

By the Committee on Budget

576-03557-11

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1                                   A bill to be entitled  
2           An act relating to criminal justice; repealing s.  
3           16.61, F.S., relating to the Cybercrime Office within  
4           the Department of Legal Affairs; amending s. 943.13,  
5           F.S.; limiting the number of hours in the basic  
6           recruit training program required for correctional  
7           officers, unless the officer is otherwise exempt;  
8           creating s. 943.0415, F.S.; creating the Cybercrime  
9           Office within the Department of Law Enforcement to  
10          investigate certain violations of state law pertaining  
11          to the sexual exploitation of children; repealing ss.  
12          951.231(1)(c) and 958.045, F.S., relating to the basic  
13          training program for youthful offenders within the  
14          Department of Corrections; transferring and  
15          reassigning functions and responsibilities of the  
16          Cybercrime Office from the Department of Legal Affairs  
17          to the Department of Law Enforcement; transferring,  
18          renumbering, and amending s. 938.25, F.S.; requiring a  
19          court to assess an additional amount against a  
20          defendant who pleads guilty or nolo contendere to, or  
21          who is convicted of, violating certain specified  
22          offenses, and the services of a criminal analysis  
23          laboratory are used in the investigation of the  
24          offense; providing for the proceeds of the assessment  
25          to be deposited into the Operating Trust Fund of the  
26          Department of Law Enforcement and used by the  
27          statewide criminal analysis laboratory system;  
28          prohibiting the court from waiving the assessment;  
29          amending ss. 921.187 and 943.361, F.S.; conforming

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30 cross-references; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Section 16.61, Florida Statutes, is repealed.

35 Section 2. Subsection (9) of section 943.13, Florida  
36 Statutes, is amended to read:

37 943.13 Officers' minimum qualifications for employment or  
38 appointment.—On or after October 1, 1984, any person employed or  
39 appointed as a full-time, part-time, or auxiliary law  
40 enforcement officer or correctional officer; on or after October  
41 1, 1986, any person employed as a full-time, part-time, or  
42 auxiliary correctional probation officer; and on or after  
43 October 1, 1986, any person employed as a full-time, part-time,  
44 or auxiliary correctional officer by a private entity under  
45 contract to the Department of Corrections, to a county  
46 commission, or to the Department of Management Services shall:

47 (9) Complete a commission-approved basic recruit training  
48 program for the applicable criminal justice discipline, unless  
49 exempt under this subsection. The basic recruit training for  
50 state correctional officers and correctional officers employed  
51 by a private entity under chapter 957 is limited to 360 hours of  
52 training. An applicant who has:

53 (a) Completed a comparable basic recruit training program  
54 for the applicable criminal justice discipline in another state  
55 or for the Federal Government; and

56 (b) Served as a full-time sworn officer in another state or  
57 for the Federal Government for at least 1 year provided there is  
58 no more than an 8-year break in employment, as measured from the

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59 separation date of the most recent qualifying employment to the  
60 time a complete application is submitted for an exemption under  
61 this section,

62  
63 is exempt in accordance with s. 943.131(2) from completing the  
64 commission-approved basic recruit training program.

65 Section 3. Section 943.0415, Florida Statutes, is created  
66 to read:

67 943.0415 Cybercrime Office.—There is created within the  
68 Department of Law Enforcement the Cybercrime Office. The office  
69 may investigate violations of state law pertaining to the sexual  
70 exploitation of children which are facilitated by or connected  
71 to the use of any device capable of storing electronic data.

72 Section 4. Paragraph (c) of subsection (1) of section  
73 951.231, Florida Statutes, is repealed.

74 Section 5. Section 958.045, Florida Statutes, is repealed.

75 Section 6. All powers, duties, functions, records,  
76 personnel, property, pending issues and existing contracts,  
77 administrative authority, and unexpended balances of  
78 appropriations, allocations, and other funds for the  
79 administration of the Cybercrime Office are transferred by a  
80 type two transfer, as defined in s. 20.06(2), Florida Statutes,  
81 from the Department of Legal Affairs to the Department of Law  
82 Enforcement.

83 Section 7. Section 938.25, Florida Statutes, is  
84 transferred, renumbered as section 938.055, Florida Statutes,  
85 and amended to read:

86 938.055 ~~938.25~~ Operating Trust Fund of the Department of  
87 Law Enforcement.—Notwithstanding any provision to the contrary

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88 of the laws of this state, the court shall ~~may~~ assess any  
89 defendant who pleads guilty or nolo contendere to, or is  
90 convicted of, a violation of any provision of chapters 775-896  
91 ~~s. 893.13~~, without regard to whether adjudication was withheld,  
92 in addition to any fine and other penalty provided or authorized  
93 by law, an amount of \$100, to be paid to the clerk of the court,  
94 who shall forward it to the Department of Revenue for deposit in  
95 the Operating Trust Fund of the Department of Law Enforcement to  
96 be used by the statewide criminal analysis laboratory system for  
97 the purposes specified in s. 943.361. This amount shall be  
98 assessed when the services of any criminal analysis laboratory,  
99 as designated in s. 943.32, is used in connection with the  
100 investigation or prosecution of a violation of any provision of  
101 chapters 775-896. The court may not waive this assessment ~~is~~  
102 ~~authorized to order a defendant to pay an additional assessment~~  
103 ~~if it finds that the defendant has the ability to pay the fine~~  
104 ~~and the additional assessment and will not be prevented thereby~~  
105 ~~from being rehabilitated or from making restitution.~~

106 Section 8. Paragraph (1) of subsection (1) of section  
107 921.187, Florida Statutes, is amended to read:

108 921.187 Disposition and sentencing; alternatives;  
109 restitution.-

110 (1) The alternatives provided in this section for the  
111 disposition of criminal cases shall be used in a manner that  
112 will best serve the needs of society, punish criminal offenders,  
113 and provide the opportunity for rehabilitation. If the offender  
114 does not receive a state prison sentence, the court may:

115 (1)1. Require the offender who violates any criminal  
116 provision of chapter 893 to pay an additional assessment in an

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117 amount up to the amount of any fine imposed, pursuant to ss.  
118 938.21 and 938.23.

119 2. Require the offender who violates any provision of s.  
120 893.13 to pay an additional assessment in an amount of \$100,  
121 pursuant to ss. 938.055 ~~938.25~~ and 943.361.

122 Section 9. Section 943.361, Florida Statutes, is amended to  
123 read:

124 943.361 Statewide criminal analysis laboratory system;  
125 funding through fine surcharges.-

126 (1) Funds deposited pursuant to ss. 938.07 and 938.055  
127 ~~938.25~~ for the statewide criminal analysis laboratory system  
128 shall be used for state reimbursements to local county-operated  
129 crime laboratories enumerated in s. 943.35(1), and for the  
130 equipment, health, safety, and training of member crime  
131 laboratories of the statewide criminal analysis laboratory  
132 system.

133 (2) Moneys deposited pursuant to ss. 938.07 and 938.055  
134 ~~938.25~~ for the statewide criminal analysis laboratory system  
135 shall be appropriated by the Legislature in accordance with the  
136 provisions of chapter 216 and with the purposes stated in  
137 subsection (1).

138 Section 10. This act shall take effect July 1, 2011.