

By Senator Dockery

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1                   A bill to be entitled  
2           An act relating to criminal statutes; amending s.  
3           775.0877, F.S., relating to the criminal transmission  
4           of HIV; conforming a reference; amending s. 775.25,  
5           F.S., relating to prosecutions for acts or omissions;  
6           clarifying a cross-reference to a former statute;  
7           amending s. 784.07, F.S.; deleting a reference to  
8           "intake officer"; amending s. 815.03, F.S., relating  
9           to computer-related crimes; correcting a cross-  
10          reference; amending s. 817.554, F.S., relating to  
11          fraudulently offering tour or travel-related services;  
12          correcting cross-references; amending s. 828.17, F.S.,  
13          relating to arrest without warrant; removing an  
14          obsolete reference; amending ss. 831.16 and 831.17,  
15          F.S.; clarifying references and penalties applicable  
16          to the offense of possessing counterfeit coins;  
17          amending s. 831.27, F.S., relating to counterfeit  
18          currency; correcting a reference; amending s. 831.30,  
19          F.S., relating to fraud in obtaining drugs; correcting  
20          a cross-reference; amending s. 838.021, F.S.;  
21          clarifying provisions prohibiting harm or threats of  
22          harm against a public servant; reenacting s. 847.0125,  
23          F.S., relating to the retail display of materials  
24          harmful to minors; amending s. 860.13, F.S., relating  
25          to the operation of an aircraft while intoxicated or  
26          in a reckless manner; correcting a reference; amending  
27          s. 865.09, F.S., relating to fictitious name  
28          registration; correcting a reference; amending s.  
29          877.22, F.S., relating to a provision prohibiting a

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30 minor from being in certain places and establishments;  
31 correcting a cross-reference; amending ss. 893.02 and  
32 893.10, F.S., relating to drug abuse prevention and  
33 control; correcting a cross-reference; deleting an  
34 obsolete provision; amending s. 914.24, F.S., relating  
35 to civil action to restrain harassment of a victim or  
36 witness; clarifying a cross-reference; amending ss.  
37 916.12 and 916.3012, F.S., relating to mental  
38 competence to proceed; clarifying provisions; amending  
39 s. 918.0155, F.S., relating to the disposition of  
40 certain cases involving a child; removing obsolete  
41 provisions; amending s. 921.0022, F.S., relating to  
42 the offense severity ranking chart of the Criminal  
43 Punishment Code; conforming references; reenacting s.  
44 921.141(5)(a), F.S., relating to the sentence of death  
45 or life imprisonment for capital felonies; amending s.  
46 921.20, F.S., relating to the classification of  
47 prisoners; correcting a cross-reference; amending s.  
48 932.704, F.S., relating to forfeiture proceedings;  
49 removing obsolete provisions; amending s. 933.18,  
50 F.S., relating to search warrants; correcting a  
51 reference; amending s. 933.40, F.S., relating to  
52 agriculture warrants; correcting terminology; amending  
53 s. 934.03, F.S., relating to the interception of  
54 electronic communications; clarifying a reference to  
55 the term "public utility"; amending s. 938.15, F.S.,  
56 relating to criminal justice education; clarifying a  
57 reference; amending s. 943.051, F.S., relating to  
58 criminal justice information; clarifying a reference

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59 to a former statute; amending s. 943.053, F.S.,  
60 relating to the dissemination of criminal justice  
61 information; clarifying a reference; amending s.  
62 943.0581, F.S., relating to administrative expunction;  
63 clarifying provisions; reenacting s. 943.0582(3)(a)  
64 and (5), F.S., relating to expunction of prearrest,  
65 postarrest, or teen court diversion program  
66 information; reenacting s. 943.135(4)(b), F.S.,  
67 relating to requirements for continued employment as a  
68 law enforcement officer; amending s. 944.023, F.S.,  
69 relating to the comprehensive correctional master  
70 plan; correcting a cross-reference; amending s.  
71 944.474, F.S., relating to drug and alcohol testing of  
72 correctional employees; correcting a cross-reference;  
73 amending s. 944.708, F.S., relating to the adoption of  
74 rules by the Department of Corrections; correcting a  
75 reference; amending s. 944.801, F.S., relating to the  
76 Correctional Education Program; correcting a  
77 reference; reenacting s. 947.06, F.S., relating to  
78 meetings of the Parole Commission; amending s. 947.16,  
79 F.S., relating to eligibility for parole; correcting a  
80 cross-reference; amending s. 949.071, F.S., relating  
81 to parole and probation; correcting a reference;  
82 amending s. 951.23, F.S., relating to county and  
83 municipal detention facilities; correcting a cross-  
84 reference; amending s. 951.231, F.S., relating to  
85 county residential probation programs; correcting a  
86 cross-reference; amending s. 957.07, F.S., relating to  
87 the Department of Corrections; correcting a reference;

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88 amending s. 960.003, F.S., relating to HIV testing of  
89 persons charged with or convicted of crimes;  
90 correcting a cross-reference; amending s. 984.225,  
91 F.S., relating to juvenile offenders; correcting  
92 cross-references; amending s. 985.486, F.S., relating  
93 to residential treatment programs for juveniles;  
94 correcting cross-references; amending s. 985.632,  
95 F.S., relating to quality assurance in the Department  
96 of Juvenile Justice; removing obsolete provisions;  
97 reenacting s. 985.686(2)(b), F.S., relating to shared  
98 county and state responsibility for juvenile  
99 detention; providing an effective date.

100  
101 Be It Enacted by the Legislature of the State of Florida:

102  
103 Section 1. Subsection (1) of section 775.0877, Florida  
104 Statutes, is amended to read:

105 775.0877 Criminal transmission of HIV; procedures;  
106 penalties.—

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

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

113 (b) Section 826.04, relating to incest,

114 (c) Section 800.04 ~~(1), (2), and (3)~~, relating to lewd or  
115 lascivious offenses committed upon or in the presence of  
116 persons, ~~lascivious, or indecent assault or act upon any person~~

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117 less than 16 years of age,  
118 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
119 relating to assault,  
120 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
121 relating to aggravated assault,  
122 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
123 relating to battery,  
124 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),  
125 relating to aggravated battery,  
126 (h) Section 827.03(1), relating to child abuse,  
127 (i) Section 827.03(2), relating to aggravated child abuse,  
128 (j) Section 825.102(1), relating to abuse of an elderly  
129 person or disabled adult,  
130 (k) Section 825.102(2), relating to aggravated abuse of an  
131 elderly person or disabled adult,  
132 (l) Section 827.071, relating to sexual performance by  
133 person less than 18 years of age,  
134 (m) Sections 796.03, 796.07, and 796.08, relating to  
135 prostitution, or  
136 (n) Section 381.0041(11)(b), relating to donation of blood,  
137 plasma, organs, skin, or other human tissue,  
138  
139 the court shall order the offender to undergo HIV testing, to be  
140 performed under the direction of the Department of Health in  
141 accordance with s. 381.004, unless the offender has undergone  
142 HIV testing voluntarily or pursuant to procedures established in  
143 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or  
144 rule providing for HIV testing of criminal offenders or inmates,  
145 subsequent to her or his arrest for an offense enumerated in

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

151 Section 2. Section 775.25, Florida Statutes, is amended to  
152 read:

153 775.25 Prosecutions for acts or omissions.—A sexual  
154 predator or sexual offender who commits any act or omission in  
155 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
156 944.607, or former s. 947.177 may be prosecuted for the act or  
157 omission in the county in which the act or omission was  
158 committed, the county of the last registered address of the  
159 sexual predator or sexual offender, or the county in which the  
160 conviction occurred for the offense or offenses that meet the  
161 criteria for designating a person as a sexual predator or sexual  
162 offender. In addition, a sexual predator may be prosecuted for  
163 any such act or omission in the county in which he or she was  
164 designated a sexual predator.

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

167 784.07 Assault or battery of law enforcement officers,  
168 firefighters, emergency medical care providers, public transit  
169 employees or agents, or other specified officers;  
170 reclassification of offenses; minimum sentences.—

171 (2) Whenever any person is charged with knowingly  
172 committing an assault or battery upon a law enforcement officer,  
173 a firefighter, an emergency medical care provider, a traffic  
174 accident investigation officer as described in s. 316.640, a

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175 nonsworn law enforcement agency employee who is certified as an  
176 agency inspector, blood alcohol analyst, or a breath test  
177 operator while such employee is in uniform and engaged in  
178 processing, testing, evaluating, analyzing, or transporting a  
179 person who is detained or under arrest for DUI, a law  
180 enforcement explorer, a traffic infraction enforcement officer  
181 as described in s. 316.640, a parking enforcement specialist as  
182 defined in s. 316.640, a person licensed as a security officer  
183 as defined in s. 493.6101 and wearing a uniform that bears at  
184 least one patch or emblem that is visible at all times that  
185 clearly identifies the employing agency and that clearly  
186 identifies the person as a licensed security officer, or a  
187 security officer employed by the board of trustees of a  
188 community college, while the officer, firefighter, emergency  
189 medical care provider, ~~intake officer~~, traffic accident  
190 investigation officer, traffic infraction enforcement officer,  
191 inspector, analyst, operator, law enforcement explorer, parking  
192 enforcement specialist, public transit employee or agent, or  
193 security officer is engaged in the lawful performance of his or  
194 her duties, the offense for which the person is charged shall be  
195 reclassified as follows:

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

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

200 (c) In the case of aggravated assault, from a felony of the  
201 third degree to a felony of the second degree. Notwithstanding  
202 any other provision of law, any person convicted of aggravated  
203 assault upon a law enforcement officer shall be sentenced to a

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204 minimum term of imprisonment of 3 years.

205 (d) In the case of aggravated battery, from a felony of the  
206 second degree to a felony of the first degree. Notwithstanding  
207 any other provision of law, any person convicted of aggravated  
208 battery of a law enforcement officer shall be sentenced to a  
209 minimum term of imprisonment of 5 years.

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

212 815.03 Definitions.—As used in this chapter, unless the  
213 context clearly indicates otherwise:

214 (11) "Property" means anything of value as defined in s.  
215 812.012 ~~812.011~~ and includes, but is not limited to, financial  
216 instruments, information, including electronically produced data  
217 and computer software and programs in either machine-readable or  
218 human-readable form, and any other tangible or intangible item  
219 of value.

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

222 817.554 Fraudulently offering for sale tour or travel-  
223 related services.—

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

227 Section 6. Section 828.17, Florida Statutes, is amended to  
228 read:

229 828.17 Officer to arrest without warrant.—Any sheriff or  
230 any other peace officer of the state, or any police officer of  
231 any city or town of the state, shall arrest without warrant any  
232 person found violating any of the provisions of ss. ~~828.04,~~



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233 828.08, 828.12, and 828.13-828.16, and the officer making the  
234 arrest shall hold the offender until a warrant can be procured,  
235 and he or she shall use proper diligence to procure such  
236 warrant.

237 Section 7. Section 831.16, Florida Statutes, is amended to  
238 read:

239 831.16 Having fewer ~~less~~ than 10 counterfeit coins in  
240 possession, with intent to utter.—Whoever has in his or her  
241 possession any number of pieces fewer ~~less~~ than 10 of the  
242 counterfeit coin mentioned in s. 831.15 ~~the preceding section~~,  
243 knowing the same to be counterfeit, with intent to utter or pass  
244 the same as true, or who utters, passes or tenders in payment as  
245 true any such counterfeit coin, knowing the same to be false and  
246 counterfeit, commits a felony of the third degree, punishable as  
247 provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be~~  
248 ~~punished by imprisonment in the state prison not exceeding 10~~  
249 ~~years, or in the county jail not exceeding 12 months, or by fine~~  
250 ~~not exceeding \$1,000.~~

251 Section 8. Section 831.17, Florida Statutes, is amended to  
252 read:

253 831.17 Violation of s. 831.16; second conviction.—Whoever  
254 having been convicted of either of the offenses mentioned in s.  
255 831.16 ~~the preceding section~~, is again convicted of either of  
256 the same offenses, committed after the former conviction, and  
257 whoever is at the same term of the court convicted upon three  
258 distinct charges of said offenses, commits a felony of the  
259 second degree, punishable as provided in s. 775.082, s. 775.083,  
260 or s. 775.084 ~~shall be deemed a common utterer of counterfeit~~  
261 ~~coin and punished by imprisonment in the state prison not~~

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262 ~~exceeding 20 years.~~

263 Section 9. Section 831.27, Florida Statutes, is amended to  
264 read:

265 831.27 Issuing notes.—Whoever issues any note, bill, order  
266 or check, other than foreign bills of exchange and notes or  
267 bills of some bank or company incorporated by the laws of this  
268 state, or by the laws of the United States, or by the laws of  
269 Canada ~~either of the British provinces in North America~~, with  
270 intent that the same shall be circulated as currency, shall be  
271 guilty of a misdemeanor of the second degree, punishable as  
272 provided in s. 775.083.

273 Section 10. Section 831.30, Florida Statutes, is amended to  
274 read:

275 831.30 Medicinal drugs; fraud in obtaining.—Whoever:

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

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

281 (3) Passes, utters or publishes such prescription or  
282 otherwise knowingly holds out such false or forged prescription  
283 as true,

284  
285 with intent to obtain such drug, shall be guilty of a  
286 misdemeanor of the second degree, punishable as provided in s.  
287 775.082 or s. 775.083. A second or subsequent conviction shall  
288 constitute a misdemeanor of the first degree, punishable as  
289 provided in s. 775.082 or s. 775.083.

290 Section 11. Subsection (1) of section 838.021, Florida

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291 Statutes, is amended to read:

292 838.021 Corruption by threat against public servant.-

293 (1) It is unlawful to harm or threaten to ~~Whoever~~  
294 ~~unlawfully harms or threatens unlawful~~ harm ~~to~~ any public  
295 servant, ~~to~~ his or her immediate family, or ~~to~~ any other person  
296 with whose welfare the public servant is interested, with the  
297 intent or purpose:

298 (a) To influence the performance of any act or omission  
299 which the person believes to be, or the public servant  
300 represents as being, within the official discretion of the  
301 public servant, in violation of a public duty, or in performance  
302 of a public duty.

303 (b) To cause or induce the public servant to use or exert,  
304 or procure the use or exertion of, any influence upon or with  
305 any other public servant regarding any act or omission which the  
306 person believes to be, or the public servant represents as  
307 being, within the official discretion of the public servant, in  
308 violation of a public duty, or in performance of a public duty.

309 Section 12. Section 847.0125, Florida Statutes, is  
310 reenacted to read:

311 847.0125 Retail display of materials harmful to minors  
312 prohibited.-

313 (1) "KNOWINGLY" DEFINED.-As used in this section,  
314 "knowingly" means having general knowledge of, reason to know,  
315 or a belief or ground for belief which warrants further  
316 inspection or inquiry of both:

317 (a) The character and content of any material described  
318 herein which is reasonably susceptible of examination by the  
319 defendant, and

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

324 (2) OFFENSES AND PENALTIES.—

325 (a) It is unlawful for anyone offering for sale in a retail  
326 establishment open to the general public any book, magazine, or  
327 other printed material, the cover of which depicts material  
328 which is harmful to minors, to knowingly exhibit such book,  
329 magazine, or material in such establishment in such a way that  
330 it is on open display to, or within the convenient reach of,  
331 minors who may frequent the retail establishment. Such items  
332 shall, however, be displayed, either individually or  
333 collectively, behind an opaque covering which conceals the book,  
334 magazine, or other printed material.

335 (b) It is unlawful for anyone offering for sale in a retail  
336 establishment open to the general public any book, magazine, or  
337 other printed material, the content of which exploits, is  
338 devoted to, or is principally made up of descriptions or  
339 depictions of material which is harmful to minors, to knowingly  
340 exhibit such book, magazine, or material in such establishment  
341 in such a way that it is within the convenient reach of minors  
342 who may frequent the retail establishment.

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

346 Section 13. Subsection (4) of section 860.13, Florida  
347 Statutes, is amended to read:

348 860.13 Operation of aircraft while intoxicated or in

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349 careless or reckless manner; penalty.-

350 (4) It shall be the duty of any court in which there is a  
351 conviction for violation of this statute to report such  
352 conviction to the Federal Aviation Administration ~~Civil~~  
353 ~~Aeronautics Administration~~ for its guidance and information with  
354 respect to the pilot's certificate.

355 Section 14. Subsection (11) of section 865.09, Florida  
356 Statutes, is amended to read:

357 865.09 Fictitious name registration.-

358 (11) FORMS.-Registration, cancellation, and renewal shall  
359 be made on forms prescribed by the Department of State, which  
360 may include the uniform business report, pursuant to s. 606.06,  
361 as a means of satisfying the requirement of this section ~~part~~.

362 Section 15. Subsection (4) of section 877.22, Florida  
363 Statutes, is amended to read:

364 877.22 Minors prohibited in public places and  
365 establishments during certain hours; penalty; procedure.-

366 (4) If a minor violates a curfew and is taken into custody,  
367 the minor shall be transported immediately to a police station  
368 or to a facility operated by a religious, charitable, or civic  
369 organization that conducts a curfew program in cooperation with  
370 a local law enforcement agency. After recording pertinent  
371 information about the minor, the law enforcement agency shall  
372 attempt to contact the parent of the minor and, if successful,  
373 shall request that the parent take custody of the minor and  
374 shall release the minor to the parent. If the law enforcement  
375 agency is not able to contact the minor's parent within 2 hours  
376 after the minor is taken into custody, or if the parent refuses  
377 to take custody of the minor, the law enforcement agency may

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378 transport the minor to her or his residence or proceed as  
379 authorized under part V ~~II~~ of chapter 39.

380 Section 16. Subsection (21) of section 893.02, Florida  
381 Statutes, is amended to read:

382 893.02 Definitions.—The following words and phrases as used  
383 in this chapter shall have the following meanings, unless the  
384 context otherwise requires:

385 (21) "Prescription" means and includes an order for drugs  
386 or medicinal supplies written, signed, or transmitted by word of  
387 mouth, telephone, telegram, or other means of communication by a  
388 duly licensed practitioner licensed by the laws of the state to  
389 prescribe such drugs or medicinal supplies, issued in good faith  
390 and in the course of professional practice, intended to be  
391 filled, compounded, or dispensed by another person licensed by  
392 the laws of the state to do so, and meeting the requirements of  
393 s. 893.04. The term also includes an order for drugs or  
394 medicinal supplies so transmitted or written by a physician,  
395 dentist, veterinarian, or other practitioner licensed to  
396 practice in a state other than Florida, but only if the  
397 pharmacist called upon to fill such an order determines, in the  
398 exercise of his or her professional judgment, that the order was  
399 issued pursuant to a valid patient-physician relationship, that  
400 it is authentic, and that the drugs or medicinal supplies so  
401 ordered are considered necessary for the continuation of  
402 treatment of a chronic or recurrent illness. However, if the  
403 physician writing the prescription is not known to the  
404 pharmacist, the pharmacist shall obtain proof to a reasonable  
405 certainty of the validity of said prescription. A prescription  
406 order for a controlled substance shall not be issued on the same

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407 prescription blank with another prescription order for a  
408 controlled substance which is named or described in a different  
409 schedule, nor shall any prescription order for a controlled  
410 substance be issued on the same prescription blank as a  
411 prescription order for a medicinal drug, as defined in s.  
412 465.003(8) ~~465.031(5)~~, which does not fall within the definition  
413 of a controlled substance as defined in this act.

414 Section 17. Subsection (2) of section 893.10, Florida  
415 Statutes, is amended, and subsections (3) and (4) of that  
416 section are redesignated as subsections (2) and (3),  
417 respectively, to read:

418 893.10 Burden of proof; photograph or video recording of  
419 evidence.—

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

426 Section 18. Paragraph (a) of subsection (2) of section  
427 914.24, Florida Statutes, is amended to read:

428 914.24 Civil action to restrain harassment of a victim or  
429 witness.—

430 (2) (a) A circuit court, upon motion of the state attorney,  
431 shall issue a protective order prohibiting the harassment of a  
432 victim or witness in a criminal case if the court, after a  
433 hearing, finds by a preponderance of the evidence that  
434 harassment of an identified victim or witness in a criminal case  
435 exists or that such order is necessary to prevent and restrain

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436 an offense under s. 914.22, other than an offense consisting of  
437 misleading conduct, or to prevent and restrain an offense under  
438 s. 914.23.

439 Section 19. Subsection (3) of section 916.12, Florida  
440 Statutes, is amended to read:

441 916.12 Mental competence to proceed.—

442 (3) In considering the issue of competence to proceed, an  
443 examining expert shall first consider and specifically include  
444 in his or her report the defendant's capacity to:

445 (a) Appreciate the charges or allegations against the  
446 defendant.

447 (b) Appreciate the range and nature of possible penalties,  
448 if applicable, that may be imposed in the proceedings against  
449 the defendant.

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

451 (d) Disclose to counsel facts pertinent to the proceedings  
452 at issue.

453 (e) Manifest appropriate courtroom behavior.

454 (f) Testify relevantly.

455

456 ~~(g)~~ In addition, an examining expert shall include in his or her  
457 report any other factor deemed relevant by the expert.

458 Section 20. Subsection (3) of section 916.3012, Florida  
459 Statutes, is amended to read:

460 916.3012 Mental competence to proceed.—

461 (3) In considering the issue of competence to proceed, the  
462 examining experts shall first consider and specifically include  
463 in their report the defendant's capacity to:

464 (a) Appreciate the charges or allegations against the



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465 defendant.

466 (b) Appreciate the range and nature of possible penalties,  
467 if applicable, that may be imposed in the proceedings against  
468 the defendant.

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

470 (d) Disclose to counsel facts pertinent to the proceedings  
471 at issue.

472 (e) Manifest appropriate courtroom behavior.

473 (f) Testify relevantly.

474

475 ~~(g)~~ In addition, the examining experts shall consider and  
476 include in their report any other factor deemed relevant by the  
477 experts.

478 Section 21. Section 918.0155, Florida Statutes, is amended  
479 to read:

480 918.0155 Expeditious disposition of particular criminal  
481 cases involving a child under age 16.—Every criminal case  
482 prosecuted under chapter 782, chapter 784, chapter 787, chapter  
483 794, chapter 796, chapter 800, chapter 827, or chapter 847 which  
484 involves the abuse of a child or unlawful sexual contact or acts  
485 performed in the presence of, with, or upon a child under the  
486 age of 16 shall be heard and disposed of as expeditiously as  
487 possible. ~~The Legislature requests the Supreme Court to adopt~~  
488 ~~emergency rules regarding the expeditious handling of the~~  
489 ~~matters enumerated in this section.~~

490 Section 22. Paragraphs (b) and (d) of subsection (3) of  
491 section 921.0022, Florida Statutes, are amended to read:

492 921.0022 Criminal Punishment Code; offense severity ranking  
493 chart.—

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494	(3) OFFENSE SEVERITY RANKING CHART		
495	(b) LEVEL 2		
	Florida	Felony	
	Statute	Degree	Description
496	379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
497	379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
498	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.
499	517.07	3rd	Registration of securities and furnishing of prospectus required.
500	590.28(1)	3rd	<del>Willful, malicious, or</del> Intentional burning <u>of lands</u> .
501	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
502	787.04(1)	3rd	In violation of court order, take,

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503

entice, etc., minor beyond state limits.

806.13(1)(b)3. 3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

504

810.061(2) 3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

505

810.09(2)(e) 3rd

Trespassing on posted commercial horticulture property.

506

812.014(2)(c)1. 3rd

Grand theft, 3rd degree; \$300 or more but less than \$5,000.

507

812.014(2)(d) 3rd

Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

508

812.015(7) 3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

509

817.234(1)(a)2. 3rd

False statement in support of insurance claim.

510

817.481(3)(a) 3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card,

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value over \$300.

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

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

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

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

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

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.

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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.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
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.
893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
(d) LEVEL 4		
Florida Statute	Felony Degree	Description
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

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531

siren and lights activated.

499.0051(1)

3rd

Failure to maintain or deliver pedigree papers.

532

499.0051(2)

3rd

Failure to authenticate pedigree papers.

533

499.0051(6)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

534

784.07(2)(b)

3rd

Battery of law enforcement officer, firefighter, ~~intake officer,~~ etc.

535

784.074(1)(c)

3rd

Battery of sexually violent predators facility staff.

536

784.075

3rd

Battery on detention or commitment facility staff.

537

784.078

3rd

Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

538

784.08(2)(c)

3rd

Battery on a person 65 years of age or older.

539

784.081(3)

3rd

Battery on specified official or employee.

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784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
784.083 (3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.

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549	790.115(2)(c)	3rd	Possessing firearm on school property.
550	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
551	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
552	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
553	810.06	3rd	Burglary; possession of tools.
554	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
555	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
556	812.014(2)(c)4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
557	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon,



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excluding s. 893.03(5) drugs.

558

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

559

817.625 (2) (a) 3rd Fraudulent use of scanning device or  
reencoder.

560

828.125 (1) 2nd Kill, maim, or cause great bodily harm  
or permanent breeding disability to any  
registered horse or cattle.

561

837.02 (1) 3rd Perjury in official proceedings.

562

837.021 (1) 3rd Make contradictory statements in  
official proceedings.

563

838.022 3rd Official misconduct.

564

839.13 (2) (a) 3rd Falsifying records of an individual in  
the care and custody of a state agency.

565

839.13 (2) (c) 3rd Falsifying records of the Department of  
Children and Family Services.

566

843.021 3rd Possession of a concealed handcuff key  
by a person in custody.

567

843.025 3rd Deprive law enforcement, correctional,

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or correctional probation officer of means of protection or communication.

568

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

569

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

570

874.05(1) 3rd Encouraging or recruiting another to join a criminal gang.

571

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).

572

914.14(2) 3rd Witnesses accepting bribes.

573

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

574

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

575

918.12 3rd Tampering with jurors.

576

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

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578 Section 23. Paragraph (a) of subsection (5) of section  
579 921.141, Florida Statutes, is reenacted to read:

580 921.141 Sentence of death or life imprisonment for capital  
581 felonies; further proceedings to determine sentence.—

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

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

587 Section 24. Section 921.20, Florida Statutes, is amended to  
588 read:

589 921.20 Classification summary; Parole Commission.—As soon  
590 as possible after a prisoner has been placed in the custody of  
591 the Department of Corrections, the classification board shall  
592 furnish a classification summary to the Parole Commission for  
593 use as provided in s. 945.25 ~~947.14~~. The summary shall include  
594 the criminal, personal, social, and environmental background and  
595 other relevant factors considered in classifying the prisoner  
596 for a penal environment best suited for the prisoner's rapid  
597 rehabilitation.

598 Section 25. Paragraph (a) of subsection (11) of section  
599 932.704, Florida Statutes, is amended to read:

600 932.704 Forfeiture proceedings.—

601 (11) (a) The Department of Law Enforcement, in consultation  
602 with the Florida Sheriffs Association and the Florida Police  
603 Chiefs Association, shall develop guidelines and training  
604 procedures to be used by state and local law enforcement  
605 agencies and state attorneys in implementing the Florida

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606 Contraband Forfeiture Act. ~~Each state or local law enforcement~~  
607 ~~agency that files civil forfeiture actions under the Florida~~  
608 ~~Contraband Forfeiture Act shall file, by December 31, 1995, a~~  
609 ~~certificate signed by the agency head or his or her designee,~~  
610 ~~which represents that the agency's policies and procedures are~~  
611 ~~in compliance with the guidelines.~~ Each state or local law  
612 enforcement agency that seizes property for the purpose of  
613 forfeiture shall periodically review seizures of assets made by  
614 the agency's law enforcement officers, settlements, and  
615 forfeiture proceedings initiated by the agency, to determine  
616 whether such seizures, settlements, and forfeitures comply with  
617 the Florida Contraband Forfeiture Act and the guidelines adopted  
618 under this subsection. The determination of whether an agency  
619 will file a civil forfeiture action must be the sole  
620 responsibility of the head of the agency or his or her designee.

621 Section 26. Subsection (7) of section 933.18, Florida  
622 Statutes, is amended to read:

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

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

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

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

632 (c) Exposure of sexual organs to a child, in violation of  
633 s. 800.03. If, during a search pursuant to a warrant issued  
634 under this section, a child is discovered and appears to be in

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

647 Section 27. Subsections (5) and (8) of section 933.40,  
648 Florida Statutes, are amended to read:

649 933.40 Agriculture warrants.—

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

662 (8) An agriculture warrant shall be effective for 60 days  
663 and shall authorize multiple executions of the warrant prior to

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664 its expiration. An agriculture warrant may be extended or  
665 renewed by the trial court judge ~~or magistrate~~ who signed and  
666 issued the original warrant upon satisfaction of such official  
667 that probable cause continues to exist for the reissuance of the  
668 warrant. Such warrant must be returned to the issuing official  
669 prior to the expiration date specified in the warrant or within  
670 the extended or renewed time.

671 Section 28. Paragraph (g) of subsection (2) of section  
672 934.03, Florida Statutes, is amended to read:

673 934.03 Interception and disclosure of wire, oral, or  
674 electronic communications prohibited.—

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

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

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

684 3. The central abuse hotline operated pursuant to s.  
685 39.201,

686  
687 to intercept and record incoming wire communications; however,  
688 such employee may intercept and record incoming wire  
689 communications on designated "911" telephone numbers and  
690 published nonemergency telephone numbers staffed by trained  
691 dispatchers at public safety answering points only. It is also  
692 lawful for such employee to intercept and record outgoing wire

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693 communications to the numbers from which such incoming wire  
694 communications were placed when necessary to obtain information  
695 required to provide the emergency services being requested. For  
696 the purpose of this paragraph, the term "public utility" is  
697 defined as provided in s. 366.02 and also includes a person,  
698 partnership, association, or corporation now or hereafter owning  
699 or operating in the state equipment or facilities for conveying  
700 or transmitting messages or communications by telephone or  
701 telegraph to the public for compensation.

702 Section 29. Subsection (2) of section 938.15, Florida  
703 Statutes, is amended to read:

704 938.15 Criminal justice education for local government.—In  
705 addition to the costs provided for in s. 938.01, municipalities  
706 and counties may assess an additional \$2 for expenditures for  
707 criminal justice education degree programs and training courses,  
708 including basic recruit training, for their respective officers  
709 and employing agency support personnel, provided such education  
710 degree programs and training courses are approved by the  
711 employing agency administrator, on a form provided by the  
712 commission, for local funding.

713 (2) The Criminal Justice Standards and Training Commission  
714 may inspect and copy the documentation of independent audits  
715 conducted of the municipalities and counties which make such  
716 assessments to ensure that such assessments have been made and  
717 that expenditures are in conformance with the requirements of  
718 this subsection and with other applicable procedures.

719 Section 30. Subsection (3) of section 943.051, Florida  
720 Statutes, is amended to read:

721 943.051 Criminal justice information; collection and

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722 storage; fingerprinting.—

723 (3) (a) A minor who is charged with or found to have  
724 committed an offense that would be a felony if committed by an  
725 adult shall be fingerprinted and the fingerprints shall be  
726 submitted to the department in the manner prescribed by rule.

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

730 1. Assault, as defined in s. 784.011.

731 2. Battery, as defined in s. 784.03.

732 3. Carrying a concealed weapon, as defined in s. 790.01(1).

733 4. Unlawful use of destructive devices or bombs, as defined  
734 in s. 790.1615(1).

735 5. Negligent treatment of children, as defined in former s.  
736 827.05.

737 6. Assault or battery on a law enforcement officer, a  
738 firefighter, or other specified officers, as defined in s.  
739 784.07(2) (a) and (b).

740 7. Open carrying of a weapon, as defined in s. 790.053.

741 8. Exposure of sexual organs, as defined in s. 800.03.

742 9. Unlawful possession of a firearm, as defined in s.  
743 790.22(5).

744 10. Petit theft, as defined in s. 812.014(3).

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

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

747 13. Unlawful possession or discharge of a weapon or firearm  
748 at a school-sponsored event or on school property as defined in  
749 s. 790.115.

750 Section 31. Subsection (6) of section 943.053, Florida



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751 Statutes, is amended to read:

752 943.053 Dissemination of criminal justice information;  
753 fees.—

754 (6) Notwithstanding any other provision of law, the  
755 department shall provide to the ~~Florida~~ Department of Revenue  
756 ~~Child Support Enforcement~~ access to Florida criminal records  
757 which are not exempt from disclosure under chapter 119, and to  
758 such information as may be lawfully available from other states  
759 via the National Law Enforcement Telecommunications System, for  
760 the purpose of locating subjects who owe or potentially owe  
761 support, as defined in s. 409.2554, or to whom such obligation  
762 is owed pursuant to Title IV-D of the Social Security Act. Such  
763 information may be provided to child support enforcement  
764 authorities in other states for these specific purposes.

765 Section 32. Subsection (6) of section 943.0581, Florida  
766 Statutes, is amended to read:

767 943.0581 Administrative expunction.—

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

772 Section 33. Paragraph (a) of subsections (3) and subsection  
773 (5) of section 943.0582, Florida Statutes, are reenacted to  
774 read:

775 943.0582 Prearrest, postarrest, or teen court diversion  
776 program expunction.—

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

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780 (a) Submits an application for prearrest or postarrest  
781 diversion expunction, on a form prescribed by the department,  
782 signed by the minor's parent or legal guardian, or by the minor  
783 if he or she has reached the age of majority at the time of  
784 applying.

785 (5) This section operates retroactively to permit the  
786 expunction of any nonjudicial record of the arrest of a minor  
787 who has successfully completed a prearrest or postarrest  
788 diversion program on or after July 1, 2000; however, in the case  
789 of a minor whose completion of the program occurred before the  
790 effective date of this section, the application for prearrest or  
791 postarrest diversion expunction must be submitted within 6  
792 months after the effective date of this section.

793 Section 34. Paragraph (b) of subsection (4) of section  
794 943.135, Florida Statutes, is reenacted to read:

795 943.135 Requirements for continued employment.—

796 (4)

797 (b) Any person who qualifies under paragraph (a) may, for  
798 purposes of meeting the minimum mandatory continuing training or  
799 education requirements of this section, at the option of an  
800 employing agency, associate with that agency for the sole  
801 purpose of securing continuing training or education as required  
802 by this section and for allowing the agency to report completion  
803 of the education or training to the Criminal Justice Standards  
804 and Training Commission. The employing agency with which the  
805 person has associated shall submit proof of completion of any  
806 education or training so obtained for purposes of demonstrating  
807 compliance with this section and shall indicate that the person  
808 for whom the credits are reported has secured the training under

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809 the special status authorized by this section. An employing  
810 agency may require any person so associated to attend continuing  
811 training or education at the person's own expense and may  
812 determine the courses or training that a person is to attend  
813 while associated with the agency. Any person who is permitted to  
814 associate with an employing agency for purposes of obtaining and  
815 reporting education or continuing training credits while serving  
816 in an elected or appointed public office shall not be considered  
817 to be employed by the employing agency or considered by the  
818 association with the employing agency to maintain an office  
819 under s. 5(a), Art. II of the State Constitution.

820 Section 35. Subsection (5) of section 944.023, Florida  
821 Statutes, is amended to read:

822 944.023 Comprehensive correctional master plan.-

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

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838 Section 36. Subsection (2) of section 944.474, Florida  
839 Statutes, is amended to read:

840 944.474 Legislative intent; employee wellness program; drug  
841 and alcohol testing.—

842 (2) Under no circumstances shall employees of the  
843 department test positive for illegal use of controlled  
844 substances. An employee of the department may not be under the  
845 influence of alcohol while on duty. In order to ensure that  
846 these prohibitions are adhered to by all employees of the  
847 department and notwithstanding s. 112.0455, the department may  
848 develop a program for the random drug testing of all employees.  
849 The department may randomly evaluate employees for the  
850 contemporaneous use or influence of alcohol through the use of  
851 alcohol tests and observation methods. Notwithstanding s.  
852 112.0455(5)(a), the department may develop a program for the  
853 reasonable suspicion drug testing of employees who are in  
854 safety-sensitive or special risk positions, as defined in s.  
855 112.0455(5), for the controlled substances listed in s.  
856 893.03(3)(d). The reasonable suspicion drug testing authorized  
857 by this subsection shall be conducted in accordance with s.  
858 112.0455, but may also include testing upon reasonable suspicion  
859 based on violent acts or violent behavior of an employee who is  
860 on or off duty. The department shall adopt rules pursuant to ss.  
861 120.536(1) and 120.54 that are necessary to administer this  
862 subsection.

863 Section 37. Section 944.708, Florida Statutes, is amended  
864 to read:

865 944.708 Rules.—The Department of Corrections and the Agency  
866 for Workforce Innovation ~~Department of Labor and Employment~~

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867 Security shall adopt ~~promulgate~~ rules to implement the  
868 provisions of ss. 944.701-944.707.

869 Section 38. Paragraph (h) of subsection (3) of section  
870 944.801, Florida Statutes, is amended to read:

871 944.801 Education for state prisoners.—

872 (3) The responsibilities of the Correctional Education  
873 Program shall be to:

874 (h) Develop a written procedure for selecting programs to  
875 add to or delete from the vocational curriculum. The procedure  
876 shall include labor market analyses which demonstrate the  
877 projected demand for certain occupations and the projected  
878 supply of potential employees. In conducting these analyses, the  
879 department shall evaluate the feasibility of adding vocational  
880 education programs which have been identified by the Agency for  
881 Workforce Innovation ~~Department of Labor and Employment Security~~  
882 or a regional coordinating council as being in undersupply in  
883 this state. The department shall periodically reevaluate the  
884 vocational education programs in major institutions to determine  
885 which of the programs support and provide relevant skills to  
886 inmates who could be assigned to a correctional work program  
887 that is operated as a Prison Industry Enhancement Program.

888 Section 39. Section 947.06, Florida Statutes, is reenacted  
889 to read:

890 947.06 Meeting; when commission may act.—The commission  
891 shall meet at regularly scheduled intervals and from time to  
892 time as may otherwise be determined by the chair. The making of  
893 recommendations to the Governor and Cabinet in matters relating  
894 to modifications of acts and decisions of the chair as provided  
895 in s. 947.04(1) shall be by a majority vote of the commission.

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896 No prisoner shall be placed on parole except as provided in ss.  
897 947.172 and 947.174 by a panel of no fewer than two  
898 commissioners appointed by the chair. All matters relating to  
899 the granting, denying, or revoking of parole shall be decided in  
900 a meeting at which the public shall have the right to be  
901 present. Victims of the crime committed by the inmate shall be  
902 permitted to make an oral statement or submit a written  
903 statement regarding their views as to the granting, denying, or  
904 revoking of parole. Persons not members or employees of the  
905 commission or victims of the crime committed by the inmate may  
906 be permitted to participate in deliberations concerning the  
907 granting and revoking of paroles only upon the prior written  
908 approval of the chair of the commission. To facilitate the  
909 ability of victims and other persons to attend commission  
910 meetings, the commission shall meet in various counties  
911 including, but not limited to, Broward, Duval, Escambia,  
912 Hillsborough, Leon, Miami-Dade, Orange, and Palm Beach, with the  
913 location chosen being as close as possible to the location where  
914 the parole-eligible inmate committed the offense for which the  
915 parole-eligible inmate was sentenced. The commission shall adopt  
916 rules governing the oral participation of victims and the  
917 submission of written statements by victims.

918 Section 40. Paragraph (a) of subsection (4) of section  
919 947.16, Florida Statutes, is amended to read:

920 947.16 Eligibility for parole; initial parole interviews;  
921 powers and duties of commission.-

922 (4) A person who has become eligible for an initial parole  
923 interview and who may, according to the objective parole  
924 guidelines of the commission, be granted parole shall be placed

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925 on parole in accordance with the provisions of this law; except  
926 that, in any case of a person convicted of murder, robbery,  
927 burglary of a dwelling or burglary of a structure or conveyance  
928 in which a human being is present, aggravated assault,  
929 aggravated battery, kidnapping, sexual battery or attempted  
930 sexual battery, incest or attempted incest, an unnatural and  
931 lascivious act or an attempted unnatural and lascivious act,  
932 lewd and lascivious behavior, assault or aggravated assault when  
933 a sexual act is completed or attempted, battery or aggravated  
934 battery when a sexual act is completed or attempted, arson, or  
935 any felony involving the use of a firearm or other deadly weapon  
936 or the use of intentional violence, at the time of sentencing  
937 the judge may enter an order retaining jurisdiction over the  
938 offender for review of a commission release order. This  
939 jurisdiction of the trial court judge is limited to the first  
940 one-third of the maximum sentence imposed. When any person is  
941 convicted of two or more felonies and concurrent sentences are  
942 imposed, then the jurisdiction of the trial court judge as  
943 provided herein applies to the first one-third of the maximum  
944 sentence imposed for the highest felony of which the person was  
945 convicted. When any person is convicted of two or more felonies  
946 and consecutive sentences are imposed, then the jurisdiction of  
947 the trial court judge as provided herein applies to one-third of  
948 the total consecutive sentences imposed.

949 (a) In retaining jurisdiction for the purposes of this act,  
950 the trial court judge shall state the justification with  
951 individual particularity, and such justification shall be made a  
952 part of the court record. A copy of such justification shall be  
953 delivered to the department together with the commitment issued

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954 by the court pursuant to s. 944.17 ~~944.16~~.

955 Section 41. Subsection (2) of section 949.071, Florida  
956 Statutes, is amended to read:

957 949.071 Definition of "state" as used in s. 949.07; further  
958 declaration relating to interstate compacts.—

959 (2) It is hereby recognized and further declared that  
960 pursuant to the consent and authorization contained in s. 112  
961 ~~111(b)~~ of Title 4 of the United States Code ~~as added by Pub. L.~~  
962 ~~No. 970-84th Congress, Ch. 941-2d Session~~, this state shall be a  
963 party to the Interstate Compact for Adult Offender Supervision,  
964 with any additional jurisdiction legally joining in the compact  
965 when such jurisdiction enacts the compact in accordance with the  
966 terms thereof.

967 Section 42. Subsection (9) of section 951.23, Florida  
968 Statutes, is amended to read:

969 951.23 County and municipal detention facilities;  
970 definitions; administration; standards and requirements.—

971 (9) INMATE COMMISSARY AND WELFARE FUND.—

972 (a) A commissary may be operated in the detention facility.  
973 If a commissary is established, then an inmate welfare fund  
974 shall also be established. The officer in charge will establish  
975 a procedure for providing commissary or canteen facilities or  
976 access to canteen items for the benefit of the inmate. The  
977 commissary or canteen shall not sell food that competes with the  
978 detention facility food program. It is recommended that inmates  
979 routinely carry no money and that a check-off system from their  
980 account be implemented. If money is permitted, a limit shall be  
981 set and all money in possession in excess of that limit shall be  
982 confiscated and deposited immediately in the inmate welfare



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983 fund, if there is one, unless it is needed as evidence in a  
984 trial or disciplinary hearing. If a detention facility does not  
985 have an inmate welfare fund, confiscated moneys shall be  
986 receipted and placed in the inmate's personal property or inmate  
987 bank account. A shopping list shall be developed and printed for  
988 the information of all inmates with the prices and special  
989 conditions governing each sale shown clearly on such a list.  
990 Valuable items purchased by inmates shall be added to their  
991 personal property list after purchase and marked for  
992 identification.

993 (b) Canteen prices shall be set so as not to exceed the  
994 fair market value for comparable products sold in the community  
995 where the facility is located.

996 (c) Expenses involved in the commissary operation,  
997 including compensation for commissary employees and gratuities  
998 for inmates who may assist such employees, may be paid from the  
999 profit.

1000 (d) Profits from the commissary shall be used for overall  
1001 inmate welfare, and an inmate welfare fund committee shall  
1002 recommend what expenditures are to be made. Activities of the  
1003 committee shall be reviewed by the officer in charge who shall  
1004 have final authority on expenditures. It is recommended that the  
1005 jail chaplain be a member of the committee.

1006 (e) The officer in charge shall be responsible for an audit  
1007 of the fiscal management of the commissary by a disinterested  
1008 party on an annual basis, which shall include certification of  
1009 compliance with the pricing requirements of paragraph ~~(1)~~(b)  
1010 ~~above~~. Appropriate transaction records and stock inventory shall  
1011 be kept current.

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1012 Section 43. Paragraph (c) of subsection (1) of section  
1013 951.231, Florida Statutes, is amended to read:

1014 951.231 County residential probation program.—

1015 (1) Any prisoner who has been sentenced under s. 921.18 to  
1016 serve a sentence in a county residential probation center as  
1017 described in s. 951.23 shall:

1018 (c) Participate in and complete the program required by s.  
1019 958.045 ~~958.04(4)~~, if required by the supervisor of the center.

1020 Section 44. Subsection (4) of section 957.07, Florida  
1021 Statutes, is amended to read:

1022 957.07 Cost-saving requirements.—

1023 (4) The Department of Corrections shall provide a report  
1024 detailing the state cost to design, finance, acquire, lease,  
1025 construct, and operate a facility similar to the private  
1026 correctional facility on a per diem basis. This report shall be  
1027 provided to the Auditor General in sufficient time that it may  
1028 be certified to the Department of Management Services ~~commission~~  
1029 to be included in the request for proposals.

1030 Section 45. Subsection (3) of section 960.003, Florida  
1031 Statutes, is amended to read:

1032 960.003 HIV testing for persons charged with or alleged by  
1033 petition for delinquency to have committed certain offenses;  
1034 disclosure of results to victims.—

1035 (3) DISCLOSURE OF RESULTS.—

1036 (a) The results of the test shall be disclosed no later  
1037 than 2 weeks after the court receives such results, under the  
1038 direction of the Department of Health, to the person charged  
1039 with or alleged by petition for delinquency to have committed or  
1040 to the person convicted of or adjudicated delinquent for any

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1041 offense enumerated in s. 775.0877(1)(a)-(n), which involves the  
1042 transmission of body fluids from one person to another, and,  
1043 upon request, to the victim or the victim's legal guardian, or  
1044 the parent or legal guardian of the victim if the victim is a  
1045 minor, and to public health agencies pursuant to s. 775.0877. If  
1046 the alleged offender is a juvenile, the test results shall also  
1047 be disclosed to the parent or guardian. When the victim is a  
1048 victim as described in paragraph (2)(b), the test results must  
1049 also be disclosed no later than 2 weeks after the court receives  
1050 such results, to the person charged with or alleged by petition  
1051 for delinquency to have committed or to the person convicted of  
1052 or adjudicated delinquent for any offense enumerated in s.  
1053 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the  
1054 offense involves the transmission of bodily fluids from one  
1055 person to another, and, upon request, to the victim or the  
1056 victim's legal guardian, or the parent or legal guardian of the  
1057 victim, and to public health agencies pursuant to s. 775.0877.  
1058 Otherwise, HIV test results obtained pursuant to this section  
1059 are confidential and exempt from the provisions of s. 119.07(1)  
1060 and s. 24(a), Art. I of the State Constitution and shall not be  
1061 disclosed to any other person except as expressly authorized by  
1062 law or court order.

1063 (b) At the time that the results are disclosed to the  
1064 victim or the victim's legal guardian, or to the parent or legal  
1065 guardian of a victim if the victim is a minor, the same  
1066 immediate opportunity for face-to-face counseling which must be  
1067 made available under s. 381.004~~(3)(e)~~ to those who undergo HIV  
1068 testing shall also be afforded to the victim or the victim's  
1069 legal guardian, or to the parent or legal guardian of the victim

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1070 if the victim is a minor.

1071 Section 46. Subsections (6) and (7) of section 984.225,  
1072 Florida Statutes, are amended to read:

1073 984.225 Powers of disposition; placement in a staff-secure  
1074 shelter.—

1075 (6) The department is deemed to have exhausted the  
1076 reasonable remedies offered under this chapter if, at the end of  
1077 the commitment period, the parent, guardian, or legal custodian  
1078 continues to refuse to allow the child to remain at home or  
1079 creates unreasonable conditions for the child's return. If, at  
1080 the end of the commitment period, the child is not reunited with  
1081 his or her parent, guardian, or custodian due solely to the  
1082 continued refusal of the parent, guardian, or custodian to  
1083 provide food, clothing, shelter, and parental support, the child  
1084 is considered to be threatened with harm as a result of such  
1085 acts or omissions, and the court shall direct that the child be  
1086 handled in every respect as a dependent child. Jurisdiction  
1087 shall be transferred to the Department of Children and Family  
1088 Services and the child's care shall be governed under the  
1089 relevant provisions ~~parts II and III~~ of chapter 39.

1090 (7) The court shall review the child's commitment once  
1091 every 45 days as provided in s. 984.20. The court shall  
1092 determine if the parent, guardian, or custodian has reasonably  
1093 participated in and financially contributed to the child's  
1094 counseling and treatment program. The court shall also determine  
1095 whether the department's efforts to reunite the family have been  
1096 reasonable. If the court finds an inadequate level of support or  
1097 participation by the parent, guardian, or custodian prior to the  
1098 end of the commitment period, the court shall direct that the

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1099 child be handled in every respect as a dependent child.  
1100 Jurisdiction shall be transferred to the Department of Children  
1101 and Family Services and the child's care shall be governed under  
1102 the relevant provisions ~~parts II and III~~ of chapter 39.

1103 Section 47. Section 985.486, Florida Statutes, is amended  
1104 to read:

1105 985.486 Intensive residential treatment programs for  
1106 offenders less than 13 years of age; prerequisite for  
1107 commitment.—No child who is eligible for commitment to an  
1108 intensive residential treatment program for offenders less than  
1109 13 years of age under s. 985.483 ~~as established in s.~~  
1110 ~~985.483(1)~~, may be committed to any intensive residential  
1111 treatment program for offenders less than 13 years of age under  
1112 s. 985.483 ~~as established in s. 985.483~~, unless such program has  
1113 been established by the department through existing resources or  
1114 specific appropriation, for such program.

1115 Section 48. Paragraph (a) of subsection (4) and subsection  
1116 (7) of section 985.632, Florida Statutes, are amended to read:

1117 985.632 Quality assurance and cost-effectiveness.—

1118 (4) (a) The Department of Juvenile Justice, in consultation  
1119 with the Office of Economic and Demographic Research, and  
1120 contract service providers, shall develop a cost-effectiveness  
1121 model and apply the model to each commitment program. Program  
1122 recidivism rates shall be a component of the model. The cost-  
1123 effectiveness model shall compare program costs to client  
1124 outcomes and program outputs. It is the intent of the  
1125 Legislature that continual development efforts take place to  
1126 improve the validity and reliability of the cost-effectiveness  
1127 model ~~and to integrate the standard methodology developed under~~

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1128 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

1129 ~~(7) No later than November 1, 2001, the department shall~~  
1130 ~~submit a proposal to the Legislature concerning funding~~  
1131 ~~incentives and disincentives for the department and for~~  
1132 ~~providers under contract with the department. The~~  
1133 ~~recommendations for funding incentives and disincentives shall~~  
1134 ~~be based upon both quality assurance performance and cost-~~  
1135 ~~effectiveness performance. The proposal should strive to achieve~~  
1136 ~~consistency in incentives and disincentives for both department-~~  
1137 ~~operated and contractor provided programs. The department may~~  
1138 ~~include recommendations for the use of liquidated damages in the~~  
1139 ~~proposal; however, the department is not presently authorized to~~  
1140 ~~contract for liquidated damages in non-hardware-secure~~  
1141 ~~facilities until January 1, 2002.~~

1142 Section 49. Paragraph (b) of subsection (2) of section  
1143 985.686, Florida Statutes, is reenacted to read:

1144 985.686 Shared county and state responsibility for juvenile  
1145 detention.—

1146 (2) As used in this section, the term:

1147 (b) "Fiscally constrained county" means a county within a  
1148 rural area of critical economic concern as designated by the  
1149 Governor pursuant to s. 288.0656 or each county for which the  
1150 value of a mill will raise no more than \$5 million in revenue,  
1151 based on the certified school taxable value certified pursuant  
1152 to s. 1011.62(4)(a)1.a., from the previous July 1.

1153 Section 50. This act shall take effect July 1, 2010.