



Safety & Security Council

**Wednesday, March 26, 2008
9:45 a.m. – 12:00 p.m.
102 House Office Building, Reed Hall**

ACTION PACKET

**Marco Rubio
Speaker**

**Dick Kravitz
Chair**

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dick Kravitz (Chair)	X		
Sandra Adams	X		
James Frishe	X		
Luis Garcia	X		
Audrey Gibson	X		
Dorothy Hukill	X		
Kurt Kelly	X		
Marcelo Llorente	X		
Mitch Needelman	X		
Juan-Carlos Planas	X		
Dennis Ross	X		
Maria Sachs	X		
William Snyder	X		
Priscilla Taylor	X		
Nicholas Thompson	X		
Perry Thurston	X		
Totals:	16	0	0

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 87 : Protection of Ocean Lifeguards

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

HB 87

Gail Marie Perry, Chair (State Employee) - Proponent

Communications Workers of America

P O Box 1766

Pompano Beach FL 33061

Phone: 954-850-4055

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 151 : Radio Equipment Using Law Enforcement Frequencies

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

HB 151

Sherry Howard, Legislative Coordinator (Lobbyist) - Proponent

Palm Beach County

301 N Olive

West Palm Beach FL 33401

Phone: 561-355-3452

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 151

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Constitution &
2 Civil Law

3 Representative Simmons offered the following:

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Amendment

Remove line(s) 22-23 and insert:

(d) Any sworn law enforcement officer as defined in s.
943.10, F.S., or emergency service employee as defined in s.
496.404, F.S., while using personal transportation to and from
work.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB** 151

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*favorable
3.26.08*

1 Council/Committee hearing bill: Safety & Security Council
2 Representative(s) Reed offered the following:

Amendment (with title amendments)

5 Remove line 24 and insert:

6 (e) An employee of a government agency that holds a valid
7 Federal Communications Commission station license or that
8 has a valid agreement or contract allowing access to
9 another agency's radio station.

11 Section 2. This act shall take effect July 1, 2008.

T I T L E A M E N D M E N T

15 Remove line(s) 3-6 and insert:

16 frequencies; amending s. 843.16, F.S.; providing exceptions to
17 prohibition on use of such equipment for specified personnel
18 using personal transportation to and from work and for certain
19 government employees; providing an effective date.

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 305 : Equine Activities

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

HB 305

Sherry Howard, Legislative Coordinator (State Employee) - Proponent

Palm Beach County

301 N Olive

West Palm Beach FL 33401

Phone: 561-355-3452

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 305

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Homeland Security
2 & Public Safety

3 Representative Vana offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove lines 49-51 and insert:

7 (5) Any person who violates any provision of this section
8 commits a noncriminal violation, punishable as provided in s.
9 775.083.

10

11

12

T I T L E A M E N D M E N T

13

Remove lines 11-13 and insert:

14

minor to engage in certain conduct; providing noncriminal
15 penalties; providing exceptions; providing an effective
16 date.

17

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 605 : Exploited Children

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 605

Jeff Takacs, Legislative Coordinator (Lobbyist) (State Employee) - Proponent

Attorney General's Office

PL-01, The Capitol

Tallahassee FL 32399

Phone: 850-245-0155

HB 605

Maureen Horkan, Director (State Employee) - Information Only

Child Predator Cybercrime Unit, Florida Department of Legal Affairs

Jacksonville FL 32207

Phone: 904-545-9605

HB 605

Sebastian Aleksander (Lobbyist) - Proponent

Sentinel

Phone: 850-459-1559

HB 605

Terri Poore, Director of Public Affairs (Lobbyist) - Proponent

Florida Council Against Sexual Violence

1311 N Paul Russell Road, Suite A-204

Tallahassee FL 32301

Phone: 850-297-2000

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 605

Nelson Diaz (Lobbyist) - Proponent

Kristi House

121 Alhambra Plaza

Miami FL

Phone: 305-490-3414

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 605

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION X (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Homeland Security & Public Safety
 2 Representative Rivera offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) of section 92.56, Florida
 7 Statutes, is amended to read:

8 92.56 Judicial proceedings and court records involving
 9 sexual offenses.--

10 (3) The state may use a pseudonym instead of the victim's
 11 name to designate the victim of a crime described in chapter 794
 12 or chapter 800, or of child abuse, aggravated child abuse, or
 13 sexual performance by a child as described in chapter 827, or
 14 any crime involving the production, possession, or promotion of
 15 child pornography as described in chapter 847, in all court
 16 records and records of court proceedings, both civil and
 17 criminal.

18 Section 2. Section 796.035, Florida Statutes, is amended
 19 to read:

20 796.035 Selling or buying of minors into sex trafficking
 21 or prostitution; penalties.--Any parent, legal guardian, or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 other person having custody or control of a minor who sells or
23 otherwise transfers custody or control of such minor, or offers
24 to sell or otherwise transfer custody of such minor, with
25 knowledge that, as a consequence of the sale or transfer, ~~force,~~
26 ~~fraud, or coercion will be used to cause the minor will to~~
27 engage in prostitution, perform naked for compensation, or
28 otherwise participate in the trade of sex trafficking, commits a
29 felony of the first degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

31 Section 3. Subsection (7) of section 800.04, Florida
32 Statutes, is amended to read:

33 800.04 Lewd or lascivious offenses committed upon or in
34 the presence of persons less than 16 years of age.--

35 (7) LEWD OR LASCIVIOUS EXHIBITION.--

36 (a) A person who:

37 1. Intentionally masturbates;

38 2. Intentionally exposes the genitals in a lewd or
39 lascivious manner; or

40 3. Intentionally commits any other sexual act that does
41 not involve actual physical or sexual contact with the victim,
42 including, but not limited to, sadomasochistic abuse, sexual
43 bestiality, or the simulation of any act involving sexual
44 activity

45
46 in the presence of a victim who is less than 16 years of age,
47 commits lewd or lascivious exhibition.

48 ~~(b) A person who:~~

49 ~~1. Intentionally masturbates;~~

50 ~~2. Intentionally exposes the genitals in a lewd or~~
51 ~~lascivious manner; or~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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52 ~~3. Intentionally commits any other sexual act that does~~
53 ~~not involve actual physical or sexual contact with the victim,~~
54 ~~including, but not limited to, sadomasochistic abuse, sexual~~
55 ~~bestiality, or the simulation of any act involving sexual~~
56 ~~activity~~

57
58 ~~live over a computer online service, Internet service, or local~~
59 ~~bulletin board service and who knows or should know or has~~
60 ~~reason to believe that the transmission is viewed on a computer~~
61 ~~or television monitor by a victim in this state who is less than~~
62 ~~16 years of age, commits lewd or lascivious exhibition. The fact~~
63 ~~that an undercover operative or law enforcement officer was~~
64 ~~involved in the detection and investigation of an offense under~~
65 ~~this paragraph shall not constitute a defense to a prosecution~~
66 ~~under this paragraph.~~

67 ~~(b)(e)~~ An offender 18 years of age or older who commits a
68 lewd or lascivious exhibition commits a felony of the second
69 degree, punishable as provided in s. 775.082, s. 775.083, or s.
70 775.084.

71 ~~(c)(d)~~ An offender less than 18 years of age who commits a
72 lewd or lascivious exhibition commits a felony of the third
73 degree, punishable as provided in s. 775.082, s. 775.083, or s.
74 775.084.

75 Section 4. Subsections (5), (6), and (7) of section
76 847.0135, Florida Statutes, are renumbered as subsections (6),
77 (7), and (8), respectively, and a subsection (5) is added to
78 that section, to read:

79 847.0135 Computer pornography; traveling to meet minor;
80 penalties.--

81 (5) (a) A person who:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

- 82 1. Intentionally masturbates;
83 2. Intentionally exposes the genitals in a lewd or
84 lascivious manner; or
85 3. Intentionally commits any other sexual act that does not
86 involve actual physical or sexual contact with the victim,
87 including, but not limited to, sadomasochistic abuse, sexual
88 bestiality, or the simulation of any act involving sexual
89 activity
90
91 live over a computer online service, Internet service, or local
92 bulletin board service and who knows or should know or has
93 reason to believe that the transmission is viewed on a computer
94 or television monitor by a victim in this state who is less than
95 16 years of age, commits lewd or lascivious exhibition in
96 violation of this subsection. The fact that an undercover
97 operative or law enforcement officer was involved in the
98 detection and investigation of an offense under this subsection
99 shall not constitute a defense to a prosecution under this
100 subsection.
101 (b) An offender 18 years of age or older who commits a
102 lewd or lascivious exhibition using a computer commits a felony
103 of the second degree, punishable as provided in s. 775.082, s.
104 775.083, or s. 775.084.
105 (c) An offender less than 18 years of age who commits a
106 lewd or lascivious exhibition using a computer commits a felony
107 of the third degree, punishable as provided in s. 775.082, s.
108 775.083, or s. 775.084.
109 (d) A mother's breastfeeding of her baby does not under
110 any circumstance constitute a violation of this subsection.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

111 Section 5. Section 847.002, Florida Statutes, is created
112 to read:

113 847.002 Child pornography prosecutions.--

114 (1) Any law enforcement officer who, pursuant to a criminal
115 investigation, recovers images of child pornography shall:

116 (a) Provide such images and any information regarding the
117 identity of a child depicted in such images to the National
118 Center for Missing and Exploited Children, Child Victim
119 Identification Program; and

120 (b) Request the law enforcement contact information from
121 the National Center for Missing and Exploited Children, Child
122 Victim Identification Program for any images recovered that
123 contain a known victim of child pornography, as defined in s.
124 960.03.

125 (2) Any law enforcement officer submitting a case for
126 prosecution that involves the production, promotion, or
127 possession of child pornography shall submit to the designated
128 prosecutor the law enforcement contact information provided by
129 the National Center for Missing and Exploited Children, Child
130 Victim Identification Program for any images involved in the
131 case which contain the depiction of a known victim of child
132 pornography as defined in s. 960.03.

133 (3) In every filed case involving a known victim of child
134 pornography, as defined in s. 960.03, the prosecuting agency
135 shall enter the following information into the Victims in Child
136 Pornography Tracking Repeat Exploitation database maintained by
137 the Office of the Attorney General:

138 (a) The case number and agency file number.

139 (b) The named defendant.

140 (c) The circuit court division and county.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

- 141 (d) Current court dates and the status of the case.
142 (e) Contact information for the prosecutor assigned.
143 (f) Verification that the prosecutor is or is not in
144 possession of a victim impact statement and will use the
145 statement in sentencing.

146 Section 6. Section 847.01357, Florida Statutes, is created
147 to read:

148 847.01357 Exploited children's civil remedy.--

149 (1) Any person who, while under the age of 18, was a
150 victim of a sexual abuse crime listed in chapter 794, chapter
151 800, chapter 827, or chapter 847, wherein any portion of such
152 abuse was used in the production of child pornography, and who
153 suffers personal or psychological injury as a result of the
154 production, promotion, or possession of such images, may bring
155 an action in any appropriate state court against the producer,
156 promoter, or possessor of such images, regardless of whether the
157 victim is now an adult. In any action brought under this
158 section, a prevailing plaintiff shall recover the actual damages
159 such person sustained and the cost of the suit, including
160 reasonable attorney's fees. Any such victim who is awarded
161 damages under this section shall be deemed to have sustained
162 damages of no less than \$150,000.

163 (2) Notwithstanding any other provisions of law, any
164 action commenced under this section must be filed within 3 years
165 of the later of:

- 166 (a) The conclusion of a related criminal case;
167 (b) The notification to the victim by a member of law
168 enforcement of the creation, possession, or promotion of
169 pornographic images; or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

170 (c) In the case of a victim under the age of 18, within 3
171 years after the person reaches the age of 18.

172 (3) Any victim who has a bona fide claim under this
173 section shall, upon request, be provided a pseudonym, pursuant
174 to s. 92.56(3), which shall be issued and maintained by the
175 Department of Legal Affairs for use in all legal pleadings. This
176 identifier shall be fully recognized in all courts in this state
177 as a valid legal identity.

178 (4) It is not a defense to a civil cause of action under
179 this section that the respondent did not know the victim or
180 commit the abuse depicted in any image of child pornography.

181 (5) To prevent the further exploitation of victims for
182 monetary gain by any other person, at the victim's request and
183 pursuant to agency approval, the Office of the Attorney General
184 may pursue cases on behalf of any Florida victim under this
185 section. All damages obtained in such cases shall go to the
186 victim, and the Office of the Attorney General may seek
187 reasonable attorney's fees and costs as authorized under this
188 section.

189 Section 7. Paragraph (d) of subsection (3) of section
190 960.03, Florida Statutes, is created, subsections (10) through
191 (13) of that section are renumbered as subsections (11) through
192 (14), respectively, a new subsection (10) is added to that
193 section, and present subsection (13) of that section is amended,
194 to read:

195 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
196 960.01-960.28, unless the context otherwise requires, the term:

197 (3) "Crime" means:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

198 (d) Any violation of s. 827.071, s. 847.0135, s. 847.0137,
199 or s. 847.0138, related to on-line sexual exploitation and child
200 pornography.

201 (10) "Known victim of child pornography" means any person
202 who, while under the age of 18, was depicted in any image of
203 child pornography and who has been identified through a report
204 generated by a member of law enforcement and provided to the
205 National Center for Missing and Exploited Children's Child
206 Victim Identification Program.

207 (14)-(13) "Victim" means:

208 (a) A person who suffers personal physical injury or death
209 as a direct result of a crime;

210 (b) A person less than 18 ~~16~~ years of age who was present
211 at the scene of a crime, saw or heard the crime, and suffered a
212 psychiatric or psychological injury because of the crime, but
213 who was not physically injured; or

214 (c) A person against whom a forcible felony was committed
215 and who suffers a psychiatric or psychological injury as a
216 direct result of that crime but who does not otherwise sustain a
217 personal physical injury or death;--

218 Section 8. Section 960.197, Florida Statutes, is created
219 to read:

220 960.197 Assistance to victims of online sexual
221 exploitation and child pornography.--

222 (1) Notwithstanding the criteria set forth in s. 960.13
223 for crime victim compensation awards, the department may award
224 compensation for counseling and other mental health services to
225 treat psychological injury or trauma to:

226 (a) A child less than 18 years of age who suffers
227 psychiatric or psychological injury as a direct result of online

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

228 sexual exploitation under any provision of s. 827.071, s.
229 847.0135, s. 847.0137, or s. 847.0138, and who does not
230 otherwise sustain a personal injury or death; or

231 (b) Any person who, while under the age of 18, was
232 depicted in any image or video, regardless of length, of child
233 pornography as defined in s. 847.001 and who has been identified
234 by law enforcement or the National Center for Missing and
235 Exploited Children as a known victim of child pornography, who
236 suffers psychiatric or psychological injury as a direct result
237 of the crime, and who does not otherwise sustain a personal
238 injury or death.

239 (2) Compensation under this section is not contingent upon
240 pursuit of a criminal investigation or prosecution.

241 Section 9. Paragraph (b) of subsection (2) of section
242 90.404, Florida Statutes, is amended to read:

243 90.404 Character evidence; when admissible.--

244 (2) OTHER CRIMES, WRONGS, OR ACTS.--

245 (b)1. In a criminal case in which the defendant is charged
246 with a crime involving child molestation, evidence of the
247 defendant's commission of other crimes, wrongs, or acts of child
248 molestation is admissible, and may be considered for its bearing
249 on any matter to which it is relevant.

250 2. For the purposes of this paragraph, the term "child
251 molestation" means conduct proscribed by s. 794.011, ~~or~~ s.
252 800.04, or s. 847.0135(5) when committed against a person 16
253 years of age or younger.

254 Section 10. Subsection (2) of section 92.565, Florida
255 Statutes, is amended to read:

256 92.565 Admissibility of confession in sexual abuse
257 cases.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

258 (2) In any criminal action in which the defendant is
259 charged with a crime against a victim under s. 794.011; s.
260 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
261 s. 827.04, involving sexual abuse; ~~or~~ s. 827.071; or s.
262 847.0135(5), or any other crime involving sexual abuse of
263 another, or with any attempt, solicitation, or conspiracy to
264 commit any of these crimes, the defendant's memorialized
265 confession or admission is admissible during trial without the
266 state having to prove a corpus delicti of the crime if the court
267 finds in a hearing conducted outside the presence of the jury
268 that the state is unable to show the existence of each element
269 of the crime, and having so found, further finds that the
270 defendant's confession or admission is trustworthy. Factors
271 which may be relevant in determining whether the state is unable
272 to show the existence of each element of the crime include, but
273 are not limited to, the fact that, at the time the crime was
274 committed, the victim was:

275 (a) Physically helpless, mentally incapacitated, or
276 mentally defective, as those terms are defined in s. 794.011;

277 (b) Physically incapacitated due to age, infirmity, or any
278 other cause; or

279 (c) Less than 12 years of age.

280 Section 11. Paragraph (e) of subsection (9) of section
281 394.912, Florida Statutes, is amended to read:

282 394.912 Definitions.--As used in this part, the term:

283 (9) "Sexually violent offense" means:

284 (e) Lewd, lascivious, or indecent assault or act upon or
285 in presence of the child in violation of s. 800.04 or s.
286 847.0135(5);

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

287 Section 12. Section 409.2355, Florida Statutes, is amended
288 to read:

289 409.2355 Programs for prosecution of males over age 21 who
290 commit certain offenses involving girls under age 16.--Subject
291 to specific appropriated funds, the Department of Children and
292 Family Services is directed to establish a program by which
293 local communities, through the state attorney's office of each
294 judicial circuit, may apply for grants to fund innovative
295 programs for the prosecution of males over the age of 21 who
296 victimize girls under the age of 16 in violation of s. 794.011,
297 s. 794.05, s. 800.04, ~~or~~ s. 827.04(3), or s. 847.0135(5).

298 Section 13. Paragraph (a) of subsection (9) of section
299 775.082, Florida Statutes, is amended to read:

300 775.082 Penalties; applicability of sentencing structures;
301 mandatory minimum sentences for certain reoffenders previously
302 released from prison.--

303 (9)(a)1. "Prison releasee reoffender" means any defendant
304 who commits, or attempts to commit:

- 305 a. Treason;
- 306 b. Murder;
- 307 c. Manslaughter;
- 308 d. Sexual battery;
- 309 e. Carjacking;
- 310 f. Home-invasion robbery;
- 311 g. Robbery;
- 312 h. Arson;
- 313 i. Kidnapping;
- 314 j. Aggravated assault with a deadly weapon;
- 315 k. Aggravated battery;
- 316 l. Aggravated stalking;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

- 317 m. Aircraft piracy;
- 318 n. Unlawful throwing, placing, or discharging of a
319 destructive device or bomb;
- 320 o. Any felony that involves the use or threat of physical
321 force or violence against an individual;
- 322 p. Armed burglary;
- 323 q. Burglary of a dwelling or burglary of an occupied
324 structure; or
- 325 r. Any felony violation of s. 790.07, s. 800.04, s.
326 827.03, ~~or~~ s. 827.071, or s. 847.0135(5);
- 327
- 328 within 3 years after being released from a state correctional
329 facility operated by the Department of Corrections or a private
330 vendor or within 3 years after being released from a
331 correctional institution of another state, the District of
332 Columbia, the United States, any possession or territory of the
333 United States, or any foreign jurisdiction, following
334 incarceration for an offense for which the sentence is
335 punishable by more than 1 year in this state.
- 336 2. "Prison releasee reoffender" also means any defendant
337 who commits or attempts to commit any offense listed in sub-
338 subparagraphs (a)1.a.-r. while the defendant was serving a
339 prison sentence or on escape status from a state correctional
340 facility operated by the Department of Corrections or a private
341 vendor or while the defendant was on escape status from a
342 correctional institution of another state, the District of
343 Columbia, the United States, any possession or territory of the
344 United States, or any foreign jurisdiction, following
345 incarceration for an offense for which the sentence is
346 punishable by more than 1 year in this state.

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347 3. If the state attorney determines that a defendant is a
348 prison releasee reoffender as defined in subparagraph 1., the
349 state attorney may seek to have the court sentence the defendant
350 as a prison releasee reoffender. Upon proof from the state
351 attorney that establishes by a preponderance of the evidence
352 that a defendant is a prison releasee reoffender as defined in
353 this section, such defendant is not eligible for sentencing
354 under the sentencing guidelines and must be sentenced as
355 follows:

356 a. For a felony punishable by life, by a term of
357 imprisonment for life;

358 b. For a felony of the first degree, by a term of
359 imprisonment of 30 years;

360 c. For a felony of the second degree, by a term of
361 imprisonment of 15 years; and

362 d. For a felony of the third degree, by a term of
363 imprisonment of 5 years.

364 Section 14. Paragraph (d) of subsection (1) of section
365 775.084, Florida Statutes, is amended to read:

366 775.084 Violent career criminals; habitual felony
367 offenders and habitual violent felony offenders; three-time
368 violent felony offenders; definitions; procedure; enhanced
369 penalties or mandatory minimum prison terms.--

370 (1) As used in this act:

371 (d) "Violent career criminal" means a defendant for whom
372 the court must impose imprisonment pursuant to paragraph (4) (d),
373 if it finds that:

374 1. The defendant has previously been convicted as an adult
375 three or more times for an offense in this state or other
376 qualified offense that is:

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- 377 a. Any forcible felony, as described in s. 776.08;
- 378 b. Aggravated stalking, as described in s. 784.048(3) and
379 (4);
- 380 c. Aggravated child abuse, as described in s. 827.03(2);
- 381 d. Aggravated abuse of an elderly person or disabled
382 adult, as described in s. 825.102(2);
- 383 e. Lewd or lascivious battery, lewd or lascivious
384 molestation, lewd or lascivious conduct, or lewd or lascivious
385 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 386 f. Escape, as described in s. 944.40; or
- 387 g. A felony violation of chapter 790 involving the use or
388 possession of a firearm.
- 389 2. The defendant has been incarcerated in a state prison
390 or a federal prison.
- 391 3. The primary felony offense for which the defendant is
392 to be sentenced is a felony enumerated in subparagraph 1. and
393 was committed on or after October 1, 1995, and:
- 394 a. While the defendant was serving a prison sentence or
395 other sentence, or court-ordered or lawfully imposed supervision
396 that is imposed as a result of a prior conviction for an
397 enumerated felony; or
- 398 b. Within 5 years after the conviction of the last prior
399 enumerated felony, or within 5 years after the defendant's
400 release from a prison sentence, probation, community control,
401 control release, conditional release, parole, or court-ordered
402 or lawfully imposed supervision or other sentence that is
403 imposed as a result of a prior conviction for an enumerated
404 felony, whichever is later.

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405 4. The defendant has not received a pardon for any felony
406 or other qualified offense that is necessary for the operation
407 of this paragraph.

408 5. A conviction of a felony or other qualified offense
409 necessary to the operation of this paragraph has not been set
410 aside in any postconviction proceeding.

411 Section 15. Paragraph (a) of subsection (13) and paragraph
412 (a) of subsection (16) of section 775.15, Florida Statutes, are
413 amended to read:

414 775.15 Time limitations; general time limitations;
415 exceptions.--

416 (13) (a) If the victim of a violation of s. 794.011, former
417 s. 794.05, Florida Statutes 1995, s. 800.04, ~~or~~ s. 826.04, or s.
418 847.0135(5) is under the age of 18, the applicable period of
419 limitation, if any, does not begin to run until the victim has
420 reached the age of 18 or the violation is reported to a law
421 enforcement agency or other governmental agency, whichever
422 occurs earlier. Such law enforcement agency or other
423 governmental agency shall promptly report such allegation to the
424 state attorney for the judicial circuit in which the alleged
425 violation occurred. If the offense is a first or second degree
426 felony violation of s. 794.011, and the offense is reported
427 within 72 hours after its commission, the prosecution for such
428 offense may be commenced at any time. This paragraph applies to
429 any such offense except an offense the prosecution of which
430 would have been barred by subsection (2) on or before December
431 31, 1984.

432 (16) (a) In addition to the time periods prescribed in this
433 section, a prosecution for any of the following offenses may be
434 commenced at any time after the date on which the identity of

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435 the accused is established, or should have been established by
436 the exercise of due diligence, through the analysis of
437 deoxyribonucleic acid (DNA) evidence, if a sufficient portion of
438 the evidence collected at the time of the original investigation
439 and tested for DNA is preserved and available for testing by the
440 accused:

441 1. Aggravated battery or any felony battery offense under
442 chapter 784.

443 2. Kidnapping under s. 787.01 or false imprisonment under
444 s. 787.02.

445 3. An offense of sexual battery under chapter 794.

446 4. A lewd or lascivious offense under s. 800.04, ~~or~~ s.
447 825.1025, or s. 847.0135(5).

448 5. A burglary offense under s. 810.02.

449 6. A robbery offense under s. 812.13, s. 812.131, or s.
450 812.135.

451 7. Carjacking under s. 812.133.

452 8. Aggravated child abuse under s. 827.03.

453 Section 16. Paragraph (a) of subsection (4) and paragraph
454 (b) of subsection (10) of section 775.21, Florida Statutes, are
455 amended to read:

456 775.21 The Florida Sexual Predators Act.--

457 (4) SEXUAL PREDATOR CRITERIA.--

458 (a) For a current offense committed on or after October 1,
459 1993, upon conviction, an offender shall be designated as a
460 "sexual predator" under subsection (5), and subject to
461 registration under subsection (6) and community and public
462 notification under subsection (7) if:

463 1. The felony is:

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464 a. A capital, life, or first-degree felony violation, or
465 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
466 is a minor and the defendant is not the victim's parent or
467 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
468 violation of a similar law of another jurisdiction; or

469 b. Any felony violation, or any attempt thereof, of s.
470 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
471 minor and the defendant is not the victim's parent or guardian;
472 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
473 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.
474 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a
475 similar law of another jurisdiction, and the offender has
476 previously been convicted of or found to have committed, or has
477 pled nolo contendere or guilty to, regardless of adjudication,
478 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),
479 where the victim is a minor and the defendant is not the
480 victim's parent or guardian; s. 794.011, excluding s.
481 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
482 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
483 847.0135(4); s. 847.0145; or s. 985.701(1); or a violation of a
484 similar law of another jurisdiction;

485 2. The offender has not received a pardon for any felony
486 or similar law of another jurisdiction that is necessary for the
487 operation of this paragraph; and

488 3. A conviction of a felony or similar law of another
489 jurisdiction necessary to the operation of this paragraph has
490 not been set aside in any postconviction proceeding.

491 (10) PENALTIES.--

492 (b) A sexual predator who has been convicted of or found
493 to have committed, or has pled nolo contendere or guilty to,

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494 regardless of adjudication, any violation, or attempted
495 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
496 the victim is a minor and the defendant is not the victim's
497 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
498 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.
499 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a
500 violation of a similar law of another jurisdiction when the
501 victim of the offense was a minor, and who works, whether for
502 compensation or as a volunteer, at any business, school, day
503 care center, park, playground, or other place where children
504 regularly congregate, commits a felony of the third degree,
505 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

506 Section 17. Subsections (7) and (8) of section 784.048,
507 Florida Statutes, are amended to read:

508 784.048 Stalking; definitions; penalties.--

509 (7) Any person who, after having been sentenced for a
510 violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5) and
511 prohibited from contacting the victim of the offense under s.
512 921.244, willfully, maliciously, and repeatedly follows,
513 harasses, or cyberstalks the victim commits the offense of
514 aggravated stalking, a felony of the third degree, punishable as
515 provided in s. 775.082, s. 775.083, or s. 775.084.

516 (8) The punishment imposed under this section shall run
517 consecutive to any former sentence imposed for a conviction for
518 any offense under s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5).

519 Section 18. Paragraph (a) of subsection (3) of section
520 787.01, Florida Statutes, is amended to read:

521 787.01 Kidnapping; kidnapping of child under age 13,
522 aggravating circumstances.--

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523 (3) (a) A person who commits the offense of kidnapping upon
524 a child under the age of 13 and who, in the course of committing
525 the offense, commits one or more of the following:

526 1. Aggravated child abuse, as defined in s. 827.03;
527 2. Sexual battery, as defined in chapter 794, against the
528 child;

529 3. Lewd or lascivious battery, lewd or lascivious
530 molestation, lewd or lascivious conduct, or lewd or lascivious
531 exhibition, in violation of s. 800.04 or s. 847.0135(5);

532 4. A violation of s. 796.03 or s. 796.04, relating to
533 prostitution, upon the child; or

534 5. Exploitation of the child or allowing the child to be
535 exploited, in violation of s. 450.151,

536
537 commits a life felony, punishable as provided in s. 775.082, s.
538 775.083, or s. 775.084.

539 Section 19. Paragraph (a) of subsection (3) of section
540 787.02, Florida Statutes, is amended to read:

541 787.02 False imprisonment; false imprisonment of child
542 under age 13, aggravating circumstances.--

543 (3) (a) A person who commits the offense of false
544 imprisonment upon a child under the age of 13 and who, in the
545 course of committing the offense, commits any offense enumerated
546 in subparagraphs 1.-5., commits a felony of the first degree,
547 punishable by imprisonment for a term of years not exceeding
548 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

549 1. Aggravated child abuse, as defined in s. 827.03;
550 2. Sexual battery, as defined in chapter 794, against the
551 child;

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552 3. Lewd or lascivious battery, lewd or lascivious
553 molestation, lewd or lascivious conduct, or lewd or lascivious
554 exhibition, in violation of s. 800.04 or s. 847.0135(5);

555 4. A violation of s. 796.03 or s. 796.04, relating to
556 prostitution, upon the child; or

557 5. Exploitation of the child or allowing the child to be
558 exploited, in violation of s. 450.151.

559 Section 20. Paragraph (c) of subsection (2) of section
560 787.025, Florida Statutes, is amended to read:

561 787.025 Luring or enticing a child.--

562 (2)

563 (c) A person 18 years of age or older who, having been
564 previously convicted of a violation of chapter 794, ~~or~~ s.
565 800.04, or s. 847.0135(5), or a violation of a similar law of
566 another jurisdiction, intentionally lures or entices, or
567 attempts to lure or entice, a child under the age of 12 into a
568 structure, dwelling, or conveyance for other than a lawful
569 purpose commits a felony of the third degree, punishable as
570 provided in s. 775.082, s. 775.083, or s. 775.084.

571 Section 21. Section 794.065, Florida Statutes, is amended
572 to read:

573 794.065 Unlawful place of residence for persons convicted
574 of certain sex offenses.--

575 (1) It is unlawful for any person who has been convicted
576 of a violation of s. 794.011, s. 800.04, s. 827.071, s.
577 847.0135(5), or s. 847.0145, regardless of whether adjudication
578 has been withheld, in which the victim of the offense was less
579 than 16 years of age, to reside within 1,000 feet of any school,
580 day care center, park, or playground. A person who violates this
581 section and whose conviction under s. 794.011, s. 800.04, s.

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582 827.071, s. 847.0135(5), or s. 847.0145 was classified as a
583 felony of the first degree or higher commits a felony of the
584 third degree, punishable as provided in s. 775.082 or s.
585 775.083. A person who violates this section and whose conviction
586 under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
587 847.0145 was classified as a felony of the second or third
588 degree commits a misdemeanor of the first degree, punishable as
589 provided in s. 775.082 or s. 775.083.

590 (2) This section applies to any person convicted of a
591 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
592 or s. 847.0145 for offenses that occur on or after October 1,
593 2004.

594 Section 22. Section 914.16, Florida Statutes, is amended
595 to read:

596 914.16 Child abuse and sexual abuse of victims under age
597 16 or persons with mental retardation; limits on
598 interviews.--The chief judge of each judicial circuit, after
599 consultation with the state attorney and the public defender for
600 the judicial circuit, the appropriate chief law enforcement
601 officer, and any other person deemed appropriate by the chief
602 judge, shall provide by order reasonable limits on the number of
603 interviews that a victim of a violation of s. 794.011, s.
604 800.04, ~~or s. 827.03~~, or s. 847.0135(5) who is under 16 years of
605 age or a victim of a violation of s. 794.011, s. 800.02, s.
606 800.03, or s. 825.102 who is a person with mental retardation as
607 defined in s. 393.063 must submit to for law enforcement or
608 discovery purposes. The order shall, to the extent possible,
609 protect the victim from the psychological damage of repeated
610 interrogations while preserving the rights of the public, the
611 victim, and the person charged with the violation.

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612 Section 23. Paragraphs (d) and (e) of subsection (3) of
613 section 921.0022, Florida Statutes, are amended to read:

614 921.0022 Criminal Punishment Code; offense severity
615 ranking chart.--

616 (3) OFFENSE SEVERITY RANKING CHART

617 (d) LEVEL 4

618

Florida Statute	Felony Degree	Description
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619

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.
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620

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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621

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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622

499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
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623

784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
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624

784.074(1) (c)	3rd	Battery of sexually violent predators
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			facility staff.
625			
	784.075	3rd	Battery on detention or commitment facility staff.
626			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
627			
	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
628			
	784.081(3)	3rd	Battery on specified official or employee.
629			
	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
630			
	784.083(3)	3rd	Battery on code inspector.
631			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
632			
	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
633			
	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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634	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
635	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
636	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
637	790.115 (2) (c)	3rd	Possessing firearm on school property.
638	800.04 (7) <u>(c)</u> (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
639	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
640	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
641	810.06	3rd	Burglary; possession of tools.
642	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.

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643 812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more
but less than \$20,000.

644 812.014(2)(c)4. 3rd Grand theft, 3rd degree, a will,
-10. firearm, motor vehicle, livestock, etc.

645 812.0195(2) 3rd Dealing in stolen property by use of
the Internet; property stolen \$300 or
more.

646 817.563(1) 3rd Sell or deliver substance other than
controlled substance agreed upon,
excluding s. 893.03(5) drugs.

647 817.568(2)(a) 3rd Fraudulent use of personal
identification information.

648 817.625(2)(a) 3rd Fraudulent use of scanning device or
reencoder.

649 828.125(1) 2nd Kill, maim, or cause great bodily harm
or permanent breeding disability to any
registered horse or cattle.

650 837.02(1) 3rd Perjury in official proceedings.

651 837.021(1) 3rd Make contradictory statements in
official proceedings.

652

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653	838.022	3rd	Official misconduct.
654	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
655	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
656	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
657	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
658	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
659	<u>847.0135 (5) (c)</u>	<u>3rd</u>	<u>Lewd or lascivious exhibition using computer; offender less than 18 years.</u>
660	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
661	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).
	914.14 (2)	3rd	Witnesses accepting bribes.

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662	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
663	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
664	918.12	3rd	Tampering with jurors.
665	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
666			
667	(e)	LEVEL 5	
668			
	Florida Statute	Felony Degree	Description
669	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
670	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
671	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
672	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
673	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing

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HIV positive.

674

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

675

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

676

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

677

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

678

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

679

790.01 (2) 3rd Carrying a concealed firearm.

680

790.162 2nd Threat to throw or discharge destructive device.

681

790.163 (1) 2nd False report of deadly explosive or weapon of mass destruction.

682

790.221 (1) 2nd Possession of short-barreled shotgun or

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683			machine gun.
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
684			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
685			
	800.04 (7) <u>(b)</u> (e)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
686			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
687			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
688			
	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
689			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
690			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
691			
	812.16 (2)	3rd	Owning, operating, or conducting a chop

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shop.

692 817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to
\$50,000.

693 817.234 (11) (b) 2nd Insurance fraud; property value \$20,000
or more but less than \$100,000.

694 817.2341 (1), (2) 3rd Filing false financial statements,
(a) & (3) (a) making false entries of material fact
or false statements regarding property
values relating to the solvency of an
insuring entity.

695 817.568 (2) (b) 2nd Fraudulent use of personal
identification information; value of
benefit, services received, payment
avoided, or amount of injury or fraud,
\$5,000 or more or use of personal
identification information of 10 or
more individuals.

696 817.625 (2) (b) 2nd Second or subsequent fraudulent use of
scanning device or reencoder.

697 825.1025 (4) 3rd Lewd or lascivious exhibition in the
presence of an elderly person or
disabled adult.

698 827.071 (4) 2nd Possess with intent to promote any

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photographic material, motion picture, etc., which includes sexual conduct by a child.

699

827.071(5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

700

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

701

843.01 3rd Resist officer with violence to person; resist arrest with violence.

702

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

703

847.0137(2)&(3) 3rd Transmission of pornography by electronic device or equipment.

704

847.0138(2)&(3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

705

874.05(2) 2nd Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.

706

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine

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(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs).

707

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other 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) within 1,000 feet of a child
care facility, school, or state,
county, or municipal park or publicly
owned recreational facility or
community center.

708

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of university.

709

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis
or other drug prohibited under 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) within
1,000 feet of property used for
religious services or a specified
business site.

710

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),

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(1) (d), or (2) (a), (2) (b), or (2) (c) 4. drugs) within 1,000 feet of public housing facility.

711

893.13 (4) (b) 2nd Deliver to minor cannabis (or other 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).

712

713 Section 24. Subsections (1) and (3) of section 921.244,
714 Florida Statutes, are amended to read:

715 921.244 Order of no contact; penalties.--

716 (1) At the time of sentencing an offender convicted of a
717 violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5), the
718 court shall order that the offender be prohibited from having
719 any contact with the victim, directly or indirectly, including
720 through a third person, for the duration of the sentence
721 imposed. The court may reconsider the order upon the request of
722 the victim if the request is made at any time after the victim
723 has attained 18 years of age. In considering the request, the
724 court shall conduct an evidentiary hearing to determine whether
725 a change of circumstances has occurred which warrants a change
726 in the court order prohibiting contact and whether it is in the
727 best interest of the victim that the court order be modified or
728 rescinded.

729 (3) The punishment imposed under this section shall run
730 consecutive to any former sentence imposed for a conviction for
731 any offense under s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5).

732 Section 25. Subsection (1) of section 938.10, Florida
733 Statutes, is amended to read:

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734 938.10 Additional court cost imposed in cases of certain
735 crimes against minors.--

736 (1) If a person pleads guilty or nolo contendere to, or is
737 found guilty of, regardless of adjudication, any offense against
738 a minor in violation of s. 784.085, chapter 787, chapter 794, s.
739 796.03, s. 800.04, chapter 827, s. 847.0135(5), s. 847.0145, or
740 s. 985.701, the court shall impose a court cost of \$101 against
741 the offender in addition to any other cost or penalty required
742 by law.

743 Section 26. Subsections (1), (2), and (4) of section
744 943.04354, Florida Statutes, are amended to read:

745 943.04354 Removal of the requirement to register as a
746 sexual offender or sexual predator in special circumstances.--

747 (1) For purposes of this section, a person shall be
748 considered for removal of the requirement to register as a
749 sexual offender or sexual predator only if the person:

750 (a) Was or will be convicted or adjudicated delinquent of
751 a violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5) or
752 the person committed a violation of s. 794.011, ~~or~~ s. 800.04, or
753 s. 847.0135(5) for which adjudication of guilt was or will be
754 withheld, and the person does not have any other conviction,
755 adjudication of delinquency, or withhold of adjudication of
756 guilt for a violation of s. 794.011, ~~or~~ s. 800.04, or s.
757 847.0135(5);

758 (b) Is required to register as a sexual offender or sexual
759 predator solely on the basis of this violation; and

760 (c) Is not more than 4 years older than the victim of this
761 violation who was 14 years of age or older but not more than 17
762 years of age at the time the person committed this violation.

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763 (2) If a person meets the criteria in subsection (1) and
764 the violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5) was
765 committed on or after July 1, 2007, the person may move the
766 court that will sentence or dispose of this violation to remove
767 the requirement that the person register as a sexual offender or
768 sexual predator. The person must allege in the motion that he or
769 she meets the criteria in subsection (1) and that removal of the
770 registration requirement will not conflict with federal law. The
771 state attorney must be given notice of the motion at least 21
772 days before the date of sentencing or disposition of this
773 violation and may present evidence in opposition to the
774 requested relief or may otherwise demonstrate why the motion
775 should be denied. At sentencing or disposition of this
776 violation, the court shall rule on this motion and, if the court
777 determines the person meets the criteria in subsection (1) and
778 the removal of the registration requirement will not conflict
779 with federal law, it may grant the motion and order the removal
780 of the registration requirement. If the court denies the motion,
781 the person is not authorized under this section to petition for
782 removal of the registration requirement.

783 (4) If a person provides to the Department of Law
784 Enforcement a certified copy of the court's order removing the
785 requirement that the person register as a sexual offender or
786 sexual predator for the violation of s. 794.011, ~~or~~ s. 800.04,
787 or s. 847.0135(5), the registration requirement will not apply
788 to the person and the department shall remove all information
789 about the person from the public registry of sexual offenders
790 and sexual predators maintained by the department. However, the
791 removal of this information from the public registry does not
792 mean that the public is denied access to information about the

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793 person's criminal history or record that is otherwise available
794 as a public record.

795 Section 27. Subsection (7) of section 947.1405, Florida
796 Statutes, is amended to read:

797 947.1405 Conditional release program.--

798 (7) (a) Any inmate who is convicted of a crime committed on
799 or after October 1, 1995, or who has been previously convicted
800 of a crime committed on or after October 1, 1995, in violation
801 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
802 847.0145, and is subject to conditional release supervision,
803 shall have, in addition to any other conditions imposed, the
804 following special conditions imposed by the commission:

805 1. A mandatory curfew from 10 p.m. to 6 a.m. The
806 commission may designate another 8-hour period if the offender's
807 employment precludes the above specified time, and such
808 alternative is recommended by the Department of Corrections. If
809 the commission determines that imposing a curfew would endanger
810 the victim, the commission may consider alternative sanctions.

811 2. If the victim was under the age of 18, a prohibition on
812 living within 1,000 feet of a school, day care center, park,
813 playground, designated public school bus stop, or other place
814 where children regularly congregate. A releasee who is subject
815 to this subparagraph may not relocate to a residence that is
816 within 1,000 feet of a public school bus stop. Beginning October
817 1, 2004, the commission or the department may not approve a
818 residence that is located within 1,000 feet of a school, day
819 care center, park, playground, designated school bus stop, or
820 other place where children regularly congregate for any releasee
821 who is subject to this subparagraph. On October 1, 2004, the
822 department shall notify each affected school district of the

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823 location of the residence of a releasee 30 days prior to release
824 and thereafter, if the releasee relocates to a new residence,
825 shall notify any affected school district of the residence of
826 the releasee within 30 days after relocation. If, on October 1,
827 2004, any public school bus stop is located within 1,000 feet of
828 the existing residence of such releasee, the district school
829 board shall relocate that school bus stop. Beginning October 1,
830 2004, a district school board may not establish or relocate a
831 public school bus stop within 1,000 feet of the residence of a
832 releasee who is subject to this subparagraph. The failure of the
833 district school board to comply with this subparagraph shall not
834 result in a violation of conditional release supervision.

835 3. Active participation in and successful completion of a
836 sex offender treatment program with qualified practitioners
837 specifically trained to treat sex offenders, at the releasee's
838 own expense. If a qualified practitioner is not available within
839 a 50-mile radius of the releasee's residence, the offender shall
840 participate in other appropriate therapy.

841 4. A prohibition on any contact with the victim, directly
842 or indirectly, including through a third person, unless approved
843 by the victim, the offender's therapist, and the sentencing
844 court.

845 5. If the victim was under the age of 18, a prohibition
846 against contact with children under the age of 18 without review
847 and approval by the commission. The commission may approve
848 supervised contact with a child under the age of 18 if the
849 approval is based upon a recommendation for contact issued by a
850 qualified practitioner who is basing the recommendation on a
851 risk assessment. Further, the sex offender must be currently
852 enrolled in or have successfully completed a sex offender

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853 therapy program. The commission may not grant supervised contact
854 with a child if the contact is not recommended by a qualified
855 practitioner and may deny supervised contact with a child at any
856 time. When considering whether to approve supervised contact
857 with a child, the commission must review and consider the
858 following:

859 a. A risk assessment completed by a qualified
860 practitioner. The qualified practitioner must prepare a written
861 report that must include the findings of the assessment and
862 address each of the following components:

863 (I) The sex offender's current legal status;

864 (II) The sex offender's history of adult charges with
865 apparent sexual motivation;

866 (III) The sex offender's history of adult charges without
867 apparent sexual motivation;

868 (IV) The sex offender's history of juvenile charges,
869 whenever available;

870 (V) The sex offender's offender treatment history,
871 including a consultation from the sex offender's treating, or
872 most recent treating, therapist;

873 (VI) The sex offender's current mental status;

874 (VII) The sex offender's mental health and substance abuse
875 history as provided by the Department of Corrections;

876 (VIII) The sex offender's personal, social, educational,
877 and work history;

878 (IX) The results of current psychological testing of the
879 sex offender if determined necessary by the qualified
880 practitioner;

881 (X) A description of the proposed contact, including the
882 location, frequency, duration, and supervisory arrangement;

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883 (XI) The child's preference and relative comfort level
884 with the proposed contact, when age-appropriate;

885 (XII) The parent's or legal guardian's preference
886 regarding the proposed contact; and

887 (XIII) The qualified practitioner's opinion, along with
888 the basis for that opinion, as to whether the proposed contact
889 would likely pose significant risk of emotional or physical harm
890 to the child.

891

892 The written report of the assessment must be given to the
893 commission.

894 b. A recommendation made as a part of the risk-assessment
895 report as to whether supervised contact with the child should be
896 approved;

897 c. A written consent signed by the child's parent or legal
898 guardian, if the parent or legal guardian is not the sex
899 offender, agreeing to the sex offender having supervised contact
900 with the child after receiving full disclosure of the sex
901 offender's present legal status, past criminal history, and the
902 results of the risk assessment. The commission may not approve
903 contact with the child if the parent or legal guardian refuses
904 to give written consent for supervised contact;

905 d. A safety plan prepared by the qualified practitioner,
906 who provides treatment to the offender, in collaboration with
907 the sex offender, the child's parent or legal guardian, and the
908 child, when age appropriate, which details the acceptable
909 conditions of contact between the sex offender and the child.
910 The safety plan must be reviewed and approved by the Department
911 of Corrections before being submitted to the commission; and

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912 e. Evidence that the child's parent or legal guardian, if
913 the parent or legal guardian is not the sex offender,
914 understands the need for and agrees to the safety plan and has
915 agreed to provide, or to designate another adult to provide,
916 constant supervision any time the child is in contact with the
917 offender.

918
919 The commission may not appoint a person to conduct a risk
920 assessment and may not accept a risk assessment from a person
921 who has not demonstrated to the commission that he or she has
922 met the requirements of a qualified practitioner as defined in
923 this section.

924 6. If the victim was under age 18, a prohibition on
925 working for pay or as a volunteer at any school, day care
926 center, park, playground, or other place where children
927 regularly congregate, as prescribed by the commission.

928 7. Unless otherwise indicated in the treatment plan
929 provided by the sexual offender treatment program, a prohibition
930 on viewing, owning, or possessing any obscene, pornographic, or
931 sexually stimulating visual or auditory material, including
932 telephone, electronic media, computer programs, or computer
933 services that are relevant to the offender's deviant behavior
934 pattern.

935 8. Effective for a releasee whose crime is committed on or
936 after July 1, 2005, a prohibition on accessing the Internet or
937 other computer services until the offender's sex offender
938 treatment program, after a risk assessment is completed,
939 approves and implements a safety plan for the offender's
940 accessing or using the Internet or other computer services.

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941 9. A requirement that the releasee must submit two
942 specimens of blood to the Florida Department of Law Enforcement
943 to be registered with the DNA database.

944 10. A requirement that the releasee make restitution to
945 the victim, as determined by the sentencing court or the
946 commission, for all necessary medical and related professional
947 services relating to physical, psychiatric, and psychological
948 care.

949 11. Submission to a warrantless search by the community
950 control or probation officer of the probationer's or community
951 controllee's person, residence, or vehicle.

952 (b) For a releasee whose crime was committed on or after
953 October 1, 1997, in violation of chapter 794, s. 800.04, s.
954 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
955 conditional release supervision, in addition to any other
956 provision of this subsection, the commission shall impose the
957 following additional conditions of conditional release
958 supervision:

959 1. As part of a treatment program, participation in a
960 minimum of one annual polygraph examination to obtain
961 information necessary for risk management and treatment and to
962 reduce the sex offender's denial mechanisms. The polygraph
963 examination must be conducted by a polygrapher trained
964 specifically in the use of the polygraph for the monitoring of
965 sex offenders, where available, and at the expense of the sex
966 offender. The results of the polygraph examination shall not be
967 used as evidence in a hearing to prove that a violation of
968 supervision has occurred.

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969 2. Maintenance of a driving log and a prohibition against
970 driving a motor vehicle alone without the prior approval of the
971 supervising officer.

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

974 4. If there was sexual contact, a submission to, at the
975 probationer's or community controllee's expense, an HIV test
976 with the results to be released to the victim or the victim's
977 parent or guardian.

978 5. Electronic monitoring of any form when ordered by the
979 commission.

980 Section 28. Subsection (2) of section 948.03, Florida
981 Statutes, is amended to read:

982 948.03 Terms and conditions of probation.--

983 (2) The enumeration of specific kinds of terms and
984 conditions shall not prevent the court from adding thereto such
985 other or others as it considers proper. However, the sentencing
986 court may only impose a condition of supervision allowing an
987 offender convicted of s. 794.011, s. 800.04, s. 827.071, s.
988 847.0135(5), or s. 847.0145, to reside in another state, if the
989 order stipulates that it is contingent upon the approval of the
990 receiving state interstate compact authority. The court may
991 rescind or modify at any time the terms and conditions
992 theretofore imposed by it upon the probationer. However, if the
993 court withholds adjudication of guilt or imposes a period of
994 incarceration as a condition of probation, the period shall not
995 exceed 364 days, and incarceration shall be restricted to either
996 a county facility, a probation and restitution center under the
997 jurisdiction of the Department of Corrections, a probation
998 program drug punishment phase I secure residential treatment

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999 institution, or a community residential facility owned or
1000 operated by any entity providing such services.

1001 Section 29. Paragraph (c) of subsection (8) of section
1002 948.06, Florida Statutes, is amended to read:

1003 948.06 Violation of probation or community control;
1004 revocation; modification; continuance; failure to pay
1005 restitution or cost of supervision.--

1006 (8)

1007 (c) For purposes of this section, the term "qualifying
1008 offense" means any of the following:

1009 1. Kidnapping or attempted kidnapping under s. 787.01,
1010 false imprisonment of a child under the age of 13 under s.
1011 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
1012 or (c).

1013 2. Murder or attempted murder under s. 782.04, attempted
1014 felony murder under s. 782.051, or manslaughter under s. 782.07.

1015 3. Aggravated battery or attempted aggravated battery
1016 under s. 784.045.

1017 4. Sexual battery or attempted sexual battery under s.
1018 794.011(2), (3), (4), or (8)(b) or (c).

1019 5. Lewd or lascivious battery or attempted lewd or
1020 lascivious battery under s. 800.04(4), lewd or lascivious
1021 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
1022 conduct under s. 800.04(6)(b), ~~or~~ lewd or lascivious exhibition
1023 under s. 800.04(7)(b)~~(e)~~, or lewd or lascivious exhibition on
1024 computer under s. 847.0135(5)(b).

1025 6. Robbery or attempted robbery under s. 812.13,
1026 carjacking or attempted carjacking under s. 812.133, or home
1027 invasion robbery or attempted home invasion robbery under s.
1028 812.135.

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1029 7. Lewd or lascivious offense upon or in the presence of
1030 an elderly or disabled person or attempted lewd or lascivious
1031 offense upon or in the presence of an elderly or disabled person
1032 under s. 825.1025.

1033 8. Sexual performance by a child or attempted sexual
1034 performance by a child under s. 827.071.

1035 9. Computer pornography under s. 847.0135(2) or (3),
1036 transmission of child pornography under s. 847.0137, or selling
1037 or buying of minors under s. 847.0145.

1038 10. Poisoning food or water under s. 859.01.

1039 11. Abuse of a dead human body under s. 872.06.

1040 12. Any burglary offense or attempted burglary offense
1041 that is either a first degree felony or second degree felony
1042 under s. 810.02(2) or (3).

1043 13. Arson or attempted arson under s. 806.01(1).

1044 14. Aggravated assault under s. 784.021.

1045 15. Aggravated stalking under s. 784.048(3), (4), (5), or
1046 (7).

1047 16. Aircraft piracy under s. 860.16.

1048 17. Unlawful throwing, placing, or discharging of a
1049 destructive device or bomb under s. 790.161(2), (3), or (4).

1050 18. Treason under s. 876.32.

1051 19. Any offense committed in another jurisdiction which
1052 would be an offense listed in this paragraph if that offense had
1053 been committed in this state.

1054 Section 30. Subsection (2) of section 948.101, Florida
1055 Statutes, is amended to read:

1056 948.101 Terms and conditions of community control and
1057 criminal quarantine community control.--

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1058 (2) The enumeration of specific kinds of terms and
1059 conditions does not prevent the court from adding thereto any
1060 other terms or conditions that the court considers proper.
1061 However, the sentencing court may only impose a condition of
1062 supervision allowing an offender convicted of s. 794.011, s.
1063 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in
1064 another state if the order stipulates that it is contingent upon
1065 the approval of the receiving state interstate compact
1066 authority. The court may rescind or modify at any time the terms
1067 and conditions theretofore imposed by it upon the offender in
1068 community control. However, if the court withholds adjudication
1069 of guilt or imposes a period of incarceration as a condition of
1070 community control, the period may not exceed 364 days, and
1071 incarceration shall be restricted to a county facility, a
1072 probation and restitution center under the jurisdiction of the
1073 Department of Corrections, a probation program drug punishment
1074 phase I secure residential treatment institution, or a community
1075 residential facility owned or operated by any entity providing
1076 such services.

1077 Section 31. Subsections (1) and (2) of section 948.30,
1078 Florida Statutes, are amended to read:

1079 948.30 Additional terms and conditions of probation or
1080 community control for certain sex offenses.--Conditions imposed
1081 pursuant to this section do not require oral pronouncement at
1082 the time of sentencing and shall be considered standard
1083 conditions of probation or community control for offenders
1084 specified in this section.

1085 (1) Effective for probationers or community controllees
1086 whose crime was committed on or after October 1, 1995, and who
1087 are placed under supervision for violation of chapter 794, s.

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1088 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
1089 must impose the following conditions in addition to all other
1090 standard and special conditions imposed:

1091 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
1092 may designate another 8-hour period if the offender's employment
1093 precludes the above specified time, and the alternative is
1094 recommended by the Department of Corrections. If the court
1095 determines that imposing a curfew would endanger the victim, the
1096 court may consider alternative sanctions.

1097 (b) If the victim was under the age of 18, a prohibition
1098 on living within 1,000 feet of a school, day care center, park,
1099 playground, or other place where children regularly congregate,
1100 as prescribed by the court. The 1,000-foot distance shall be
1101 measured in a straight line from the offender's place of
1102 residence to the nearest boundary line of the school, day care
1103 center, park, playground, or other place where children
1104 congregate. The distance may not be measured by a pedestrian
1105 route or automobile route.

1106 (c) Active participation in and successful completion of a
1107 sex offender treatment program with qualified practitioners
1108 specifically trained to treat sex offenders, at the
1109 probationer's or community controllee's own expense. If a
1110 qualified practitioner is not available within a 50-mile radius
1111 of the probationer's or community controllee's residence, the
1112 offender shall participate in other appropriate therapy.

1113 (d) A prohibition on any contact with the victim, directly
1114 or indirectly, including through a third person, unless approved
1115 by the victim, the offender's therapist, and the sentencing
1116 court.

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1117 (e) If the victim was under the age of 18, a prohibition
1118 on contact with a child under the age of 18 except as provided
1119 in this paragraph. The court may approve supervised contact with
1120 a child under the age of 18 if the approval is based upon a
1121 recommendation for contact issued by a qualified practitioner
1122 who is basing the recommendation on a risk assessment. Further,
1123 the sex offender must be currently enrolled in or have
1124 successfully completed a sex offender therapy program. The court
1125 may not grant supervised contact with a child if the contact is
1126 not recommended by a qualified practitioner and may deny
1127 supervised contact with a child at any time. When considering
1128 whether to approve supervised contact with a child, the court
1129 must review and consider the following:

1130 1. A risk assessment completed by a qualified
1131 practitioner. The qualified practitioner must prepare a written
1132 report that must include the findings of the assessment and
1133 address each of the following components:

- 1134 a. The sex offender's current legal status;
1135 b. The sex offender's history of adult charges with
1136 apparent sexual motivation;
1137 c. The sex offender's history of adult charges without
1138 apparent sexual motivation;
1139 d. The sex offender's history of juvenile charges,
1140 whenever available;
1141 e. The sex offender's offender treatment history,
1142 including consultations with the sex offender's treating, or
1143 most recent treating, therapist;
1144 f. The sex offender's current mental status;
1145 g. The sex offender's mental health and substance abuse
1146 treatment history as provided by the Department of Corrections;

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1147 h. The sex offender's personal, social, educational, and
1148 work history;

1149 i. The results of current psychological testing of the sex
1150 offender if determined necessary by the qualified practitioner;

1151 j. A description of the proposed contact, including the
1152 location, frequency, duration, and supervisory arrangement;

1153 k. The child's preference and relative comfort level with
1154 the proposed contact, when age appropriate;

1155 l. The parent's or legal guardian's preference regarding
1156 the proposed contact; and

1157 m. The qualified practitioner's opinion, along with the
1158 basis for that opinion, as to whether the proposed contact would
1159 likely pose significant risk of emotional or physical harm to
1160 the child.

1161

1162 The written report of the assessment must be given to the court;

1163 2. A recommendation made as a part of the risk assessment
1164 report as to whether supervised contact with the child should be
1165 approved;

1166 3. A written consent signed by the child's parent or legal
1167 guardian, if the parent or legal guardian is not the sex
1168 offender, agreeing to the sex offender having supervised contact
1169 with the child after receiving full disclosure of the sex
1170 offender's present legal status, past criminal history, and the
1171 results of the risk assessment. The court may not approve
1172 contact with the child if the parent or legal guardian refuses
1173 to give written consent for supervised contact;

1174 4. A safety plan prepared by the qualified practitioner,
1175 who provides treatment to the offender, in collaboration with
1176 the sex offender, the child's parent or legal guardian, if the

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1177 parent or legal guardian is not the sex offender, and the child,
1178 when age appropriate, which details the acceptable conditions of
1179 contact between the sex offender and the child. The safety plan
1180 must be reviewed and approved by the court; and

1181 5. Evidence that the child's parent or legal guardian
1182 understands the need for and agrees to the safety plan and has
1183 agreed to provide, or to designate another adult to provide,
1184 constant supervision any time the child is in contact with the
1185 offender.

1186
1187 The court may not appoint a person to conduct a risk assessment
1188 and may not accept a risk assessment from a person who has not
1189 demonstrated to the court that he or she has met the
1190 requirements of a qualified practitioner as defined in this
1191 section.

1192 (f) If the victim was under age 18, a prohibition on
1193 working for pay or as a volunteer at any place where children
1194 regularly congregate, including, but not limited to, schools,
1195 day care centers, parks, playgrounds, pet stores, libraries,
1196 zoos, theme parks, and malls.

1197 (g) Unless otherwise indicated in the treatment plan
1198 provided by the sexual offender treatment program, a prohibition
1199 on viewing, accessing, owning, or possessing any obscene,
1200 pornographic, or sexually stimulating visual or auditory
1201 material, including telephone, electronic media, computer
1202 programs, or computer services that are relevant to the
1203 offender's deviant behavior pattern.

1204 (h) Effective for probationers and community controllees
1205 whose crime is committed on or after July 1, 2005, a prohibition
1206 on accessing the Internet or other computer services until the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1207 offender's sex offender treatment program, after a risk
1208 assessment is completed, approves and implements a safety plan
1209 for the offender's accessing or using the Internet or other
1210 computer services.

1211 (i) A requirement that the probationer or community
1212 controllee must submit a specimen of blood or other approved
1213 biological specimen to the Department of Law Enforcement to be
1214 registered with the DNA data bank.

1215 (j) A requirement that the probationer or community
1216 controllee make restitution to the victim, as ordered by the
1217 court under s. 775.089, for all necessary medical and related
1218 professional services relating to physical, psychiatric, and
1219 psychological care.

1220 (k) Submission to a warrantless search by the community
1221 control or probation officer of the probationer's or community
1222 controllee's person, residence, or vehicle.

1223 (2) Effective for a probationer or community controllee
1224 whose crime was committed on or after October 1, 1997, and who
1225 is placed on community control or sex offender probation for a
1226 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
1227 or s. 847.0145, in addition to any other provision of this
1228 section, the court must impose the following conditions of
1229 probation or community control:

1230 (a) As part of a treatment program, participation at least
1231 annually in polygraph examinations to obtain information
1232 necessary for risk management and treatment and to reduce the
1233 sex offender's denial mechanisms. A polygraph examination must
1234 be conducted by a polygrapher trained specifically in the use of
1235 the polygraph for the monitoring of sex offenders, where
1236 available, and shall be paid for by the sex offender. The

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1237 results of the polygraph examination shall not be used as
1238 evidence in court to prove that a violation of community
1239 supervision has occurred.

1240 (b) Maintenance of a driving log and a prohibition against
1241 driving a motor vehicle alone without the prior approval of the
1242 supervising officer.

1243 (c) A prohibition against obtaining or using a post office
1244 box without the prior approval of the supervising officer.

1245 (d) If there was sexual contact, a submission to, at the
1246 probationer's or community controllee's expense, an HIV test
1247 with the results to be released to the victim or the victim's
1248 parent or guardian.

1249 (e) Electronic monitoring when deemed necessary by the
1250 community control or probation officer and his or her
1251 supervisor, and ordered by the court at the recommendation of
1252 the Department of Corrections.

1253 Section 32. Subsection (1) of section 948.31, Florida
1254 Statutes, is amended to read:

1255 948.31 Diagnosis, evaluation, and treatment of offenders
1256 placed on probation or community control for certain sex
1257 offenses or child exploitation.--The court shall require a
1258 diagnosis and evaluation to determine the need of a probationer
1259 or offender in community control for treatment. If the court
1260 determines that a need therefor is established by such diagnosis
1261 and evaluation process, the court shall require outpatient
1262 counseling as a term or condition of probation or community
1263 control for any person who was found guilty of any of the
1264 following, or whose plea of guilty or nolo contendere to any of
1265 the following was accepted by the court:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1266 (1) Lewd or lascivious battery, lewd or lascivious
1267 molestation, lewd or lascivious conduct, or lewd or lascivious
1268 exhibition, as defined in s. 800.04 or s. 847.0135(5).
1269

1270 Such counseling shall be required to be obtained from a
1271 community mental health center, a recognized social service
1272 agency providing mental health services, or a private mental
1273 health professional or through other professional counseling.
1274 The plan for counseling for the individual shall be provided to
1275 the court for review.

1276 Section 33. This act shall take effect October 1, 2008.
1277

1278 -----

1279 T I T L E A M E N D M E N T

1280 Remove the entire title and insert:

1281 An act relating to exploited children; amending s. 92.56, F.S.;
1282 permitting use of a pseudonym to designate the victim of a crime
1283 involving a victim of production, possession, or promotion of
1284 child pornography; revising provisions concerning use of victim
1285 pseudonyms to specify that they may be used in civil and
1286 criminal proceedings; amending s. 796.035, F.S., prohibiting
1287 persons from selling minors knowing that as a result of the sale
1288 the minor will perform naked for compensation; amending s.
1289 800.04, F.S., relating to lewd or lascivious exhibition, to
1290 conform to changes made by the act; amending s. 847.0135, F.S.;
1291 to conform changes made by the act; creating s. 847.002, F.S.;
1292 requiring law enforcement officers to provide certain
1293 information to the National Center for Missing and Exploited
1294 Children; requiring law enforcement officers submitting a case
1295 for prosecution that involves the creation, possession, or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1296 promotion of child pornography to provide specified information
1297 to prosecutors; requiring prosecutors to enter specified
1298 information in a database maintained by the Attorney General;
1299 creating s. 847.01357, F.S.; providing a civil remedy for any
1300 person who, while under the age of 18, was a victim of certain
1301 sexual abuse crimes wherein any portion of that abuse was used
1302 in the production of child pornography and who suffers personal
1303 or psychological injury as a result of the production,
1304 promotion, or possession of such images; specifying damages;
1305 providing for limitation of actions; providing for confidential
1306 pseudonyms to specified claimants; precluding a defense to
1307 certain civil actions; permitting the Attorney General to pursue
1308 cases on behalf of victims; providing for disposition of damages
1309 and attorney's fees; amending s. 960.03, F.S.; expanding the
1310 definition of "crime" for purposes of victim compensation to
1311 include violations of ss. 827.071, 847.0135, 847.0137, and
1312 847.038, related to on-line sexual exploitation and child
1313 pornography; defining the term "known victim of child
1314 pornography;" expanding the definition of "victim" for purposes
1315 of victim compensation to include a person less than 18 years of
1316 age who was present at the scene of a crime, saw or heard the
1317 crime, and suffered a psychiatric or psychological injury
1318 because of the crime, but who was not physically injured;
1319 creating s. 960.197, F.S.; authorizing victim compensation
1320 awards to certain persons who suffer psychiatric or
1321 psychological injury as a result of certain crimes; amending ss.
1322 90.404, 92.565, 394.912, 409.2355, 775.082, 775.084, 775.15,
1323 775.21, 784.048, 787.01, 787.02, 787.025, 794.065, 914.16,
1324 921.0022, 921.244, 938.10, 943.0435, 943.04354, 943.0585,
1325 943.059, 944.606, 944.607, 947.1405, 948.013, 948.03, 948.06,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1326 948.101, 948.30, 948.31, and 948.32, F.S.; conforming provisions
1327 to changes made by the act; providing an effective date.

1328

1329 WHEREAS, children who are sexually abused and then
1330 exploited by the creation of permanent images of that sexual
1331 abuse through child pornography are further harmed by the
1332 continued possession, promotion, and distribution of those
1333 images on the Internet, and

1334 WHEREAS, the possession of child pornography is not a
1335 victimless crime, and over 1,200 victims of child pornography
1336 are known by law enforcement, over 30 of whom were citizens of
1337 this state at the time of their abuse, and

1338 WHEREAS, victims of child pornography suffer repeated
1339 unending abuse not only as children, but throughout their lives,
1340 by those individuals who engage in the collection and
1341 distribution of the image of the victim's sexual abuse and
1342 exploitation, and

1343 WHEREAS, victims of child pornography currently do not
1344 receive notice, consideration, compensation, or any other rights
1345 assured to crime victims in this state pursuant to chapter 960,
1346 F.S., and

1347 WHEREAS, victims of child pornography are entitled to be
1348 heard and considered in any case involving the production,
1349 possession, and promotion of an image of their sexual-abuse, and
1350 these victims are due all the rights and protections afforded
1351 every other crime victim in this state, NOW, THEREFORE,

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 773 : Judicial Sales

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia		X			
Audrey Gibson		X			
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 13		Total Nays: 2			

Appearances:

HB 773

Fred Baggett (Lobbyist) - Proponent

Florida Association of Court Clerks

101 E College Avenue

Tallahassee FL

Phone: 850-425-8512

HB 773

Craig McIntire, Vice President - Information Only

Real Auction, LLC

861 SW 78th Ave, Suite 102

Plantation FL 33324

Phone: 954-734-7400

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 773**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Favorable
3-26-08*

1 Council/Committee hearing bill: Safety & Security Council
2 Representative(s) Dorworth offered the following:

3
4 **Substitute Amendment for Amendment (No. 1) by**
5 **Representative Dorworth (with title amendments)**

6 Remove line(s) 25-41 and insert:
7 comply with the procedures provided in this chapter, except that
8 electronic proxy bidding shall be allowed and the clerk may
9 require bidders to advance sufficient funds to pay the deposit
10 required by subsection (3). The clerk shall provide access to
11 the electronic sale by computer terminals open to the public at
12 a designated location; and shall accept an advance credit proxy
13 bid from the plaintiff of any amount up to the maximum allowable
14 credit bid of the plaintiff. A clerk who conducts such
15 electronic sales may receive electronic deposits and payments
16 related to the sale.

17 Section 2. Subsection (3) is added to section 45.035,
18 Florida Statutes, to read:

19 45.035 Clerk's fees.--In addition to other fees or service
20 charges authorized by law, the clerk shall receive service

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

21 charges related to the judicial sales procedure set forth in ss.
22 45.031-45.034 and this section:

23 (3) If the sale is conducted by electronic means, as
24 provided in s. 45.031(10), the clerk shall receive an additional
25 service charge of \$40 for services in conducting or contracting
26 for the electronic sale, which service charge shall be assessed
27 as costs and shall be advanced by the plaintiff before the sale.
28 If the clerk requires advance electronic deposits to secure the
29 right to bid, such deposits shall not be subject to the fee
30 under s. 28.24(10). The portion of an advance deposit from a
31 winning bidder required by s. 45.031(3) shall, upon acceptance
32 of the winning bid, be subject to the fee under s. 28.24(10).

33 Section 3. Subsection (4) is added to section 197.542,
34 Florida Statutes, to read:

35 197.542 Sale at public auction.--

36 (4) Any clerk who conducts electronic foreclosure sales
37 pursuant to s. 43.031(10), may also conduct electronic tax deed
38 sales in lieu of public outcry. The clerk must comply with the
39 procedures provided in this chapter, except that electronic
40 proxy bidding shall be allowed and the clerk may require bidders
41 to advance sufficient funds to pay the deposit required by
42 subsection (2). The clerk shall provide access to the
43 electronic sale by computer terminals open to the public at a
44 designated location. A clerk who conducts such electronic sales
45 may receive electronic deposits and payments related to the
46 sale. The portion of an advance deposit from a winning bidder
47 required by s. 197.542(4) shall, upon acceptance of the winning
48 bid, be subject to the fee under s. 28.24(10).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

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T I T L E A M E N D M E N T

Remove line(s) 5-11 and insert:

with specified procedures; providing exceptions; requiring clerks to provide public access terminals for electronic sales; permitting clerks to receive electronic payments and deposits related to electronic sales; amending s. 45.035, F.S.; providing a service charge to be received by clerks for sales conducted by electronic means under a specified provision; providing an exception to the fee for monies in the registry of the court; amending s. 197.542, F.S.; providing for electronic tax deed sales; requiring clerks to provide public access terminals for electronic sales; permitting clerks to receive electronic payments and deposits related to electronic sales; providing an effective date.



Committee on Safety & Security Council

Date 3/26/2008

Action favourable 3-26-08

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY
(may be used in Committee, but not on House Floor)

Amendment No. 1a

Bill No. 773

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

Representative(s)/The Committee on Frisbe

offered the following amendment: to amendment 1

Amendment

on page _____, line 37,

Remove "43.031(10)"

and insert "45.031(10)"

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 823 : Access to Dwelling Units

Not Considered

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 839 : Emergency Health Care Providers

Temporarily Deferred

Appearances:

HB 839

Alan Routman, President (General Public) - Proponent

Florida Orthopaedic Society

5601 N Dixie Hwy

Ft. Lauderdale FL 33334

Phone: 954-776-4707

HB 839

Joseph Tyndall, Chairman (General Public) - Proponent

Emergency Medicine, Florida College of Emergency Physicians

Shands, UF 1329 SW 16th Street

Gainesville FL 32608

Phone: 352-265-9511

HB 839

Vidor Friedman, MD, Director of Emergency Services (General Public) - Proponent

Florida Hospital/Celebration Health

13061 Water Point Blvd

Windermere FL 34786

Phone: 407-902-3441

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 839

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*favorable
3-26-08*

1 Council/Committee hearing bill: Safety & Security Council
 2 Representative(s) Homan offered the following:

Amendment (with title amendments)

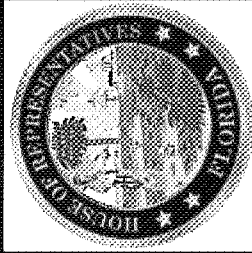
Remove line(s) 223-224 and insert:

applies to any cause of action accruing on or after that date,
and shall stand repealed 5 years after enactment.

T I T L E A M E N D M E N T

Remove line(s) 10-10 and insert:

effective date, providing for future repeal.

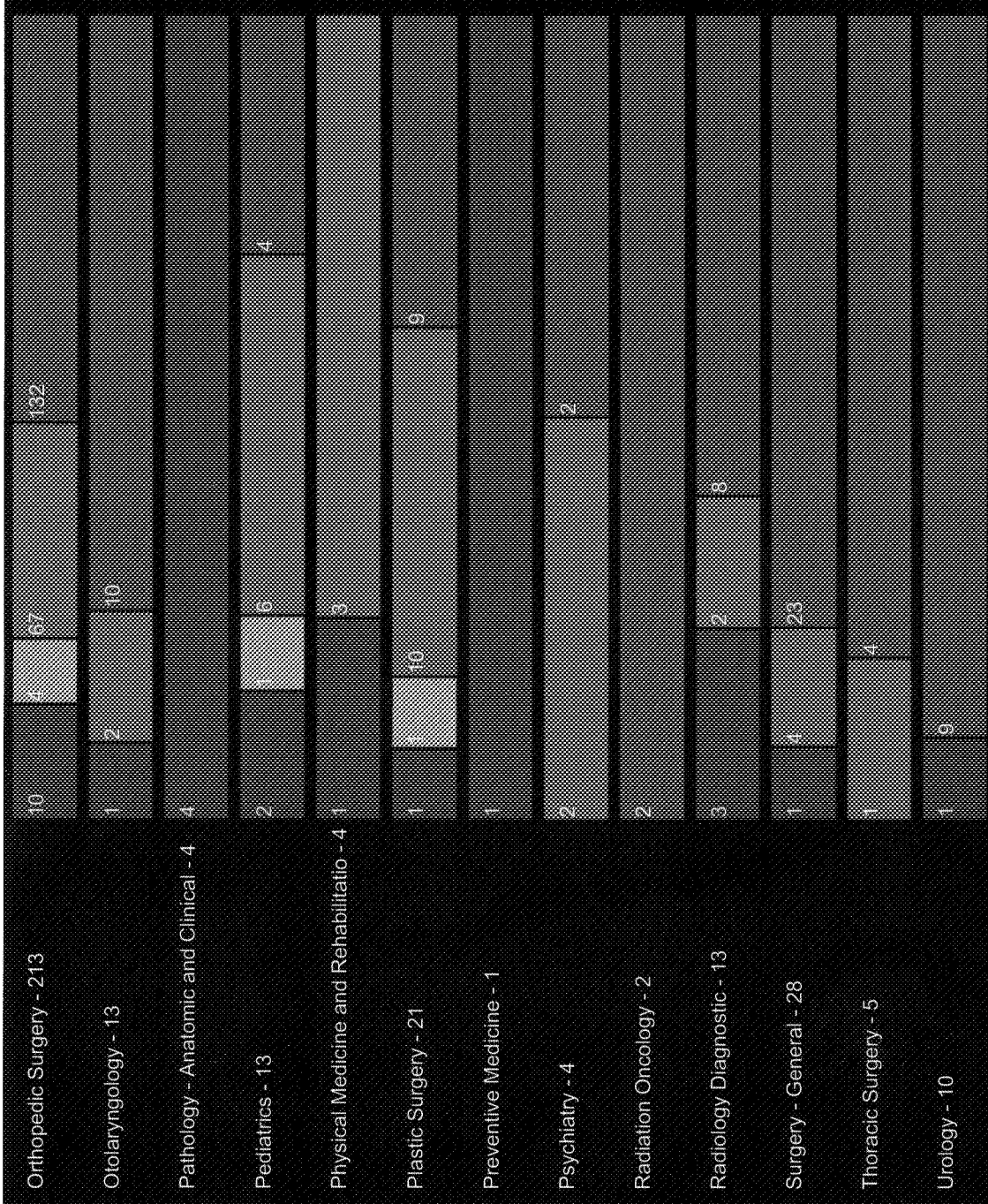


Ed Homan

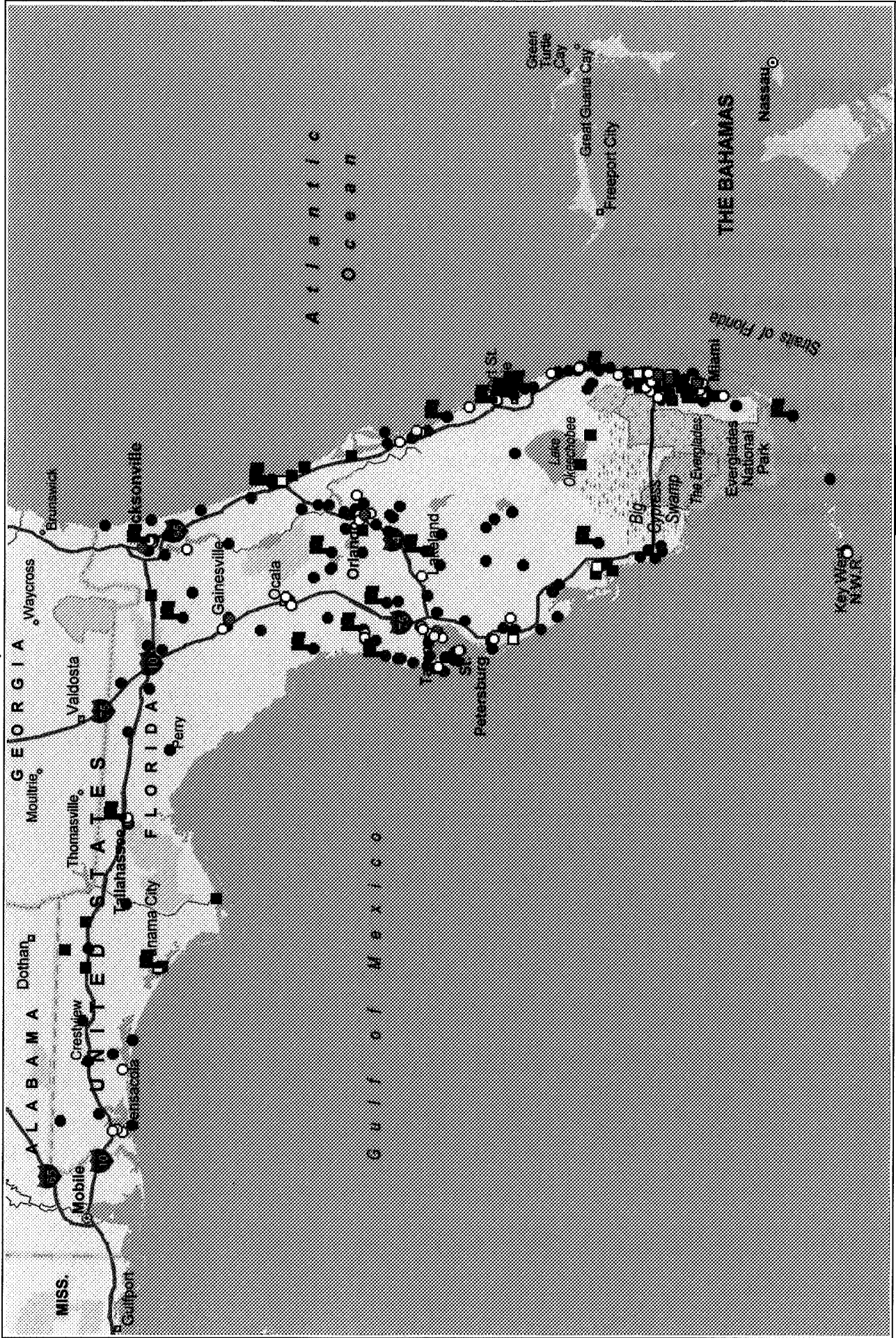
Survey - Sovereign Immunity for Emergency Healthcare Providers

- Home
- About
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- Orthopedics
- Representative
- Campaign 2008
- Mental Health
- Parity HB19

Specialty	No-No	Yes-No	No-Yes	Yes-Yes
Allergy and Immunology - 5	1	2	2	
Anesthesiology - 63	14	21	26	
Colon and Rectal Surgery - 1	1			
Dermatology - 12	2	8		2
Emergency Medicine - 47	3	19	25	
Family Medicine - 24	4	16		4
Internal Medicine - 51	16		18	17
Neurological Surgery - 11	1	2	8	
Neurology - 10	1	3	6	
No Clinical Practice - 7	3		4	
Obstetrics and Gynecology - 47	8	15	24	
Ophthalmology - 32	4	2	12	14



FL-Hospitals



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HOSPITAL LEGEND

Squares are public hospitals

Circles are private hospitals

Purple indicates Level I Trauma

Yellow indicates Level II Trauma

Green indicates ER service

White indicates no ER

Red flags indicate specialty bypass
For Neurosurgery, Orthopedics, ENT,
Or Plastic Surgery

Tonelli, Paula

From: PTALLY@aol.com
Sent: Sunday, March 23, 2008 10:37 PM
To: Homan, Ed
Subject: Immunity

Follow Up Flag: Follow up
Flag Status: Flagged

No question that the 5 neurosurgeons would consider taking call much more readily if sovereign immunity were available. We have had to basically give up two hospital ER call schedules in the last year so as to minimize our exposure and therefore liability. phil tally. senior neurosurgeon, Bradenton. Thanks for your efforts.

Create a Home Theater Like the Pros. [Watch the video on AOL Home.](#)

Tonelli, Paula

From: Michael Shapiro [mshapiro@cfl.rr.com]
Sent: Monday, March 24, 2008 10:33 PM
To: Homan, Ed
Subject: sovereign immunity case

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Dear Dr Homan,

Below is a brief letter that I wrote to my FL State Senator back in 2003 at the height of the malpractice crisis. About 3 weeks ago I had a very similar case which also required an emergent transfer to Gainesville. The situation has only gotten worse since 2003.

As an emergency physician, I was not able to respond to your poll about whether I would "take ER call". However I can tell you that I am planning to leave the practice of emergency medicine this year after almost 20 years of practice, in large part due to the huge liability exposure and cost of insurance as well as the hassle and stress of trying to obtain backup care in situations like this. In my opinion, extending sovereign immunity protection to physicians who are willing to provide ER coverage, regardless of patients' ability to pay is a critical step that we must take in order to ensure that such care is available.

Michael A Shapiro MD FACEP FAAEM
Emergency Physician
Melbourne, FL
321-254-6218

Dear Sir,

I am an ER physician in Melbourne. Yesterday I had a young patient with a severe hand injury from a saw. I struggled to try and find a surgeon to take care of him. Because of the medical liability disaster in this state, care for this type of problem is no longer available in our area. After a couple of hours calling around the state (and an expensive helicopter trip) I finally was able to get a surgeon at Shands to accept him. The system of emergency medical care is rapidly collapsing and this is causing real damage to real people right now. The need for the FL Senate's legislative relief for emergency care is urgent.

Subject: FW: ER sovereign immunity bill
Date: Mon, 24 Mar 2008 17:45:59 -0400
From: "Homan, Ed" <Ed.Homan@myfloridahouse.gov>
To: mail@edhoman.com

From: Goldberg, Steven M.D. [mailto:Steven.Goldberg@pmc.hma.org]
Sent: Monday, March 24, 2008 5:22 PM
To: Homan, Ed
Cc: Goldberg, Steven M.D.
Subject: ER sovereign immunity bill

Dear Dr. Homan,

My name is Steve Goldberg and I am a young orthopaedic surgeon in Naples, FL in practice now for 2 years. I was forwarded your email today regarding your bill for sovereign immunity in the ER setting.

I am so glad that someone understands the situation, and is willing to put forth the legislation, that will allow doctors to actually help. This is the single most important issue facing young doctors today, and is the single biggest reason why patients cannot get access to specialists in acute situations.

While your survey simply asks if doctors who don't take call now will start to if the bill passes, it misses a more obvious question - will more doctors simply be willing to help? Will you take *more* ER call or sign up for privileges at additional hospitals if the bill passes? Will a doctor who is already taking call be less likely to want to get out of their "call day"? Will doctors who are on the verge of retiring be willing to stay in practice longer without the worry of ER liability?

Taking care of trauma patients through the ER is part of the most challenging yet most personally rewarding aspects of practicing orthopaedic surgery. I am able to help those who truly need help the most. However, the financial (or lack thereof) side of emergency care makes less doctors want to participate in the call rotations. Adding the threat of a possible devastating, career changing lawsuit, which could come from any patient, at any time, with any unhappy outcome and it just doesn't make sense to want to care for emergency patients. Any defense attorney, any financial advisor, or any older physician will tell you the same - avoid the ER as much as possible. The threat of potential liability makes doctors stay as far away from the patients we should be attending to first. It may sound negative, but it is the truth.

I hope your legislation passes. I would be happy to talk to you more about this, or you may use my name as an example of a young doctor, who hopes to be caring for Floridians for the next 25 years or so, who feels strongly about this issue. If there is anything I can do to help, please let me know. I will also be in Orlando April 3-6 at the AAOS-ASES Biennial Meeting.

Sincerely,

Steven Goldberg, MD
Department of Orthopaedic Surgery
Physicians Regional Medical Center
Naples, Florida
239-348-4242

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 1029 : Protection of Minors Online

Not Considered

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 1105 : Community Associations

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 1105

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Courts

2 Representative(s) Rivera offered the following:

3

4 **Amendment**

5 Remove line 108 and insert:

6 may be filed by the association against a condominium unit until

7 30 days after the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. HB 1105

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Courts

2 Representative(s) Frishe offered the following:

3

4 **Amendment (with title amendment)**

5 Remove line 142 and insert:

6 of competent jurisdiction. No lien may be filed by the
7 association against a

8

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 1133 : Unauthorized Copies of Recordings

Temporarily Deferred

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 1341 : Contingency Fee Agreements Between State Entities and Private Attorneys

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson		X			
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor		X			
Nicholas Thompson	X				
Perry Thurston		X			
Dick Kravitz (Chair)	X				
Total Yeas: 13		Total Nays: 3			

Appearances:

HB 1341

Jeff Takacs, Legislative Coordinator (Lobbyist) (State Employee) - Proponent

Attorney General's Office

PL-01, The Capitol

Tallahassee FL 32399

Phone: 850-245-0155

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 1341

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Constitution &
2 Civil Law

3 Representative Cannon offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 16.0155, Florida Statutes, is created
8 to read:

9 16.0155 Contingency fee agreements.--

10 (1) For the purpose of this section, the following
11 definitions shall apply:

12 (a) The "Department" means the Department of Legal
13 Affairs.

14 (b) "Private Attorney" means any private attorney or law
15 firm.

16 (2) The Department shall not enter into a contingency fee
17 contract with a private attorney unless the Attorney General
18 makes a written determination, prior to entering into such a
19 contract, that contingency fee representation is both cost-
20 effective and in the public interest. Any written determination
21 shall include specific findings for each of the following
22 factors:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (a) Whether there exist sufficient and appropriate legal
24 and financial resources within the Department to handle the
25 matter.

26 (b) The time and labor required; the novelty, complexity,
27 and difficulty of the questions involved; and the skill
28 requisite to perform the attorney services properly.

29 (c) The geographic area where the attorney services are to
30 be provided.

31 (d) The amount of experience desired for the particular
32 kind of attorney services to be provided and the nature of the
33 private attorney's experience with similar issues or cases.

34 (3) When the Attorney General makes the determination set
35 forth in subsection (2), then, notwithstanding the exemption
36 provided in s. 287.057(5)(f), the Attorney General shall request
37 proposals from private attorneys to represent the Department on
38 a contingency fee basis, unless the Attorney General determines
39 in writing that requesting proposals is not feasible under the
40 circumstances. The written determination does not constitute a
41 final agency action subject to review pursuant to ss. 120.569
42 and 120.57. For purposes of this subsection only, the
43 Department is exempt from the requirements of s. 120.57(3), and
44 neither the request for proposals nor the contract award shall
45 be subject to challenge pursuant to ss. 120.569 and 120.57.

46 (4) In addition to the requirements set forth in section
47 287.059(16), any private attorney shall maintain detailed
48 contemporaneous time records for the attorneys and paralegals
49 working on the matter in increments of no greater than 1/10 of
50 an hour and shall promptly provide these records to the
51 Department, upon request.

52 (5) Notwithstanding section 287.059(7)(a), no contingency
53 fee contract entered into by the Department shall provide for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 the private attorney to receive an aggregate contingency fee in
55 excess of:

56 (a) 25 percent of any recovery of up to \$10 million;

57 (b) 20 percent of any portion of such recovery between \$10
58 million and \$15 million;

59 (c) 15 percent of any portion of such recovery between \$15
60 million and \$20 million;

61 (d) 10 percent of any portion of such recovery between \$20
62 million and \$25 million; and

63 (e) 5 percent of any portion of such recovery exceeding
64 \$25 million.

65
66 In no event shall the aggregate contingency fee exceed \$50
67 million, exclusive of reasonable costs and expenses, and
68 irrespective of the number of lawsuits filed or the number of
69 private attorneys retained to achieve the recovery.

70 (6) Copies of any executed contingency fee contract and
71 the Attorney General's written determination to enter into a
72 contingency fee contract with the private attorney shall be
73 posted on the Department's website for public inspection within
74 five business days of the date the contract is executed and
75 shall remain posted on the website for the duration of the
76 contingency fee contract, including any extensions or amendments
77 thereto. Any payment of contingency fees shall be posted on the
78 Department's website within fifteen days of the payment of such
79 contingency fees to the private attorney and shall remain posted
80 on the website for at least 180 days thereafter.

81 Section 2. This act shall take effect July 1, 2008.

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Amendment No. 1

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T I T L E A M E N D M E N T

Remove the entire title and insert:

An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination before entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency fee basis unless the Attorney General determines in writing that requesting such proposals is not appropriate under the circumstances; providing that the written determination does not constitute a final agency action subject to review pursuant to state law; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

116 upon request; limiting the amount of a contingency fee
117 that may be paid to a private attorney pursuant to a
118 contract with the department; requiring that copies of
119 any executed contingency fee contract and the Attorney
120 General's written determination to enter into such
121 contract be posted on the department's website within
122 a specified period after the date on which such
123 contract is executed; requiring that such information
124 remain posted on the website for a specified duration;
125 requiring that the amount of any payment of
126 contingency fees be posted on the department's website
127 within a specified period after the date on which
128 payment of such contingency fees is made to the
129 private attorney; requiring that such information
130 remain posted on the website for a specified duration;
131 providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HB 1341

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

*Favorable
3-26-08*

1 Council/Committee hearing bill: Safety & Security Council
 2 Representative(s) Llorente offered the following:

Amendment to Amendment 1 by Representative Cannon

Remove line(s) 56-64 and insert:

(a) 25 percent of any recovery of up to \$10 million; plus

(b) 20 percent of any portion of such recovery between \$10 million and \$15 million; plus

(c) 15 percent of any portion of such recovery between \$15 million and \$20 million; plus

(d) 10 percent of any portion of such recovery between \$20 million and \$25 million; plus

(e) 5 percent of any portion of such recovery exceeding \$25 million.

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COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 1363 : Controlled Substances

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas				X	
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 1363

Bill Helmich (Lobbyist) - Proponent

Miami-Dade

303 Johns Drive

Tallahassee FL 32301

Phone: 850-251-3126

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

Bill No. 1363

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION x (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Homeland Security
2 & Public Safety

3 Representative(s) Brandenburg offered the following:

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Amendment (with title amendment)

On page 3, delete lines 78-79, and insert:

35. Salvia divinorum, except for any drug product approved by the United States Food and Drug Administration which contains Salvia divinorum or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.

36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.

T I T L E A M E N D M E N T

Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

22 An act relating to controlled substances; amending s. 893.03,
23 F.S.; including Salvia divinorum and Salvinorin A on the list of
24 controlled substances in Schedule I; providing exceptions from
25 the scheduling of Salvia divinorum and Salvinorin A; reenacting
26 ss. 893.13(1)(a), (c), (d), (e), (f), and (h), (2)(a), (4)(b),
27 and (5)(b), and 921.0022(3)(b), (c), and (e), F.S., relating to
28 prohibited acts and penalties concerning controlled substances
29 and the offense severity chart of the Criminal Punishment Code,
30 to incorporate the amendment to s. 893.03, F.S., in references
31 thereto; providing an effective date.

32

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 1395 : Council on the Social Status of Black Men and Boys

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas				X	
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 1395

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Constitution &
2 Civil Law

3 Representative Llorente offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 16.615, Florida Statutes, is amended to
8 read:

9 16.615 Council on the Social Status of Black Men and
10 Boys.--

11 (1) The Council on the Social Status of Black Men and Boys
12 is established within the Department of Legal Affairs and shall
13 consist of 19 members appointed as follows:

14 (a) Two members of the Senate who are not members of the
15 same political party, appointed by the President of the Senate
16 with the advice of the Minority Leader of the Senate.

17 (b) Two members of the House of Representatives who are
18 not members of the same political party, appointed by the
19 Speaker of the House of Representatives with the advice of the
20 Minority Leader of the House of Representatives.

21 (c) The Secretary of Children and Family Services or his
22 or her designee.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (d) The director of the Mental Health Program Office
24 within the Department of Children and Family Services or his or
25 her designee.

26 (e) The State Surgeon General or his or her designee.

27 (f) The Commissioner of Education or his or her designee.

28 (g) The Secretary of Corrections or his or her designee.

29 (h) The Attorney General or his or her designee.

30 (i) The Secretary of Management Services or his or her
31 designee.

32 (j) The director of the Agency for Workforce Innovation or
33 his or her designee.

34 (k) A businessperson who is an African American, as
35 defined in s. 760.80(2), ~~of black origin~~ appointed by the
36 Governor.

37 (l) Two persons appointed by the President of the Senate
38 who are not members of the Legislature or employed by state
39 government. One of the appointees must be a clinical
40 psychologist.

41 (m) Two persons appointed by the Speaker of the House of
42 Representatives who are not members of the Legislature or
43 employed by state government. One of the appointees must be an
44 Africana studies professional.

45 (n) The deputy secretary for Medicaid in the Agency for
46 Health Care Administration or his or her designee.

47 (o) The Secretary of Juvenile Justice or his or her
48 designee.

49 (2) Each member of the council shall be appointed to a 4-
50 year term; however, for the purpose of providing staggered
51 terms, of the initial appointments, 9 members shall be appointed
52 to 2-year terms and 10 members shall be appointed to 4-year
53 terms. A member of the council may be removed at any time by the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 member's appointing authority who shall fill the vacancy on the
55 council.

56 (3) (a) At the first meeting of the council each year, the
57 members shall elect a chair and a vice chair.

58 (b) A vacancy in the office of chair or vice chair shall
59 be filled by vote of the remaining members.

60 (4) (a) The council shall make a systematic study of the
61 conditions affecting black men and boys, including, but not
62 limited to, homicide rates, arrest and incarceration rates,
63 poverty, violence, drug abuse, death rates, disparate annual
64 income levels, school performance in all grade levels including
65 postsecondary levels, and health issues.

66 (b) The council shall propose measures to alleviate and
67 correct the underlying causes of the conditions described in
68 paragraph (a). These measures may consist of changes to the law
69 or systematic changes that can be implemented without
70 legislative action.

71 (c) The council may study other topics suggested by the
72 Legislature or as directed by the chair of the council.

73 (d) The council shall receive suggestions or comments
74 pertinent to the applicable issues from members of the
75 Legislature, governmental agencies, public and private
76 organizations, and private citizens.

77 (e) The council shall monitor outcomes of the direct-
78 support organization created pursuant to s. 16.616.

79 (f) The council shall develop a strategic program and
80 funding initiative to establish local Councils on the Social
81 Status of Black Men and Boys.

82 (5) The council may:

83 (a) Access data held by any state departments or agencies,
84 which data is otherwise a public record;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

85 (b) Make requests directly to the Joint Legislative
86 Auditing Committee for assistance with research and monitoring
87 of outcomes by the Office of Program Policy Analysis and
88 Government Accountability;

89 (c) Request, through council members who are also
90 legislators, research assistance from the Office of Economic and
91 Demographic Research within the Florida Legislature;

92 (d) Request information and assistance from the state or
93 any political subdivision, municipal corporation, public
94 officer, or governmental department thereof;

95 (e) Apply for and accept funds, grants, gifts, and
96 services from the state, the government of the United States or
97 any of its agencies, or any other public or private source for
98 the purpose of defraying clerical and administrative costs as
99 may be necessary for carrying out its duties under this act.

100 (6) ~~(5)~~ The Office of the Attorney General shall provide
101 staff and administrative support to the council.

102 (7) ~~(6)~~ The council shall meet quarterly and at other times
103 at the call of the chair or as determined by a majority of
104 council members and approved by the Attorney General.

105 (8) ~~(7)~~ Eleven of the members of the council shall
106 constitute a quorum, and an affirmative vote of a majority of
107 the members present is required for final action.

108 (9) ~~(8)~~(a) The council shall issue its first annual report
109 by December 15, 2007, and by December 15 each following year,
110 stating the findings, conclusions, and recommendations of the
111 council. The council shall submit the report to the Governor,
112 the President of the Senate, the Speaker of the House of
113 Representatives, and the chairpersons of the standing committees
114 of jurisdiction in each chamber.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

115 (b) The initial report must include the findings of an
116 investigation into factors causing black-on-black crime from the
117 perspective of public health related to mental health, other
118 health issues, cultural disconnection, and cultural identity
119 trauma.

120 (10)~~(9)~~ Members of the council shall serve without
121 compensation. Members are entitled to reimbursement for per diem
122 and travel expenses as provided in s. 112.061. State officers
123 and employees shall be reimbursed from the budget of the agency
124 through which they serve. Other members may be reimbursed by the
125 Department of Legal Affairs.

126 (11) ~~(10)~~ The council and any subcommittees it forms are
127 ~~shall be~~ subject to the provisions of chapter 119, related to
128 public records, and the provisions of chapter 286, related to
129 public meetings.

130 (12) ~~(11)~~ Each member of the council who is not otherwise
131 required to file a financial disclosure statement pursuant to s.
132 8, Art. II of the State Constitution or s. 112.3144, must file a
133 disclosure of financial interests pursuant to s. 112.3145.

134 ~~(12) Notwithstanding subsection (6), the Attorney General~~
135 ~~shall:~~

136 ~~(a) Within 60 days after the effective date of this act,~~
137 ~~fix a date for the initial meeting of the council.~~

138 ~~(b) Notify each member of the council of the time, date,~~
139 ~~and place where the initial meeting will be held.~~

140 ~~(c) Make any other arrangements concerning the initial~~
141 ~~meeting of the council.~~

142 ~~(d) Serve as the presiding officer at the initial meeting~~
143 ~~of the council until a chair is elected.~~

144 ~~(13) This section expires July 1, 2012, unless reenacted~~
145 ~~by the Legislature.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

146 Section 2. Section 16.616, Florida Statutes, is created to
147 read:

148 16.616 Direct-support organization.--

149 (1) The Department of Legal Affairs shall establish a
150 direct-support organization which is:

151 (a) A Florida corporation, not for profit, incorporated
152 under the provisions of chapter 617 and approved by the
153 Secretary of State.

154 (b) Organized and operated exclusively to solicit funds;
155 request and receive grants, gifts, and bequests of money;
156 acquire, receive, hold, invest, and administer, in its own name,
157 property and funds and to make expenditures for the benefit of
158 the purposes as specified by this act.

159 (c) Certified by the Department of Legal Affairs, after
160 review, to be operating in a manner consistent with the
161 statutory goals of the organization and in the best interests of
162 the state.

163 (2) The direct-support organization shall operate under
164 written contract with the Department of Legal Affairs. The
165 contract must provide for:

166 (a) Approval of the articles of incorporation and bylaws
167 of the direct-support organization by the Department.

168 (b) Submission of an annual budget for the approval by the
169 Department.

170 (c) Certification by the Department that the direct-
171 support organization is complying with the terms of the contract
172 and in a manner consistent with the statutory goals and purposes
173 and in the best interests of the state. Such certification must
174 be made annually.

175 (d) The reversion to the Department of moneys and property
176 held in trust by the direct-support organization if the direct-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

177 support organization is no longer approved to operate or ceases
178 to exist.

179 (e) The disclosure of material provisions of the contract
180 and the distinction between the Board of Directors and the
181 direct-support organization to donors of gifts, contributions,
182 or bequests, as well as on all promotional and fundraising
183 publications.

184 (f) An annual financial audit in accordance with
185 s. 215.981.

186 (g) The fiscal year of the direct-support organization, to
187 begin July 1 of each year and end June 30 of the following year.

188 (h) Appointment of the Board of Directors to be made
189 pursuant to this section.

190 (i) Authority of the Board of Directors of the direct-
191 support organization to hire an executive director.

192 (3) The Board of Directors of the direct-support
193 organization shall consist of 13 members. Each member of the
194 Board of Directors shall be appointed to a four-year term;
195 however, for the purpose of providing staggered terms, the
196 Speaker of the House of Representatives and the President of the
197 Senate shall each initially appoint two members to serve a two
198 year term, and the Attorney General and the President of the
199 Council on the Social Status of Black Men and Boys shall each
200 initially appoint one member to serve a two year term. All
201 subsequent appointments shall be for four year terms. Any
202 vacancy that occurs shall be filled in the same manner as the
203 original appointment and shall be for the unexpired term of that
204 seat. The Board of Directors shall be appointed as follows:

205 (a) Two members of the Council on the Social Status of
206 Black Men and Boys, appointed by the President of the Council.

207 (b) Three members appointed by the Attorney General.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

208 (c) Four members appointed by the Speaker of the House of
209 Representatives.

210 (d) Four members appointed by the President of the Senate.

211 (4) In conjunction with the Council on the Social Status
212 of Black Men and Boys, and funded exclusively by the direct-
213 support organization, the direct-support organization shall form
214 strategic partnerships to foster the development of community
215 and private sector resources; and act as a liaison with state
216 agencies, other state governments, and the public and private
217 sectors on matters that relate to underlying conditions that
218 affect black men and boys to bring about an environment that
219 promotes the values of learning, family, prosperity, unity, and
220 self-worth. To that end, the direct-support organization is
221 charged with the following duties:

222 (a) Develop a strategic program and funding initiative to
223 implement the 5000 Role Models of Excellence in Broward, Palm
224 Beach, Duval, Orange, and Hillsborough Counties. The strategic
225 plan and funding initiative shall be reported back to the
226 Legislature by February 15, 2009.

227 (b) Develop a strategic program and funding initiative to
228 implement the Reading 4 Success Program by the 100 Black Men of
229 Florida in Broward, Miami-Dade, Palm Beach, Duval, Orange,
230 Pinellas, and Hillsborough Counties. The strategic plan and
231 funding initiative shall be reported back to the Legislature by
232 February 15, 2009.

233 (c) Develop a strategic program and funding initiative to
234 implement the One Church, One Child program statewide. The
235 strategic plan and funding initiative shall be reported back to
236 the Legislature by February 15, 2009.

237 (d) Develop a strategic program and funding initiative to
238 implement the Mapping the Future for Black Males Program within

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

239 community colleges identified by the Council on the Social
240 Status of Black Men and Boys. The strategic plan and funding
241 initiative shall be reported back to the Legislature by February
242 15, 2009.

243 (e) Develop a public awareness and marketing campaign
244 showcasing programs funded by the direct-support organization,
245 as well as other opportunities to implement the statutory duties
246 of the direct-support organization based on The Project One
247 Campaign developed by Mad 4 Marketing, which recognizes that
248 each one of us has a responsibility to make a difference in the
249 community.

250 (5) The direct-support organization may:

251 (a) Develop a strategic program and funding initiative to
252 implement a health-screening program using mobile screening
253 services.

254 (b) Hold a statewide Black Policy Summit in conjunction
255 with a Florida university.

256 (c) Create a compendium of intervention programs in each
257 county, which can be used to determine how to maximize existing
258 resources and address under-served populations or unmet needs.

259 (6) The direct-support organization shall consider the
260 participation of other Florida counties that demonstrate a
261 willingness to participate and an ability to be successful in
262 any programs funded by the direct-support organization.

263 Section 4. This act shall take effect July 1, 2008.

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267 T I T L E A M E N D M E N T
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269 Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

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An act relating to the Council on the Social Status of Black Men and Boys; amending s. 16.615, F.S.; removing outdated provisions; authorizing additional duties; removing a provision that discontinues the council under certain conditions; creating s. 16.616, F.S.; creating a direct-support organization; specifying duties and requiring a contract; providing for appointment of members of the Board of Directors; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HB 1395

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*Favorable
3.26.08*

1 Council/Committee hearing bill: Safety & Security Council
2 Representative(s) Llorente offered the following:

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Amendment to Amendment (1) by Representative Llorente

Remove line(s) 246 - 249 and insert:

of the direct-support organization and the Council on the Social
Status of Black Men and Boys, pursuant to s. 16.615(4). The
campaign should also encourage the idea that each one of us has
a responsibility to make a difference in the community.

(f) Fund the clerical and administrative costs of the
Council on the Social Status of Black Men and Boys, as may be
necessary for carrying out the Council's duties under s. 16.615.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. HB 1395

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*favorable
3.26.08*

1 Council/Committee hearing bill: Safety & Security Council
2 Representative(s) Llorente offered the following:

4 **Amendment to Amendment (1) by Representative Llorente**
5 Remove line(s) 263 and insert:

7 Section 4. The sum of \$50,000 of non-recurring funds is
8 appropriated from General Revenue to the Department of Legal
9 Affairs for the purpose of implementing the provisions of this
10 act.

11 Section 5. This act shall take effect July 1, 2008.



14 **TITLE AMENDMENT**
15 Remove line 278 and insert:
16 of the Board of Directors; providing an appropriation; providing
17 an effective date.

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COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

HB 1417 : Counterfeit Goods

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas				X	
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 1417

Jeff Takacs, Legislative Coordinator (Lobbyist) (State Employee) - Proponent

Attorney General's Office

PL-01, The Capitol

Tallahassee FL 32399

Phone: 850-245-0155

HB 1417

Barbara Cohen Pippin Ass't to President/Governmental Relations (Lobbyist) - Proponent

Broward Community College

225 E Las Olas

Ft. Lauderdale FL 33301

Phone: 954-201-7410

HB 1417

Brian Pitts - Information Only

Justice-2-Jesus

1119 Newton Ave S

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1417

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION x (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Homeland Security & Public Safety
2 Representative Gardiner offered the following:

Amendment

Remove lines 122-221 and insert:

Section 3. Section 831.032, Florida Statutes, is created to read:

831.032 Offenses involving forging or counterfeiting private labels.--

(1) Whoever, knowingly and willfully, forges or counterfeits, or causes or procures to be forged or counterfeited, manufactures, distributes or transports, or possesses with intent to distribute or transport, upon or in connection with any goods or services, the trademark or service mark of any person, entity, or association, which goods or services are intended for resale, or knowingly possesses tools or other reproduction materials for reproduction of specific forged or counterfeit trademarks or service marks commits the crime of counterfeiting.

(2) Whoever knowingly sells or offers for sale, or knowingly purchases and keeps or has in his or her possession,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 with intent that the same shall be sold or disposed, or vends
23 any goods having thereon a forged or counterfeit trademark, or
24 who knowingly sells or offers for sale any service which is sold
25 in conjunction with a forged or counterfeit service mark, of any
26 person, entity, or association, knowing the same to be forged or
27 counterfeited, commits the crime of selling or offering for sale
28 counterfeit goods or services.

29 (3) (a) Violation of subsection (1) or subsection (2) is
30 a misdemeanor of the first degree, punishable as provided in s.
31 775.082 or s. 775.083, except that:

32 1. A violation of subsection (1) or subsection (2) is a
33 felony of the third degree, punishable as provided in s.
34 775.082, s. 775.083, or s. 775.084, if the offense involves 100
35 or more but less than 1,000 items bearing one or more
36 counterfeit marks, or if the goods involved in the offense have
37 a total retail value of more than \$ 2,500, but less than
38 \$20,000.

39 2. A violation of subsection (1) or subsection (2) is a
40 felony of the second degree, punishable as provided in s.
41 775.082, s. 775.083, or s. 775.084, if the offense involves
42 1,000 or more items bearing one or more counterfeit marks or if
43 the goods involved in the offense have a total retail value of
44 \$20,000 or more.

45 3. A violation of subsection (1) or subsection (2) is a
46 felony of the third degree, punishable as provided in s.
47 775.082, s. 775.083, or s. 775.084 if, during the commission or
48 as a result of the commission of the offense, the person
49 engaging in the offense knowingly or by culpable negligence
50 causes or allows to be caused bodily injury to another.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

51 4. A violation of subsection (1) or subsection (2) is a
52 felony of the second degree, punishable as provided in s.
53 775.082, s. 775.083, or s. 775.084 if, during the commission or
54 as a result of the commission of the offense, the person
55 engaging in the offense knowingly or by culpable negligence
56 causes or allows to be caused serious bodily injury to another.

57 5. A violation of subsection (1) or subsection (2) is a
58 felony of the first degree, punishable as provided in s.
59 775.082, s. 775.083, or s. 775.084 if, during the commission or
60 as a result of the commission of the offense, the person
61 engaging in the offense knowingly or by culpable negligence
62 causes or allows to be caused death to another commits a felony
63 of the first degree, punishable as provided in s. 775.082, s.
64 775.083, or s. 775.084.

65 (b) For any person who, having previously been convicted
66 for an offense under this section, is subsequently convicted for
67 another offense under this section, such subsequent offense
68 shall be reclassified as follows:

69 1. In the case of a felony of the second degree, to a
70 felony of the first degree.

71 2. In the case of a felony of the third degree, to a
72 felony of the second degree.

73 3. In the case of a misdemeanor of the first degree, to a
74 felony of the third degree. For purposes of sentencing under
75 chapter 921 and determining incentive gain-time eligibility
76 under chapter 944, such offense is ranked in level 4 of the
77 offense severity ranking chart.

78
79 For purposes of sentencing under chapter 921 and determining
80 incentive gain-time eligibility under chapter 944, a felony

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

81 offense that is reclassified under this paragraph is ranked one
82 level above the ranking under s. 921.0022 or s. 921.0023 of the
83 felony offense committed.

84 (c) In lieu of a fine otherwise authorized by law, when
85 any person has been convicted of an offense under this section,
86 the court may fine the person up to three times the retail value
87 of the goods seized, manufactured, or sold, whichever is
88 greater, and may enter orders awarding court costs and the costs
89 of investigation and prosecution, reasonably incurred. The court
90 shall hold a hearing to determine the amount of the fine
91 authorized by this paragraph.

92 (d) When a person is convicted of an offense under this
93 section, the court, pursuant to s. 775.089, shall order the
94 person to pay restitution to the trademark owner and any other
95 victim of the offense. In determining the value of the property
96 loss to the trademark owner, the court shall include expenses
97 incurred by the trademark owner in the investigation or
98 prosecution of the offense as well as the disgorgement of any
99 profits realized by a person convicted of the offense.

100 (4) All defenses, affirmative defenses, and limitations on
101 remedies that would be applicable in an action under the Lanham
102 Act, 15 U.S.C. ss. 1051 et seq., or to an action under s.
103 495.131 shall be applicable in a prosecution under this section.

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-09 : Reorganization of the Parole Commission

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson		X			
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs		X			
William Snyder	X				
Priscilla Taylor		X			
Nicholas Thompson	X				
Perry Thurston		X			
Dick Kravitz (Chair)	X				
Total Yeas: 11		Total Nays: 4			

Appearances:

PCB SSC 08-09

Monica David, Chair (Lobbyist) (State Employee) - Opponent

Florida Parole Commission

2601 Blairstone Rd, Bldg C

Tallahassee FL

Phone: 850-487-1978

PCB SSC 08-09

Brian Pitts (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave, S

St. Petersburg FL

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
1		CORRECTIONS, DEPT OF						1
2	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	28,376.50	2,193,848,318		74,220,584	2,268,068,902	2
3	99A0000	STARTUP - RECURRING DEBT SERVICE (FCO)		26,341,340			26,341,340	3
4	160S110	Transfer Funds From Incorrect Funding Source Identifier				550,000	550,000	4
5	160S120	Transfer Funds To Correct Funding Source Identifier				(550,000)	(550,000)	5
6	160U500	Reallocation Of Human Resources Outsourcing		(231,165)		(5,368)	(236,533)	6
7	1800300	Transfer DMS Human Resource Services Statewide Contract To Department Administration Program		(239,907)			(239,907)	7
8	1800310	Transfer DMS Human Resource Services Contract From Other Budget Entities		239,907			239,907	8
9	2503080	Direct Billing For Administrative Hearings		18,996			18,996	9
10	33B0100	Eliminate Innate Programs (Education/VO Tech)	(412.00)	(25,278,381)			(25,278,381)	10
11	33V0120	Reduce Innate Drug Treatment Programs	(24.00)	(31,194,489)			(31,194,489)	11
12	33B0330	Reduce Excess OPS budget authority		(400,000)			(400,000)	12
13	33V0140	Food Cost Savings		(11,000,000)			(11,000,000)	13
14	33V0145	Eliminate Motor Vehicle Base		(304,653)			(304,653)	14
15	33V0800	Reduce Expenses Executive Direction and Support		(2,400,000)			(2,400,000)	15
16	33V0160	Reduce Community Corrections Staff	(607.00)	(37,562,167)			(37,562,167)	16
17	33V0165	Reduce Administration Staff	(132.00)	(8,289,303)			(8,289,303)	17
18	33V0175	Reduce Private Prison Contracts		(3,629,085)			(3,629,085)	18
19	3000150	Increase in Criminal Justice Estimating Conference	916.00	71,228,759	6,103,568		71,228,759	19
20	3000360	Jessica Lunsford Act	32.00	2,360,164	236,260		2,360,164	20
21	3000380	Suwannee Support Costs	139.00	1,917,259	479,317		1,917,259	21
22	3000390	Suwannee Work Camp Support Costs	50.00	1,197,944	177,019		1,197,944	22
23	3000400	Additional Dorm Support Costs	135.00	5,698,100	515,992		5,698,100	23
24	3000XXX	Increase Private Prison Support Costs		1,992,154	150,925		1,992,154	24
25		Transfer to General Revenue Fund For State Criminal Alien Assistance Program				18,000,000	18,000,000	25
26	4800160	Operational Deficit FY 2008-09		41,951,620			41,951,620	26
27		Operational Deficit FY 2007-08 Back of Bill		55,000,000	55,000,000		55,000,000	27
28	3330181	Partial Year Funding For Parole Board, Redirect Resources To Perform Critical Activities - Add	125.00	5,988,880			5,988,880	28
29	54R0000	Casualty Insurance Premium Adjustment		2,252,047		28,538	2,280,585	29
30	5800200	Payment in Lieu of Taxes - City of Pahokee - Add		142,900			142,900	30
31		Debt Service - Transferred DJJ Facilities		1,396,759			1,396,759	31
32	Total	CORRECTIONS, DEPT OF	28,598.50	2,291,045,997	62,663,081	92,243,754	2,383,289,751	32
33								33

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
34		PGM: JUSTICE ADMIN COMM						34
35	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	137.00	73,694,392		799,619	74,494,011	35
36	1600110	Reapproval of County Information Technology Grant	(2.00)					36
37	1600410	Reapproval of Mental Health Court	(3.50)					37
38	1600420	Reapproval of Substance Abuse and Mental Health Program	(1.00)					38
39	1604500	Reallocation Of Human Resources Outsourcing		27,895		2,009	29,904	39
40	1607T10	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(4.00)					40
41	33V3600	Base Budget Reduction	(7.00)	(665,218)			(665,218)	41
42	4202200	Authority for Qualified Transportation Benefits Program				90,000	90,000	42
43	4203100	Increase Number of Reserve Positions for Grant and Contract Use	7.50					43
44		Civil/Criminal Conflict Liability Costs (cases prior to 2007-08)		10,300,000	9,800,000		10,300,000	44
45		Civil/Criminal Conflict Liability Costs-current year deficit (cases prior to 2007-08) Back of Bill		10,000,000	10,000,000		10,000,000	45
46	54R0000	Casualty Insurance Premium Adjustment		33,551			33,551	46
47	Total	PGM: JUSTICE ADMIN COMM	127.00	93,390,620	19,800,000	891,628	94,282,248	47
48								48
49		PGM: STW/GUARDIAN AD LITEM						49
50	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	610.00	34,047,856		320,249	34,368,105	50
51	1607T10	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(24.00)					51
52	33V3600	Base Budget Reduction	(36.00)	(1,765,547)			(1,765,547)	52
53	3402400	Decrease Operating Capital Outlay Authority - Deduct		(24,444)			(24,444)	53
54	3402410	Increase Expenses Authority - Add		24,444			24,444	54
55	54R0000	Casualty Insurance Premium Adjustment		92,425			92,425	55
56	Total	PGM: STW/GUARDIAN AD LITEM	550.00	32,374,734	0	320,249	32,694,983	56
57								57
58		STATE ATTORNEYS						58
59	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	6,225.00	333,873,781		49,772,942	383,646,723	59
60	160S300	Funding Source Identifier Correction - Add				1,393,381	1,393,381	60
61	160S400	Funding Source Identifier Correction - Deduct				(1,393,381)	(1,393,381)	61
62	1600110	Reapproval of County Information Technology Grant	2.00			43,560	43,560	62
63	1604500	Reallocation Of Human Resources Outsourcing				3	3	63
64	1607T10	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(207.00)					64
65	2600410	Annualization of County Information Technology Grant				14,520	14,520	65
66	33V3600	Base Budget Reduction	(321.00)	(20,758,814)			(20,758,814)	66
67	54R0000	Casualty Insurance Premium Adjustment		(411,612)		(860)	(412,472)	67
68	Total	STATE ATTORNEYS	5,699.00	312,703,355	0	49,830,165	362,533,520	68

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
69								69
70		PUBLIC DEFENDERS						70
71	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	2,915.00	173,536,059		18,122,542	191,658,601	71
72	1600110	Reapproval of County Information Technology Grant				176,250	176,250	72
73	1600410	Reapproval of Mental Health Court	3.50			122,994	122,994	73
74	1600420	Reapproval of Substance Abuse and Mental Health Program	1.00			90,000	90,000	74
75		Rate and Position Adjustments to Estimated Expenditures for Legislative Actions						75
76	1607T10	Legislative Actions	(90.50)					75
76	2600410	Annualization of County Information Technology Grant				58,750	58,750	76
77	2600610	Annualization of Mental Health Court				41,006	41,006	77
78	3003060	Reduction of Trust Fund Authority				(22,000)	(22,000)	78
79	33V3600	Base Budget Reduction		(10,759,236)			(10,759,236)	79
80	4200140	Delete Excess Grants and Donations Trust Fund Authority				(2,565)	(2,565)	80
81	54R0000	Casualty Insurance Premium Adjustment		(214,888)			(214,888)	81
82	Total	PUBLIC DEFENDERS	2,681.00	162,561,935	0	18,586,977	181,148,912	82
83								83
84		PUBLIC DEFENDERS APPEL DIV						84
85	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	180.75	14,316,952			14,316,952	85
86	1607T10	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(6.75)					86
87	33V3600	Base Budget Reduction		(923,815)			(923,815)	87
88	Total	PUBLIC DEFENDERS APPEL DIV	(11.00)	13,393,137	0	0	13,393,137	88
89								89
90		CAPITAL COLLATERAL REG COU						90
91	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	73.00	7,625,661			7,625,661	91
92	33V3600	Base Budget Reduction		(472,791)			(472,791)	92
93	54R0000	Casualty Insurance Premium Adjustment		4,106			4,106	93
94	Total	CAPITAL COLLATERAL REG COU	69.00	7,156,976	0	0	7,156,976	94
95								95
96		REGIONAL CONFLICT COUNSELS						96
97	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	384.00	36,091,867			36,091,867	97
98	1604500	Reallocation Of Human Resources Outsourcing		1,113			1,113	98
99	33V3600	Base Budget Reduction		(2,237,696)			(2,237,696)	99
100	Total	REGIONAL CONFLICT COUNSELS	360.00	33,855,284	0	0	33,855,284	100
101								101

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
102		JUVENILE JUSTICE, DEPT OF						102
103	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	5,011.00	489,500,551		184,140,823	673,641,374	103
104	99A0000	STARTUP - RECURRING DEBT SERVICE (FCCO)		4,682,485			4,682,485	104
105	160F160	Transfer Grants And Donations Trust Fund Budget From G/A - Contracted Services To Other Personal Services And Expenses - Add				42,500	42,500	105
106	160F170	Transfer Trust Authority From G/A-Contracted Services To Salaries And Benefits - Deduct				(250,000)	(250,000)	106
107	160F180	Transfer Trust Authority From G/A-Contracted Services To Salaries And Benefits - Add				250,000	250,000	107
108	160F260	Transfer Grants And Donations Trust Fund Budget From G/A - Contracted Services To Other Personal Services And Expenses - Deduct				(42,500)	(42,500)	108
109	1600210	Transfer Detention Center From Qualified Expenditure Category To Operational Categories - Deduct				(1,971,064)	(2,380,455)	109
110	1600220	Transfer Detention Center From Qualified Expenditure Category To Operational Categories - Add				1,971,064	2,380,455	110
111	1604500	Reallocation Of Human Resources Outsourcing		(8,941)		(6,123)	(15,064)	111
112	2503080	Direct Billing For Administrative Hearings		8,988			8,988	112
113	3200100	Reduction Of Excess Budget Authority				(519,232)	(519,232)	113
114	33B0070	Reduce Contracted Gender-Specific Programs		(355,707)			(355,707)	114
115	33B0320	Reduce Secure Bed Capacity		(17,085,760)			(17,085,760)	115
116	33B0320	Reduce Children in need of Services/Families in Need of Services (CINS/FINS)		(1,876,624)			(1,876,624)	116
117	33B0330	Reduce Detention Bed Capacity at Underutilized Facilities		(599,558)		(3,101,304)	(3,700,862)	117
118	33B0430	Reduce Contract Service Payments for Day Treatment Services		(2,916,471)			(2,916,471)	118
119	33B0440	Reduce OPS		(169,401)			(169,401)	119
120	33B0450	Reduce Low-Risk Bed Capacity		(3,780,772)			(3,780,772)	120
121	33B0460	Reduce Moderate-Risk Bed Capacity		(5,951,216)			(5,951,216)	121
122	33B0500	Eliminate Low Volume Juvenile Assessment Centers		(3,709,959)			(3,709,959)	122
123	33B0520	Reduce Administrative Positions		(283,782)			(283,782)	123
124	3301500	Position Reductions		(36,000)			(2,201,610)	124
125	34F0010	Transfer Budget from the Grants and Donations Trust Fund to the Federal Grants Trust Fund - Add				12,498,878	12,498,878	125
126	34F0020	Transfer Budget from the Grants and Donations Trust Fund to the Federal Grants Trust Fund - Deduct				(12,498,878)	(12,498,878)	126
127	3400270	Fund Shift from General Revenue to Grants and Donations Trust Fund - Add				5,000,000	5,000,000	127
128	3400280	Fund Shift from General Revenue to Grants and Donations Trust Fund - Deduct				(5,000,000)	(5,000,000)	128

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
129	54R0000	Casualty Insurance Premium Adjustment		(793,425)		319,262	(474,163)	129
130	5500110	Grants for Fiscally Constrained Counties - Detention				6,463,176	6,463,176	130
131	5800100	Payment in Lieu of Taxes - City of Pahokee - Deduct		(142,900)			(142,900)	131
132		Debt Service - Transferred DJJ Facilities to DOC		(1,396,759)			(1,396,759)	132
133	Total	JUVENILE JUSTICE, DEPT OF	4,900.00	447,919,139	0.	192,296,602	640,215,741	133
134								134
135		LAW ENFORCEMENT, DEPT OF						135
136	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING		2,017,000		159,658,919	271,281,719	136
137	1604500	Reallocation Of Human Resources Outsourcing		(4,260)		(2,675)	(6,935)	137
138	1607110	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions		(24,000)				138
139	2503080	Direct Billing For Administrative Hearings				(27,830)	(27,830)	139
140	33B1240	Reduce Career Offender Unit		(3,000)		(320,600)	(320,600)	140
141	33H0330	Reduce Expenses				(32,735)	(32,735)	141
142	33B1280	Eliminate Funding For Domestic Violence Data Resource Center		(2,000)		(114,180)	(114,180)	142
143	33B1360	Reduce Funding For Rewards For Missing Children Information				(75,000)	(75,000)	143
144	33B1370	Reduce Funding For Violent Crime And Drug Control Council				(1,200,000)	(1,200,000)	144
145	33B1380	Reduce Law Enforcement Training Schools Auditor		(1,000)		(80,000)	(80,000)	145
146	33B1390	Reduce Pharmaceutical Drug Investigations		(3,000)		(496,924)	(496,924)	146
147	33B1400	Fund Shift - Operating Trust Fund				(4,746,780)	(4,746,780)	147
148	33B1401	Fund Shift - Operating Trust Fund From General Revenue				4,746,780	4,746,780	148
149	33B1410	Fund Shift - Criminal Justice Standards And Training Trust Fund				(1,141,000)	(1,141,000)	149
150	33B1411	Fund Shift - Criminal Justice Standards And Training Trust Fund From General Revenue				1,141,000	1,141,000	150
151	33B1420	Reduce Other Personal Services (Temporary Employment)				(80,000)	(300,000)	151
152	33B1440	Reduce Expense For North Florida Regional Investigative Support Center				(195,000)	(195,000)	152
153	33B1450	Reduce Public Assistance Fraud Program		(28,000)		(724,500)	(724,500)	153
154	33B1460	Reduce Funding To Criminal Justice Training Schools				(500,000)	(500,000)	154
155	33B1520	Reduce Public Information Officer Positions		(3,000)		(220,024)	(220,024)	155
156	33B1640	Reduce Administrative Support		(6,000)		(170,000)	(420,000)	156
157	33B1650	Reduce Funding - Florida Capital Police Program				20,000	(50,000)	157
158	33B1660	Reduce Funding For Information Technology - Cinet				(540,000)	(540,000)	158
159	33B1670	Reduce Funding - Executive Leadership Center				(180,000)	(180,000)	159
160	54R0000	Casualty Insurance Premium Adjustment				78,029	(64,672)	160
161	Total	LAW ENFORCEMENT, DEPT OF	1,947.00	103,378,876	0	162,354,443	265,733,319	161

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
162		LEGAL AFFAIRS/ATTY GENERAL						162
163								163
164	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	1,389.50	45,573,863		128,649,051	174,222,914	164
165	160E010	Back Out Contractual Services Budget From Expenses		(110,408)		(175,952)	(286,360)	165
166	160E020	Add Back Contractual Services Budget		110,408		175,952	286,360	166
167	1604500	Reallocation Of Human Resources Outsourcing		(4,326)		(6,693)	(11,019)	167
168	1606000	Realignment Of Contractual Services Budget - Back Out From Other Personal Services		(155,414)		(1,601,476)	(1,756,890)	168
169	1607T10	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(23.00)					169
170	1607000	Realignment Of Contractual Services Budget - Add Back		155,414		1,601,476	1,756,890	170
171	1802300	Transfers In - Realignment Of Positions And Budget	3.00	167,317			167,317	171
172	1802400	Transfers Out - Realignment Of Positions And Budget		(3.00)			(167,317)	172
173	33B1150	Reduce Office of Attorney General		(2,642,403)			(2,642,403)	173
174	3400100	Fund Shift General Revenue Expenditures to Available Trust Funds - Deduct		(4,336,258)			(4,336,258)	174
175	3400110	Fund Shift General Revenue Expenditures to Available Trust Funds - Add				4,336,258	4,336,258	175
176	34F0100	Transfer Funds From The Grants And Donations Trust Fund To The Federal Grants Trust Fund - Add				15,040,688	15,040,688	176
177	34F0200	Transfer Funds From The Grants And Donations Trust Fund To The Federal Grants Trust Fund - Deduct				(15,040,688)	(15,040,688)	177
178	34F0300	Transfer Funds From The Grants And Donations Trust Fund To The Operating Trust Fund - Add				633,052	633,052	178
179	34F0400	Transfer Funds From The Grants Donations Trust Fund To The Operating Trust Fund - Deduct				(633,052)	(633,052)	179
180	34F0500	Transfer Funds From The Crimes Compensation Trust Fund To The Federal Grants Trust Fund - Add				32,554,719	32,554,719	180
181	34F0600	Transfer Funds From The Crimes Compensation Trust Fund To The Federal Grants Trust Fund - Deduct				(32,554,719)	(32,554,719)	181
182	34F0700	Transfer Of Funds From The Florida Crime Prevention Training Institute Revolving Trust Fund To The Federal Grants Trust Fund - Add				105,000	105,000	182
183	34F0800	Transfer Of Funds From The Florida Crime Prevention Training Institute Revolving Trust Fund To The Federal Grants Trust Fund - Deduct				(105,000)	(105,000)	183
184	4001300	Consumer Education and Public Awareness Advertising Campaign				2,500,000	2,500,000	184
185	54R0000	Casualty Insurance Premium Adjustment		41,642		84,737	126,379	185
186	Total	LEGAL AFFAIRS/ATTY GENERAL	1,328.50	38,632,518	0	135,563,353	174,195,871	186

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
187								187
188		PAROLE COMMISSION						188
189	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	148.00	9,528,486			9,528,486	189
190	1604500	Reallocation Of Human Resources Outsourcing		(801)			(801)	190
191	1607T10	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(7.00)				0	191
192	33V9700	Program and Efficiency Reductions	(16.00)	(1,552,651)			(1,552,651)	192
193	3330180	Redirect Parole Commission Resources To Perform Critical Activities - Deduct	(125.00)	(7,952,530)			(7,952,530)	193
194	3330181	Partial Year Funding For Parole Commission, Redirect Resources To Perform Critical Activities - Add	125.00	1,963,650	1,963,650		1,963,650	194
195	54R0000	Casualty Insurance Premium Adjustment		(22,504)			(22,504)	195
196	Total	PAROLE COMMISSION	125.00	1,963,650	1,963,650	0	1,963,650	196
197								197
198		PGM: SUPREME COURT						198
199	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	279.50	22,104,351		7,227,449	29,331,800	199
200	1604500	Reallocation Of Human Resources Outsourcing		(764)		(141)	(905)	200
201	1607T10	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(7.00)					201
202	33B1000	Reduce Supreme Court Administration	(2.00)	(117,932)			(117,932)	202
203	33B2000	Reduce Executive Direction (OSCA)	(48.00)	(3,176,464)			(3,176,464)	203
204	54R0000	Casualty Insurance Premium Adjustment		18,392			18,392	204
205	Total	PGM: SUPREME COURT	222.50	18,827,583	0	7,227,308	26,054,891	205
206								206
207		ADMIN FUNDS - JUDICIAL						207
208	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	22.00				0	208
209								209
210	Total	ADMIN FUNDS - JUDICIAL	22.00	0	0	0	0	210
211								211

Safety and Security Council

FY 2008-09 Budget Issues

Chairman's Proposal

Line #	Issue #	Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS	Line #
212		PGM: DIST COURTS OF APPEAL						212
213	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	439.00	40,479,588			40,479,588	213
214	1604500	Reallocation Of Human Resources Outsourcing		(1,377)			(1,377)	214
215	1607710	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(17.00)					215
216	33B4000	Administration Budget Reduction	(4.00)	(247,788)			(247,788)	216
217	33V1030	Reduce Judicial Assistants	(34.00)	(2,397,818)			(2,397,818)	217
218	3400100	Fund shift from General Revenue to fund Workers Compensation Admin - Add				1,000,000	1,000,000	218
219	3400200	Fund shift from General Revenue to fund Workers Compensation Admin - Deduct				(1,000,000)	(1,000,000)	219
220	54R0000	Casualty Insurance Premium Adjustment		(70,453)			(70,453)	220
221	Total	PGM: DIST COURTS OF APPEAL	384.00	36,762,152	0	1,000,000	37,762,152	221
222		PGM: TRIAL COURTS						222
223		PGM: TRIAL COURTS						223
224	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	3,668.00	357,933,755		16,456,958	374,390,713	224
225	160S010	Federal Grants Trust Fund - Correct Funding Source Identifier - Deduct				(2,302,144)	(2,302,144)	225
226	160S020	Federal Grants Trust Fund - Correct Funding Source Identifier - Add				2,302,144	2,302,144	226
227	1604500	Reallocation Of Human Resources Outsourcing		(11,081)			(11,543)	227
228	1607710	Rate and Position Adjustments to Estimated Expenditures for Legislative Actions	(128.00)					228
229	33H0300	Travel Budget Reduction		(2,735,504)			(2,735,504)	229
230	33V0020	Reduce Court Administration Element		(1,493,374)			(1,493,374)	230
231	33V0080	Reduce Circuit Court Case Management Element	(47.00)	(2,877,205)			(2,877,205)	231
232	33V0265	Eliminate Additional Compensation to County Judges		(100,222)			(100,222)	232
233	33V0500	Reduce Administrative Support to Magistrates	(10.00)	(473,797)			(473,797)	233
234	33V1010	Eliminate Temporary Judicial Assistants		(193,903)			(193,903)	234
235	33V3600	Base Budget Reduction	(211.00)	(11,265,875)			(11,265,875)	235
236	54R0000	Casualty Insurance Premium Adjustment		475,638			475,638	236
237	Total	PGM: TRIAL COURTS	3,237.00	339,258,432	0	16,456,496	355,714,928	237
238		PGM: JUDICIAL QUALIF COMM						238
239		PGM: JUDICIAL QUALIF COMM						239
240	1100000	STARTUP (RECURRING LAW AND POLICY) - OPERATING	5.00	947,928			947,928	240
241	1604500	Reallocation Of Human Resources Outsourcing		(16)			(16)	241
242	33V3600	Base Budget Reduction		(50,988)			(50,988)	242
243	54R0000	Casualty Insurance Premium Adjustment		680			680	243
244	Total	PGM: JUDICIAL QUALIF COMM	5.00	897,604	0	0	897,604	244
245	Total	STATE COURTS	3,870.50	395,745,771	0	24,683,804	420,429,575	245
246	Total	Safety & Security Council	50,418.50	3,934,121,992	84,426,731	676,770,975	4,610,892,967	246

COUNCIL MEETING REPORT

Safety & Security Council

3/26/2008 9:45:00AM

Location: Reed Hall (102 HOB)

Summary:

Safety & Security Council

Wednesday March 26, 2008 09:45 am

HB 87	Favorable	Yeas: 16	Nays: 0
HB 151	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 305	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 605	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 773	Favorable with Council Substitute	Yeas: 13	Nays: 2
HB 823	Not Considered		
HB 839	Temporarily Deferred		
HB 1029	Not Considered		
HB 1105	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 1133	Temporarily Deferred		
HB 1341	Favorable with Council Substitute	Yeas: 13	Nays: 3
HB 1363	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1395	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1417	Favorable with Council Substitute	Yeas: 14	Nays: 0
PCB SSC 08-09	Favorable	Yeas: 11	Nays: 4

Committee meeting was reported out: Wednesday, March 26, 2008 2:45:36PM