



325492

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2023	.	
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The Appropriations Committee on Criminal and Civil Justice
(Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 36 - 58

and insert:

b. "Private correctional facility" has the same meaning as
in s. 944.710.

c. ~~b.~~ "Sexual misconduct" means the oral, anal, or female
genital penetration by, or union with, the sexual organ of
another or the anal or female genital penetration of another by
any other object, but does not include an act done for a bona



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11 fide medical purpose or an internal search conducted in the
12 lawful performance of the employee's duty.

13 d. "Volunteer" means a person registered with the
14 department or a private correctional facility who is engaged in
15 specific voluntary service activities on an ongoing or continual
16 basis.

17 2. Any employee of the department or a private correctional
18 facility or any volunteer in, or any employee of a contractor or
19 subcontractor of, the department or a private correctional
20 facility as defined in s. 944.710 who engages in sexual
21 misconduct with an inmate or an offender supervised by the
22 department in the community, without committing the crime of
23 sexual battery, commits a felony of the third degree, punishable
24 as provided in s. 775.082, s. 775.083, or s. 775.084.

25 3. The consent of the inmate or offender supervised by the
26 department in the community to any act of sexual misconduct may
27 not be raised as a defense to a prosecution under this
28 paragraph.

29 4. This paragraph does not apply to any employee,
30 volunteer, or employee of a contractor or subcontractor of the
31 department or any employee, volunteer, or employee of a
32 contractor or subcontractor of a private correctional facility
33 who is legally married to an inmate or an offender supervised by
34 the department in the community, nor does it apply to any
35 employee, volunteer, or employee of a contractor or
36 subcontractor who has no knowledge, and would have no reason to
37 believe, that the person with whom the employee, volunteer, or
38 employee of a contractor or subcontractor has engaged in
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40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:

42 Delete line 7

43 and insert:

44 offenders; providing definitions; providing

45 exceptions; providing for a type two transfer of