rd	Witnesses accepting bribes.



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567  
914.22(1) 3rd Force, threaten, etc., witness, victim,  
or informant.

568  
569  
914.23(2) 3rd Retaliation against a witness, victim,  
or informant, no bodily injury.

570  
571  
918.12 3rd Tampering with jurors.

572  
573  
934.215 3rd Use of two-way communications device to  
facilitate commission of a crime.

574  
575  
576 Section 25. Paragraph (a) of subsection (5) of section  
577 921.141, Florida Statutes, is reenacted to read:

578 921.141 Sentence of death or life imprisonment for capital  
579 felonies; further proceedings to determine sentence.—

580 (5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances  
581 shall be limited to the following:

582 (a) The capital felony was committed by a person previously  
583 convicted of a felony and under sentence of imprisonment or  
584 placed on community control or on felony probation.

585 Section 26. Section 921.20, Florida Statutes, is amended to  
586 read:

587 921.20 Classification summary; Parole Commission.—As soon  
588 as possible after a prisoner has been placed in the custody of



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589 the Department of Corrections, the classification board shall  
590 furnish a classification summary to the Parole Commission for  
591 use as provided in s. 945.25 ~~947.14~~. The summary shall include  
592 the criminal, personal, social, and environmental background and  
593 other relevant factors considered in classifying the prisoner  
594 for a penal environment best suited for the prisoner's rapid  
595 rehabilitation.

596 Section 27. Paragraph (a) of subsection (11) of section  
597 932.704, Florida Statutes, is amended to read:

598 932.704 Forfeiture proceedings.—

599 (11) (a) The Department of Law Enforcement, in consultation  
600 with the Florida Sheriffs Association and the Florida Police  
601 Chiefs Association, shall develop guidelines and training  
602 procedures to be used by state and local law enforcement  
603 agencies and state attorneys in implementing the Florida  
604 Contraband Forfeiture Act. ~~Each state or local law enforcement~~  
605 ~~agency that files civil forfeiture actions under the Florida~~  
606 ~~Contraband Forfeiture Act shall file, by December 31, 1995, a~~  
607 ~~certificate signed by the agency head or his or her designee,~~  
608 ~~which represents that the agency's policies and procedures are~~  
609 ~~in compliance with the guidelines.~~ Each state or local law  
610 enforcement agency that seizes property for the purpose of  
611 forfeiture shall periodically review seizures of assets made by  
612 the agency's law enforcement officers, settlements, and  
613 forfeiture proceedings initiated by the agency, to determine  
614 whether such seizures, settlements, and forfeitures comply with  
615 the Florida Contraband Forfeiture Act and the guidelines adopted  
616 under this subsection. The determination of whether an agency  
617 will file a civil forfeiture action must be the sole



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618 responsibility of the head of the agency or his or her designee.

619 Section 28. Subsection (7) of section 933.18, Florida  
620 Statutes, is amended to read:

621 933.18 When warrant may be issued for search of private  
622 dwelling.—No search warrant shall issue under this chapter or  
623 under any other law of this state to search any private dwelling  
624 occupied as such unless:

625 (7) One or more of the following ~~misdemeanor~~ child abuse  
626 offenses is being committed there:

627 (a) Interference with custody, in violation of s. 787.03.

628 (b) Commission of an unnatural and lascivious act with a  
629 child, in violation of s. 800.02.

630 (c) Exposure of sexual organs to a child, in violation of  
631 s. 800.03. If, during a search pursuant to a warrant issued  
632 under this section, a child is discovered and appears to be in  
633 imminent danger, the law enforcement officer conducting such  
634 search may remove the child from the private dwelling and take  
635 the child into protective custody pursuant to chapter 39. The  
636 term "private dwelling" shall be construed to include the room  
637 or rooms used and occupied, not transiently but solely as a  
638 residence, in an apartment house, hotel, boardinghouse, or  
639 lodginghouse. No warrant shall be issued for the search of any  
640 private dwelling under any of the conditions hereinabove  
641 mentioned except on sworn proof by affidavit of some creditable  
642 witness that he or she has reason to believe that one of said  
643 conditions exists, which affidavit shall set forth the facts on  
644 which such reason for belief is based.

645 Section 29. Subsections (5) and (8) of section 933.40,  
646 Florida Statutes, are amended to read:



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647 933.40 Agriculture warrants.-

648 (5) Agriculture warrants may be signed by any person  
649 competent to issue search warrants under s. 933.01, either  
650 manually, by signature stamp, or by electronic signature. The  
651 trial court judge ~~or magistrate~~, upon examination of the  
652 application and proofs submitted, if satisfied that probable  
653 cause exists for the issuing of one or more agriculture  
654 warrants, shall issue such agriculture warrants with his or her  
655 signature and office affixed thereto. Such agriculture warrants  
656 may be served and executed by employees of the department, with  
657 the assistance of third parties supervised by department  
658 employees, and shall authorize department employees with such  
659 assistance to undertake all actions authorized by the warrant.

660 (8) An agriculture warrant shall be effective for 60 days  
661 and shall authorize multiple executions of the warrant prior to  
662 its expiration. An agriculture warrant may be extended or  
663 renewed by the trial court judge ~~or magistrate~~ who signed and  
664 issued the original warrant upon his or her satisfaction ~~of such~~  
665 ~~official~~ that probable cause continues to exist for the  
666 reissuance of the warrant. Such warrant must be returned to the  
667 issuing official prior to the expiration date specified in the  
668 warrant or within the extended or renewed time.

669 Section 30. Paragraph (g) of subsection (2) of section  
670 934.03, Florida Statutes, is amended to read:

671 934.03 Interception and disclosure of wire, oral, or  
672 electronic communications prohibited.-

673 (2)

674 (g) It is lawful under ss. 934.03-934.09 for an employee  
675 of:



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676 1. An ambulance service licensed pursuant to s. 401.25, a  
677 fire station employing firefighters as defined by s. 633.30, a  
678 public utility ~~as defined by ss. 365.01 and 366.02~~, a law  
679 enforcement agency as defined by s. 934.02(10), or any other  
680 entity with published emergency telephone numbers;

681 2. An agency operating an emergency telephone number "911"  
682 system established pursuant to s. 365.171; or

683 3. The central abuse hotline operated pursuant to s.  
684 39.201~~7~~

685  
686 to intercept and record incoming wire communications; however,  
687 such employee may intercept and record incoming wire  
688 communications on designated "911" telephone numbers and  
689 published nonemergency telephone numbers staffed by trained  
690 dispatchers at public safety answering points only. It is also  
691 lawful for such employee to intercept and record outgoing wire  
692 communications to the numbers from which such incoming wire  
693 communications were placed when necessary to obtain information  
694 required to provide the emergency services being requested. For  
695 the purpose of this paragraph, the term "public utility" has the  
696 same meaning as provided in s. 366.02 and includes a person,  
697 partnership, association, or corporation now or hereafter owning  
698 or operating equipment or facilities in the state for conveying  
699 or transmitting messages or communications by telephone or  
700 telegraph to the public for compensation.

701 Section 31. Section 938.15, Florida Statutes, is amended to  
702 read:

703 938.15 Criminal justice education for local government.—In  
704 addition to the costs provided for in s. 938.01, municipalities



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705 and counties may assess an additional \$2 for expenditures for  
706 criminal justice education degree programs and training courses,  
707 including basic recruit training, for their respective officers  
708 and employing agency support personnel, provided such education  
709 degree programs and training courses are approved by the  
710 employing agency administrator, on a form provided by the  
711 Criminal Justice Standards and Training Commission, for local  
712 funding.

713 (1) Workshops, meetings, conferences, and conventions  
714 shall, on a form approved by the Criminal Justice Standards and  
715 Training Commission for use by the employing agency, be  
716 individually approved by the employing agency administrator  
717 prior to attendance. The form shall include, but not be limited  
718 to, a demonstration by the employing agency of the purpose of  
719 the workshop, meeting, conference, or convention; the direct  
720 relationship of the training to the officer's job; the direct  
721 benefits the officer and agency will receive; and all  
722 anticipated costs.

723 (2) The Criminal Justice Standards and Training Commission  
724 may inspect and copy the documentation of independent audits  
725 conducted of the municipalities and counties which make such  
726 assessments to ensure that such assessments have been made and  
727 that expenditures are in conformance with the requirements of  
728 this subsection and with other applicable procedures.

729 Section 32. Paragraph (b) of subsection (3) of section  
730 943.051, Florida Statutes, is amended to read:

731 943.051 Criminal justice information; collection and  
732 storage; fingerprinting.—

733 (3)





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734 (b) A minor who is charged with or found to have committed  
735 the following offenses shall be fingerprinted and the  
736 fingerprints shall be submitted to the department:

- 737 1. Assault, as defined in s. 784.011.
- 738 2. Battery, as defined in s. 784.03.
- 739 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 740 4. Unlawful use of destructive devices or bombs, as defined  
741 in s. 790.1615(1).
- 742 5. Negligent treatment of children, as defined in former s.  
743 827.05.
- 744 6. Assault or battery on a law enforcement officer, a  
745 firefighter, or other specified officers, as defined in s.  
746 784.07(2)(a) and (b).
- 747 7. Open carrying of a weapon, as defined in s. 790.053.
- 748 8. Exposure of sexual organs, as defined in s. 800.03.
- 749 9. Unlawful possession of a firearm, as defined in s.  
750 790.22(5).
- 751 10. Petit theft, as defined in s. 812.014(3).
- 752 11. Cruelty to animals, as defined in s. 828.12(1).
- 753 12. Arson, as defined in s. 806.031(1).
- 754 13. Unlawful possession or discharge of a weapon or firearm  
755 at a school-sponsored event or on school property as defined in  
756 s. 790.115.

757 Section 33. Subsection (6) of section 943.053, Florida  
758 Statutes, is reenacted to read:

759 943.053 Dissemination of criminal justice information;  
760 fees.—

761 (6) Notwithstanding any other provision of law, the  
762 department shall provide to the ~~Florida~~ Department of Revenue



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763 ~~Child Support Enforcement~~ access to Florida criminal records  
764 which are not exempt from disclosure under chapter 119, and to  
765 such information as may be lawfully available from other states  
766 via the National Law Enforcement Telecommunications System, for  
767 the purpose of locating subjects who owe or potentially owe  
768 support, as defined in s. 409.2554, or to whom such obligation  
769 is owed pursuant to Title IV-D of the Social Security Act. Such  
770 information may be provided to child support enforcement  
771 authorities in other states for these specific purposes.

772 Section 34. Subsection (6) of section 943.0581, Florida  
773 Statutes, is amended to read:

774 943.0581 Administrative expunction.—

775 (6) An application or endorsement under this section is not  
776 admissible as evidence in any judicial or administrative  
777 proceeding and may not ~~or otherwise~~ be construed in any way as  
778 an admission of liability in connection with an arrest.

779 Section 35. Paragraph (a) of subsection (3) and subsection  
780 (5) of section 943.0582, Florida Statutes, are reenacted to  
781 read:

782 943.0582 Prearrest, postarrest, or teen court diversion  
783 program expunction.—

784 (3) The department shall expunge the nonjudicial arrest  
785 record of a minor who has successfully completed a prearrest or  
786 postarrest diversion program if that minor:

787 (a) Submits an application for prearrest or postarrest  
788 diversion expunction, on a form prescribed by the department,  
789 signed by the minor's parent or legal guardian, or by the minor  
790 if he or she has reached the age of majority at the time of  
791 applying.



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792           (5) This section operates retroactively to permit the  
793 expunction of any nonjudicial record of the arrest of a minor  
794 who has successfully completed a prearrest or postarrest  
795 diversion program on or after July 1, 2000; however, in the case  
796 of a minor whose completion of the program occurred before the  
797 effective date of this section, the application for prearrest or  
798 postarrest diversion expunction must be submitted within 6  
799 months after the effective date of this section.

800           Section 36. Paragraph (b) of subsection (4) of section  
801 943.135, Florida Statutes, is reenacted to read:

802           943.135 Requirements for continued employment.-

803           (4)

804           (b) Any person who qualifies under paragraph (a) may, for  
805 purposes of meeting the minimum mandatory continuing training or  
806 education requirements of this section, at the option of an  
807 employing agency, associate with that agency for the sole  
808 purpose of securing continuing training or education as required  
809 by this section and for allowing the agency to report completion  
810 of the education or training to the Criminal Justice Standards  
811 and Training Commission. The employing agency with which the  
812 person has associated shall submit proof of completion of any  
813 education or training so obtained for purposes of demonstrating  
814 compliance with this section and shall indicate that the person  
815 for whom the credits are reported has secured the training under  
816 the special status authorized by this section. An employing  
817 agency may require any person so associated to attend continuing  
818 training or education at the person's own expense and may  
819 determine the courses or training that a person is to attend  
820 while associated with the agency. Any person who is permitted to



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821 associate with an employing agency for purposes of obtaining and  
822 reporting education or continuing training credits while serving  
823 in an elected or appointed public office shall not be considered  
824 to be employed by the employing agency or considered by the  
825 association with the employing agency to maintain an office  
826 under s. 5(a), Art. II of the State Constitution.

827 Section 37. Subsection (5) of section 944.023, Florida  
828 Statutes, is amended to read:

829 944.023 Comprehensive correctional master plan.—

830 (5) The comprehensive correctional master plan shall  
831 project by year the total operating and capital outlay costs  
832 necessary for constructing a sufficient number of prison beds to  
833 avoid a deficiency in prison beds. Included in the master plan  
834 which projects operating and capital outlay costs shall be a  
835 siting plan which shall assess, rank, and designate appropriate  
836 sites pursuant to s. 944.095~~(2)(a)-(k)~~. The master plan shall  
837 include an assessment of the department's current capability for  
838 providing the degree of security necessary to ensure public  
839 safety and should reflect the levels of security needed for the  
840 forecasted admissions of various types of offenders based upon  
841 sentence lengths and severity of offenses. The plan shall also  
842 provide construction options for targeting violent and habitual  
843 offenders for incarceration while providing specific  
844 alternatives for the various categories of lesser offenders.

845 Section 38. Subsection (4) of section 944.053, Florida  
846 Statutes, is amended to read:

847 944.053 Forestry Work Camps.—

848 (4) Forestry Work Camps shall house minimum custody inmates  
849 and medium custody inmates who are not serving a sentence for,



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850 or who have not been previously convicted of, sexual battery  
851 pursuant to s. 794.011 ~~or any sexual offense specified in s.~~  
852 ~~917.012(1), unless they have successfully completed a treatment~~  
853 ~~program pursuant to s. 917.012.~~

854 Section 39. Subsection (1) of section 944.28, Florida  
855 Statutes, is reenacted to read:

856 944.28 Forfeiture of gain-time and the right to earn gain-  
857 time in the future.—

858 (1) If a prisoner is convicted of escape, or if the  
859 clemency, conditional release as described in chapter 947,  
860 probation or community control as described in chapter 948,  
861 provisional release as described in s. 944.277, parole, or  
862 control release as described in s. 947.146 granted to the  
863 prisoner is revoked, the department may, without notice or  
864 hearing, declare a forfeiture of all gain-time earned according  
865 to the provisions of law by such prisoner prior to such escape  
866 or his or her release under such clemency, conditional release,  
867 probation, community control, provisional release, control  
868 release, or parole.

869 Section 40. Subsection (2) of section 944.474, Florida  
870 Statutes, is amended to read:

871 944.474 Legislative intent; employee wellness program; drug  
872 and alcohol testing.—

873 (2) Under no circumstances shall employees of the  
874 department test positive for illegal use of controlled  
875 substances. An employee of the department may not be under the  
876 influence of alcohol while on duty. In order to ensure that  
877 these prohibitions are adhered to by all employees of the  
878 department and notwithstanding s. 112.0455, the department may



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879 develop a program for the random drug testing of all employees.  
880 The department may randomly evaluate employees for the  
881 contemporaneous use or influence of alcohol through the use of  
882 alcohol tests and observation methods. Notwithstanding s.  
883 112.0455(5)(a), the department may develop a program for the  
884 reasonable suspicion drug testing of employees who are in  
885 safety-sensitive or special risk positions, as defined in s.  
886 112.0455(5), for the controlled substances listed in s.  
887 893.03(3)(d). The reasonable suspicion drug testing authorized  
888 by this subsection shall be conducted in accordance with s.  
889 112.0455, but may also include testing upon reasonable suspicion  
890 based on violent acts or violent behavior of an employee who is  
891 on or off duty. The department shall adopt rules pursuant to ss.  
892 120.536(1) and 120.54 that are necessary to administer this  
893 subsection.

894 Section 41. Section 944.708, Florida Statutes, is amended  
895 to read:

896 944.708 Rules.—The Department of Corrections and the Agency  
897 for Workforce Innovation Department of Labor and Employment  
898 Security shall adopt ~~promulgate~~ rules to implement the  
899 provisions of ss. 944.701-944.707.

900 Section 42. Paragraph (h) of subsection (3) of section  
901 944.801, Florida Statutes, is amended to read:

902 944.801 Education for state prisoners.—

903 (3) The responsibilities of the Correctional Education  
904 Program shall be to:

905 (h) Develop a written procedure for selecting programs to  
906 add to or delete from the vocational curriculum. The procedure  
907 shall include labor market analyses which demonstrate the



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908 projected demand for certain occupations and the projected  
909 supply of potential employees. In conducting these analyses, the  
910 department shall evaluate the feasibility of adding vocational  
911 education programs which have been identified by the Agency for  
912 Workforce Innovation ~~Department of Labor and Employment Security~~  
913 or a regional coordinating council as being in undersupply in  
914 this state. The department shall periodically reevaluate the  
915 vocational education programs in major institutions to determine  
916 which of the programs support and provide relevant skills to  
917 inmates who could be assigned to a correctional work program  
918 that is operated as a Prison Industry Enhancement Program.

919 Section 43. Paragraph (d) of subsection (3) of section  
920 945.10, Florida Statutes, is amended to read:

921 945.10 Confidential information.—

922 (3) Due to substantial concerns regarding institutional  
923 security and unreasonable and excessive demands on personnel and  
924 resources if an inmate or an offender has unlimited or routine  
925 access to records of the Department of Corrections, an inmate or  
926 an offender who is under the jurisdiction of the department may  
927 not have unrestricted access to the department's records or to  
928 information contained in the department's records. However,  
929 except as to another inmate's or offender's records, the  
930 department may permit limited access to its records if an inmate  
931 or an offender makes a written request and demonstrates an  
932 exceptional need for information contained in the department's  
933 records and the information is otherwise unavailable.

934 Exceptional circumstances include, but are not limited to:

935 (d) The requested records contain information required to  
936 process an application or claim by the inmate or offender with



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937 the Internal Revenue Service, the Social Security  
938 Administration, the Agency for Workforce Innovation Department  
939 ~~of Labor and Employment Security~~, or any other similar  
940 application or claim with a state agency or federal agency.

941 Section 44. Section 947.06, Florida Statutes, is reenacted  
942 to read:

943 947.06 Meeting; when commission may act.—The commission  
944 shall meet at regularly scheduled intervals and from time to  
945 time as may otherwise be determined by the chair. The making of  
946 recommendations to the Governor and Cabinet in matters relating  
947 to modifications of acts and decisions of the chair as provided  
948 in s. 947.04(1) shall be by a majority vote of the commission.  
949 No prisoner shall be placed on parole except as provided in ss.  
950 947.172 and 947.174 by a panel of no fewer than two  
951 commissioners appointed by the chair. All matters relating to  
952 the granting, denying, or revoking of parole shall be decided in  
953 a meeting at which the public shall have the right to be  
954 present. Victims of the crime committed by the inmate shall be  
955 permitted to make an oral statement or submit a written  
956 statement regarding their views as to the granting, denying, or  
957 revoking of parole. Persons not members or employees of the  
958 commission or victims of the crime committed by the inmate may  
959 be permitted to participate in deliberations concerning the  
960 granting and revoking of paroles only upon the prior written  
961 approval of the chair of the commission. To facilitate the  
962 ability of victims and other persons to attend commission  
963 meetings, the commission shall meet in various counties  
964 including, but not limited to, Broward, Duval, Escambia,  
965 Hillsborough, Leon, Miami-Dade, Orange, and Palm Beach, with the





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966 location chosen being as close as possible to the location where  
967 the parole-eligible inmate committed the offense for which the  
968 parole-eligible inmate was sentenced. The commission shall adopt  
969 rules governing the oral participation of victims and the  
970 submission of written statements by victims.

971 Section 45. Paragraph (a) of subsection (4) of section  
972 947.16, Florida Statutes, is amended to read:

973 947.16 Eligibility for parole; initial parole interviews;  
974 powers and duties of commission.—

975 (4) A person who has become eligible for an initial parole  
976 interview and who may, according to the objective parole  
977 guidelines of the commission, be granted parole shall be placed  
978 on parole in accordance with the provisions of this law; except  
979 that, in any case of a person convicted of murder, robbery,  
980 burglary of a dwelling or burglary of a structure or conveyance  
981 in which a human being is present, aggravated assault,  
982 aggravated battery, kidnapping, sexual battery or attempted  
983 sexual battery, incest or attempted incest, an unnatural and  
984 lascivious act or an attempted unnatural and lascivious act,  
985 lewd and lascivious behavior, assault or aggravated assault when  
986 a sexual act is completed or attempted, battery or aggravated  
987 battery when a sexual act is completed or attempted, arson, or  
988 any felony involving the use of a firearm or other deadly weapon  
989 or the use of intentional violence, at the time of sentencing  
990 the judge may enter an order retaining jurisdiction over the  
991 offender for review of a commission release order. This  
992 jurisdiction of the trial court judge is limited to the first  
993 one-third of the maximum sentence imposed. When any person is  
994 convicted of two or more felonies and concurrent sentences are



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995 imposed, then the jurisdiction of the trial court judge as  
996 provided herein applies to the first one-third of the maximum  
997 sentence imposed for the highest felony of which the person was  
998 convicted. When any person is convicted of two or more felonies  
999 and consecutive sentences are imposed, then the jurisdiction of  
1000 the trial court judge as provided herein applies to one-third of  
1001 the total consecutive sentences imposed.

1002 (a) In retaining jurisdiction for the purposes of this act,  
1003 the trial court judge shall state the justification with  
1004 individual particularity, and such justification shall be made a  
1005 part of the court record. A copy of such justification shall be  
1006 delivered to the department together with the commitment issued  
1007 by the court pursuant to s. 944.17 ~~944.16~~.

1008 Section 46. Subsection (2) of section 949.071, Florida  
1009 Statutes, is amended to read:

1010 949.071 Definition of "state" as used in s. 949.07; further  
1011 declaration relating to interstate compacts.-

1012 (2) It is hereby recognized and further declared that  
1013 pursuant to the consent and authorization contained in s. 112  
1014 ~~111(b)~~ of Title 4 of the United States Code as ~~added by Pub. L.~~  
1015 ~~No. 970-84th Congress, Ch. 941-2d Session~~, this state shall be a  
1016 party to the Interstate Compact for Adult Offender Supervision,  
1017 with any additional jurisdiction legally joining in the compact  
1018 when such jurisdiction enacts the compact in accordance with the  
1019 terms thereof.

1020 Section 47. Paragraph (e) of subsection (9) of section  
1021 951.23, Florida Statutes, is amended to read:

1022 951.23 County and municipal detention facilities;  
1023 definitions; administration; standards and requirements.-



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1024 (9) INMATE COMMISSARY AND WELFARE FUND.—

1025 (e) The officer in charge shall be responsible for an audit  
1026 of the fiscal management of the commissary by a disinterested  
1027 party on an annual basis, which shall include certification of  
1028 compliance with the pricing requirements of paragraph ~~(1)~~(b)  
1029 ~~above~~. Appropriate transaction records and stock inventory shall  
1030 be kept current.

1031 Section 48. Paragraph (c) of subsection (1) of section  
1032 951.231, Florida Statutes, is amended to read:

1033 951.231 County residential probation program.—

1034 (1) Any prisoner who has been sentenced under s. 921.18 to  
1035 serve a sentence in a county residential probation center as  
1036 described in s. 951.23 shall:

1037 (c) Participate in and complete the program required by s.  
1038 958.045 ~~958.04(4)~~, if required by the supervisor of the center.

1039 Section 49. Subsection (4) of section 957.07, Florida  
1040 Statutes, is amended to read:

1041 957.07 Cost-saving requirements.—

1042 (4) The Department of Corrections shall provide a report  
1043 detailing the state cost to design, finance, acquire, lease,  
1044 construct, and operate a facility similar to the private  
1045 correctional facility on a per diem basis. This report shall be  
1046 provided to the Auditor General in sufficient time that it may  
1047 be certified to the Department of Management Services ~~commission~~  
1048 to be included in the request for proposals.

1049 Section 50. Paragraph (b) of subsection (3) of section  
1050 960.003, Florida Statutes, is amended to read:

1051 960.003 HIV testing for persons charged with or alleged by  
1052 petition for delinquency to have committed certain offenses;



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1053 disclosure of results to victims.-

1054 (3) DISCLOSURE OF RESULTS.-

1055 (b) At the time that the results are disclosed to the  
1056 victim or the victim's legal guardian, or to the parent or legal  
1057 guardian of a victim if the victim is a minor, the same  
1058 immediate opportunity for face-to-face counseling which must be  
1059 made available under s. 381.004(3)(e) to those who undergo HIV  
1060 testing shall also be afforded to the victim or the victim's  
1061 legal guardian, or to the parent or legal guardian of the victim  
1062 if the victim is a minor.

1063 Section 51. Subsections (6) and (7) of section 984.225,  
1064 Florida Statutes, are amended to read:

1065 984.225 Powers of disposition; placement in a staff-secure  
1066 shelter.-

1067 (6) The department is deemed to have exhausted the  
1068 reasonable remedies offered under this chapter if, at the end of  
1069 the commitment period, the parent, guardian, or legal custodian  
1070 continues to refuse to allow the child to remain at home or  
1071 creates unreasonable conditions for the child's return. If, at  
1072 the end of the commitment period, the child is not reunited with  
1073 his or her parent, guardian, or custodian due solely to the  
1074 continued refusal of the parent, guardian, or custodian to  
1075 provide food, clothing, shelter, and parental support, the child  
1076 is considered to be threatened with harm as a result of such  
1077 acts or omissions, and the court shall direct that the child be  
1078 handled in every respect as a dependent child. Jurisdiction  
1079 shall be transferred to the Department of Children and Family  
1080 Services, and the child's care shall be governed under the  
1081 relevant provisions ~~parts II and III~~ of chapter 39.



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1082           (7) The court shall review the child's commitment once  
1083 every 45 days as provided in s. 984.20. The court shall  
1084 determine whether ~~if~~ the parent, guardian, or custodian has  
1085 reasonably participated in and financially contributed to the  
1086 child's counseling and treatment program. The court shall also  
1087 determine whether the department's efforts to reunite the family  
1088 have been reasonable. If the court finds an inadequate level of  
1089 support or participation by the parent, guardian, or custodian  
1090 prior to the end of the commitment period, the court shall  
1091 direct that the child be handled in every respect as a dependent  
1092 child. Jurisdiction shall be transferred to the Department of  
1093 Children and Family Services, and the child's care shall be  
1094 governed under the relevant provisions ~~parts II and III~~ of  
1095 chapter 39.

1096           Section 52. Section 985.486, Florida Statutes, is amended  
1097 to read:

1098           985.486 Intensive residential treatment programs for  
1099 offenders less than 13 years of age; prerequisite for  
1100 commitment.—No child who is eligible for commitment to an  
1101 intensive residential treatment program for offenders less than  
1102 13 years of age under ~~as established in~~ s. 985.483(1), may be  
1103 committed to any intensive residential treatment program for  
1104 offenders less than 13 years of age under ~~as established in~~ s.  
1105 985.483, unless such program has been established by the  
1106 department through existing resources or specific appropriation,  
1107 for such program.

1108           Section 53. Paragraph (a) of subsection (4) and subsection  
1109 (7) of section 985.632, Florida Statutes, are amended to read:

1110           985.632 Quality assurance and cost-effectiveness.—



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1111           (4) (a) The department ~~of Juvenile Justice~~, in consultation  
1112 with the Office of Economic and Demographic Research, and  
1113 contract service providers, shall develop a cost-effectiveness  
1114 model and apply the model to each commitment program. Program  
1115 recidivism rates shall be a component of the model. The cost-  
1116 effectiveness model shall compare program costs to client  
1117 outcomes and program outputs. It is the intent of the  
1118 Legislature that continual development efforts take place to  
1119 improve the validity and reliability of the cost-effectiveness  
1120 model and to integrate the standard methodology developed under  
1121 s. 985.401(4) for interpreting program outcome evaluations.

1122           ~~(7) No later than November 1, 2001, the department shall~~  
1123 ~~submit a proposal to the Legislature concerning funding~~  
1124 ~~incentives and disincentives for the department and for~~  
1125 ~~providers under contract with the department. The~~  
1126 ~~recommendations for funding incentives and disincentives shall~~  
1127 ~~be based upon both quality assurance performance and cost-~~  
1128 ~~effectiveness performance. The proposal should strive to achieve~~  
1129 ~~consistency in incentives and disincentives for both department-~~  
1130 ~~operated and contractor-provided programs. The department may~~  
1131 ~~include recommendations for the use of liquidated damages in the~~  
1132 ~~proposal; however, the department is not presently authorized to~~  
1133 ~~contract for liquidated damages in non-hardware-secure~~  
1134 ~~facilities until January 1, 2002.~~

1135           Section 54. Paragraph (b) of subsection (2) of section  
1136 985.686, Florida Statutes, is reenacted to read:

1137           985.686 Shared county and state responsibility for juvenile  
1138 detention.—

1139           (2) As used in this section, the term:



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1140 (b) "Fiscally constrained county" means a county within a  
1141 rural area of critical economic concern as designated by the  
1142 Governor pursuant to s. 288.0656 or each county for which the  
1143 value of a mill will raise no more than \$5 million in revenue,  
1144 based on the certified school taxable value certified pursuant  
1145 to s. 1011.62(4)(a)1.a., from the previous July 1.

1146 Section 55. This act shall take effect July 1, 2010.

1147  
1148 ===== T I T L E A M E N D M E N T =====

1149 And the title is amended as follows:

1150 Delete everything before the enacting clause  
1151 and insert:

1152 A bill to be entitled  
1153 An act relating to criminal justice; amending s.  
1154 775.0877, F.S.; revising obsolete references; amending  
1155 s. 775.25, F.S.; clarifying a reference to a repealed  
1156 section; amending s. 784.07, F.S.; removing an  
1157 outdated reference to certain employees in relation to  
1158 assault and battery of specified persons; amending s.  
1159 831.16, F.S.; clarifying a cross-reference; clarifying  
1160 that it is a third degree felony for a person to  
1161 knowingly have in his or her possession fewer than 10  
1162 counterfeit coins with the intent to utter or pass  
1163 such coins; amending s. 831.17, F.S.; clarifying a  
1164 cross-reference; clarifying that certain subsequent  
1165 violations of s. 831.16, F.S., are punishable as a  
1166 second degree felony; amending s. 831.18, F.S.;  
1167 clarifying that the offense of making or possessing  
1168 instruments for forging bills is punishable as a third



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1169 degree felony; amending s. 831.21, F.S.; clarifying  
1170 that the offense of forging or counterfeiting a  
1171 doctor's certificate of examination is punishable as a  
1172 third degree felony; amending s. 831.27, F.S.;  
1173 correcting a reference relating to the offense of  
1174 issuing notes; amending s. 838.021, F.S.; correcting  
1175 grammatical errors; reenacting s. 847.0125, F.S.,  
1176 relating to retail display of materials harmful to  
1177 minors; amending s. 860.13, F.S.; correcting an  
1178 obsolete reference; amending s. 865.09, F.S.;  
1179 correcting a reference; amending s. 893.10, F.S.;  
1180 removing obsolete language relating to evidence in  
1181 possession of controlled substances cases; reenacting  
1182 s. 914.24(2)(a), F.S., relating to victim and witness  
1183 protection orders; amending ss. 916.12 and 916.3012,  
1184 F.S.; revising and clarifying provisions; amending s.  
1185 918.0155, F.S.; deleting obsolete language directing  
1186 the Legislature to request the Supreme Court to adopt  
1187 emergency rules; amending s. 921.0022, F.S.;  
1188 correcting references in the offense severity ranking  
1189 chart; reenacting s. 921.141(5)(a), F.S., relating to  
1190 sentence of death or life imprisonment for capital  
1191 felonies; amending s. 932.704, F.S.; deleting an  
1192 obsolete provision relating to the deadline for  
1193 certifying compliance with the Contraband Forfeiture  
1194 Act; amending s. 933.18, F.S.; correcting a reference  
1195 in relation to when a warrant may be issued to search  
1196 a dwelling; amending s. 933.40, F.S.; replacing  
1197 obsolete references to "magistrate" with references to





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1198 "trial court judge"; amending s. 934.03, F.S.;

1199 deleting an obsolete cross-reference; defining the

1200 term "public utility"; amending s. 938.15, F.S.;

1201 clarifying that the term "commission" refers to the

1202 Criminal Justice Standards and Training Commission;

1203 amending s. 943.051, F.S.; clarifying a reference to a

1204 repealed section; amending s. 943.053, F.S.; removing

1205 an obsolete reference; amending s. 943.0581, F.S.;

1206 clarifying provisions; reenacting s. 943.0582(3)(a)

1207 and (5), F.S., relating to prearrest, postarrest, or

1208 teen court diversion program expunction; reenacting s.

1209 943.135(4)(b), F.S., relating to requirements for

1210 continued employment; amending s. 944.053, F.S.;

1211 updating obsolete provisions; reenacting s. 944.28(1),

1212 F.S., relating to gain-time; amending ss. 944.708,

1213 944.801, and 945.10, F.S.; replacing obsolete

1214 references to the Department of Labor and Employment

1215 Security with references to the Agency for Workforce

1216 Innovation; reenacting s. 947.06, F.S., relating to

1217 when the Florida Parole Commission may meet and act;

1218 amending s. 949.071, F.S.; correcting a federal

1219 statutory citation; amending s. 957.07, F.S.;

1220 replacing an obsolete reference to the Correctional

1221 Privatization Commission with a reference to the

1222 Department of Management Services; amending s.

1223 985.486, F.S.; correcting references concerning

1224 intensive residential treatment programs for offenders

1225 less than 13 years of age; amending s. 985.632, F.S.;

1226 removing a reference to a repealed provision; removing



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1227        obsolete provisions; reenacting s. 985.686(2)(b),  
1228        F.S., relating to county and state responsibility for  
1229        juvenile detention; amending ss. 815.03, 817.554,  
1230        828.17, 831.30, 877.22, 893.02, 921.20, 944.023,  
1231        944.474, 947.16, 951.23, 951.231, 960.003, and  
1232        984.225, F.S.; correcting cross-references; providing  
1233        an effective date.