



Appropriations Committee

Friday, April 15, 2011

9:45 AM – 11:15 AM

15 Minutes Upon Adjournment of Session – 8:00PM

212 Knott Building

Action Packet

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

Summary:

Appropriations Committee

Friday April 15, 2011 09:45 am

CS/HB 95 Not Considered

CS/HB 119 Not Considered

CS/HB 251 Favorable With Committee Substitute Yeas: 23 Nays: 0
Amendment 1 Adopted
Amendment 2 Adopted

CS/CS/CS/HJR 381 Favorable With Committee Substitute Yeas: 23 Nays: 0
Amendment 1 Withdrawn
Amendment 2 Adopted Without Objection

CS/CS/HB 599 Not Considered

CS/HB 739 Not Considered

CS/HB 779 Not Considered

HB 811 Not Considered

CS/HB 847 Not Considered

CS/HB 965 Not Considered

CS/HB 1005 Favorable Yeas: 23 Nays: 0

CS/HB 1125 Favorable Yeas: 22 Nays: 0

CS/HB 1163 Favorable With Committee Substitute Yeas: 22 Nays: 0
Amendment 1 Adopted
Amendment 1A Withdrawn

CS/HB 1277 Favorable With Committee Substitute Yeas: 21 Nays: 0
Amendment 1s Adopted

HB 7157 Favorable With Committee Substitute Yeas: 23 Nays: 0
Amendment 1 Adopted Without Objection

HB 7195 Favorable With Committee Substitute Yeas: 23 Nays: 1
Amendment 1 Adopted

HB 7197 Favorable With Committee Substitute Yeas: 21 Nays: 1
Amendment 1 Adopted

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 7215 Favorable With Committee Substitute

Yeas: 24 Nays: 0

Amendment 1 Adopted Without Objection

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Denise Grimsley (Chair)	X		
Leonard Bemby	X		
Charles Chestnut IV	X		
Marti Coley	X		
Joseph Gibbons	X		
Richard Glorioso	X		
Ed Hooper	X		
Mike Horner	X		
Matt Hudson	X		
Dorothy Hukill	X		
Mia Jones	X		
Martin Kiar	X		
Paige Kreegel	X		
John Legg	X		
Carlos Lopez-Cantera	X		
Seth McKeel	X		
H. Marlene O'Toole	X		
William Proctor	X		
Darryl Rouson	X		
Franklin Sands	X		
Ron Saunders	X		
Robert Schenck	X		
William Snyder	X		
Trudi Williams	X		
Totals:	24	0	0

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 95 : State Parks

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 119 : Health Care

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 251 : Sexual Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 23		Total Nays: 0			

CS/HB 251 Amendments

Amendment 1

Adopted

Amendment 2

Adopted

Appearances:

CS/HB 251

Mitchell, Chuck - Waive In Support

Tallahassee Memorial Healthcare Animal Therapy Program

3890 Tan Mouse Road

Tallahassee Florida 32309

Phone: 566-1600

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 251 Bill and Amendment

Aubuchon, Josh (Lobbyist) - Waive In Support

Tallahassee Memorial Healthcare

215 S. Monroe Street, Suite 200

Tallahassee Florida 32301

Phone: 222-3533

CS/HB 251

Book, Ron (Lobbyist) - Waive In Support

Lauren's Kids and FL Council Against Sexual Violence

104 W. Jefferson

Tallahassee FL 32301

Phone: 850-224-3427

CS/HB 251

Poore, Terri (Lobbyist) - Waive In Support

Florida Council Against Sexual Violence

1820 East Park Avenue Suite 100

Tallahassee FL 32301

Phone: 850-297-2000

CS/HB 251

Betz, Louis (Lobbyist) - Waive In Support

Crisis Center of Tampa Bay

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 251 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Dorworth offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 466 and 467, insert:

6 Section 14. A new subsection (4) is added to section 92.55,
7 Florida Statutes, to read:

8 92.55 Judicial or other proceedings involving victim or
9 witness under the age of 16 or person with mental retardation;
10 special protections, use of registered service or therapy
11 animals.

12 (4) The court may set any other conditions on the taking of
13 testimony by children which it finds just and appropriate,
14 including the use of a registered service or therapy animal in
15 any proceeding involving a sexual offense. When deciding whether
16 to permit a child to testify with the assistance of a registered
17 service or therapy animal, the court shall take into
18 consideration the age of the child, the interests of the child,
19 the rights of the parties to the litigation, and any other

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 251 (2011)

Amendment No. 1

20 | relevant factor that would aid in the facilitation of testimony
21 | by the child. Such registered service or therapy animals shall
22 | be evaluated and registered according to national standards.

23

24

25

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

26

Remove line 55 and insert:

27

safety; amending s.92.55, F.S.; authorizing the use of service

28

or therapy animals in courts under certain circumstances;

29

providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 251 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Dorworth offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 415-438
6
7
8

9 -----
10 **T I T L E A M E N D M E N T**

11 Remove lines 50-52 and insert:
12 of persons charged with certain offenses; amending s. 1003.42,

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/CS/CS/HJR 381 : Property Assessment, Homestead and Specified Nonhomestead Value Decline; Nonhomestead Increase Limitation Reduction; Additional Homestead Exemption; Scheduled Repeal Deletion

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones				X	
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 23		Total Nays: 0			

CS/CS/CS/HJR 381 Amendments

Amendment 1

Withdrawn

Amendment 2

Adopted Without Objection

Appearances:

CS/CS/CS/HJR 381

Suggs, Davin (Lobbyist) - Information Only

Florida Association of Counties

PO Box 549

Tallahassee FL 32302

Phone: (850)922-4300

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/CS/CS/HJR 381

Hughes, Amber - Opponent

Florida League of Cities

P.O. Box 1757

Tallahassee Florida 32302

Phone: 701-3621

CS/CS/CS/HJR 381

Price, Trey (Lobbyist) - Proponent

Florida Realtors

200 S. Monroe Street

Tallahassee Florida 32301

Phone: 850-224-1400

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. CS/CS/CS/HJR 381 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Coley offered the following:

3
4 **Amendment (with schedule and ballot amendments)**

5 Remove lines 156-186 and insert:

6 (1) Assessments subject to this subsection shall be
7 changed annually on the date of assessment provided by law.
8 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
9 5 ~~ten~~ percent (~~10%~~) of the assessment for the prior year. The
10 Legislature may provide by general law that except for changes,
11 additions, reductions, or improvements to property assessed as
12 provided in paragraph (4), an assessment may not increase if the
13 just value of the property is less than the just value of the
14 property on the preceding date of assessment provided by law.

15 (2) An ~~no~~ assessment may not ~~shall~~ exceed just value.

16 (3) After a change of ownership or control, as defined by
17 general law, including any change of ownership of a legal entity
18 that owns the property, such property shall be assessed at just

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. CS/CS/CS/HJR 381 (2011)

Amendment No. 1

19 value as of the next assessment date. Thereafter, such property
20 shall be assessed as provided in this subsection.

21 (4) Changes, additions, reductions, or improvements to
22 such property shall be assessed as provided for by general law.†
23 However, after the adjustment for any change, addition,
24 reduction, or improvement, the property shall be assessed as
25 provided in this subsection.

26 (h) For all levies other than school district levies,
27 assessments of real property that is not subject to the
28 assessment limitations set forth in subsections (a) through (d)
29 and (g) shall change only as provided in this subsection.

30 (1) Assessments subject to this subsection shall be
31 changed annually on the date of assessment provided by law.
32 However, † but those changes in assessments may shall not exceed
33 5 ten percent (10%) of the assessment for the prior year. The
34 Legislature may provide by general law that except for changes,
35 additions, reductions, or improvements to property assessed as
36 provided in paragraph (5), an assessment may not increase if the
37 just value of the property is less than the just value of the
38 property on the preceding date of assessment provided by law.

SCHEDULE AMENDMENT

Remove line 356 and insert:

assessed value of nonhomestead property from 10 percent to 5

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. CS/CS/CS/HJR 381 (2011)

Amendment No. 1

47 -----

48 **B A L L O T A M E N D M E N T**

49 Remove line 401 and insert:

50 (2) This amendment reduces from 10 percent to 5 percent

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. CS/CS/CS/HJR 381 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Dorworth offered the following:

3
4 **Amendment**

5 Remove lines 160-183 and insert:

6 Legislature may provide by general law that except for changes,
7 additions, reductions, or improvements to property assessed as
8 provided in paragraph (4), an assessment may not increase if the
9 just value of the property is less than the just value of the
10 property on the preceding date of assessment provided by law.

11 (2) An ~~Ne~~ assessment may not ~~shall~~ exceed just value.

12 (3) After a change of ownership or control, as defined by
13 general law, including any change of ownership of a legal entity
14 that owns the property, such property shall be assessed at just
15 value as of the next assessment date. Thereafter, such property
16 shall be assessed as provided in this subsection.

17 (4) Changes, additions, reductions, or improvements to
18 such property shall be assessed as provided for by general law.
19 However, after the adjustment for any change, addition,

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. CS/CS/CS/HJR 381 (2011)

Amendment No. 2

20 reduction, or improvement, the property shall be assessed as
21 provided in this subsection.

22 (h) For all levies other than school district levies,
23 assessments of real property that is not subject to the
24 assessment limitations set forth in subsections (a) through (d)
25 and (g) shall change only as provided in this subsection.

26 (1) Assessments subject to this subsection shall be
27 changed annually on the date of assessment provided by law.
28 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
29 3 ten percent ~~(10%)~~ of the assessment for the prior year. The
30 Legislature may provide by general law that except for changes,
31 additions, reductions, or improvements to property assessed as
32 provided in paragraph (5), an assessment may

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/CS/HB 599 : Uniform Prudent Management of Institutional Funds

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 739 : Transition-to-Adulthood Services

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 779 : Restraint of Incarcerated Pregnant Women

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 811 : Florida Endowment Foundation For Vocational Rehabilitation

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 847 : Mobile Home and Recreational Vehicle Parks

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 965 : Florida Tax Credit Scholarship Program

Not Considered

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 1005 : Murder of a Child 17 Years Of Age or Younger

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso			X		
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 23		Total Nays: 0			

Appearances:

CS/HB 1005

Trammell, Robert (Lobbyist) (State Employee) - Information Only

Public Defender

PO Box 1799

Tallahassee FL 32302

Phone: (850)510-2187

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 1125 : Florida Health Choices Program

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 1163 : Ad Valorem Taxation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones				X	
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 22		Total Nays: 0			

CS/HB 1163 Amendments

Amendment 1

Adopted

Amendment 1A

Withdrawn

Appearances:

CS/HB 1163

Doolin, Christian (Lobbyist) - Information Only

Small County Coalition

1118-B Thomasville Rd

Tallahassee FL 32303

Phone: 508-5492

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)
CS/HB 1163
Price, Trey (Lobbyist) - Waive In Support
Florida Realtors
200 S. Monroe Street
Tallahassee Florida 32301
Phone: 850-224-1400

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Dorworth offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. If House Joint Resolution 381 or Senate Joint
7 Resolution 658, 2011 Regular Session, is approved by a vote of
8 the electors in the general election held in November 2012,
9 subsection (3) of section 193.1554, Florida Statutes, is amended
10 to read:

11 193.1554 Assessment of nonhomestead residential property.—

12 (3) Beginning in 2013 ~~2009~~, or the year following the year
13 the property is placed on the tax roll, whichever is later, the
14 property shall be reassessed annually on January 1. Any change
15 resulting from such reassessment may not exceed 3 ~~10~~ percent of
16 the assessed value of the property for the prior year, except as
17 provided in subsection (6).

18 Section 2. If House Joint Resolution 381 or Senate Joint
19 Resolution 658, 2011 Regular Session, is approved by a vote of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1

20 the electors in a special election held concurrent with the
21 presidential preference primary in 2012, subsection (3) of
22 section 193.1554, Florida Statutes, is amended to read:

23 193.1554 Assessment of nonhomestead residential property.—

24 (3) Beginning in 2012 ~~2009~~, or the year following the year
25 the property is placed on the tax roll, whichever is later, the
26 property shall be reassessed annually on January 1. Any change
27 resulting from such reassessment may not exceed 3 ~~10~~ percent of
28 the assessed value of the property for the prior year, except as
29 provided in subsection (6).

30 Section 3. If House Joint Resolution 381 or Senate Joint
31 Resolution 658, 2011 Regular Session, is approved by a vote of
32 the electors in the general election held in November 2012,
33 subsection (3) of section 193.1555, Florida Statutes, is amended
34 to read:

35 193.1555 Assessment of certain residential and
36 nonresidential real property.—

37 (3) Beginning in 2013 ~~2009~~, or the year following the year
38 the property is placed on the tax roll, whichever is later, the
39 property shall be reassessed annually on January 1. Any change
40 resulting from such reassessment may not exceed 3 ~~10~~ percent of
41 the assessed value of the property for the prior year, except as
42 provided in subsection (6).

43 Section 4. If House Joint Resolution 381 or Senate Joint
44 Resolution 658, 2011 Regular Session, is approved by a vote of
45 the electors in a special election held concurrent with the
46 presidential preference primary in 2012, subsection (3) of
47 section 193.1555, Florida Statutes, is amended to read:

Amendment No. 1

48 193.1555 Assessment of certain residential and
49 nonresidential real property.—

50 (3) Beginning in 2012 ~~2009~~, or the year following the year
51 the property is placed on the tax roll, whichever is later, the
52 property shall be reassessed annually on January 1. Any change
53 resulting from such reassessment may not exceed 3 ~~10~~ percent of
54 the assessed value of the property for the prior year, except as
55 provided in subsection (6).

56 Section 5. If House Joint Resolution 381 or Senate Joint
57 Resolution 658, 2011 Regular Session, is approved by a vote of
58 the electors in the general election held in November 2012,
59 section 196.078, Florida Statutes, is created to read:

60 196.078 Additional homestead exemption for a first-time
61 Florida homesteader.—

62 (1) As used in this section, the term "first-time Florida
63 homesteader" means a person who establishes the right to receive
64 the homestead exemption provided in s. 196.031 within 1 year
65 after purchasing the homestead property and who has not owned
66 property in the 3 calendar years prior to such purchase to which
67 the homestead exemption provided in s. 196.031(1)(a) applied.

68 (2) For purposes of this section, the date on which the
69 deed or other transfer instrument was signed and notarized or
70 otherwise executed shall be considered the date a property was
71 purchased.

72 (3) Every first-time Florida homesteader is entitled to an
73 additional homestead exemption in an amount equal to 50 percent
74 of the homestead property's just value on January 1 of the year
75 the homestead is established for all levies other than school

Amendment No. 1

76 district levies. The additional exemption applies for a period
77 of 5 years or until the year the property is sold, whichever
78 occurs first. The amount of the additional exemption may not
79 exceed \$200,000 and shall be reduced in each subsequent year by
80 an amount equal to 20 percent of the amount of the additional
81 exemption received in the year the homestead was established or
82 by an amount equal to the difference between the just value of
83 the property and the assessed value of the property determined
84 under s. 193.155, whichever is greater. Not more than one
85 exemption provided under this subsection is allowed per
86 homestead property. The additional exemption applies to property
87 purchased on or after January 1, 2012, but is not available in
88 the sixth and subsequent years after the additional exemption is
89 first received.

90 (4) The property appraiser shall require a first-time
91 Florida homesteader claiming an exemption under this section to
92 submit, not later than March 1 on a form prescribed by the
93 Department of Revenue, a sworn statement attesting that the
94 taxpayer, and each other person who holds legal or equitable
95 title to the property, has not owned property in the 3 calendar
96 years prior to such purchase to which the homestead exemption
97 provided by s. 196.031(1)(a) applied. In order for the exemption
98 to be retained upon the addition of another person to the title
99 to the property, the person added must also submit, not later
100 than the subsequent March 1 on a form prescribed by the
101 department, a sworn statement attesting that he or she has not
102 owned property in the 3 calendar years prior to being added to

Amendment No. 1

103 the title to which the homestead exemption provided by s.
104 196.031(1)(a) applied.

105 (5) Sections 196.131 and 196.161 apply to the exemption
106 provided in this section.

107 Section 6. If House Joint Resolution 381 or Senate Joint
108 Resolution 658, 2011 Regular Session, is approved by a vote of
109 the electors in a special election held concurrent with the
110 presidential preference primary in 2012, section 196.078,
111 Florida Statutes, is created to read:

112 196.078 Additional homestead exemption for a first-time
113 Florida homesteader.-

114 (1) As used in this section, the term "first-time Florida
115 homesteader" means a person who establishes the right to receive
116 the homestead exemption provided in s. 196.031 within 1 year
117 after purchasing the homestead property and who has not owned
118 property in the 3 calendar years prior to such purchase to which
119 the homestead exemption provided in s. 196.031(1)(a) applied.

120 (2) For purposes of this section, the date on which the
121 deed or other transfer instrument was signed and notarized or
122 otherwise executed shall be considered the date a property was
123 purchased.

124 (3) Every first-time Florida homesteader is entitled to an
125 additional homestead exemption in an amount equal to 50 percent
126 of the homestead property's just value on January 1 of the year
127 the homestead is established for all levies other than school
128 district levies. The additional exemption applies for a period
129 of 5 years or until the year the property is sold, whichever
130 occurs first. The amount of the additional exemption may not

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1

131 | exceed \$200,000 and shall be reduced in each subsequent year by
132 | an amount equal to 20 percent of the amount of the additional
133 | exemption received in the year the homestead was established or
134 | by an amount equal to the difference between the just value of
135 | the property and the assessed value of the property determined
136 | under s. 193.155, whichever is greater. Not more than one
137 | exemption provided under this subsection is allowed per
138 | homestead property. The additional exemption applies to property
139 | purchased on or after January 1, 2012, but is not available in
140 | the sixth and subsequent years after the additional exemption is
141 | first received.

142 | (4) (a) In 2012, the property appraiser shall require a
143 | first-time Florida homesteader claiming an exemption under this
144 | section to submit, not later than June 1 on a form prescribed by
145 | the Department of Revenue, a sworn statement attesting that the
146 | taxpayer, and each other person who holds legal or equitable
147 | title to the property, has not owned property in the 3 calendar
148 | years prior to such purchase to which the homestead exemption
149 | provided by s. 196.031(1) (a) applied.

150 | (b) In 2013, and thereafter, the property appraiser shall
151 | require a first-time Florida homesteader claiming an exemption
152 | under this section to submit, not later than March 1 on a form
153 | prescribed by the Department of Revenue, a sworn statement
154 | attesting that the taxpayer, and each other person who holds
155 | legal or equitable title to the property, has not owned property
156 | in the 3 calendar years prior to such purchase to which the
157 | homestead exemption provided by s. 196.031(1) (a) applied.

Amendment No. 1

158 (c) In order for the exemption provided under this section
159 to be retained upon the addition of another person to the title
160 to the property, the person added must also submit, not later
161 than the subsequent March 1 on a form prescribed by the
162 department, a sworn statement attesting that he or she has not
163 owned property in the 3 calendar years prior to being added to
164 the title to which the homestead exemption provided by s.
165 196.031(1)(a) applied.

166 (5) Sections 196.131 and 196.161 apply to the exemption
167 provided in this section.

168 Section 7. (1) In anticipation of implementing this act,
169 the executive director of the Department of Revenue is
170 authorized, and all conditions are deemed met, to adopt
171 emergency rules under ss. 120.536(1) and 120.54(4), Florida
172 Statutes, to make necessary changes and preparations so that
173 forms, methods, and data records, electronic or otherwise, are
174 ready and in place if sections 2, 4, 6, and 8 or sections 1, 3,
175 5, and 7 of this act become law.

176 (2) Notwithstanding any other provision of law, such
177 emergency rules shall remain in effect for 18 months after the
178 date of adoption and may be renewed during the pendency of
179 procedures to adopt rules addressing the subject of the
180 emergency rules.

181 Section 8. This act shall take effect upon becoming a law,
182 except that the sections of this act that take effect upon the
183 approval of House Joint Resolution 381 or Senate Joint
184 Resolution 658, 2011 Regular Session, by a vote of the electors
185 in a special election held concurrent with the presidential

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1

186 preference primary in 2012 shall apply retroactively to the 2012
187 tax roll if the revision of the State Constitution contained in
188 House Joint Resolution 381 or Senate Joint Resolution 658, 2011
189 Regular Session, is approved by a vote of the electors in a
190 special election held concurrent with the presidential
191 preference primary in 2012; or the sections of this act that
192 take effect upon the approval of House Joint Resolution 381 or
193 Senate Joint Resolution 658, 2011 Regular Session, by a vote of
194 the electors in the general election held in November 2012 shall
195 apply to the 2013 tax roll if the revision of the State
196 Constitution contained in House Joint Resolution 381 or Senate
197 Joint Resolution 658, 2011 Regular Session, is approved by a
198 vote of the electors in the general election held in November
199 2012.

200

201

202

203

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

204

205 Remove the entire title and insert:

205

206 An act relating to ad valorem taxation; amending s.

206

207 193.1554, F.S.; reducing the amount that any change in the

207

208 value of nonhomestead residential property resulting from

208

209 an annual reassessment may exceed the assessed value of

209

210 the property for the prior year; amending s. 193.1555,

210

211 F.S.; reducing the amount that any change in the value of

211

212 certain residential and nonresidential real property

212

213 resulting from an annual reassessment may exceed the

213

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1

214 assessed value of the property for the prior year;
215 creating s. 196.078, F.S.; providing definitions;
216 providing a first-time Florida homesteader with an
217 additional homestead exemption; providing for calculation
218 of the exemption; providing for the applicability period
219 of the exemption; providing for an annual reduction in the
220 exemption during the applicability period; providing
221 application procedures; providing for applicability of
222 specified provisions; providing for contingent effect of
223 provisions and varying dates of application depending on
224 the adoption and adoption date of specified joint
225 resolutions; authorizing the Department of Revenue to
226 adopt emergency rules; providing for application and
227 renewal of emergency rules; providing for certain
228 contingent effect and retroactive application; providing
229 an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Coley offered the following:

3
4 **Amendment to Amendment (1) by Representative Dorworth (with**
5 **title amendment)**

6 Between lines 180 and 181, insert:

7 Section 8. If House Joint Resolution 381 or Senate Joint
8 Resolution 658, 2011 Regular Session, is approved by a vote of
9 the electors in a special election held concurrent with the
10 presidential preference primary in 2012 or in the general
11 election held in November 2012, section 218.12, Florida
12 Statutes, is amended to read:

13 218.12 Appropriations to offset reductions in ad valorem
14 tax revenue in fiscally constrained counties.-

15 (1) (a) Beginning in fiscal year 2008-2009, the Legislature
16 shall appropriate moneys to offset the reductions in ad valorem
17 tax revenue experienced by fiscally constrained counties, as
18 defined in s. 218.67(1), which occur as a direct result of the
19 implementation of revisions of Art. VII of the State

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1a

20 Constitution approved in the special election held on January
21 29, 2008. The moneys appropriated for this purpose shall be
22 distributed in January of each fiscal year among the fiscally
23 constrained counties based on each county's proportion of the
24 total reduction in ad valorem tax revenue resulting from the
25 implementation of the revision.

26 ~~(b) (2)~~ On or before November 15 of each year, beginning in
27 2008, each fiscally constrained county shall apply to the
28 Department of Revenue to participate in the distribution of the
29 appropriation and provide documentation supporting the county's
30 estimated reduction in ad valorem tax revenue in the form and
31 manner prescribed by the Department of Revenue. The
32 documentation must include an estimate of the reduction in
33 taxable value directly attributable to revisions of Art. VII of
34 the State Constitution for all county taxing jurisdictions
35 within the county and shall be prepared by the property
36 appraiser in each fiscally constrained county. The documentation
37 must also include the county millage rates applicable in all
38 such jurisdictions for both the current year and the prior year;
39 rolled-back rates, determined as provided in s. 200.065, for
40 each county taxing jurisdiction; and maximum millage rates that
41 could have been levied by majority vote pursuant to s. 200.185.
42 For purposes of this section, each fiscally constrained county's
43 reduction in ad valorem tax revenue shall be calculated as 95
44 percent of the estimated reduction in taxable value times the
45 lesser of the 2007 applicable millage rate or the applicable
46 millage rate for each county taxing jurisdiction in the prior
47 year.

Amendment No. 1a

48 (c) (3) In determining the reductions in ad valorem tax
 49 revenues occurring as a result of the implementation of the
 50 revisions to Art. VII of the State Constitution approved in the
 51 special election held on January 29, 2008, the value of
 52 assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the
 53 State Constitution shall include only the reduction in taxable
 54 value for homesteads established January 1 of the year in which
 55 the determination is being made.

56 (2)(a) Beginning in the 2012-2013 fiscal year, the
 57 Legislature shall appropriate moneys to offset the reductions in
 58 ad valorem tax revenue experienced by fiscally constrained
 59 counties, as defined in s. 218.67(1), which occur as a direct
 60 result of the implementation of the revision of Art. VII of the
 61 State Constitution contained in SJR 658 or HJR 381, 2011 Regular
 62 Session. The moneys appropriated for this purpose shall be
 63 distributed among the fiscally constrained counties based on
 64 each county's proportion of the total reduction in ad valorem
 65 tax revenue resulting from the implementation of the revision.

66 (b) On or before February 1 each year, each fiscally
 67 constrained county shall apply to the Executive Office of the
 68 Governor to participate in the distribution of the appropriation
 69 and provide documentation supporting the county's estimated
 70 reduction in ad valorem tax revenue to the Executive Office of
 71 the Governor.

72
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 75

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2011)

Amendment No. 1a

76

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

77

Remove line 227 and insert:

78

renewal of emergency rules; amending s. 218.12, F.S.; requiring

79

the Legislature to appropriate funds to fiscally constrained

80

counties to offset reductions in ad valorem tax revenue as the

81

result of the implementation of certain proposed revisions to

82

the State Constitution; providing for certain

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

CS/HB 1277 : Sexual Offenders and Predators

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel				X	
H. Marlene O'Toole			X		
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 21		Total Nays: 0			

CS/HB 1277 Amendments

Amendment 1s

Adopted

Appearances:

CS/HB 1277

Poore, Terri (Lobbyist) - Waive In Support
 Florida Council Against Sexual Violence
 1820 East Park Avenue Suite 100
 Tallahassee FL 32301
 Phone: 850-297-2000

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Superseded
by
Substitute*

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Glorioso offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Effective January 1, 2012, sections 1 through
7 13 of this act may be cited as the "Florida Safe Harbor Act."

8 Section 2. Effective January 1, 2012, subsections (4)
9 through (12) of section 39.001, Florida Statutes, are renumbered
10 as subsections (5) through (13), respectively, paragraph (c) of
11 present subsection (7) and paragraph (b) of present subsection
12 (9) are amended, and a new subsection (4) is added to that
13 section, to read:

14 39.001 Purposes and intent; personnel standards and
15 screening.—

16 (4) SEXUAL EXPLOITATION SERVICES.—

17 (a) The Legislature recognizes that child sexual
18 exploitation is a serious problem nationwide and in this state.
19 The children at greatest risk of being sexually exploited are

Amendment No. 1

20 runaways and throwaways. Many of these children have a history
21 of abuse and neglect. The vulnerability of these children starts
22 with isolation from family and friends. Traffickers maintain
23 control of child victims through psychological manipulation,
24 force, drug addiction, or the exploitation of economic,
25 physical, or emotional vulnerability. Children exploited through
26 the sex trade often find it difficult to trust adults because of
27 their abusive experiences. These children make up a population
28 that is difficult to serve and even more difficult to
29 rehabilitate. Although minors are by law unable to consent to
30 sexual activity, they are most often treated as perpetrators of
31 crime rather than victims. Moreover, the historical treatment of
32 such children as delinquents has too often resulted in the
33 failure to successfully prosecute the trafficker, who is the
34 true wrongdoer and threat to society.

35 (b) The Legislature establishes the following goals for
36 the state related to the status and treatment of sexually
37 exploited children in the dependency process:

38 1. To ensure the safety of children.

39 2. To provide for the treatment of such children as
40 dependent children rather than as delinquents.

41 3. To sever the bond between exploited children and
42 traffickers and to reunite these children with their families or
43 provide them with appropriate guardians.

44 4. To enable such children to be willing and reliable
45 witnesses in the prosecution of traffickers.

46 (c) The Legislature finds that sexually exploited children
47 need special care and services in the dependency process,

Amendment No. 1

48 including counseling, health care, substance abuse treatment,
49 educational opportunities, and a safe environment secure from
50 traffickers.

51 (d) The Legislature further finds that sexually exploited
52 children need the special care and services described in
53 paragraph (c) independent of their citizenship, residency,
54 alien, or immigrant status. It is the intent of the Legislature
55 that this state provide such care and services to all sexually
56 exploited children in this state who are not otherwise receiving
57 comparable services, such as those under the federal Trafficking
58 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

59 (8)-(7) OFFICE OF ADOPTION AND CHILD PROTECTION.--

60 (c) The office is authorized and directed to:

61 1. Oversee the preparation and implementation of the state
62 plan established under subsection (9) (8) and revise and update
63 the state plan as necessary.

64 2. Provide for or make available continuing professional
65 education and training in the prevention of child abuse and
66 neglect.

67 3. Work to secure funding in the form of appropriations,
68 gifts, and grants from the state, the Federal Government, and
69 other public and private sources in order to ensure that
70 sufficient funds are available for the promotion of adoption,
71 support of adoptive families, and child abuse prevention
72 efforts.

73 4. Make recommendations pertaining to agreements or
74 contracts for the establishment and development of:

75 a. Programs and services for the promotion of adoption,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

76 support of adoptive families, and prevention of child abuse and
77 neglect.

78 b. Training programs for the prevention of child abuse and
79 neglect.

80 c. Multidisciplinary and discipline-specific training
81 programs for professionals with responsibilities affecting
82 children, young adults, and families.

83 d. Efforts to promote adoption.

84 e. Postadoptive services to support adoptive families.

85 5. Monitor, evaluate, and review the development and
86 quality of local and statewide services and programs for the
87 promotion of adoption, support of adoptive families, and
88 prevention of child abuse and neglect and shall publish and
89 distribute an annual report of its findings on or before January
90 1 of each year to the Governor, the Speaker of the House of
91 Representatives, the President of the Senate, the head of each
92 state agency affected by the report, and the appropriate
93 substantive committees of the Legislature. The report shall
94 include:

95 a. A summary of the activities of the office.

96 b. A summary of the adoption data collected and reported
97 to the federal Adoption and Foster Care Analysis and Reporting
98 System (AFCARS) and the federal Administration for Children and
99 Families.

100 c. A summary of the child abuse prevention data collected
101 and reported to the National Child Abuse and Neglect Data System
102 (NCANDS) and the federal Administration for Children and
103 Families.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

104 d. A summary detailing the timeliness of the adoption
105 process for children adopted from within the child welfare
106 system.

107 e. Recommendations, by state agency, for the further
108 development and improvement of services and programs for the
109 promotion of adoption, support of adoptive families, and
110 prevention of child abuse and neglect.

111 f. Budget requests, adoption promotion and support needs,
112 and child abuse prevention program needs by state agency.

113 6. Work with the direct-support organization established
114 under s. 39.0011 to receive financial assistance.

115 ~~(10)~~~~(9)~~ FUNDING AND SUBSEQUENT PLANS.—

116 (b) The office and the other agencies and organizations
117 listed in paragraph ~~(9)~~~~(8)~~(a) shall readdress the state plan and
118 make necessary revisions every 5 years, at a minimum. Such
119 revisions shall be submitted to the Speaker of the House of
120 Representatives and the President of the Senate no later than
121 June 30 of each year divisible by 5. At least biennially, the
122 office shall review the state plan and make any necessary
123 revisions based on changing needs and program evaluation
124 results. An annual progress report shall be submitted to update
125 the state plan in the years between the 5-year intervals. In
126 order to avoid duplication of effort, these required plans may
127 be made a part of or merged with other plans required by either
128 the state or Federal Government, so long as the portions of the
129 other state or Federal Government plan that constitute the state
130 plan for the promotion of adoption, support of adoptive
131 families, and prevention of child abuse, abandonment, and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

132 neglect are clearly identified as such and are provided to the
133 Speaker of the House of Representatives and the President of the
134 Senate as required above.

135 Section 3. Effective January 1, 2012, subsections (2) and
136 (15) and paragraph (g) of subsection (67) of section 39.01,
137 Florida Statutes, are amended to read:

138 39.01 Definitions.—When used in this chapter, unless the
139 context otherwise requires:

140 (2) "Abuse" means any willful act or threatened act that
141 results in any physical, mental, or sexual abuse, injury, or
142 harm that causes or is likely to cause the child's physical,
143 mental, or emotional health to be significantly impaired. Abuse
144 of a child includes acts or omissions. Corporal discipline of a
145 child by a parent or legal custodian for disciplinary purposes
146 does not in itself constitute abuse when it does not result in
147 harm to the child.

148 (15) "Child who is found to be dependent" means a child
149 who, pursuant to this chapter, is found by the court:

150 (a) To have been abandoned, abused, or neglected by the
151 child's parent or parents or legal custodians;

152 (b) To have been surrendered to the department, the former
153 Department of Health and Rehabilitative Services, or a licensed
154 child-placing agency for purpose of adoption;

155 (c) To have been voluntarily placed with a licensed child-
156 caring agency, a licensed child-placing agency, an adult
157 relative, the department, or the former Department of Health and
158 Rehabilitative Services, after which placement, under the
159 requirements of this chapter, a case plan has expired and the

Amendment No. 1

160 parent or parents or legal custodians have failed to
161 substantially comply with the requirements of the plan;

162 (d) To have been voluntarily placed with a licensed child-
163 placing agency for the purposes of subsequent adoption, and a
164 parent or parents have signed a consent pursuant to the Florida
165 Rules of Juvenile Procedure;

166 (e) To have no parent or legal custodians capable of
167 providing supervision and care; ~~or~~

168 (f) To be at substantial risk of imminent abuse,
169 abandonment, or neglect by the parent or parents or legal
170 custodians; or

171 (g) To have been sexually exploited and to have no parent,
172 legal custodian, or responsible adult relative currently known
173 and capable of providing the necessary and appropriate
174 supervision and care.

175 (67) "Sexual abuse of a child" means one or more of the
176 following acts:

177 (g) The sexual exploitation of a child, which includes the
178 act of a child offering to engage in or engaging in
179 prostitution; or allowing, encouraging, or forcing a child to:

180 1. Solicit for or engage in prostitution; ~~or~~

181 2. Engage in a sexual performance, as defined by chapter
182 827; or

183 3. Participate in the trade of sex trafficking as provided
184 in s. 796.035.

185 Section 4. Effective January 1, 2012, paragraph (b) of
186 subsection (2) and paragraph (b) of subsection (3) of section
187 39.401, Florida Statutes, are amended to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

188 39.401 Taking a child alleged to be dependent into
189 custody; law enforcement officers and authorized agents of the
190 department.—

191 (2) If the law enforcement officer takes the child into
192 custody, that officer shall:

193 (b) Deliver the child to an authorized agent of the
194 department, stating the facts by reason of which the child was
195 taken into custody and sufficient information to establish
196 probable cause that the child is abandoned, abused, or
197 neglected, or otherwise dependent. In the case of a child for
198 whom there is probable cause to believe he or she has been
199 sexually exploited, the law enforcement officer shall deliver
200 the child to the appropriate short-term safe house as provided
201 for in s. 409.1678 if a short-term safe house is available.

202
203 For cases involving allegations of abandonment, abuse, or
204 neglect, or other dependency cases, within 3 days after such
205 release or within 3 days after delivering the child to an
206 authorized agent of the department, the law enforcement officer
207 who took the child into custody shall make a full written report
208 to the department.

209 (3) If the child is taken into custody by, or is delivered
210 to, an authorized agent of the department, the agent shall
211 review the facts supporting the removal with an attorney
212 representing the department. The purpose of the review is to
213 determine whether there is probable cause for the filing of a
214 shelter petition.

215 (b) If the facts are sufficient and the child has not been

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

216 returned to the custody of the parent or legal custodian, the
217 department shall file the petition and schedule a hearing, and
218 the attorney representing the department shall request that a
219 shelter hearing be held within 24 hours after the removal of the
220 child. While awaiting the shelter hearing, the authorized agent
221 of the department may place the child in licensed shelter care,
222 or in a short-term safe house if the child is a sexually
223 exploited child, or may release the child to a parent or legal
224 custodian or responsible adult relative or the adoptive parent
225 of the child's sibling who shall be given priority consideration
226 over a licensed placement, or a responsible adult approved by
227 the department if this is in the best interests of the child.
228 Placement of a child which is not in a licensed shelter must be
229 preceded by a criminal history records check as required under
230 s. 39.0138. In addition, the department may authorize placement
231 of a housekeeper/homemaker in the home of a child alleged to be
232 dependent until the parent or legal custodian assumes care of
233 the child.

234 Section 5. Effective January 1, 2012, subsection (2) and
235 paragraphs (a), (d), and (h) of subsection (8) of section
236 39.402, Florida Statutes, are amended to read:

237 39.402 Placement in a shelter.—

238 (2) A child taken into custody may be placed or continued
239 in a shelter only if one or more of the criteria in subsection
240 (1) apply ~~applies~~ and the court has made a specific finding of
241 fact regarding the necessity for removal of the child from the
242 home and has made a determination that the provision of
243 appropriate and available services will not eliminate the need

Amendment No. 1

244 for placement. In the case of a child who is alleged to have
245 been sexually exploited, there is a rebuttable presumption that
246 placement in a short-term safe house is necessary.

247 (8) (a) A child may not be held in a shelter longer than 24
248 hours unless an order so directing is entered by the court after
249 a shelter hearing. In the interval until the shelter hearing is
250 held, the decision to place the child in a shelter or release
251 the child from a shelter lies with the protective investigator.
252 In the case of a child who is alleged to have been sexually
253 exploited, there is a rebuttable presumption that placement in a
254 short-term safe house is necessary.

255 (d) At the shelter hearing, in order to continue the child
256 in shelter care:

257 1. The department must establish probable cause that
258 reasonable grounds for removal exist and that the provision of
259 appropriate and available services will not eliminate the need
260 for placement;

261 2. The department must establish probable cause for the
262 belief that the child has been sexually exploited and,
263 therefore, that placement in a short-term safe house is the most
264 appropriate environment for the child; or

265 3.2- The court must determine that additional time is
266 necessary, which may not exceed 72 hours, in which to obtain and
267 review documents pertaining to the family in order to
268 appropriately determine the risk to the child during which time
269 the child shall remain in the department's custody, if so
270 ordered by the court.

271 (h) The order for placement of a child in shelter care

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

272 must identify the parties present at the hearing and must
273 contain written findings:

274 1. That placement in shelter care is necessary based on
275 the criteria in subsections (1) and (2).

276 2. That placement in shelter care is in the best interest
277 of the child.

278 3. That continuation of the child in the home is contrary
279 to the welfare of the child because the home situation presents
280 a substantial and immediate danger to the child's physical,
281 mental, or emotional health or safety which cannot be mitigated
282 by the provision of preventive services.

283 4. That based upon the allegations of the petition for
284 placement in shelter care, there is probable cause to believe
285 that the child is dependent or that the court needs additional
86 time, which may not exceed 72 hours, in which to obtain and
287 review documents pertaining to the family in order to
288 appropriately determine the risk to the child.

289 5. That the department has made reasonable efforts to
290 prevent or eliminate the need for removal of the child from the
291 home. A finding of reasonable effort by the department to
292 prevent or eliminate the need for removal may be made and the
293 department is deemed to have made reasonable efforts to prevent
294 or eliminate the need for removal if:

295 a. The first contact of the department with the family
296 occurs during an emergency;

297 b. The appraisal of the home situation by the department
298 indicates that the home situation presents a substantial and
299 immediate danger to the child's physical, mental, or emotional

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

300 health or safety which cannot be mitigated by the provision of
301 preventive services;

302 c. The child cannot safely remain at home, either because
303 there are no preventive services that can ensure the health and
304 safety of the child or because, even with appropriate and
305 available services being provided, the health and safety of the
306 child cannot be ensured;

307 d. The child has been sexually exploited; or

308 e.d. The parent or legal custodian is alleged to have
309 committed any of the acts listed as grounds for expedited
310 termination of parental rights in s. 39.806(1)(f)-(i).

311 6. That the court notified the parents, relatives that are
312 providing out-of-home care for the child, or legal custodians of
313 the time, date, and location of the next dependency hearing and
314 of the importance of the active participation of the parents,
315 relatives that are providing out-of-home care for the child, or
316 legal custodians in all proceedings and hearings.

317 7. That the court notified the parents or legal custodians
318 of their right to counsel to represent them at the shelter
319 hearing and at each subsequent hearing or proceeding, and the
320 right of the parents to appointed counsel, pursuant to the
321 procedures set forth in s. 39.013.

322 8. That the court notified relatives who are providing
323 out-of-home care for a child as a result of the shelter petition
324 being granted that they have the right to attend all subsequent
325 hearings, to submit reports to the court, and to speak to the
326 court regarding the child, if they so desire.

327 Section 6. Effective January 1, 2012, paragraph (f) of

Amendment No. 1

328 subsection (1) and paragraph (d) of subsection (3) of section
329 39.521, Florida Statutes, are amended to read:

330 39.521 Disposition hearings; powers of disposition.—

331 (1) A disposition hearing shall be conducted by the court,
332 if the court finds that the facts alleged in the petition for
333 dependency were proven in the adjudicatory hearing, or if the
334 parents or legal custodians have consented to the finding of
335 dependency or admitted the allegations in the petition, have
336 failed to appear for the arraignment hearing after proper
337 notice, or have not been located despite a diligent search
338 having been conducted.

339 (f) If the court places the child in an out-of-home
340 placement, the disposition order must include a written
341 determination that the child cannot safely remain at home with
342 reunification or family preservation services and that removal
343 of the child is necessary to protect the child. If the child is
344 removed before the disposition hearing, the order must also
345 include a written determination as to whether, after removal,
346 the department made a reasonable effort to reunify the parent
347 and child. Reasonable efforts to reunify are not required if the
348 court finds that any of the acts listed in s. 39.806(1)(f)-(l)
349 have occurred. The department has the burden of demonstrating
350 that it made reasonable efforts.

351 1. For the purposes of this paragraph, the term
352 "reasonable effort" means the exercise of reasonable diligence
353 and care by the department to provide the services ordered by
354 the court or delineated in the case plan.

355 2. In support of its determination as to whether

Amendment No. 1

356 reasonable efforts have been made, the court shall:

357 a. Enter written findings as to whether prevention or
358 reunification efforts were indicated.

359 b. If prevention or reunification efforts were indicated,
360 include a brief written description of what appropriate and
361 available prevention and reunification efforts were made.

362 c. Indicate in writing why further efforts could or could
363 not have prevented or shortened the separation of the parent and
364 child.

365 3. A court may find that the department made a reasonable
366 effort to prevent or eliminate the need for removal if:

367 a. The first contact of the department with the family
368 occurs during an emergency;

369 b. The appraisal by the department of the home situation
370 indicates a substantial and immediate danger to the child's
371 safety or physical, mental, or emotional health which cannot be
372 mitigated by the provision of preventive services;

373 c. The child cannot safely remain at home, because there
374 are no preventive services that can ensure the health and safety
375 of the child or, even with appropriate and available services
376 being provided, the health and safety of the child cannot be
377 ensured. There is a rebuttable presumption that any child who
378 has been found to be a victim of sexual exploitation as defined
379 in s. 39.01(67)(g) meets the terms of this sub-subparagraph; or

380 d. The parent is alleged to have committed any of the acts
381 listed as grounds for expedited termination of parental rights
382 under s. 39.806(1)(f)-(l).

383 4. A reasonable effort by the department for reunification

Amendment No. 1

384 has been made if the appraisal of the home situation by the
385 department indicates that the severity of the conditions of
386 dependency is such that reunification efforts are inappropriate.
387 The department has the burden of demonstrating to the court that
388 reunification efforts were inappropriate.

389 5. If the court finds that the prevention or reunification
390 effort of the department would not have permitted the child to
391 remain safely at home, the court may commit the child to the
392 temporary legal custody of the department or take any other
393 action authorized by this chapter.

394 (3) When any child is adjudicated by a court to be
395 dependent, the court shall determine the appropriate placement
396 for the child as follows:

397 (d) If the child cannot be safely placed in a nonlicensed
398 placement, the court shall commit the child to the temporary
399 legal custody of the department. Such commitment invests in the
400 department all rights and responsibilities of a legal custodian.
401 The department shall not return any child to the physical care
402 and custody of the person from whom the child was removed,
403 except for court-approved visitation periods, without the
404 approval of the court. Any order for visitation or other contact
405 must conform to the provisions of s. 39.0139. There is a
406 rebuttable presumption that any child who has been found to be a
407 victim of sexual exploitation as defined in s. 39.01(67)(g) be
408 committed to a safe house as provided for in s. 409.1678. The
409 term of such commitment continues until terminated by the court
410 or until the child reaches the age of 18. After the child is
411 committed to the temporary legal custody of the department, all

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

412 further proceedings under this section are governed by this
413 chapter.

414

415 Protective supervision continues until the court terminates it
416 or until the child reaches the age of 18, whichever date is
417 first. Protective supervision shall be terminated by the court
418 whenever the court determines that permanency has been achieved
419 for the child, whether with a parent, another relative, or a
420 legal custodian, and that protective supervision is no longer
421 needed. The termination of supervision may be with or without
422 retaining jurisdiction, at the court's discretion, and shall in
423 either case be considered a permanency option for the child. The
424 order terminating supervision by the department shall set forth
425 the powers of the custodian of the child and shall include the
426 powers ordinarily granted to a guardian of the person of a minor
427 unless otherwise specified. Upon the court's termination of
428 supervision by the department, no further judicial reviews are
429 required, so long as permanency has been established for the
430 child.

431 Section 7. Effective January 1, 2012, section 39.524,
432 Florida Statutes, is created to read:

433 39.524 Safe-harbor placement.—

434 (1) Except as provided in s. 39.407, any dependent child 6
435 years of age or older who has been found to be a victim of
436 sexual exploitation as defined in s. 39.01(67)(g) must be
437 assessed for placement in a safe house as provided in s.
438 409.1678. The assessment shall be conducted by the department or
439 its agent and shall incorporate and address current and

Amendment No. 1

440 historical information from any law enforcement reports;
441 psychological testing or evaluation that has occurred; current
442 and historical information from the guardian ad litem, if one
443 has been assigned; current and historical information from any
444 current therapist, teacher, or other professional who has
445 knowledge of the child and has worked with the child; and any
446 other information concerning the availability and suitability of
447 safe-house placement. If such placement is determined to be
448 appropriate as a result of this procedure, the child must be
449 placed in a safe house, if one is available. As used in this
450 section, the term "available" as it relates to a placement means
451 a placement that is located within the circuit or that is
452 otherwise reasonably accessible.

453 (2) The results of the assessment described in subsection
454 (1) and the actions taken as a result of the assessment must be
455 included in the next judicial review of the child. At each
456 subsequent judicial review, the court must be advised in writing
457 of the status of the child's placement, with special reference
458 regarding the stability of the placement and the permanency
459 planning for the child.

460 (3) Any safe house that receives children under this
461 section shall establish special permanency teams dedicated to
462 overcoming the special permanency challenges presented by this
463 population of children. Each facility shall report to the
464 department its success in achieving permanency for children
465 placed by the department in its care at intervals that allow the
466 current information to be provided to the court at each judicial
467 review for the child.

Amendment No. 1

468 (4) (a) By December 1 of each year, the department shall
469 report to the Legislature on the placement of children in safe
470 houses during the year, including the criteria used to determine
471 the placement of children, the number of children who were
472 evaluated for placement, the number of children who were placed
473 based upon the evaluation, and the number of children who were
474 not placed.

475 (b) The department shall maintain data specifying the
476 number of children who were referred to a safe house for whom
477 placement was unavailable and the counties in which such
478 placement was unavailable. The department shall include this
479 data in its report under this subsection so that the Legislature
480 may consider this information in developing the General
481 Appropriations Act.

482 Section 8. Effective January 1, 2012, section 409.1678,
483 Florida Statutes, is created to read:

484 409.1678 Safe harbor for children who are victims of
485 sexual exploitation.—

486 (1) As used in this section, the term:

487 (a) "Child advocate" means an employee of a short-term
488 safe house who has been trained to work with and advocate for
489 the needs of sexually exploited children. The advocate shall
490 accompany the child to all court appearances, meetings with law
491 enforcement, and the state attorney's office and shall serve as
492 a liaison between the short-term safe house and the court.

493 (b) "Safe house" means a living environment that has set
494 aside gender-specific, separate, and distinct living quarters
495 for sexually exploited children who have been adjudicated

Amendment No. 1

496 dependent or delinquent and need to reside in a secure
497 residential facility with staff members awake 24 hours a day. A
498 safe house shall be operated by a licensed family foster home or
499 residential child-caring agency as defined in s. 409.175,
500 including a runaway youth center as defined in s. 409.441. Each
501 facility must be appropriately licensed in this state as a
502 residential child-caring agency as defined in s. 409.175 and
503 must be accredited by July 1, 2012. A safe house serving
504 children who have been sexually exploited must have available
505 staff or contract personnel with the clinical expertise,
506 credentials, and training to provide services identified in
507 paragraph (2) (b).

508 (c) "Secure" means that a child is supervised 24 hours a
509 day by staff members who are awake while on duty.

510 (d) "Sexually exploited child" means a dependent child who
511 has suffered sexual exploitation as defined in s. 39.01(67)(g)
512 and is ineligible for relief and benefits under the federal
513 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

514 (e) "Short-term safe house" means a shelter operated by a
515 licensed residential child-caring agency as defined in s.
516 409.175, including a runaway youth center as defined in s.
517 409.441, that has set aside gender-specific, separate, and
518 distinct living quarters for sexually exploited children. In
519 addition to shelter, the house shall provide services and care
520 to sexually exploited children, including food, clothing,
521 medical care, counseling, and appropriate crisis intervention
522 services at the time they are taken into custody by law
523 enforcement or the department.

Amendment No. 1

524 (2) (a) Notwithstanding any other provision of law,
525 pursuant to regulations of the department, every circuit of the
526 department shall address the child welfare service needs of
527 sexually exploited children as a component of the circuit's
528 master plan. This determination shall be made in consultation
529 with local law enforcement, runaway and homeless youth program
530 providers, local probation departments, local community-based
531 care and social services, local guardians ad litem, public
532 defenders, state attorney's offices, and child advocates and
533 services providers who work directly with sexually exploited
534 youth.

535 (b) The lead agency, not-for-profit agency, or local
536 government entity providing safe-house services is responsible
537 for security, crisis intervention services, general counseling
538 and victim-witness counseling, a comprehensive assessment,
539 residential care, transportation, access to behavioral health
540 services, recreational activities, food, clothing, supplies,
541 infant care, and miscellaneous expenses associated with caring
542 for these children; for necessary arrangement for or provision
543 of educational services, including life skills services and
544 planning services to successfully transition residents back to
545 the community; and for ensuring necessary and appropriate health
546 and dental care.

547 (c) This section does not prohibit any provider of these
548 services from appropriately billing Medicaid for services
549 rendered, from contracting with a local school district for
550 educational services, or from obtaining federal or local funding
551 for services provided, as long as two or more funding sources do

Amendment No. 1

552 not pay for the same specific service that has been provided to
553 a child.

554 (d) The lead agency, not-for-profit agency, or local
555 government entity providing safe-house services has the legal
556 authority for children served in a safe-house program, as
557 provided in chapter 39 or this chapter, as appropriate, to
558 enroll the child in school, to sign for a driver's license for
559 the child, to cosign loans and insurance for the child, to sign
560 for medical treatment of the child, and to authorize other such
561 activities.

562 (e) All of the services created under this section may, to
563 the extent possible provided by law, be available to all
564 sexually exploited children whether they are accessed
565 voluntarily, as a condition of probation, through a diversion
566 program, through a proceeding under chapter 39, or through a
567 referral from a local community-based care or social service
568 agency.

569 (3) The local circuit administrator may, to the extent
570 that funds are available, in conjunction with local law
571 enforcement officials, contract with an appropriate not-for-
572 profit agency having experience working with sexually exploited
573 children to train law enforcement officials who are likely to
574 encounter sexually exploited children in the course of their law
575 enforcement duties on the provisions of this section and how to
576 identify and obtain appropriate services for sexually exploited
577 children. Circuits may work cooperatively to provide such
578 training, and such training may be provided on a regional basis.
579 The department shall assist circuits in obtaining any available

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

580 funds for the purposes of conducting law enforcement training
581 from the Office of Juvenile Justice and Delinquency Prevention
582 of the United States Department of Justice.

583 Section 9. Effective January 1, 2012, paragraph (f) of
584 subsection (2) of section 796.07, Florida Statutes, is
585 republished, and subsection (6) of that section is amended, to
586 read:

587 796.07 Prohibiting prostitution and related acts,~~etc.,~~
588 ~~evidence, penalties, definitions.~~

589 (2) It is unlawful:

590 (f) To solicit, induce, entice, or procure another to
591 commit prostitution, lewdness, or assignation.

592 (6) A person who violates paragraph (2)(f) shall be
593 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results
594 in any judicial disposition other than acquittal or dismissal.
595 Of the proceeds from each penalty ~~penalties~~ assessed under this
596 subsection, \$500 shall be paid to the circuit court
597 administrator for the sole purpose of paying the administrative
598 costs of treatment-based drug court programs provided under s.
599 397.334 and \$4,500 shall be paid to the Department of Children
600 and Family Services for the sole purpose of funding safe houses
601 and short-term safe houses as provided in s. 409.1678.

602 Section 10. Effective January 1, 2012, section 960.065,
603 Florida Statutes, is amended to read:

604 960.065 Eligibility for awards.—

605 (1) Except as provided in subsection (2), the following
606 persons shall be eligible for awards pursuant to this chapter:

607 (a) A victim.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

- 608 (b) An intervenor.
- 609 (c) A surviving spouse, parent or guardian, sibling, or
610 child of a deceased victim or intervenor.
- 611 (d) Any other person who is dependent for his or her
612 principal support upon a deceased victim or intervenor.
- 613 (2) Any claim filed by or on behalf of a person who:
- 614 (a) Committed or aided in the commission of the crime upon
615 which the claim for compensation was based;
- 616 (b) Was engaged in an unlawful activity at the time of the
617 crime upon which the claim for compensation is based;
- 618 (c) Was in custody or confined, regardless of conviction,
619 in a county or municipal detention facility, a state or federal
620 correctional facility, or a juvenile detention or commitment
621 facility at the time of the crime upon which the claim for
622 compensation is based;
- 623 (d) Has been adjudicated as a habitual felony offender,
624 habitual violent offender, or violent career criminal under s.
625 775.084; or
- 626 (e) Has been adjudicated guilty of a forcible felony
627 offense as described in s. 776.08,
628
- 629 is ineligible ~~shall not be eligible~~ for an award.
- 630 (3) Any claim filed by or on behalf of a person who was in
631 custody or confined, regardless of adjudication, in a county or
632 municipal facility, a state or federal correctional facility, or
633 a juvenile detention, commitment, or assessment facility at the
634 time of the crime upon which the claim is based, who has been
635 adjudicated as a habitual felony offender under s. 775.084, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

636 who has been adjudicated guilty of a forcible felony offense as
637 described in s. 776.08, renders the person ineligible ~~shall not~~
638 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
639 finding by the Crime Victims' Services Office of the existence
640 of mitigating or special circumstances that would render such a
641 disqualification unjust, an award may be approved. A decision
642 that mitigating or special circumstances do not exist in a case
643 subject to this section does ~~shall~~ not constitute final agency
644 action subject to review pursuant to ss. 120.569 and 120.57.

645 (4) Payment may not be made under this chapter if the
646 person who committed the crime upon which the claim is based
647 will receive any direct or indirect financial benefit from such
648 payment, unless such benefit is minimal or inconsequential.
649 Payment may not be denied based on the victim's familial
650 relationship to the offender or based upon the sharing of a
651 residence by the victim and offender, except to prevent unjust
652 enrichment of the offender.

653 (5) A person is not ineligible for an award pursuant to
654 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
655 person is a victim of sexual exploitation of a child as defined
656 in s. 39.01(67) (g).

657 Section 11. Effective January 1, 2012, paragraph (b) of
658 subsection (2) of section 985.115, Florida Statutes, is amended
659 to read:

660 985.115 Release or delivery from custody.--

661 (2) Unless otherwise ordered by the court under s. 985.255
662 or s. 985.26, and unless there is a need to hold the child, a
663 person taking a child into custody shall attempt to release the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

664 child as follows:

665 (b) Contingent upon specific appropriation, to a shelter
666 approved by the department or to an authorized agent or short-
667 term safe house under s. 39.401(2)(b).

668 Section 12. Effective January 1, 2012, paragraph (i) of
669 subsection (1) of section 985.145, Florida Statutes, is amended
670 to read:

671 985.145 Responsibilities of juvenile probation officer
672 during intake; screenings and assessments.—

673 (1) The juvenile probation officer shall serve as the
674 primary case manager for the purpose of managing, coordinating,
675 and monitoring the services provided to the child. Each program
676 administrator within the Department of Children and Family
677 Services shall cooperate with the primary case manager in
678 carrying out the duties and responsibilities described in this
679 section. In addition to duties specified in other sections and
680 through departmental rules, the assigned juvenile probation
681 officer shall be responsible for the following:

682 (i) Recommendation concerning a petition.—Upon determining
683 that the report, affidavit, or complaint complies with the
684 standards of a probable cause affidavit and that the interests
685 of the child and the public will be best served, the juvenile
686 probation officer may recommend that a delinquency petition not
687 be filed. If such a recommendation is made, the juvenile
688 probation officer shall advise in writing the person or agency
689 making the report, affidavit, or complaint, the victim, if any,
690 and the law enforcement agency having investigative jurisdiction
691 over the offense of the recommendation; the reasons therefor;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

692 and that the person or agency may submit, within 10 days after
693 the receipt of such notice, the report, affidavit, or complaint
694 to the state attorney for special review. In the case of a
695 report, affidavit, or complaint alleging a violation of s.
696 796.07(2) (f), there is a presumption that the juvenile probation
697 officer recommend that a petition not be filed unless the child
698 has previously been adjudicated delinquent. The state attorney,
699 upon receiving a request for special review, shall consider the
700 facts presented by the report, affidavit, or complaint, and by
701 the juvenile probation officer who made the recommendation that
702 no petition be filed, before making a final decision as to
703 whether a petition or information should or should not be filed.

704 Section 13. Effective January 1, 2012, paragraph (c) of
705 subsection (1) of section 985.15, Florida Statutes, is amended
706 to read:

707 985.15 Filing decisions.—

708 (1) The state attorney may in all cases take action
709 independent of the action or lack of action of the juvenile
710 probation officer and shall determine the action that is in the
711 best interest of the public and the child. If the child meets
712 the criteria requiring prosecution as an adult under s. 985.556,
713 the state attorney shall request the court to transfer and
714 certify the child for prosecution as an adult or shall provide
715 written reasons to the court for not making such a request. In
716 all other cases, the state attorney may:

717 (c) File a petition for delinquency. In the case of a
718 report, affidavit, or complaint alleging a violation of s.
719 796.07(2) (f), there is a presumption that a petition not be

Amendment No. 1

720 filed unless the child has previously been adjudicated
721 delinquent;

722 Section 14. Paragraph (i) of subsection (2), paragraphs
723 (a), (e), (g), (i), and (j) of subsection (6), paragraph (a) of
724 subsection (8), and paragraph (a) of subsection (10) of section
725 775.21, Florida Statutes, are amended to read:

726 775.21 The Florida Sexual Predators Act.—

727 (2) DEFINITIONS.—As used in this section, the term:

728 (i) "Internet identifier ~~instant message name~~" means all
729 electronic mail, chat, instant messenger, social networking, or
730 similar name used for Internet communication, but does not
731 include a date of birth, social security number, or personal
732 identification number (PIN) an identifier that allows a person
733 to communicate in real time with another person using the
734 Internet. Voluntary disclosure by the sexual predator of his or
735 her date of birth, social security number, or personal
736 identification number (PIN) as an Internet identifier waives the
737 disclosure exemption in this paragraph for such personal
738 information.

739 (6) REGISTRATION.—

740 (a) A sexual predator must register with the department
741 through the sheriff's office by providing the following
742 information to the department:

743 1. Name; social security number; age; race; sex; date of
744 birth; height; weight; hair and eye color; photograph; address
745 of legal residence and address of any current temporary
746 residence, within the state or out of state, including a rural
747 route address and a post office box; if no permanent or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

748 temporary address, any transient residence within the state;
 749 address, location or description, and dates of any current or
 750 known future temporary residence within the state or out of
 751 state; all any electronic mail addresses address and all
 752 Internet identifiers any instant message name required to be
 753 provided pursuant to subparagraph (g)4.; all home telephone
 754 numbers number and any cellular telephone numbers number; date
 755 and place of any employment; date and place of each conviction;
 756 fingerprints; and a brief description of the crime or crimes
 757 committed by the offender. A post office box shall not be
 758 provided in lieu of a physical residential address. The sexual
 759 predator must also produce or provide information about his or
 760 her passport, if he or she has a passport, and, if he or she is
 761 an alien, must produce or provide information about documents
 762 establishing his or her immigration status.

763 a. If the sexual predator's place of residence is a motor
 764 vehicle, trailer, mobile home, or manufactured home, as defined
 765 in chapter 320, the sexual predator shall also provide to the
 766 department written notice of the vehicle identification number;
 767 the license tag number; the registration number; and a
 768 description, including color scheme, of the motor vehicle,
 769 trailer, mobile home, or manufactured home. If a sexual
 770 predator's place of residence is a vessel, live-aboard vessel,
 771 or houseboat, as defined in chapter 327, the sexual predator
 772 shall also provide to the department written notice of the hull
 773 identification number; the manufacturer's serial number; the
 774 name of the vessel, live-aboard vessel, or houseboat; the
 775 registration number; and a description, including color scheme,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

776 of the vessel, live-aboard vessel, or houseboat.

777 b. If the sexual predator is enrolled, employed, or
778 carrying on a vocation at an institution of higher education in
779 this state, the sexual predator shall also provide to the
780 department the name, address, and county of each institution,
781 including each campus attended, and the sexual predator's
782 enrollment or employment status. Each change in enrollment or
783 employment status shall be reported in person at the sheriff's
784 office, or the Department of Corrections if the sexual predator
785 is in the custody or control of or under the supervision of the
786 Department of Corrections, within 48 hours after any change in
787 status. The sheriff or the Department of Corrections shall
788 promptly notify each institution of the sexual predator's
789 presence and any change in the sexual predator's enrollment or
790 employment status.

791 2. Any other information determined necessary by the
792 department, including criminal and corrections records;
793 nonprivileged personnel and treatment records; and evidentiary
794 genetic markers when available.

795 (e)1. If the sexual predator is not in the custody or
796 control of, or under the supervision of, the Department of
797 Corrections or is not in the custody of a private correctional
798 facility, the sexual predator shall register in person:

799 a. At the sheriff's office in the county where he or she
800 establishes or maintains a residence within 48 hours after
801 establishing or maintaining a residence in this state; and

802 b. At the sheriff's office in the county where he or she
803 was designated a sexual predator by the court within 48 hours

Amendment No. 1

804 after such finding is made.

805 2. Any change in the sexual predator's permanent or
806 temporary residence, name, or all any electronic mail addresses
807 address and all Internet identifiers ~~any instant message name~~
808 required to be provided pursuant to subparagraph (g)4., after
809 the sexual predator registers in person at the sheriff's office
810 as provided in subparagraph 1., shall be accomplished in the
811 manner provided in paragraphs (g), (i), and (j). When a sexual
812 predator registers with the sheriff's office, the sheriff shall
813 take a photograph and a set of fingerprints of the predator and
814 forward the photographs and fingerprints to the department,
815 along with the information that the predator is required to
816 provide pursuant to this section.

817 (g)1. Each time a sexual predator's driver's license or
818 identification card is subject to renewal, and, without regard
819 to the status of the predator's driver's license or
820 identification card, within 48 hours after any change of the
821 predator's residence or change in the predator's name by reason
822 of marriage or other legal process, the predator shall report in
823 person to a driver's license office and shall be subject to the
824 requirements specified in paragraph (f). The Department of
825 Highway Safety and Motor Vehicles shall forward to the
826 department and to the Department of Corrections all photographs
827 and information provided by sexual predators. Notwithstanding
828 the restrictions set forth in s. 322.142, the Department of
829 Highway Safety and Motor Vehicles is authorized to release a
830 reproduction of a color-photograph or digital-image license to
831 the Department of Law Enforcement for purposes of public

Amendment No. 1

832 notification of sexual predators as provided in this section. A
833 sexual predator who is unable to secure or update a driver's
834 license or identification card with the Department of Highway
835 Safety and Motor Vehicles as provided in paragraph (f) and this
836 paragraph must also report any change of the predator's
837 residence or change in the predator's name by reason of marriage
838 or other legal process within 48 hours after the change to the
839 sheriff's office in the county where the predator resides or is
840 located and provide confirmation that he or she reported such
841 information to the Department of Highway Safety and Motor
842 Vehicles.

843 2. A sexual predator who vacates a permanent, temporary,
844 or transient residence and fails to establish or maintain
845 another permanent, temporary, or transient residence shall,
16 within 48 hours after vacating the permanent, temporary, or
847 transient residence, report in person to the sheriff's office of
848 the county in which he or she is located. The sexual predator
849 shall specify the date upon which he or she intends to or did
850 vacate such residence. The sexual predator must provide or
851 update all of the registration information required under
852 paragraph (a). The sexual predator must provide an address for
853 the residence or other place that he or she is or will be
854 located during the time in which he or she fails to establish or
855 maintain a permanent or temporary residence.

856 3. A sexual predator who remains at a permanent,
857 temporary, or transient residence after reporting his or her
858 intent to vacate such residence shall, within 48 hours after the
859 date upon which the predator indicated he or she would or did

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

860 vacate such residence, report in person to the sheriff's office
861 to which he or she reported pursuant to subparagraph 2. for the
862 purpose of reporting his or her address at such residence. When
863 the sheriff receives the report, the sheriff shall promptly
864 convey the information to the department. An offender who makes
865 a report as required under subparagraph 2. but fails to make a
866 report as required under this subparagraph commits a felony of
867 the second degree, punishable as provided in s. 775.082, s.
868 775.083, or s. 775.084.

869 4. A sexual predator must register all any electronic mail
870 addresses and Internet identifiers ~~address or instant message~~
871 ~~name~~ with the department prior to using such electronic mail
872 addresses and Internet identifiers ~~address or instant message~~
873 ~~name on or after October 1, 2007~~. The department shall establish
874 an online system through which sexual predators may securely
875 access and update all electronic mail address and Internet
876 identifier ~~instant message name~~ information.

877 (i) A sexual predator who intends to establish a
878 permanent, temporary, or transient residence in another state or
879 jurisdiction other than the State of Florida shall report in
880 person to the sheriff of the county of current residence within
881 48 hours before the date he or she intends to leave this state
882 to establish residence in another state or jurisdiction or
883 within 21 days before his or her planned departure date if the
884 intended residence of 7 days or more is outside of the United
885 States. The sexual predator must provide to the sheriff the
886 address, municipality, county, ~~and state,~~ and country of
887 intended residence. The sheriff shall promptly provide to the

Amendment No. 1

888 department the information received from the sexual predator.
889 The department shall notify the statewide law enforcement
890 agency, or a comparable agency, in the intended state, ~~or~~
891 jurisdiction, or country of residence of the sexual predator's
892 intended residence. The failure of a sexual predator to provide
893 his or her intended place of residence is punishable as provided
894 in subsection (10).

895 (j) A sexual predator who indicates his or her intent to
896 establish a permanent, temporary, or transient residence in
897 another state, a ~~or~~ jurisdiction other than the State of
898 Florida, or another country and later decides to remain in this
899 state shall, within 48 hours after the date upon which the
900 sexual predator indicated he or she would leave this state,
901 report in person to the sheriff to which the sexual predator
902 reported the intended change of residence, and report his or her
903 intent to remain in this state. If the sheriff is notified by
904 the sexual predator that he or she intends to remain in this
905 state, the sheriff shall promptly report this information to the
906 department. A sexual predator who reports his or her intent to
907 establish a permanent, temporary, or transient residence in
908 another state, a ~~or~~ jurisdiction other than the State of
909 Florida, or another country, but who remains in this state
910 without reporting to the sheriff in the manner required by this
911 paragraph, commits a felony of the second degree, punishable as
912 provided in s. 775.082, s. 775.083, or s. 775.084.

913 (8) VERIFICATION.—The department and the Department of
914 Corrections shall implement a system for verifying the addresses
915 of sexual predators. The system must be consistent with the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

916 provisions of the federal Adam Walsh Child Protection and Safety
917 Act of 2006 and any other federal standards applicable to such
918 verification or required to be met as a condition for the
919 receipt of federal funds by the state. The Department of
920 Corrections shall verify the addresses of sexual predators who
921 are not incarcerated but who reside in the community under the
922 supervision of the Department of Corrections and shall report to
923 the department any failure by a sexual predator to comply with
924 registration requirements. County and local law enforcement
925 agencies, in conjunction with the department, shall verify the
926 addresses of sexual predators who are not under the care,
927 custody, control, or supervision of the Department of
928 Corrections. Local law enforcement agencies shall report to the
929 department any failure by a sexual predator to comply with
930 registration requirements.

931 (a) A sexual predator must report in person each year
932 during the month of the sexual predator's birthday and during
933 every third month thereafter to the sheriff's office in the
934 county in which he or she resides or is otherwise located to
935 reregister. The sheriff's office may determine the appropriate
936 times and days for reporting by the sexual predator, which shall
937 be consistent with the reporting requirements of this paragraph.
938 Reregistration shall include any changes to the following
939 information:

940 1. Name; social security number; age; race; sex; date of
941 birth; height; weight; hair and eye color; address of any
942 permanent residence and address of any current temporary
943 residence, within the state or out of state, including a rural

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

944 route address and a post office box; if no permanent or
945 temporary address, any transient residence within the state;
946 address, location or description, and dates of any current or
947 known future temporary residence within the state or out of
948 state; all any electronic mail addresses address and all
949 Internet identifiers any instant message name required to be
950 provided pursuant to subparagraph (6)(g)4.; all home telephone
951 numbers number and any cellular telephone numbers number; date
952 and place of any employment; vehicle make, model, color, and
953 license tag number; fingerprints; and photograph. A post office
954 box shall not be provided in lieu of a physical residential
955 address. The sexual predator must also produce or provide
956 information about his or her passport, if he or she has a
957 passport, and, if he or she is an alien, must produce or provide
58 information about documents establishing his or her immigration
959 status.

960 2. If the sexual predator is enrolled, employed, or
961 carrying on a vocation at an institution of higher education in
962 this state, the sexual predator shall also provide to the
963 department the name, address, and county of each institution,
964 including each campus attended, and the sexual predator's
965 enrollment or employment status.

966 3. If the sexual predator's place of residence is a motor
967 vehicle, trailer, mobile home, or manufactured home, as defined
968 in chapter 320, the sexual predator shall also provide the
969 vehicle identification number; the license tag number; the
970 registration number; and a description, including color scheme,
971 of the motor vehicle, trailer, mobile home, or manufactured

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

972 home. If the sexual predator's place of residence is a vessel,
973 live-aboard vessel, or houseboat, as defined in chapter 327, the
974 sexual predator shall also provide the hull identification
975 number; the manufacturer's serial number; the name of the
976 vessel, live-aboard vessel, or houseboat; the registration
977 number; and a description, including color scheme, of the
978 vessel, live-aboard vessel, or houseboat.

979 (10) PENALTIES.—

980 (a) Except as otherwise specifically provided, a sexual
981 predator who fails to register; who fails, after registration,
982 to maintain, acquire, or renew a driver's license or
983 identification card; who fails to provide required location
984 information, electronic mail address information, Internet
985 identifier ~~instant message name~~ information, all home telephone
986 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or
987 change-of-name information; who fails to make a required report
988 in connection with vacating a permanent residence; who fails to
989 reregister as required; who fails to respond to any address
990 verification correspondence from the department within 3 weeks
991 of the date of the correspondence; or who otherwise fails, by
992 act or omission, to comply with the requirements of this
993 section, commits a felony of the third degree, punishable as
994 provided in s. 775.082, s. 775.083, or s. 775.084.

995 Section 15. Section 847.0141, Florida Statutes, is created
996 to read:

997 847.0141 Unlawful electronic communication between minors;
998 possession of visual depiction of another minor.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

999 (1) It is unlawful for a minor to intentionally or
1000 knowingly use an electronic communication device to transmit,
1001 distribute, or display a visual depiction of himself or herself
1002 that depicts nudity and is harmful to minors.

1003 (2) (a) It is unlawful for a minor to intentionally or
1004 knowingly possess a visual depiction of another minor that
1005 depicts nudity and is harmful to minors.

1006 (b) A minor does not violate paragraph (a) if all of the
1007 following apply:

1008 1. The minor did not solicit the visual depiction.

1009 2. The minor took reasonable steps to report the visual
1010 depiction to the minor's legal guardian or to a school or law
1011 enforcement official.

1012 3. The minor did not transmit or distribute the visual
1013 depiction to a third party.

1014 (3) A minor who violates subsection (1) or subsection (2):

1015 (a) Commits a noncriminal violation for a first violation,
1016 punishable by 8 hours of community service or, if ordered by the
1017 court in lieu of community service, a \$60 fine. The court may
1018 also order suitable training concerning such offenses and may
1019 prohibit the use or possession of electronic devices, which may
1020 include, but are not limited to, cellular telephones, cameras,
1021 computers, or other electronic media devices. The court shall
1022 order the confiscation of such unlawful material and authorize
1023 the law enforcement agency in which the material is held to
1024 destroy the unlawful material.

1025 (b) Commits a misdemeanor of the second degree for a
1026 violation that occurs after being found to have committed a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1027 noncriminal violation under paragraph (a), punishable as
1028 provided in s. 775.082 or s. 775.083. The court must order
1029 suitable training concerning such offenses and prohibit the use
1030 or possession of electronic communication devices, which may
1031 include, but are not limited to, cellular telephones, cameras,
1032 computers, or other electronic media devices. The court shall
1033 order the confiscation of such unlawful material and authorize
1034 the law enforcement agency in which the material is held to
1035 destroy the unlawful material.

1036 (c) Commits a misdemeanor of the first degree for a
1037 violation that occurs after being found to have committed a
1038 misdemeanor of the second degree under paragraph (b), punishable
1039 as provided in s. 775.082 or s. 775.083. The court must order
1040 suitable training concerning such offenses or, if ordered by the
1041 court in lieu of training, counseling and prohibit the use or
1042 possession of electronic devices, which may include, but are not
1043 limited to, cellular telephones, cameras, computers, or other
1044 electronic media devices. The court shall order confiscation of
1045 such unlawful material and authorize the law enforcement agency
1046 in which the material is held to destroy the unlawful material.

1047 (d) Commits a felony of the third degree for a violation
1048 that occurs after being found to have committed a misdemeanor of
1049 the first degree under paragraph (c), punishable as provided in
1050 s. 775.082, s. 775.083, or s. 775.084. The court must order a
1051 mental health evaluation by a qualified practitioner, as defined
1052 in s. 948.001, and treatment, if recommended by the
1053 practitioner. The court shall order confiscation of such

Amendment No. 1

1054 unlawful material and authorize the law enforcement agency in
1055 which the material is held to destroy the unlawful material.

1056 (4) Whenever any law enforcement officer arrests any
1057 person charged with any offense under this section, the officer
1058 shall seize the prohibited material and take the material into
1059 his or her custody to await the sentence of the court upon the
1060 trial of the offender.

1061 (5) This section does not prohibit the prosecution of a
1062 minor for a violation of any law of this state if the electronic
1063 communication includes the depiction of sexual conduct or sexual
1064 excitement and does not prohibit the prosecution of a minor for
1065 stalking under s. 784.048.

1066 Section 16. Paragraphs (a) and (g) of subsection (1),
1067 subsection (2), paragraphs (a) and (d) of subsection (4),
1068 subsections (7) and (8), and paragraph (c) of subsection (14) of
1069 section 943.0435, Florida Statutes, are amended to read:

1070 943.0435 Sexual offenders required to register with the
1071 department; penalty.-

1072 (1) As used in this section, the term:

1073 (a)1. "Sexual offender" means a person who meets the
1074 criteria in sub-subparagraph a., sub-subparagraph b., sub-
1075 subparagraph c., or sub-subparagraph d., as follows:

1076 a.(I) Has been convicted of committing, or attempting,
1077 soliciting, or conspiring to commit, any of the criminal
1078 offenses proscribed in the following statutes in this state or
1079 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
1080 or s. 787.025(2)(c), where the victim is a minor and the
1081 defendant is not the victim's parent or guardian; s. 794.011,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1082 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
1083 800.04; s. 825.1025; s. 826.04 where the victim is a minor and
1084 the defendant is 18 years of age or older; s. 827.071; s.
1085 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1086 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1087 committed in this state which has been redesignated from a
1088 former statute number to one of those listed in this sub-sub-
1089 subparagraph; and

1090 (II) Has been released on or after October 1, 1997, from
1091 the sanction imposed for any conviction of an offense described
1092 in sub-sub-subparagraph (I). For purposes of sub-sub-
1093 subparagraph (I), a sanction imposed in this state or in any
1094 other jurisdiction includes, but is not limited to, a fine,
1095 probation, community control, parole, conditional release,
1096 control release, or incarceration in a state prison, federal
1097 prison, private correctional facility, or local detention
1098 facility;

1099 b. Establishes or maintains a residence in this state and
1100 who has not been designated as a sexual predator by a court of
1101 this state but who has been designated as a sexual predator, as
1102 a sexually violent predator, or by another sexual offender
1103 designation in another state or jurisdiction and was, as a
1104 result of such designation, subjected to registration or
1105 community or public notification, or both, or would be if the
1106 person were a resident of that state or jurisdiction, without
1107 regard to whether the person otherwise meets the criteria for
1108 registration as a sexual offender;

1109 c. Establishes or maintains a residence in this state who

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1110 is in the custody or control of, or under the supervision of,
1111 any other state or jurisdiction as a result of a conviction for
1112 committing, or attempting, soliciting, or conspiring to commit,
1113 any of the criminal offenses proscribed in the following
1114 statutes or similar offense in another jurisdiction: s. 787.01,
1115 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1116 the defendant is not the victim's parent or guardian; s.
1117 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
1118 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a
1119 minor and the defendant is 18 years of age or older; s. 827.071;
1120 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;
1121 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
1122 offense committed in this state which has been redesignated from
1123 a former statute number to one of those listed in this sub-
1124 subparagraph; or

1125 d. On or after July 1, 2007, has been adjudicated
1126 delinquent for committing, or attempting, soliciting, or
1127 conspiring to commit, any of the criminal offenses proscribed in
1128 the following statutes in this state or similar offenses in
1129 another jurisdiction when the juvenile was 14 years of age or
1130 older at the time of the offense:

1131 (I) Section 794.011, excluding s. 794.011(10);

1132 (II) Section 800.04(4)(b) where the victim is under 12
1133 years of age or where the court finds sexual activity by the use
1134 of force or coercion;

1135 (III) Section 800.04(5)(c)1. where the court finds
1136 molestation involving unclothed genitals; or

1137 (IV) Section 800.04(5)(d) where the court finds the use of

Amendment No. 1

1138 force or coercion and unclothed genitals.

1139 2. For all qualifying offenses listed in sub-subparagraph
1140 (1)(a)1.d., the court shall make a written finding of the age of
1141 the offender at the time of the offense.

1142

1143 For each violation of a qualifying offense listed in this
1144 subsection, the court shall make a written finding of the age of
1145 the victim at the time of the offense. For a violation of s.
1146 800.04(4), the court shall additionally make a written finding
1147 indicating that the offense did or did not involve sexual
1148 activity and indicating that the offense did or did not involve
1149 force or coercion. For a violation of s. 800.04(5), the court
1150 shall additionally make a written finding that the offense did
1151 or did not involve unclothed genitals or genital area and that
1152 the offense did or did not involve the use of force or coercion.

1153 (g) "Internet identifier Instant message name" has the
1154 same meaning as provided in s. 775.21 ~~means an identifier that~~
1155 ~~allows a person to communicate in real time with another person~~
1156 ~~using the Internet.~~

1157 (2) A sexual offender shall:

1158 (a) Report in person at the sheriff's office:

1159 1. In the county in which the offender establishes or
1160 maintains a permanent, temporary, or transient residence within
1161 48 hours after:

1162 a. Establishing permanent, temporary, or transient
1163 residence in this state; or

1164 b. Being released from the custody, control, or
1165 supervision of the Department of Corrections or from the custody

Amendment No. 1

1166 of a private correctional facility; or

1167 2. In the county where he or she was convicted within 48
1168 hours after being convicted for a qualifying offense for
1169 registration under this section if the offender is not in the
1170 custody or control of, or under the supervision of, the
1171 Department of Corrections, or is not in the custody of a private
1172 correctional facility.

1173
1174 Any change in the information required to be provided pursuant
1175 to paragraph (b), including, but not limited to, any change in
1176 the sexual offender's permanent, temporary, or transient
1177 residence, name, all any electronic mail addresses ~~address~~ and
1178 all Internet identifiers ~~any instant message name~~ required to be
1179 provided pursuant to paragraph (4) (d), after the sexual offender
1180 reports in person at the sheriff's office, shall be accomplished
1181 in the manner provided in subsections (4), (7), and (8).

1182 (b) Provide his or her name; date of birth; social
1183 security number; race; sex; height; weight; hair and eye color;
1184 tattoos or other identifying marks; occupation and place of
1185 employment; address of permanent or legal residence or address
1186 of any current temporary residence, within the state or out of
1187 state, including a rural route address and a post office box; if
1188 no permanent or temporary address, any transient residence
1189 within the state, address, location or description, and dates of
1190 any current or known future temporary residence within the state
1191 or out of state; all home telephone numbers ~~number~~ and ~~any~~
1192 cellular telephone numbers ~~number~~; all any electronic mail
1193 addresses ~~address~~ and all Internet identifiers ~~any instant~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1194 ~~message name~~ required to be provided pursuant to paragraph
1195 (4) (d); date and place of each conviction; and a brief
1196 description of the crime or crimes committed by the offender. A
1197 post office box shall not be provided in lieu of a physical
1198 residential address. The sexual offender must also produce or
1199 provide information about his or her passport, if he or she has
1200 a passport, and, if he or she is an alien, must produce or
1201 provide information about documents establishing his or her
1202 immigration status.

1203 1. If the sexual offender's place of residence is a motor
1204 vehicle, trailer, mobile home, or manufactured home, as defined
1205 in chapter 320, the sexual offender shall also provide to the
1206 department through the sheriff's office written notice of the
1207 vehicle identification number; the license tag number; the
1208 registration number; and a description, including color scheme,
1209 of the motor vehicle, trailer, mobile home, or manufactured
1210 home. If the sexual offender's place of residence is a vessel,
1211 live-aboard vessel, or houseboat, as defined in chapter 327, the
1212 sexual offender shall also provide to the department written
1213 notice of the hull identification number; the manufacturer's
1214 serial number; the name of the vessel, live-aboard vessel, or
1215 houseboat; the registration number; and a description, including
1216 color scheme, of the vessel, live-aboard vessel, or houseboat.

1217 2. If the sexual offender is enrolled, employed, or
1218 carrying on a vocation at an institution of higher education in
1219 this state, the sexual offender shall also provide to the
1220 department through the sheriff's office the name, address, and
1221 county of each institution, including each campus attended, and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1222 the sexual offender's enrollment or employment status. Each
1223 change in enrollment or employment status shall be reported in
1224 person at the sheriff's office, within 48 hours after any change
1225 in status. The sheriff shall promptly notify each institution of
1226 the sexual offender's presence and any change in the sexual
1227 offender's enrollment or employment status.

1228
1229 When a sexual offender reports at the sheriff's office, the
1230 sheriff shall take a photograph and a set of fingerprints of the
1231 offender and forward the photographs and fingerprints to the
1232 department, along with the information provided by the sexual
1233 offender. The sheriff shall promptly provide to the department
1234 the information received from the sexual offender.

1235 (4) (a) Each time a sexual offender's driver's license or
36 identification card is subject to renewal, and, without regard
1237 to the status of the offender's driver's license or
1238 identification card, within 48 hours after any change in the
1239 offender's permanent, temporary, or transient residence or
1240 change in the offender's name by reason of marriage or other
1241 legal process, the offender shall report in person to a driver's
1242 license office, and shall be subject to the requirements
1243 specified in subsection (3). The Department of Highway Safety
1244 and Motor Vehicles shall forward to the department all
1245 photographs and information provided by sexual offenders.
1246 Notwithstanding the restrictions set forth in s. 322.142, the
1247 Department of Highway Safety and Motor Vehicles is authorized to
1248 release a reproduction of a color-photograph or digital-image
1249 license to the Department of Law Enforcement for purposes of

Amendment No. 1

1250 public notification of sexual offenders as provided in this
1251 section and ss. 943.043 and 944.606. A sexual offender who is
1252 unable to secure or update a driver's license or identification
1253 card with the Department of Highway Safety and Motor Vehicles as
1254 provided in subsection (3) and this subsection must also report
1255 any change in the sexual offender's permanent, temporary, or
1256 transient residence or change in the offender's name by reason
1257 of marriage or other legal process within 48 hours after the
1258 change to the sheriff's office in the county where the offender
1259 resides or is located and provide confirmation that he or she
1260 reported such information to Department of Highway Safety and
1261 Motor Vehicles.

1262 (d) A sexual offender must register all any electronic
1263 mail addresses and Internet identifiers ~~address or instant~~
1264 ~~message name~~ with the department prior to using such electronic
1265 mail addresses and Internet identifiers ~~address or instant~~
1266 ~~message name on or after October 1, 2007.~~ The department shall
1267 establish an online system through which sexual offenders may
1268 securely access and update all electronic mail address and
1269 Internet identifier ~~instant message name~~ information.

1270 (7) A sexual offender who intends to establish a
1271 permanent, temporary, or transient residence in another state or
1272 jurisdiction other than the State of Florida shall report in
1273 person to the sheriff of the county of current residence within
1274 48 hours before the date he or she intends to leave this state
1275 to establish residence in another state or jurisdiction or
1276 within 21 days before his or her planned departure date if the
1277 intended residence of 7 days or more is outside of the United

Amendment No. 1

1278 States. The notification must include the address, municipality,
1279 county, ~~and state~~, and country of intended residence. The
1280 sheriff shall promptly provide to the department the information
1281 received from the sexual offender. The department shall notify
1282 the statewide law enforcement agency, or a comparable agency, in
1283 the intended state, ~~or jurisdiction~~, or country of residence of
1284 the sexual offender's intended residence. The failure of a
1285 sexual offender to provide his or her intended place of
1286 residence is punishable as provided in subsection (9).

1287 (8) A sexual offender who indicates his or her intent to
1288 establish a permanent, temporary, or transient residence in
1289 another state, a or jurisdiction other than the State of
1290 Florida, or another country and later decides to remain in this
1291 state shall, within 48 hours after the date upon which the
1292 sexual offender indicated he or she would leave this state,
1293 report in person to the sheriff to which the sexual offender
1294 reported the intended change of permanent, temporary, or
1295 transient residence, and report his or her intent to remain in
1296 this state. The sheriff shall promptly report this information
1297 to the department. A sexual offender who reports his or her
1298 intent to establish a permanent, temporary, or transient
1299 residence in another state, a or jurisdiction other than the
1300 State of Florida, or another country but who remains in this
1301 state without reporting to the sheriff in the manner required by
1302 this subsection commits a felony of the second degree,
1303 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1304 (14)

1305 (c) The sheriff's office may determine the appropriate

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1306 times and days for reporting by the sexual offender, which shall
1307 be consistent with the reporting requirements of this
1308 subsection. Reregistration shall include any changes to the
1309 following information:

1310 1. Name; social security number; age; race; sex; date of
1311 birth; height; weight; hair and eye color; address of any
1312 permanent residence and address of any current temporary
1313 residence, within the state or out of state, including a rural
1314 route address and a post office box; if no permanent or
1315 temporary address, any transient residence within the state;
1316 address, location or description, and dates of any current or
1317 known future temporary residence within the state or out of
1318 state; all any electronic mail addresses address and all
1319 Internet identifiers any instant message name required to be
1320 provided pursuant to paragraph (4) (d); all home telephone
1321 numbers number and all any cellular telephone numbers number;
1322 date and place of any employment; vehicle make, model, color,
1323 and license tag number; fingerprints; and photograph. A post
1324 office box shall not be provided in lieu of a physical
1325 residential address. The sexual offender must also produce or
1326 provide information about his or her passport, if he or she has
1327 a passport, and, if he or she is an alien, must produce or
1328 provide information about documents establishing his or her
1329 immigration status.

1330 2. If the sexual offender is enrolled, employed, or
1331 carrying on a vocation at an institution of higher education in
1332 this state, the sexual offender shall also provide to the
1333 department the name, address, and county of each institution,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1334 including each campus attended, and the sexual offender's
1335 enrollment or employment status.

1336 3. If the sexual offender's place of residence is a motor
1337 vehicle, trailer, mobile home, or manufactured home, as defined
1338 in chapter 320, the sexual offender shall also provide the
1339 vehicle identification number; the license tag number; the
1340 registration number; and a description, including color scheme,
1341 of the motor vehicle, trailer, mobile home, or manufactured
1342 home. If the sexual offender's place of residence is a vessel,
1343 live-aboard vessel, or houseboat, as defined in chapter 327, the
1344 sexual offender shall also provide the hull identification
1345 number; the manufacturer's serial number; the name of the
1346 vessel, live-aboard vessel, or houseboat; the registration
1347 number; and a description, including color scheme, of the
1348 vessel, live-aboard vessel or houseboat.

1349 4. Any sexual offender who fails to report in person as
1350 required at the sheriff's office, or who fails to respond to any
1351 address verification correspondence from the department within 3
1352 weeks of the date of the correspondence or who fails to report
1353 all electronic mail addresses and all Internet identifiers ~~or~~
1354 ~~instant message names~~, commits a felony of the third degree,
1355 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1356 Section 17. Section 943.04351, Florida Statutes, is
1357 amended to read:

1358 943.04351 Search of registration information regarding
1359 sexual predators and sexual offenders required prior to
1360 appointment or employment.—A state agency or governmental
1361 subdivision, prior to making any decision to appoint or employ a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1362 person to work, whether for compensation or as a volunteer, at
1363 any park, playground, day care center, or other place where
1364 children regularly congregate, must conduct a search of that
1365 person's name or other identifying information against the
1366 registration information regarding sexual predators and sexual
1367 offenders maintained by the Department of Law Enforcement under
1368 s. 943.043. The agency or governmental subdivision may conduct
1369 the search using the Internet site maintained by the Department
1370 of Law Enforcement. Also, a national search must be conducted
1371 through the Dru Sjodin National Sex Offender Public Website
1372 maintained by the United States Department of Justice. This
1373 section does not apply to those positions or appointments within
1374 a state agency or governmental subdivision for which a state and
1375 national criminal history background check is conducted.

1376 Section 18. Section 943.04354, Florida Statutes, is
1377 amended to read:

1378 943.04354 Removal of the requirement to register as a
1379 sexual offender or sexual predator in special circumstances.—

1380 (1) For purposes of this section, a person shall be
1381 considered for removal of the requirement to register as a
1382 sexual offender or sexual predator only if the person:

1383 (a) Was or will be convicted or adjudicated delinquent of
1384 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
1385 847.0135(5) or the person committed a violation of s. 794.011,
1386 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
1387 of guilt was or will be withheld, and the person does not have
1388 any other conviction, adjudication of delinquency, or withhold

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1389 of adjudication of guilt for a violation of s. 794.011, s.
1390 800.04, s. 827.071, or s. 847.0135(5);

1391 (b) Is required to register as a sexual offender or sexual
1392 predator solely on the basis of this violation; and

1393 (c) Is not more than 4 years older than the victim of this
1394 violation who was 13 ~~14~~ years of age or older but not more than
1395 18 ~~17~~ years of age at the time the person committed this
1396 violation.

1397 (2) If a person meets the criteria in subsection (1) ~~and~~
1398 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
1399 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person
1400 may move the court that will sentence or dispose of this
1401 violation to remove the requirement that the person register as
1402 a sexual offender or sexual predator. The person must allege in
1403 the motion that he or she meets the criteria in subsection (1)
1404 and that removal of the registration requirement will not
1405 conflict with federal law. The state attorney must be given
1406 notice of the motion at least 21 days before the date of
1407 sentencing or disposition of this violation and may present
1408 evidence in opposition to the requested relief or may otherwise
1409 demonstrate why the motion should be denied. At sentencing or
1410 disposition of this violation, the court shall rule on this
1411 motion and, if the court determines the person meets the
1412 criteria in subsection (1) and the removal of the registration
1413 requirement will not conflict with federal law, it may grant the
1414 motion and order the removal of the registration requirement. If
1415 the court denies the motion, the person is not authorized under

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1416 this section to petition for removal of the registration
1417 requirement.

1418 (3) (a) This subsection applies to a person who:

1419 ~~1. Is not a person described in subsection (2) because the~~
1420 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
1421 ~~committed on or after July 1, 2007;~~

1422 1.2. Is subject to registration as a sexual offender or
1423 sexual predator for a violation of s. 794.011, s. 800.04, or s.
1424 827.071; and

1425 2.3. Meets the criteria in subsection (1).

1426 (b) A person may petition the court in which the sentence
1427 or disposition for the violation of s. 794.011, s. 800.04, or s.
1428 827.071 occurred for removal of the requirement to register as a
1429 sexual offender or sexual predator. The person must allege in
1430 the petition that he or she meets the criteria in subsection (1)
1431 and removal of the registration requirement will not conflict
1432 with federal law. The state attorney must be given notice of the
1433 petition at least 21 days before the hearing on the petition and
1434 may present evidence in opposition to the requested relief or
1435 may otherwise demonstrate why the petition should be denied. The
1436 court shall rule on the petition and, if the court determines
1437 the person meets the criteria in subsection (1) and removal of
1438 the registration requirement will not conflict with federal law,
1439 it may grant the petition and order the removal of the
1440 registration requirement. If the court denies the petition, the
1441 person is not authorized under this section to file any further
1442 petition for removal of the registration requirement.

Amendment No. 1

1443 (4) If a person provides to the Department of Law
1444 Enforcement a certified copy of the court's order removing the
1445 requirement that the person register as a sexual offender or
1446 sexual predator for the violation of s. 794.011, s. 800.04, s.
1447 827.071, or s. 847.0135(5), the registration requirement will
1448 not apply to the person and the department shall remove all
1449 information about the person from the public registry of sexual
1450 offenders and sexual predators maintained by the department.
1451 However, the removal of this information from the public
1452 registry does not mean that the public is denied access to
1453 information about the person's criminal history or record that
1454 is otherwise available as a public record.

1455 Section 19. Subsection (2) and paragraph (a) of subsection
1456 (3) of section 943.0437, Florida Statutes, are amended to read:

1457 943.0437 Commercial social networking websites.—

1458 (2) The department may provide information relating to
1459 electronic mail addresses and Internet identifiers ~~instant~~
1460 ~~message names~~ maintained as part of the sexual offender registry
1461 to commercial social networking websites or third parties
1462 designated by commercial social networking websites. The
1463 commercial social networking website may use this information
1464 for the purpose of comparing registered users and screening
1465 potential users of the commercial social networking website
1466 against the list of electronic mail addresses and Internet
1467 identifiers ~~instant message names~~ provided by the department.

1468 (3) This section shall not be construed to impose any
1469 civil liability on a commercial social networking website for:

1470 (a) Any action voluntarily taken in good faith to remove

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1471 or disable any profile of a registered user associated with an
1472 electronic mail address or Internet identifier ~~instant message~~
1473 ~~name~~ contained in the sexual offender registry.

1474 Section 20. Paragraphs (b) and (d) of subsection (1) and
1475 paragraph (a) of subsection (3) of section 944.606, Florida
1476 Statutes, are amended to read:

1477 944.606 Sexual offenders; notification upon release.--

1478 (1) As used in this section:

1479 (b) "Sexual offender" means a person who has been
1480 convicted of committing, or attempting, soliciting, or
1481 conspiring to commit, any of the criminal offenses proscribed in
1482 the following statutes in this state or similar offenses in
1483 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1484 where the victim is a minor and the defendant is not the
1485 victim's parent or guardian; s. 794.011, excluding s.
1486 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1487 825.1025; s. 826.04 where the victim is a minor and the
1488 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
1489 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
1490 s. 847.0145; or s. 985.701(1); or any similar offense committed
1491 in this state which has been redesignated from a former statute
1492 number to one of those listed in this subsection, when the
1493 department has received verified information regarding such
1494 conviction; an offender's computerized criminal history record
1495 is not, in and of itself, verified information.

1496 (d) "Internet identifier ~~Instant message name~~" has the
1497 same meaning as provided in s. 775.21 ~~means an identifier that~~
1498 ~~allows a person to communicate in real time with another person~~

Amendment No. 1

1499 ~~using the Internet.~~

1500 (3) (a) The department must provide information regarding
1501 any sexual offender who is being released after serving a period
1502 of incarceration for any offense, as follows:

1503 1. The department must provide: the sexual offender's
1504 name, any change in the offender's name by reason of marriage or
1505 other legal process, and any alias, if known; the correctional
1506 facility from which the sexual offender is released; the sexual
1507 offender's social security number, race, sex, date of birth,
1508 height, weight, and hair and eye color; address of any planned
1509 permanent residence or temporary residence, within the state or
1510 out of state, including a rural route address and a post office
1511 box; if no permanent or temporary address, any transient
1512 residence within the state; address, location or description,
1513 and dates of any known future temporary residence within the
1514 state or out of state; date and county of sentence and each
1515 crime for which the offender was sentenced; a copy of the
1516 offender's fingerprints and a digitized photograph taken within
1517 60 days before release; the date of release of the sexual
1518 offender; all any electronic mail addresses address and all
1519 Internet identifiers any instant message name required to be
1520 provided pursuant to s. 943.0435(4) (d); all and home telephone
1521 numbers number and any cellular telephone numbers; and passport
1522 information, if he or she has a passport, and, if he or she is
1523 an alien, information about documents establishing his or her
1524 immigration status number. The department shall notify the
1525 Department of Law Enforcement if the sexual offender escapes,
1526 absconds, or dies. If the sexual offender is in the custody of a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1527 private correctional facility, the facility shall take the
1528 digitized photograph of the sexual offender within 60 days
1529 before the sexual offender's release and provide this photograph
1530 to the Department of Corrections and also place it in the sexual
1531 offender's file. If the sexual offender is in the custody of a
1532 local jail, the custodian of the local jail shall register the
1533 offender within 3 business days after intake of the offender for
1534 any reason and upon release, and shall notify the Department of
1535 Law Enforcement of the sexual offender's release and provide to
1536 the Department of Law Enforcement the information specified in
1537 this paragraph and any information specified in subparagraph 2.
1538 that the Department of Law Enforcement requests.

1539 2. The department may provide any other information deemed
1540 necessary, including criminal and corrections records,
1541 nonprivileged personnel and treatment records, when available.

1542 Section 21. Paragraphs (a) and (f) of subsection (1),
1543 paragraph (a) of subsection (4), paragraph (b) of subsection
1544 (6), and paragraph (c) of subsection (13) of section 944.607,
1545 Florida Statutes, are amended to read:

1546 944.607 Notification to Department of Law Enforcement of
1547 information on sexual offenders.--

1548 (1) As used in this section, the term:

1549 (a) "Sexual offender" means a person who is in the custody
1550 or control of, or under the supervision of, the department or is
1551 in the custody of a private correctional facility:

1552 1. On or after October 1, 1997, as a result of a
1553 conviction for committing, or attempting, soliciting, or
1554 conspiring to commit, any of the criminal offenses proscribed in

Amendment No. 1

1555 the following statutes in this state or similar offenses in
1556 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1557 where the victim is a minor and the defendant is not the
1558 victim's parent or guardian; s. 794.011, excluding s.
1559 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1560 825.1025; s. 826.04 where the victim is a minor and the
1561 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
1562 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
1563 s. 847.0145; or s. 985.701(1); or any similar offense committed
1564 in this state which has been redesignated from a former statute
1565 number to one of those listed in this paragraph; or

1566 2. Who establishes or maintains a residence in this state
1567 and who has not been designated as a sexual predator by a court
1568 of this state but who has been designated as a sexual predator,
69 as a sexually violent predator, or by another sexual offender
1570 designation in another state or jurisdiction and was, as a
1571 result of such designation, subjected to registration or
1572 community or public notification, or both, or would be if the
1573 person were a resident of that state or jurisdiction, without
1574 regard as to whether the person otherwise meets the criteria for
1575 registration as a sexual offender.

1576 (f) "Internet identifier ~~instant message name~~" has the
1577 same meaning as provided in s. 775.21 ~~means an identifier that~~
1578 ~~allows a person to communicate in real time with another person~~
1579 ~~using the Internet.~~

1580 (4) A sexual offender, as described in this section, who
1581 is under the supervision of the Department of Corrections but is
1582 not incarcerated must register with the Department of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1583 Corrections within 3 business days after sentencing for a
1584 registrable offense and otherwise provide information as
1585 required by this subsection.

1586 (a) The sexual offender shall provide his or her name;
1587 date of birth; social security number; race; sex; height;
1588 weight; hair and eye color; tattoos or other identifying marks;
1589 all any electronic mail addresses address and all Internet
1590 identifiers any instant message name required to be provided
1591 pursuant to s. 943.0435(4)(d); permanent or legal residence and
1592 address of temporary residence within the state or out of state
1593 while the sexual offender is under supervision in this state,
1594 including any rural route address or post office box; if no
1595 permanent or temporary address, any transient residence within
1596 the state; and address, location or description, and dates of
1597 any current or known future temporary residence within the state
1598 or out of state. The sexual offender must also produce or
1599 provide information about his or her passport, if he or she has
1600 a passport, and, if he or she is an alien, must produce or
1601 provide information about documents establishing his or her
1602 immigration status. The Department of Corrections shall verify
1603 the address of each sexual offender in the manner described in
1604 ss. 775.21 and 943.0435. The department shall report to the
1605 Department of Law Enforcement any failure by a sexual predator
1606 or sexual offender to comply with registration requirements.

1607 (6) The information provided to the Department of Law
1608 Enforcement must include:

1609 (b) The sexual offender's most current address, place of
1610 permanent, temporary, or transient residence within the state or

Amendment No. 1

1611 out of state, and address, location or description, and dates of
1612 any current or known future temporary residence within the state
1613 or out of state, while the sexual offender is under supervision
1614 in this state, including the name of the county or municipality
1615 in which the offender permanently or temporarily resides, or has
1616 a transient residence, and address, location or description, and
1617 dates of any current or known future temporary residence within
1618 the state or out of state, and, if known, the intended place of
1619 permanent, temporary, or transient residence, and address,
1620 location or description, and dates of any current or known
1621 future temporary residence within the state or out of state upon
1622 satisfaction of all sanctions. The sexual offender must also
1623 produce or provide information about his or her passport, if he
1624 or she has a passport, and, if he or she is an alien, must
1625 produce or provide information about documents establishing his
1626 or her immigration status;

1627
1628 If any information provided by the department changes during the
1629 time the sexual offender is under the department's control,
1630 custody, or supervision, including any change in the offender's
1631 name by reason of marriage or other legal process, the
1632 department shall, in a timely manner, update the information and
1633 provide it to the Department of Law Enforcement in the manner
1634 prescribed in subsection (2).

1635 (13)

1636 (c) The sheriff's office may determine the appropriate
1637 times and days for reporting by the sexual offender, which shall
1638 be consistent with the reporting requirements of this

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1639 subsection. Reregistration shall include any changes to the
1640 following information:

1641 1. Name; social security number; age; race; sex; date of
1642 birth; height; weight; hair and eye color; address of any
1643 permanent residence and address of any current temporary
1644 residence, within the state or out of state, including a rural
1645 route address and a post office box; if no permanent or
1646 temporary address, any transient residence; address, location or
1647 description, and dates of any current or known future temporary
1648 residence within the state or out of state; all any electronic
1649 mail addresses address and all Internet identifiers any instant
1650 message name required to be provided pursuant to s.
1651 943.0435(4)(d); date and place of any employment; vehicle make,
1652 model, color, and license tag number; fingerprints; and
1653 photograph. A post office box shall not be provided in lieu of a
1654 physical residential address. The sexual offender must also
1655 produce or provide information about his or her passport, if he
1656 or she has a passport, and, if he or she is an alien, must
1657 produce or provide information about documents establishing his
1658 or her immigration status.

1659 2. If the sexual offender is enrolled, employed, or
1660 carrying on a vocation at an institution of higher education in
1661 this state, the sexual offender shall also provide to the
1662 department the name, address, and county of each institution,
1663 including each campus attended, and the sexual offender's
1664 enrollment or employment status.

1665 3. If the sexual offender's place of residence is a motor
1666 vehicle, trailer, mobile home, or manufactured home, as defined

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1667 in chapter 320, the sexual offender shall also provide the
1668 vehicle identification number; the license tag number; the
1669 registration number; and a description, including color scheme,
1670 of the motor vehicle, trailer, mobile home, or manufactured
1671 home. If the sexual offender's place of residence is a vessel,
1672 live-aboard vessel, or houseboat, as defined in chapter 327, the
1673 sexual offender shall also provide the hull identification
1674 number; the manufacturer's serial number; the name of the
1675 vessel, live-aboard vessel, or houseboat; the registration
1676 number; and a description, including color scheme, of the
1677 vessel, live-aboard vessel or houseboat.

1678 4. Any sexual offender who fails to report in person as
1679 required at the sheriff's office, or who fails to respond to any
1680 address verification correspondence from the department within 3
1681 weeks of the date of the correspondence, or who fails to report
1682 all electronic mail addresses and all Internet identifiers ~~or~~
1683 ~~instant message names~~, commits a felony of the third degree,
1684 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1685 Section 22. Subsection (11) of section 947.005, Florida
1686 Statutes, is amended to read:

1687 947.005 Definitions.—As used in this chapter, unless the
1688 context clearly indicates otherwise:

1689 (11) "Risk assessment" means an assessment completed by a
1690 ~~an independent~~ qualified practitioner to evaluate the level of
1691 risk associated when a sex offender has contact with a child.

1692 Section 23. Section 948.31, Florida Statutes, is amended
1693 to read:

1694 948.31 Evaluation and treatment of sexual predators and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1695 offenders on probation or community control.—Conditions imposed
1696 pursuant to this section do not require oral pronouncement at
1697 the time of sentencing and shall be considered standard
1698 conditions of probation or community control for offenders
1699 specified in this section. The court shall require an evaluation
1700 by a qualified practitioner to determine the need of a
1701 probationer or community controllee for treatment. If the court
1702 determines that a need therefor is established by the evaluation
1703 process, the court shall require sexual offender treatment as a
1704 term or condition of probation or community control for any
1705 person who is required to register as a sexual predator under s.
1706 775.21 or sexual offender under s. 943.0435, s. 944.606, or s.
1707 944.607. Such treatment shall be required to be obtained from a
1708 qualified practitioner as defined in s. 948.001. Treatment may
1709 not be administered by a qualified practitioner who has been
1710 convicted or adjudicated delinquent of committing, or
1711 attempting, soliciting, or conspiring to commit, any offense
1712 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~
1713 ~~impose a restriction against contact with minors if sexual~~
1714 ~~offender treatment is recommended.~~ The evaluation and
1715 recommendations for treatment of the probationer or community
1716 controllee shall be provided to the court for review.

1717 Section 24. Paragraph (a) of subsection (3) of section
1718 985.481, Florida Statutes, is amended to read:

1719 985.481 Sexual offenders adjudicated delinquent;
1720 notification upon release.—

1721 (3)(a) The department must provide information regarding
1722 any sexual offender who is being released after serving a period

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1723 of residential commitment under the department for any offense,
1724 as follows:

1725 1. The department must provide the sexual offender's name,
1726 any change in the offender's name by reason of marriage or other
1727 legal process, and any alias, if known; the correctional
1728 facility from which the sexual offender is released; the sexual
1729 offender's social security number, race, sex, date of birth,
1730 height, weight, and hair and eye color; address of any planned
1731 permanent residence or temporary residence, within the state or
1732 out of state, including a rural route address and a post office
1733 box; if no permanent or temporary address, any transient
1734 residence within the state; address, location or description,
1735 and dates of any known future temporary residence within the
1736 state or out of state; date and county of disposition and each
1737 crime for which there was a disposition; a copy of the
1738 offender's fingerprints and a digitized photograph taken within
1739 60 days before release; the date of release of the sexual
1740 offender; all and home telephone numbers number and any cellular
1741 telephone numbers; and passport information, if he or she has a
1742 passport, and, if he or she is an alien, information about
1743 documents establishing his or her immigration status number. The
1744 department shall notify the Department of Law Enforcement if the
1745 sexual offender escapes, absconds, or dies. If the sexual
1746 offender is in the custody of a private correctional facility,
1747 the facility shall take the digitized photograph of the sexual
1748 offender within 60 days before the sexual offender's release and
1749 also place it in the sexual offender's file. If the sexual
1750 offender is in the custody of a local jail, the custodian of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1751 | local jail shall register the offender within 3 business days
1752 | after intake of the offender for any reason and upon release,
1753 | and shall notify the Department of Law Enforcement of the sexual
1754 | offender's release and provide to the Department of Law
1755 | Enforcement the information specified in this subparagraph and
1756 | any information specified in subparagraph 2. which the
1757 | Department of Law Enforcement requests.

1758 | 2. The department may provide any other information
1759 | considered necessary, including criminal and delinquency
1760 | records, when available.

1761 | Section 25. Paragraph (a) of subsection (4), paragraph (a)
1762 | of subsection (6), and paragraph (b) of subsection (13) of
1763 | section 985.4815, Florida Statutes, are amended to read:

1764 | 985.4815 Notification to Department of Law Enforcement of
1765 | information on juvenile sexual offenders.—

1766 | (4) A sexual offender, as described in this section, who
1767 | is under the supervision of the department but who is not
1768 | committed must register with the department within 3 business
1769 | days after adjudication and disposition for a registrable
1770 | offense and otherwise provide information as required by this
1771 | subsection.

1772 | (a) The sexual offender shall provide his or her name;
1773 | date of birth; social security number; race; sex; height;
1774 | weight; hair and eye color; tattoos or other identifying marks;
1775 | permanent or legal residence and address of temporary residence
1776 | within the state or out of state while the sexual offender is in
1777 | the care or custody or under the jurisdiction or supervision of
1778 | the department in this state, including any rural route address

Amendment No. 1

1779 or post office box; if no permanent or temporary address, any
1780 transient residence; address, location or description, and dates
1781 of any current or known future temporary residence within the
1782 state or out of state; passport information, if he or she has a
1783 passport, and, if he or she is an alien, information about
1784 documents establishing his or her immigration status; and the
1785 name and address of each school attended. The department shall
1786 verify the address of each sexual offender and shall report to
1787 the Department of Law Enforcement any failure by a sexual
1788 offender to comply with registration requirements.

1789 (6) (a) The information provided to the Department of Law
1790 Enforcement must include the following:

1791 1. The information obtained from the sexual offender under
1792 subsection (4).

1793 2. The sexual offender's most current address and place of
1794 permanent, temporary, or transient residence within the state or
1795 out of state, and address, location or description, and dates of
1796 any current or known future temporary residence within the state
1797 or out of state, while the sexual offender is in the care or
1798 custody or under the jurisdiction or supervision of the
1799 department in this state, including the name of the county or
1800 municipality in which the offender permanently or temporarily
1801 resides, or has a transient residence, and address, location or
1802 description, and dates of any current or known future temporary
1803 residence within the state or out of state; and, if known, the
1804 intended place of permanent, temporary, or transient residence,
1805 and address, location or description, and dates of any current
1806 or known future temporary residence within the state or out of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1807 state upon satisfaction of all sanctions. The sexual offender
1808 must also produce or provide information about his or her
1809 passport, if he or she has a passport, and, if he or she is an
1810 alien, must produce or provide information about documents
1811 establishing his or her immigration status.

1812 3. The legal status of the sexual offender and the
1813 scheduled termination date of that legal status.

1814 4. The location of, and local telephone number for, any
1815 department office that is responsible for supervising the sexual
1816 offender.

1817 5. An indication of whether the victim of the offense that
1818 resulted in the offender's status as a sexual offender was a
1819 minor.

1820 6. The offense or offenses at adjudication and disposition
1821 that resulted in the determination of the offender's status as a
1822 sex offender.

1823 7. A digitized photograph of the sexual offender, which
1824 must have been taken within 60 days before the offender was
1825 released from the custody of the department or a private
1826 correctional facility by expiration of sentence under s.
1827 944.275, or within 60 days after the onset of the department's
1828 supervision of any sexual offender who is on probation,
1829 postcommitment probation, residential commitment, nonresidential
1830 commitment, licensed child-caring commitment, community control,
1831 conditional release, parole, provisional release, or control
1832 release or who is supervised by the department under the
1833 Interstate Compact Agreement for Probationers and Parolees. If
1834 the sexual offender is in the custody of a private correctional

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1835 facility, the facility shall take a digitized photograph of the
1836 sexual offender within the time period provided in this
1837 subparagraph and shall provide the photograph to the department.

1838 (13)

1839 (b) The sheriff's office may determine the appropriate
1840 times and days for reporting by the sexual offender, which shall
1841 be consistent with the reporting requirements of this
1842 subsection. Reregistration shall include any changes to the
1843 following information:

1844 1. Name; social security number; age; race; sex; date of
1845 birth; height; weight; hair and eye color; address of any
1846 permanent residence and address of any current temporary
1847 residence, within the state or out of state, including a rural
1848 route address and a post office box; if no permanent or
1849 temporary address, any transient residence; address, location or
1850 description, and dates of any current or known future temporary
1851 residence within the state or out of state; passport
1852 information, if he or she has a passport, and, if he or she is
1853 an alien, information about documents establishing his or her
1854 immigration status; name and address of each school attended;
1855 date and place of any employment; vehicle make, model, color,
1856 and license tag number; fingerprints; and photograph. A post
1857 office box shall not be provided in lieu of a physical
1858 residential address.

1859 2. If the sexual offender is enrolled, employed, or
1860 carrying on a vocation at an institution of higher education in
1861 this state, the sexual offender shall also provide to the
1862 department the name, address, and county of each institution,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1863 including each campus attended, and the sexual offender's
1864 enrollment or employment status.

1865 3. If the sexual offender's place of residence is a motor
1866 vehicle, trailer, mobile home, or manufactured home, as defined
1867 in chapter 320, the sexual offender shall also provide the
1868 vehicle identification number; the license tag number; the
1869 registration number; and a description, including color scheme,
1870 of the motor vehicle, trailer, mobile home, or manufactured
1871 home. If the sexual offender's place of residence is a vessel,
1872 live-aboard vessel, or houseboat, as defined in chapter 327, the
1873 sexual offender shall also provide the hull identification
1874 number; the manufacturer's serial number; the name of the
1875 vessel, live-aboard vessel, or houseboat; the registration
1876 number; and a description, including color scheme, of the
1877 vessel, live-aboard vessel, or houseboat.

1878 4. Any sexual offender who fails to report in person as
1879 required at the sheriff's office, or who fails to respond to any
1880 address verification correspondence from the department within 3
1881 weeks after the date of the correspondence, commits a felony of
1882 the third degree, punishable as provided in ss. 775.082,
1883 775.083, and 775.084.

1884 Section 26. If any provision of this act or its
1885 application to any person or circumstance is held invalid, the
1886 invalidity does not affect other provisions or applications of
1887 this act which can be given effect without the invalid provision
1888 or application, and to this end the provisions of this act are
1889 severable.

Amendment No. 1

1890 Section 27. Except as otherwise expressly provided in this
1891 act and except for this section which shall take effect January
1892 1, 2012,, this act shall take effect April 20, 2012.

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1896

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

1897

Remove the entire title and insert:

1898

A bill to be entitled

1899

An act relating to sexual offenses; providing a short

1900

title; amending s. 39.001, F.S.; providing legislative

1901

intent and goals; conforming cross-references; amending s.

1902

39.01, F.S.; revising the definitions of the terms

1903

"abuse," "child who is found to be dependent," and "sexual

1904

abuse of a child"; amending s. 39.401, F.S.; requiring

1905

delivery of children alleged to be dependent and sexually

1906

exploited to short-term safe houses; amending s. 39.402,

1907

F.S.; providing for a presumption that placement of a

1908

child alleged to have been sexually exploited in a short-

1909

term safe house is necessary; providing requirements for

1910

findings in a shelter hearing relating to placement of an

1911

allegedly sexually exploited child in a short-term safe

1912

house; amending s. 39.521, F.S.; providing for a

1913

presumption that placement of a child alleged to have been

1914

sexually exploited in a safe house is necessary; creating

1915

s. 39.524, F.S.; requiring assessment of certain children

1916

for placement in a safe house; providing for use of such

1917

assessments; providing requirements for safe houses

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1918 receiving such children; requiring an annual report
1919 concerning safe-house placements; creating s. 409.1678,
1920 F.S.; providing definitions; requiring circuits of the
1921 Department of Children and Family Services to address
1922 child welfare service needs of sexually exploited children
1923 as a component of their master plans; providing duties,
1924 responsibilities, and requirements for safe houses and
1925 their operators; providing for training for law
1926 enforcement officials who are likely to encounter sexually
1927 exploited children; amending s. 796.07, F.S.; providing
1928 for an increased civil penalty for soliciting another to
1929 commit prostitution or related acts; providing for
1930 disposition of proceeds; amending s. 960.065, F.S.;
1931 allowing victim compensation for sexually exploited
1932 children; amending s. 985.115, F.S.; conforming a
1933 provision to changes made by the act; amending ss. 985.145
1934 and 985.15, F.S.; providing a presumption against filing a
1935 delinquency petition for certain prostitution-related
1936 offenses in certain circumstances; amending s. 775.21,
1937 F.S.; replacing the definition of the term "instant
1938 message name" with the definition of the term "Internet
1939 identifier"; providing that voluntary disclosure of
1940 specified information waives a disclosure exemption for
1941 such information; conforming provisions; requiring
1942 disclosure of passport and immigration status information;
1943 requiring that a sexual predator who is unable to secure
1944 or update a driver's license or identification card within
1945 a specified period must report specified information to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1946 the local sheriff's office within a specified period after
1947 such change with confirmation that he or she also reported
1948 such information to the Department of Highway Safety and
1949 Motor Vehicles; revising reporting requirements if a
1950 sexual predator plans to leave the United States for more
1951 than a specified period; creating s. 847.0141, F.S.;
1952 prohibiting a minor's use of an electronic communication
1953 device to transmit, distribute, or display a visual
1954 depiction of himself or herself that depicts nudity and is
1955 harmful to minors; providing penalties; prohibiting a
1956 minor's intentional or knowing possession of a visual
1957 depiction of another minor that depicts nudity and is
1958 harmful to minors; providing an exception; providing
1959 penalties; providing duties for law enforcement officers;
1960 providing for prosecution of a minor under other
1961 provisions; amending s. 943.0435, F.S.; replacing the
1962 definition of the term "instant message name" with the
1963 definition of the term "Internet identifier"; conforming
1964 provisions; requiring disclosure of passport and
1965 immigration status information; requiring that a sexual
1966 predator who is unable to secure or update a driver's
1967 license or identification card within a specified period
1968 must report specified information to the local sheriff's
1969 office within a specified period of such change with
1970 confirmation that he or she also reported such information
1971 to the Department of Highway Safety and Motor Vehicles;
1972 providing additional requirements for sexual offenders
1973 intending to reside outside of the United States; amending

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

1974 s. 943.04351, F.S.; requiring a specified national search
1975 of registration information regarding sexual predators and
1976 sexual offenders prior to appointment or employment of
1977 persons by state agencies and governmental subdivisions;
1978 amending s. 943.04354, F.S.; revising the age range
1979 applicable to provisions allowing removal of the
1980 requirement to register as a sexual offender or sexual
1981 predator in certain circumstances; revising eligibility
1982 requirements for removal; amending s. 943.0437, F.S.;
1983 replacing the definition of the term "instant message
1984 name" with the definition of the term "Internet
1985 identifier"; conforming provisions; amending ss. 944.606
1986 and 944.607, F.S.; replacing the definition of the term
1987 "instant message name" with the definition of the term
1988 "Internet identifier"; conforming provisions; requiring
1989 disclosure of passport and immigration status information;
1990 amending s. 947.005, F.S.; revising the definition of the
1991 term "risk assessment"; amending s. 948.31, F.S.;
1992 providing that conditions imposed under that section do
1993 not require oral pronouncement at the time of sentencing
1994 and shall be considered standard conditions of probation
1995 or community control for certain offenders; removing a
1996 provision prohibiting contact with minors if sexual
1997 offender treatment is recommended; amending ss. 985.481
1998 and 985.4815, F.S.; requiring disclosure of passport and
1999 immigration status information by certain sexual offenders
2000 adjudicated delinquent and certain juvenile sexual

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1

2001 | offenders; providing severability; providing effective
2002 | dates.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Glorioso offered the following:

3
4 **Substitute Amendment for Amendment 1 (Draft # 37258) by**
5 **Representative Glorioso (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (i) of subsection (2), paragraphs
8 (a), (e), (g), (i), and (j) of subsection (6), paragraph (a) of
9 subsection (8), and paragraph (a) of subsection (10) of section
10 775.21, Florida Statutes, are amended to read:

11 775.21 The Florida Sexual Predators Act.—

12 (2) DEFINITIONS.—As used in this section, the term:

13 (i) "Internet identifier ~~Instant message name~~" means all
14 electronic mail, chat, instant messenger, social networking, or
15 similar name used for Internet communication, but does not
16 include a date of birth, social security number, or personal
17 identification number (PIN) an identifier that allows a person
18 to communicate in real time with another person using the
19 Internet. Voluntary disclosure by the sexual predator of his or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

20 her date of birth, social security number, or personal
21 identification number (PIN) as an Internet identifier waives the
22 disclosure exemption in this paragraph for such personal
23 information.

24 (6) REGISTRATION.—

25 (a) A sexual predator must register with the department
26 through the sheriff's office by providing the following
27 information to the department:

28 1. Name; social security number; age; race; sex; date of
29 birth; height; weight; hair and eye color; photograph; address
30 of legal residence and address of any current temporary
31 residence, within the state or out of state, including a rural
32 route address and a post office box; if no permanent or
33 temporary address, any transient residence within the state;
34 address, location or description, and dates of any current or
35 known future temporary residence within the state or out of
36 state; all any electronic mail addresses address and all
37 Internet identifiers any instant message name required to be
38 provided pursuant to subparagraph (g)4.; all home telephone
39 numbers number and any cellular telephone numbers number; date
40 and place of any employment; date and place of each conviction;
41 fingerprints; and a brief description of the crime or crimes
42 committed by the offender. A post office box shall not be
43 provided in lieu of a physical residential address. The sexual
44 predator must also produce or provide information about his or
45 her passport, if he or she has a passport, and, if he or she is
46 an alien, must produce or provide information about documents
47 establishing his or her immigration status.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

48 a. If the sexual predator's place of residence is a motor
49 vehicle, trailer, mobile home, or manufactured home, as defined
50 in chapter 320, the sexual predator shall also provide to the
51 department written notice of the vehicle identification number;
52 the license tag number; the registration number; and a
53 description, including color scheme, of the motor vehicle,
54 trailer, mobile home, or manufactured home. If a sexual
55 predator's place of residence is a vessel, live-aboard vessel,
56 or houseboat, as defined in chapter 327, the sexual predator
57 shall also provide to the department written notice of the hull
58 identification number; the manufacturer's serial number; the
59 name of the vessel, live-aboard vessel, or houseboat; the
60 registration number; and a description, including color scheme,
61 of the vessel, live-aboard vessel, or houseboat.

62 b. If the sexual predator is enrolled, employed, or
63 carrying on a vocation at an institution of higher education in
64 this state, the sexual predator shall also provide to the
65 department the name, address, and county of each institution,
66 including each campus attended, and the sexual predator's
67 enrollment or employment status. Each change in enrollment or
68 employment status shall be reported in person at the sheriff's
69 office, or the Department of Corrections if the sexual predator
70 is in the custody or control of or under the supervision of the
71 Department of Corrections, within 48 hours after any change in
72 status. The sheriff or the Department of Corrections shall
73 promptly notify each institution of the sexual predator's
74 presence and any change in the sexual predator's enrollment or
75 employment status.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

76 2. Any other information determined necessary by the
77 department, including criminal and corrections records;
78 nonprivileged personnel and treatment records; and evidentiary
79 genetic markers when available.

80 (e)1. If the sexual predator is not in the custody or
81 control of, or under the supervision of, the Department of
82 Corrections or is not in the custody of a private correctional
83 facility, the sexual predator shall register in person:

84 a. At the sheriff's office in the county where he or she
85 establishes or maintains a residence within 48 hours after
86 establishing or maintaining a residence in this state; and

87 b. At the sheriff's office in the county where he or she
88 was designated a sexual predator by the court within 48 hours
89 after such finding is made.

90 2. Any change in the sexual predator's permanent or
91 temporary residence, name, or all any electronic mail addresses
92 address and all Internet identifiers ~~any instant message name~~
93 required to be provided pursuant to subparagraph (g)4., after
94 the sexual predator registers in person at the sheriff's office
95 as provided in subparagraph 1., shall be accomplished in the
96 manner provided in paragraphs (g), (i), and (j). When a sexual
97 predator registers with the sheriff's office, the sheriff shall
98 take a photograph and a set of fingerprints of the predator and
99 forward the photographs and fingerprints to the department,
100 along with the information that the predator is required to
101 provide pursuant to this section.

102 (g)1. Each time a sexual predator's driver's license or
103 identification card is subject to renewal, and, without regard

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

104 to the status of the predator's driver's license or
105 identification card, within 48 hours after any change of the
106 predator's residence or change in the predator's name by reason
107 of marriage or other legal process, the predator shall report in
108 person to a driver's license office and shall be subject to the
109 requirements specified in paragraph (f). The Department of
110 Highway Safety and Motor Vehicles shall forward to the
111 department and to the Department of Corrections all photographs
112 and information provided by sexual predators. Notwithstanding
113 the restrictions set forth in s. 322.142, the Department of
114 Highway Safety and Motor Vehicles is authorized to release a
115 reproduction of a color-photograph or digital-image license to
116 the Department of Law Enforcement for purposes of public
117 notification of sexual predators as provided in this section. A
118 sexual predator who is unable to secure or update a driver's
119 license or identification card with the Department of Highway
120 Safety and Motor Vehicles as provided in paragraph (f) and this
121 paragraph must also report any change of the predator's
122 residence or change in the predator's name by reason of marriage
123 or other legal process within 48 hours after the change to the
124 sheriff's office in the county where the predator resides or is
125 located and provide confirmation that he or she reported such
126 information to the Department of Highway Safety and Motor
127 Vehicles.

128 2. A sexual predator who vacates a permanent, temporary,
129 or transient residence and fails to establish or maintain
130 another permanent, temporary, or transient residence shall,
131 within 48 hours after vacating the permanent, temporary, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

132 transient residence, report in person to the sheriff's office of
133 the county in which he or she is located. The sexual predator
134 shall specify the date upon which he or she intends to or did
135 vacate such residence. The sexual predator must provide or
136 update all of the registration information required under
137 paragraph (a). The sexual predator must provide an address for
138 the residence or other place that he or she is or will be
139 located during the time in which he or she fails to establish or
140 maintain a permanent or temporary residence.

141 3. A sexual predator who remains at a permanent,
142 temporary, or transient residence after reporting his or her
143 intent to vacate such residence shall, within 48 hours after the
144 date upon which the predator indicated he or she would or did
145 vacate such residence, report in person to the sheriff's office
146 to which he or she reported pursuant to subparagraph 2. for the
147 purpose of reporting his or her address at such residence. When
148 the sheriff receives the report, the sheriff shall promptly
149 convey the information to the department. An offender who makes
150 a report as required under subparagraph 2. but fails to make a
151 report as required under this subparagraph commits a felony of
152 the second degree, punishable as provided in s. 775.082, s.
153 775.083, or s. 775.084.

154 4. A sexual predator must register all any electronic mail
155 addresses and Internet identifiers ~~address or instant message~~
156 ~~name~~ with the department prior to using such electronic mail
157 addresses and Internet identifiers ~~address or instant message~~
158 ~~name on or after October 1, 2007~~. The department shall establish
159 an online system through which sexual predators may securely

Amendment No. 1s (SA)

160 access and update all electronic mail address and Internet
161 identifier instant message name information.

162 (i) A sexual predator who intends to establish a
163 permanent, temporary, or transient residence in another state or
164 jurisdiction other than the State of Florida shall report in
165 person to the sheriff of the county of current residence within
166 48 hours before the date he or she intends to leave this state
167 to establish residence in another state or jurisdiction or
168 within 21 days before his or her planned departure date if the
169 intended residence of 7 days or more is outside of the United
170 States. The sexual predator must provide to the sheriff the
171 address, municipality, county, and state, and country of
172 intended residence. The sheriff shall promptly provide to the
173 department the information received from the sexual predator.
174 The department shall notify the statewide law enforcement
175 agency, or a comparable agency, in the intended state, or
176 jurisdiction, or country of residence of the sexual predator's
177 intended residence. The failure of a sexual predator to provide
178 his or her intended place of residence is punishable as provided
179 in subsection (10).

180 (j) A sexual predator who indicates his or her intent to
181 establish a permanent, temporary, or transient residence in
182 another state, a or jurisdiction other than the State of
183 Florida, or another country and later decides to remain in this
184 state shall, within 48 hours after the date upon which the
185 sexual predator indicated he or she would leave this state,
186 report in person to the sheriff to which the sexual predator
187 reported the intended change of residence, and report his or her

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

188 | intent to remain in this state. If the sheriff is notified by
189 | the sexual predator that he or she intends to remain in this
190 | state, the sheriff shall promptly report this information to the
191 | department. A sexual predator who reports his or her intent to
192 | establish a permanent, temporary, or transient residence in
193 | another state, a ~~ex~~ jurisdiction other than the State of
194 | Florida, or another country, but who remains in this state
195 | without reporting to the sheriff in the manner required by this
196 | paragraph, commits a felony of the second degree, punishable as
197 | provided in s. 775.082, s. 775.083, or s. 775.084.

198 | (8) VERIFICATION.—The department and the Department of
199 | Corrections shall implement a system for verifying the addresses
200 | of sexual predators. The system must be consistent with the
201 | provisions of the federal Adam Walsh Child Protection and Safety
202 | Act of 2006 and any other federal standards applicable to such
203 | verification or required to be met as a condition for the
204 | receipt of federal funds by the state. The Department of
205 | Corrections shall verify the addresses of sexual predators who
206 | are not incarcerated but who reside in the community under the
207 | supervision of the Department of Corrections and shall report to
208 | the department any failure by a sexual predator to comply with
209 | registration requirements. County and local law enforcement
210 | agencies, in conjunction with the department, shall verify the
211 | addresses of sexual predators who are not under the care,
212 | custody, control, or supervision of the Department of
213 | Corrections. Local law enforcement agencies shall report to the
214 | department any failure by a sexual predator to comply with
215 | registration requirements.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

216 (a) A sexual predator must report in person each year
217 during the month of the sexual predator's birthday and during
218 every third month thereafter to the sheriff's office in the
219 county in which he or she resides or is otherwise located to
220 reregister. The sheriff's office may determine the appropriate
221 times and days for reporting by the sexual predator, which shall
222 be consistent with the reporting requirements of this paragraph.
223 Reregistration shall include any changes to the following
224 information:

225 1. Name; social security number; age; race; sex; date of
226 birth; height; weight; hair and eye color; address of any
227 permanent residence and address of any current temporary
228 residence, within the state or out of state, including a rural
229 route address and a post office box; if no permanent or
230 temporary address, any transient residence within the state;
231 address, location or description, and dates of any current or
232 known future temporary residence within the state or out of
233 state; all any electronic mail addresses address and all
234 Internet identifiers any instant message name required to be
235 provided pursuant to subparagraph (6)(g)4.; all home telephone
236 numbers number and any cellular telephone numbers number; date
237 and place of any employment; vehicle make, model, color, and
238 license tag number; fingerprints; and photograph. A post office
239 box shall not be provided in lieu of a physical residential
240 address. The sexual predator must also produce or provide
241 information about his or her passport, if he or she has a
242 passport, and, if he or she is an alien, must produce or provide
243 information about documents establishing his or her immigration

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

244 status.

245 2. If the sexual predator is enrolled, employed, or
246 carrying on a vocation at an institution of higher education in
247 this state, the sexual predator shall also provide to the
248 department the name, address, and county of each institution,
249 including each campus attended, and the sexual predator's
250 enrollment or employment status.

251 3. If the sexual predator's place of residence is a motor
252 vehicle, trailer, mobile home, or manufactured home, as defined
253 in chapter 320, the sexual predator shall also provide the
254 vehicle identification number; the license tag number; the
255 registration number; and a description, including color scheme,
256 of the motor vehicle, trailer, mobile home, or manufactured
257 home. If the sexual predator's place of residence is a vessel,
258 live-aboard vessel, or houseboat, as defined in chapter 327, the
259 sexual predator shall also provide the hull identification
260 number; the manufacturer's serial number; the name of the
261 vessel, live-aboard vessel, or houseboat; the registration
262 number; and a description, including color scheme, of the
263 vessel, live-aboard vessel, or houseboat.

264 (10) PENALTIES.—

265 (a) Except as otherwise specifically provided, a sexual
266 predator who fails to register; who fails, after registration,
267 to maintain, acquire, or renew a driver's license or
268 identification card; who fails to provide required location
269 information, electronic mail address information, Internet
270 identifier ~~instant message name~~ information, all home telephone
271 numbers ~~number~~ and any cellular telephone numbers ~~number~~, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

272 change-of-name information; who fails to make a required report
273 in connection with vacating a permanent residence; who fails to
274 reregister as required; who fails to respond to any address
275 verification correspondence from the department within 3 weeks
276 of the date of the correspondence; or who otherwise fails, by
277 act or omission, to comply with the requirements of this
278 section, commits a felony of the third degree, punishable as
279 provided in s. 775.082, s. 775.083, or s. 775.084.

280 Section 2. Section 847.0141, Florida Statutes, is created
281 to read:

282 847.0141 Unlawful electronic communication between minors;
283 possession of visual depiction of another minor.—

284 (1) It is unlawful for a minor to intentionally or
285 knowingly use an electronic communication device to transmit,
286 distribute, or display a visual depiction of himself or herself
287 that depicts nudity and is harmful to minors.

288 (2) (a) It is unlawful for a minor to intentionally or
289 knowingly possess a visual depiction of another minor that
290 depicts nudity and is harmful to minors.

291 (b) A minor does not violate paragraph (a) if all of the
292 following apply:

293 1. The minor did not solicit the visual depiction.

294 2. The minor took reasonable steps to report the visual
295 depiction to the minor's legal guardian or to a school or law
296 enforcement official.

297 3. The minor did not transmit or distribute the visual
298 depiction to a third party.

299 (3) A minor who violates subsection (1) or subsection (2):

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

300 (a) Commits a noncriminal violation for a first violation,
301 punishable by 8 hours of community service or, if ordered by the
302 court in lieu of community service, a \$60 fine. The court may
303 also order suitable training concerning such offenses and may
304 prohibit the use or possession of electronic devices, which may
305 include, but are not limited to, cellular telephones, cameras,
306 computers, or other electronic media devices. The court shall
307 order the confiscation of such unlawful material and authorize
308 the law enforcement agency in which the material is held to
309 destroy the unlawful material.

310 (b) Commits a misdemeanor of the second degree for a
311 violation that occurs after being found to have committed a
312 noncriminal violation under paragraph (a), punishable as
313 provided in s. 775.082 or s. 775.083. The court must order
314 suitable training concerning such offenses and prohibit the use
315 or possession of electronic communication devices, which may
316 include, but are not limited to, cellular telephones, cameras,
317 computers, or other electronic media devices. The court shall
318 order the confiscation of such unlawful material and authorize
319 the law enforcement agency in which the material is held to
320 destroy the unlawful material.

321 (c) Commits a misdemeanor of the first degree for a
322 violation that occurs after being found to have committed a
323 misdemeanor of the second degree under paragraph (b), punishable
324 as provided in s. 775.082 or s. 775.083. The court must order
325 suitable training concerning such offenses or, if ordered by the
326 court in lieu of training, counseling and prohibit the use or
327 possession of electronic devices, which may include, but are not

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

328 limited to, cellular telephones, cameras, computers, or other
329 electronic media devices. The court shall order confiscation of
330 such unlawful material and authorize the law enforcement agency
331 in which the material is held to destroy the unlawful material.

332 (d) Commits a felony of the third degree for a violation
333 that occurs after being found to have committed a misdemeanor of
334 the first degree under paragraph (c), punishable as provided in
335 s. 775.082, s. 775.083, or s. 775.084. The court must order a
336 mental health evaluation by a qualified practitioner, as defined
337 in s. 948.001, and treatment, if recommended by the
338 practitioner. The court shall order confiscation of such
339 unlawful material and authorize the law enforcement agency in
340 which the material is held to destroy the unlawful material.

341 (4) Whenever any law enforcement officer arrests any
342 person charged with any offense under this section, the officer
343 shall seize the prohibited material and take the material into
344 his or her custody to await the sentence of the court upon the
345 trial of the offender.

346 (5) This section does not prohibit the prosecution of a
347 minor for a violation of any law of this state if the electronic
348 communication includes the depiction of sexual conduct or sexual
349 excitement and does not prohibit the prosecution of a minor for
350 stalking under s. 784.048.

351 Section 3. Paragraphs (a) and (g) of subsection (1),
352 subsection (2), paragraphs (a) and (d) of subsection (4),
353 subsections (7) and (8), and paragraph (c) of subsection (14) of
354 section 943.0435, Florida Statutes, are amended to read:

355 943.0435 Sexual offenders required to register with the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

356 department; penalty.-

357 (1) As used in this section, the term:

358 (a)1. "Sexual offender" means a person who meets the
359 criteria in sub-subparagraph a., sub-subparagraph b., sub-
360 subparagraph c., or sub-subparagraph d., as follows:

361 a.(I) Has been convicted of committing, or attempting,
362 soliciting, or conspiring to commit, any of the criminal
363 offenses proscribed in the following statutes in this state or
364 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
365 or s. 787.025(2)(c), where the victim is a minor and the
366 defendant is not the victim's parent or guardian; s. 794.011,
367 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
368 800.04; s. 825.1025; s. 826.04 where the victim is a minor and
369 the defendant is 18 years of age or older; s. 827.071; s.
370 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
371 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
372 committed in this state which has been redesignated from a
373 former statute number to one of those listed in this sub-sub-
374 subparagraph; and

375 (II) Has been released on or after October 1, 1997, from
376 the sanction imposed for any conviction of an offense described
377 in sub-sub-subparagraph (I). For purposes of sub-sub-
378 subparagraph (I), a sanction imposed in this state or in any
379 other jurisdiction includes, but is not limited to, a fine,
380 probation, community control, parole, conditional release,
381 control release, or incarceration in a state prison, federal
382 prison, private correctional facility, or local detention
383 facility;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

384 b. Establishes or maintains a residence in this state and
385 who has not been designated as a sexual predator by a court of
386 this state but who has been designated as a sexual predator, as
387 a sexually violent predator, or by another sexual offender
388 designation in another state or jurisdiction and was, as a
389 result of such designation, subjected to registration or
390 community or public notification, or both, or would be if the
391 person were a resident of that state or jurisdiction, without
392 regard to whether the person otherwise meets the criteria for
393 registration as a sexual offender;

394 c. Establishes or maintains a residence in this state who
395 is in the custody or control of, or under the supervision of,
396 any other state or jurisdiction as a result of a conviction for
397 committing, or attempting, soliciting, or conspiring to commit,
398 any of the criminal offenses proscribed in the following
399 statutes or similar offense in another jurisdiction: s. 787.01,
400 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
401 the defendant is not the victim's parent or guardian; s.
402 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
403 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a
404 minor and the defendant is 18 years of age or older; s. 827.071;
405 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;
406 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
407 offense committed in this state which has been redesignated from
408 a former statute number to one of those listed in this sub-
409 subparagraph; or

410 d. On or after July 1, 2007, has been adjudicated
411 delinquent for committing, or attempting, soliciting, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

412 conspiring to commit, any of the criminal offenses proscribed in
413 the following statutes in this state or similar offenses in
414 another jurisdiction when the juvenile was 14 years of age or
415 older at the time of the offense:

416 (I) Section 794.011, excluding s. 794.011(10);

417 (II) Section 800.04(4)(b) where the victim is under 12
418 years of age or where the court finds sexual activity by the use
419 of force or coercion;

420 (III) Section 800.04(5)(c)1. where the court finds
421 molestation involving unclothed genitals; or

422 (IV) Section 800.04(5)(d) where the court finds the use of
423 force or coercion and unclothed genitals.

424 2. For all qualifying offenses listed in sub-subparagraph
425 (1)(a)1.d., the court shall make a written finding of the age of
426 the offender at the time of the offense.

427

428 For each violation of a qualifying offense listed in this
429 subsection, the court shall make a written finding of the age of
430 the victim at the time of the offense. For a violation of s.
431 800.04(4), the court shall additionally make a written finding
432 indicating that the offense did or did not involve sexual
433 activity and indicating that the offense did or did not involve
434 force or coercion. For a violation of s. 800.04(5), the court
435 shall additionally make a written finding that the offense did
436 or did not involve unclothed genitals or genital area and that
437 the offense did or did not involve the use of force or coercion.

438 (g) "Internet identifier Instant message name" has the
439 same meaning as provided in s. 775.21 ~~means an identifier that~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

440 ~~allows a person to communicate in real time with another person~~
441 ~~using the Internet.~~

442 (2) A sexual offender shall:

443 (a) Report in person at the sheriff's office:

444 1. In the county in which the offender establishes or
445 maintains a permanent, temporary, or transient residence within
446 48 hours after:

447 a. Establishing permanent, temporary, or transient
448 residence in this state; or

449 b. Being released from the custody, control, or
450 supervision of the Department of Corrections or from the custody
451 of a private correctional facility; or

452 2. In the county where he or she was convicted within 48
453 hours after being convicted for a qualifying offense for
454 registration under this section if the offender is not in the
455 custody or control of, or under the supervision of, the
456 Department of Corrections, or is not in the custody of a private
457 correctional facility.

458

459 Any change in the information required to be provided pursuant
460 to paragraph (b), including, but not limited to, any change in
461 the sexual offender's permanent, temporary, or transient
462 residence, name, all any electronic mail addresses ~~address~~ and
463 all Internet identifiers ~~any instant message name~~ required to be
464 provided pursuant to paragraph (4)(d), after the sexual offender
465 reports in person at the sheriff's office, shall be accomplished
466 in the manner provided in subsections (4), (7), and (8).

467 (b) Provide his or her name; date of birth; social

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

468 security number; race; sex; height; weight; hair and eye color;
469 tattoos or other identifying marks; occupation and place of
470 employment; address of permanent or legal residence or address
471 of any current temporary residence, within the state or out of
472 state, including a rural route address and a post office box; if
473 no permanent or temporary address, any transient residence
474 within the state, address, location or description, and dates of
475 any current or known future temporary residence within the state
476 or out of state; all home telephone numbers number and any
477 cellular telephone numbers number; all any electronic mail
478 addresses address and all Internet identifiers any instant
479 message name required to be provided pursuant to paragraph
480 (4) (d); date and place of each conviction; and a brief
481 description of the crime or crimes committed by the offender. A
482 post office box shall not be provided in lieu of a physical
483 residential address. The sexual offender must also produce or
484 provide information about his or her passport, if he or she has
485 a passport, and, if he or she is an alien, must produce or
486 provide information about documents establishing his or her
487 immigration status.

488 1. If the sexual offender's place of residence is a motor
489 vehicle, trailer, mobile home, or manufactured home, as defined
490 in chapter 320, the sexual offender shall also provide to the
491 department through the sheriff's office written notice of the
492 vehicle identification number; the license tag number; the
493 registration number; and a description, including color scheme,
494 of the motor vehicle, trailer, mobile home, or manufactured
495 home. If the sexual offender's place of residence is a vessel,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

496 live-aboard vessel, or houseboat, as defined in chapter 327, the
497 sexual offender shall also provide to the department written
498 notice of the hull identification number; the manufacturer's
499 serial number; the name of the vessel, live-aboard vessel, or
500 houseboat; the registration number; and a description, including
501 color scheme, of the vessel, live-aboard vessel, or houseboat.

502 2. If the sexual offender is enrolled, employed, or
503 carrying on a vocation at an institution of higher education in
504 this state, the sexual offender shall also provide to the
505 department through the sheriff's office the name, address, and
506 county of each institution, including each campus attended, and
507 the sexual offender's enrollment or employment status. Each
508 change in enrollment or employment status shall be reported in
509 person at the sheriff's office, within 48 hours after any change
510 in status. The sheriff shall promptly notify each institution of
511 the sexual offender's presence and any change in the sexual
512 offender's enrollment or employment status.

513
514 When a sexual offender reports at the sheriff's office, the
515 sheriff shall take a photograph and a set of fingerprints of the
516 offender and forward the photographs and fingerprints to the
517 department, along with the information provided by the sexual
518 offender. The sheriff shall promptly provide to the department
519 the information received from the sexual offender.

520 (4) (a) Each time a sexual offender's driver's license or
521 identification card is subject to renewal, and, without regard
522 to the status of the offender's driver's license or
523 identification card, within 48 hours after any change in the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

524 offender's permanent, temporary, or transient residence or
525 change in the offender's name by reason of marriage or other
526 legal process, the offender shall report in person to a driver's
527 license office, and shall be subject to the requirements
528 specified in subsection (3). The Department of Highway Safety
529 and Motor Vehicles shall forward to the department all
530 photographs and information provided by sexual offenders.
531 Notwithstanding the restrictions set forth in s. 322.142, the
532 Department of Highway Safety and Motor Vehicles is authorized to
533 release a reproduction of a color-photograph or digital-image
534 license to the Department of Law Enforcement for purposes of
535 public notification of sexual offenders as provided in this
536 section and ss. 943.043 and 944.606. A sexual offender who is
537 unable to secure or update a driver's license or identification
538 card with the Department of Highway Safety and Motor Vehicles as
539 provided in subsection (3) and this subsection must also report
540 any change in the sexual offender's permanent, temporary, or
541 transient residence or change in the offender's name by reason
542 of marriage or other legal process within 48 hours after the
543 change to the sheriff's office in the county where the offender
544 resides or is located and provide confirmation that he or she
545 reported such information to Department of Highway Safety and
546 Motor Vehicles.

547 (d) A sexual offender must register all any electronic
548 mail addresses and Internet identifiers ~~address or instant~~
549 ~~message name~~ with the department prior to using such electronic
550 mail addresses and Internet identifiers ~~address or instant~~
551 ~~message name on or after October 1, 2007.~~ The department shall

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

552 establish an online system through which sexual offenders may
553 securely access and update all electronic mail address and
554 Internet identifier ~~instant message name~~ information.

555 (7) A sexual offender who intends to establish a
556 permanent, temporary, or transient residence in another state or
557 jurisdiction other than the State of Florida shall report in
558 person to the sheriff of the county of current residence within
559 48 hours before the date he or she intends to leave this state
560 to establish residence in another state or jurisdiction or
561 within 21 days before his or her planned departure date if the
562 intended residence of 7 days or more is outside of the United
563 States. The notification must include the address, municipality,
564 county, ~~and state,~~ and country of intended residence. The
565 sheriff shall promptly provide to the department the information
566 received from the sexual offender. The department shall notify
567 the statewide law enforcement agency, or a comparable agency, in
568 the intended state, ~~or~~ jurisdiction, or country of residence of
569 the sexual offender's intended residence. The failure of a
570 sexual offender to provide his or her intended place of
571 residence is punishable as provided in subsection (9).

572 (8) A sexual offender who indicates his or her intent to
573 establish a permanent, temporary, or transient residence in
574 another state, a ~~or~~ jurisdiction other than the State of
575 Florida, or another country and later decides to remain in this
576 state shall, within 48 hours after the date upon which the
577 sexual offender indicated he or she would leave this state,
578 report in person to the sheriff to which the sexual offender
579 reported the intended change of permanent, temporary, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

580 transient residence, and report his or her intent to remain in
581 this state. The sheriff shall promptly report this information
582 to the department. A sexual offender who reports his or her
583 intent to establish a permanent, temporary, or transient
584 residence in another state, a ex jurisdiction other than the
585 State of Florida, or another country but who remains in this
586 state without reporting to the sheriff in the manner required by
587 this subsection commits a felony of the second degree,
588 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

589 (14)

590 (c) The sheriff's office may determine the appropriate
591 times and days for reporting by the sexual offender, which shall
592 be consistent with the reporting requirements of this
593 subsection. Reregistration shall include any changes to the
594 following information:

595 1. Name; social security number; age; race; sex; date of
596 birth; height; weight; hair and eye color; address of any
597 permanent residence and address of any current temporary
598 residence, within the state or out of state, including a rural
599 route address and a post office box; if no permanent or
600 temporary address, any transient residence within the state;
601 address, location or description, and dates of any current or
602 known future temporary residence within the state or out of
603 state; all any electronic mail addresses address and all
604 Internet identifiers any instant message name required to be
605 provided pursuant to paragraph (4) (d); all home telephone
606 numbers number and all any cellular telephone numbers number;
607 date and place of any employment; vehicle make, model, color,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

608 and license tag number; fingerprints; and photograph. A post
609 office box shall not be provided in lieu of a physical
610 residential address. The sexual offender must also produce or
611 provide information about his or her passport, if he or she has
612 a passport, and, if he or she is an alien, must produce or
613 provide information about documents establishing his or her
614 immigration status.

615 2. If the sexual offender is enrolled, employed, or
616 carrying on a vocation at an institution of higher education in
617 this state, the sexual offender shall also provide to the
618 department the name, address, and county of each institution,
619 including each campus attended, and the sexual offender's
620 enrollment or employment status.

621 3. If the sexual offender's place of residence is a motor
622 vehicle, trailer, mobile home, or manufactured home, as defined
623 in chapter 320, the sexual offender shall also provide the
624 vehicle identification number; the license tag number; the
625 registration number; and a description, including color scheme,
626 of the motor vehicle, trailer, mobile home, or manufactured
627 home. If the sexual offender's place of residence is a vessel,
628 live-aboard vessel, or houseboat, as defined in chapter 327, the
629 sexual offender shall also provide the hull identification
630 number; the manufacturer's serial number; the name of the
631 vessel, live-aboard vessel, or houseboat; the registration
632 number; and a description, including color scheme, of the
633 vessel, live-aboard vessel or houseboat.

634 4. Any sexual offender who fails to report in person as
635 required at the sheriff's office, or who fails to respond to any

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

636 address verification correspondence from the department within 3
637 weeks of the date of the correspondence or who fails to report
638 all electronic mail addresses and all Internet identifiers ~~or~~
639 ~~instant message names~~, commits a felony of the third degree,
640 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

641 Section 4. Section 943.04351, Florida Statutes, is amended
642 to read:

643 943.04351 Search of registration information regarding
644 sexual predators and sexual offenders required prior to
645 appointment or employment.—A state agency or governmental
646 subdivision, prior to making any decision to appoint or employ a
647 person to work, whether for compensation or as a volunteer, at
648 any park, playground, day care center, or other place where
649 children regularly congregate, must conduct a search of that
650 person's name or other identifying information against the
651 registration information regarding sexual predators and sexual
652 offenders maintained by the Department of Law Enforcement under
653 s. 943.043. The agency or governmental subdivision may conduct
654 the search using the Internet site maintained by the Department
655 of Law Enforcement. Also, a national search must be conducted
656 through the Dru Sjodin National Sex Offender Public Website
657 maintained by the United States Department of Justice. This
658 section does not apply to those positions or appointments within
659 a state agency or governmental subdivision for which a state and
660 national criminal history background check is conducted.

661 Section 5. Section 943.04354, Florida Statutes, is amended
662 to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

663 943.04354 Removal of the requirement to register as a
664 sexual offender or sexual predator in special circumstances.-

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

668 (a) Was or will be convicted or adjudicated delinquent of
669 a violation of s. 794.011, s. 800.04, s. 827.071, or s.
670 847.0135(5) or the person committed a violation of s. 794.011,
671 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication
672 of guilt was or will be withheld, and the person does not have
673 any other conviction, adjudication of delinquency, or withhold
674 of adjudication of guilt for a violation of s. 794.011, s.
675 800.04, s. 827.071, or s. 847.0135(5);

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

678 (c) Is not more than 4 years older than the victim of this
679 violation who was 13 ~~14~~ years of age or older but not more than
680 18 ~~17~~ years of age at the time the person committed this
681 violation.

682 (2) If a person meets the criteria in subsection (1) ~~and~~
683 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
684 ~~847.0135(5) was committed on or after July 1, 2007,~~ the person
685 may move the court that will sentence or dispose of this
686 violation to remove the requirement that the person register as
687 a sexual offender or sexual predator. The person must allege in
688 the motion that he or she meets the criteria in subsection (1)
689 and that removal of the registration requirement will not
690 conflict with federal law. The state attorney must be given

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

691 notice of the motion at least 21 days before the date of
692 sentencing or disposition of this violation and may present
693 evidence in opposition to the requested relief or may otherwise
694 demonstrate why the motion should be denied. At sentencing or
695 disposition of this violation, the court shall rule on this
696 motion and, if the court determines the person meets the
697 criteria in subsection (1) and the removal of the registration
698 requirement will not conflict with federal law, it may grant the
699 motion and order the removal of the registration requirement. If
700 the court denies the motion, the person is not authorized under
701 this section to petition for removal of the registration
702 requirement.

703 (3) (a) This subsection applies to a person who:

704 ~~1. Is not a person described in subsection (2) because the~~
705 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
706 ~~committed on or after July 1, 2007;~~

707 ~~1.2.~~ Is subject to registration as a sexual offender or
708 sexual predator for a violation of s. 794.011, s. 800.04, or s.
709 827.071; and

710 ~~2.3.~~ Meets the criteria in subsection (1).

711 (b) A person may petition the court in which the sentence
712 or disposition for the violation of s. 794.011, s. 800.04, or s.
713 827.071 occurred for removal of the requirement to register as a
714 sexual offender or sexual predator. The person must allege in
715 the petition that he or she meets the criteria in subsection (1)
716 and removal of the registration requirement will not conflict
717 with federal law. The state attorney must be given notice of the
718 petition at least 21 days before the hearing on the petition and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

719 may present evidence in opposition to the requested relief or
 720 may otherwise demonstrate why the petition should be denied. The
 721 court shall rule on the petition and, if the court determines
 722 the person meets the criteria in subsection (1) and removal of
 723 the registration requirement will not conflict with federal law,
 724 it may grant the petition and order the removal of the
 725 registration requirement. If the court denies the petition, the
 726 person is not authorized under this section to file any further
 727 petition for removal of the registration requirement.

728 (4) If a person provides to the Department of Law
 729 Enforcement a certified copy of the court's order removing the
 730 requirement that the person register as a sexual offender or
 731 sexual predator for the violation of s. 794.011, s. 800.04, s.
 732 827.071, or s. 847.0135(5), the registration requirement will
 733 not apply to the person and the department shall remove all
 734 information about the person from the public registry of sexual
 735 offenders and sexual predators maintained by the department.
 736 However, the removal of this information from the public
 737 registry does not mean that the public is denied access to
 738 information about the person's criminal history or record that
 739 is otherwise available as a public record.

740 Section 6. Subsection (2) and paragraph (a) of subsection
 741 (3) of section 943.0437, Florida Statutes, are amended to read:

742 943.0437 Commercial social networking websites.—

743 (2) The department may provide information relating to
 744 electronic mail addresses and Internet identifiers ~~instant~~
 745 ~~message names~~ maintained as part of the sexual offender registry
 746 to commercial social networking websites or third parties

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

747 designated by commercial social networking websites. The
748 commercial social networking website may use this information
749 for the purpose of comparing registered users and screening
750 potential users of the commercial social networking website
751 against the list of electronic mail addresses and Internet
752 identifiers ~~instant message names~~ provided by the department.

753 (3) This section shall not be construed to impose any
754 civil liability on a commercial social networking website for:

755 (a) Any action voluntarily taken in good faith to remove
756 or disable any profile of a registered user associated with an
757 electronic mail address or Internet identifier ~~instant message~~
758 ~~name~~ contained in the sexual offender registry.

759 Section 7. Paragraphs (b) and (d) of subsection (1) and
760 paragraph (a) of subsection (3) of section 944.606, Florida
761 Statutes, are amended to read:

762 944.606 Sexual offenders; notification upon release.—

763 (1) As used in this section:

764 (b) "Sexual offender" means a person who has been
765 convicted of committing, or attempting, soliciting, or
766 conspiring to commit, any of the criminal offenses proscribed in
767 the following statutes in this state or similar offenses in
768 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
769 where the victim is a minor and the defendant is not the
770 victim's parent or guardian; s. 794.011, excluding s.
771 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
772 825.1025; s. 826.04 where the victim is a minor and the
773 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
774 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

775 s. 847.0145; or s. 985.701(1); or any similar offense committed
776 in this state which has been redesignated from a former statute
777 number to one of those listed in this subsection, when the
778 department has received verified information regarding such
779 conviction; an offender's computerized criminal history record
780 is not, in and of itself, verified information.

781 (d) "Internet identifier ~~Instant message name~~" has the
782 same meaning as provided in s. 775.21 ~~means an identifier that~~
783 ~~allows a person to communicate in real time with another person~~
784 ~~using the Internet.~~

785 (3) (a) The department must provide information regarding
786 any sexual offender who is being released after serving a period
787 of incarceration for any offense, as follows:

788 1. The department must provide: the sexual offender's
789 name, any change in the offender's name by reason of marriage or
790 other legal process, and any alias, if known; the correctional
791 facility from which the sexual offender is released; the sexual
792 offender's social security number, race, sex, date of birth,
793 height, weight, and hair and eye color; address of any planned
794 permanent residence or temporary residence, within the state or
795 out of state, including a rural route address and a post office
796 box; if no permanent or temporary address, any transient
797 residence within the state; address, location or description,
798 and dates of any known future temporary residence within the
799 state or out of state; date and county of sentence and each
800 crime for which the offender was sentenced; a copy of the
801 offender's fingerprints and a digitized photograph taken within
802 60 days before release; the date of release of the sexual

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

803 offender; all any electronic mail addresses address and all
804 Internet identifiers any instant message name required to be
805 provided pursuant to s. 943.0435(4)(d); all and home telephone
806 numbers number and any cellular telephone numbers; and passport
807 information, if he or she has a passport, and, if he or she is
808 an alien, information about documents establishing his or her
809 immigration status number. The department shall notify the
810 Department of Law Enforcement if the sexual offender escapes,
811 absconds, or dies. If the sexual offender is in the custody of a
812 private correctional facility, the facility shall take the
813 digitized photograph of the sexual offender within 60 days
814 before the sexual offender's release and provide this photograph
815 to the Department of Corrections and also place it in the sexual
816 offender's file. If the sexual offender is in the custody of a
817 local jail, the custodian of the local jail shall register the
818 offender within 3 business days after intake of the offender for
819 any reason and upon release, and shall notify the Department of
820 Law Enforcement of the sexual offender's release and provide to
821 the Department of Law Enforcement the information specified in
822 this paragraph and any information specified in subparagraph 2.
823 that the Department of Law Enforcement requests.

824 2. The department may provide any other information deemed
825 necessary, including criminal and corrections records,
826 nonprivileged personnel and treatment records, when available.

827 Section 8. Paragraphs (a) and (f) of subsection (1),
828 paragraph (a) of subsection (4), paragraph (b) of subsection
829 (6), and paragraph (c) of subsection (13) of section 944.607,
830 Florida Statutes, are amended to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

831 944.607 Notification to Department of Law Enforcement of
832 information on sexual offenders.-

833 (1) As used in this section, the term:

834 (a) "Sexual offender" means a person who is in the custody
835 or control of, or under the supervision of, the department or is
836 in the custody of a private correctional facility:

837 1. On or after October 1, 1997, as a result of a
838 conviction for committing, or attempting, soliciting, or
839 conspiring to commit, any of the criminal offenses proscribed in
840 the following statutes in this state or similar offenses in
841 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
842 where the victim is a minor and the defendant is not the
843 victim's parent or guardian; s. 794.011, excluding s.
844 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
845 825.1025; s. 826.04 where the victim is a minor and the
846 defendant is 18 years of age or older; s. 827.071; s. 847.0133;
847 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
848 s. 847.0145; or s. 985.701(1); or any similar offense committed
849 in this state which has been redesignated from a former statute
850 number to one of those listed in this paragraph; or

851 2. Who establishes or maintains a residence in this state
852 and who has not been designated as a sexual predator by a court
853 of this state but who has been designated as a sexual predator,
854 as a sexually violent predator, or by another sexual offender
855 designation in another state or jurisdiction and was, as a
856 result of such designation, subjected to registration or
857 community or public notification, or both, or would be if the
858 person were a resident of that state or jurisdiction, without

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

859 regard as to whether the person otherwise meets the criteria for
860 registration as a sexual offender.

861 (f) "Internet identifier ~~Instant message name~~" has the
862 same meaning as provided in s. 775.21 ~~means an identifier that~~
863 ~~allows a person to communicate in real time with another person~~
864 ~~using the Internet.~~

865 (4) A sexual offender, as described in this section, who
866 is under the supervision of the Department of Corrections but is
867 not incarcerated must register with the Department of
868 Corrections within 3 business days after sentencing for a
869 registrable offense and otherwise provide information as
870 required by this subsection.

871 (a) The sexual offender shall provide his or her name;
872 date of birth; social security number; race; sex; height;
873 weight; hair and eye color; tattoos or other identifying marks;
874 all any electronic mail addresses address and all Internet
875 identifiers ~~any instant message name~~ required to be provided
876 pursuant to s. 943.0435(4)(d); permanent or legal residence and
877 address of temporary residence within the state or out of state
878 while the sexual offender is under supervision in this state,
879 including any rural route address or post office box; if no
880 permanent or temporary address, any transient residence within
881 the state; and address, location or description, and dates of
882 any current or known future temporary residence within the state
883 or out of state. The sexual offender must also produce or
884 provide information about his or her passport, if he or she has
885 a passport, and, if he or she is an alien, must produce or
886 provide information about documents establishing his or her

Amendment No. 1s (SA)

887 immigration status. The Department of Corrections shall verify
888 the address of each sexual offender in the manner described in
889 ss. 775.21 and 943.0435. The department shall report to the
890 Department of Law Enforcement any failure by a sexual predator
891 or sexual offender to comply with registration requirements.

892 (6) The information provided to the Department of Law
893 Enforcement must include:

894 (b) The sexual offender's most current address, place of
895 permanent, temporary, or transient residence within the state or
896 out of state, and address, location or description, and dates of
897 any current or known future temporary residence within the state
898 or out of state, while the sexual offender is under supervision
899 in this state, including the name of the county or municipality
900 in which the offender permanently or temporarily resides, or has
901 a transient residence, and address, location or description, and
902 dates of any current or known future temporary residence within
903 the state or out of state, and, if known, the intended place of
904 permanent, temporary, or transient residence, and address,
905 location or description, and dates of any current or known
906 future temporary residence within the state or out of state upon
907 satisfaction of all sanctions. The sexual offender must also
908 produce or provide information about his or her passport, if he
909 or she has a passport, and, if he or she is an alien, must
910 produce or provide information about documents establishing his
911 or her immigration status;

912

913 If any information provided by the department changes during the
914 time the sexual offender is under the department's control,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

915 custody, or supervision, including any change in the offender's
916 name by reason of marriage or other legal process, the
917 department shall, in a timely manner, update the information and
918 provide it to the Department of Law Enforcement in the manner
919 prescribed in subsection (2).

920 (13)

921 (c) The sheriff's office may determine the appropriate
922 times and days for reporting by the sexual offender, which shall
923 be consistent with the reporting requirements of this
924 subsection. Reregistration shall include any changes to the
925 following information:

926 1. Name; social security number; age; race; sex; date of
927 birth; height; weight; hair and eye color; address of any
928 permanent residence and address of any current temporary
929 residence, within the state or out of state, including a rural
930 route address and a post office box; if no permanent or
931 temporary address, any transient residence; address, location or
932 description, and dates of any current or known future temporary
933 residence within the state or out of state; all any electronic
934 mail addresses address and all Internet identifiers any instant
935 message name required to be provided pursuant to s.
936 943.0435(4)(d); date and place of any employment; vehicle make,
937 model, color, and license tag number; fingerprints; and
938 photograph. A post office box shall not be provided in lieu of a
939 physical residential address. The sexual offender must also
940 produce or provide information about his or her passport, if he
941 or she has a passport, and, if he or she is an alien, must
942 produce or provide information about documents establishing his

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

943 | or her immigration status.

944 | 2. If the sexual offender is enrolled, employed, or
945 | carrying on a vocation at an institution of higher education in
946 | this state, the sexual offender shall also provide to the
947 | department the name, address, and county of each institution,
948 | including each campus attended, and the sexual offender's
949 | enrollment or employment status.

950 | 3. If the sexual offender's place of residence is a motor
951 | vehicle, trailer, mobile home, or manufactured home, as defined
952 | in chapter 320, the sexual offender shall also provide the
953 | vehicle identification number; the license tag number; the
954 | registration number; and a description, including color scheme,
955 | of the motor vehicle, trailer, mobile home, or manufactured
956 | home. If the sexual offender's place of residence is a vessel,
957 | live-aboard vessel, or houseboat, as defined in chapter 327, the
958 | sexual offender shall also provide the hull identification
959 | number; the manufacturer's serial number; the name of the
960 | vessel, live-aboard vessel, or houseboat; the registration
961 | number; and a description, including color scheme, of the
962 | vessel, live-aboard vessel or houseboat.

963 | 4. Any sexual offender who fails to report in person as
964 | required at the sheriff's office, or who fails to respond to any
965 | address verification correspondence from the department within 3
966 | weeks of the date of the correspondence, or who fails to report
967 | all electronic mail addresses and all Internet identifiers ~~or~~
968 | ~~instant message names~~, commits a felony of the third degree,
969 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

970 Section 9. Subsection (11) of section 947.005, Florida
971 Statutes, is amended to read:

972 947.005 Definitions.—As used in this chapter, unless the
973 context clearly indicates otherwise:

974 (11) "Risk assessment" means an assessment completed by a
975 ~~an independent~~ qualified practitioner to evaluate the level of
976 risk associated when a sex offender has contact with a child.

977 Section 10. Section 948.31, Florida Statutes, is amended
978 to read:

979 948.31 Evaluation and treatment of sexual predators and
980 offenders on probation or community control.—Conditions imposed
981 pursuant to this section do not require oral pronouncement at
982 the time of sentencing and shall be considered standard
983 conditions of probation or community control for offenders
984 specified in this section. The court shall require an evaluation
985 by a qualified practitioner to determine the need of a
986 probationer or community controllee for treatment. If the court
987 determines that a need therefor is established by the evaluation
988 process, the court shall require sexual offender treatment as a
989 term or condition of probation or community control for any
990 person who is required to register as a sexual predator under s.
991 775.21 or sexual offender under s. 943.0435, s. 944.606, or s.
992 944.607. Such treatment shall be required to be obtained from a
993 qualified practitioner as defined in s. 948.001. Treatment may
994 not be administered by a qualified practitioner who has been
995 convicted or adjudicated delinquent of committing, or
996 attempting, soliciting, or conspiring to commit, any offense
997 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

998 ~~impose a restriction against contact with minors if sexual~~
999 ~~offender treatment is recommended.~~ The evaluation and
1000 recommendations for treatment of the probationer or community
1001 controllee shall be provided to the court for review.

1002 Section 11. Paragraph (a) of subsection (3) of section
1003 985.481, Florida Statutes, is amended to read:

1004 985.481 Sexual offenders adjudicated delinquent;
1005 notification upon release.-

1006 (3) (a) The department must provide information regarding
1007 any sexual offender who is being released after serving a period
1008 of residential commitment under the department for any offense,
1009 as follows:

1010 1. The department must provide the sexual offender's name,
1011 any change in the offender's name by reason of marriage or other
1012 legal process, and any alias, if known; the correctional
1013 facility from which the sexual offender is released; the sexual
1014 offender's social security number, race, sex, date of birth,
1015 height, weight, and hair and eye color; address of any planned
1016 permanent residence or temporary residence, within the state or
1017 out of state, including a rural route address and a post office
1018 box; if no permanent or temporary address, any transient
1019 residence within the state; address, location or description,
1020 and dates of any known future temporary residence within the
1021 state or out of state; date and county of disposition and each
1022 crime for which there was a disposition; a copy of the
1023 offender's fingerprints and a digitized photograph taken within
1024 60 days before release; the date of release of the sexual
1025 offender; all ~~and~~ home telephone numbers ~~number~~ and any cellular

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

1026 telephone numbers; and passport information, if he or she has a
1027 passport, and, if he or she is an alien, information about
1028 documents establishing his or her immigration status ~~number~~. The
1029 department shall notify the Department of Law Enforcement if the
1030 sexual offender escapes, absconds, or dies. If the sexual
1031 offender is in the custody of a private correctional facility,
1032 the facility shall take the digitized photograph of the sexual
1033 offender within 60 days before the sexual offender's release and
1034 also place it in the sexual offender's file. If the sexual
1035 offender is in the custody of a local jail, the custodian of the
1036 local jail shall register the offender within 3 business days
1037 after intake of the offender for any reason and upon release,
1038 and shall notify the Department of Law Enforcement of the sexual
1039 offender's release and provide to the Department of Law
1040 Enforcement the information specified in this subparagraph and
1041 any information specified in subparagraph 2. which the
1042 Department of Law Enforcement requests.

1043 2. The department may provide any other information
1044 considered necessary, including criminal and delinquency
1045 records, when available.

1046 Section 12. Paragraph (a) of subsection (4), paragraph (a)
1047 of subsection (6), and paragraph (b) of subsection (13) of
1048 section 985.4815, Florida Statutes, are amended to read:

1049 985.4815 Notification to Department of Law Enforcement of
1050 information on juvenile sexual offenders.—

1051 (4) A sexual offender, as described in this section, who
1052 is under the supervision of the department but who is not
1053 committed must register with the department within 3 business

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

1054 days after adjudication and disposition for a registrable
1055 offense and otherwise provide information as required by this
1056 subsection.

1057 (a) The sexual offender shall provide his or her name;
1058 date of birth; social security number; race; sex; height;
1059 weight; hair and eye color; tattoos or other identifying marks;
1060 permanent or legal residence and address of temporary residence
1061 within the state or out of state while the sexual offender is in
1062 the care or custody or under the jurisdiction or supervision of
1063 the department in this state, including any rural route address
1064 or post office box; if no permanent or temporary address, any
1065 transient residence; address, location or description, and dates
1066 of any current or known future temporary residence within the
1067 state or out of state; passport information, if he or she has a
1068 passport, and, if he or she is an alien, information about
1069 documents establishing his or her immigration status; and the
1070 name and address of each school attended. The department shall
1071 verify the address of each sexual offender and shall report to
1072 the Department of Law Enforcement any failure by a sexual
1073 offender to comply with registration requirements.

1074 (6) (a) The information provided to the Department of Law
1075 Enforcement must include the following:

1076 1. The information obtained from the sexual offender under
1077 subsection (4).

1078 2. The sexual offender's most current address and place of
1079 permanent, temporary, or transient residence within the state or
1080 out of state, and address, location or description, and dates of
1081 any current or known future temporary residence within the state

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

1082 or out of state, while the sexual offender is in the care or
1083 custody or under the jurisdiction or supervision of the
1084 department in this state, including the name of the county or
1085 municipality in which the offender permanently or temporarily
1086 resides, or has a transient residence, and address, location or
1087 description, and dates of any current or known future temporary
1088 residence within the state or out of state; and, if known, the
1089 intended place of permanent, temporary, or transient residence,
1090 and address, location or description, and dates of any current
1091 or known future temporary residence within the state or out of
1092 state upon satisfaction of all sanctions. The sexual offender
1093 must also produce or provide information about his or her
1094 passport, if he or she has a passport, and, if he or she is an
1095 alien, must produce or provide information about documents
1096 establishing his or her immigration status.

1097 . 3. The legal status of the sexual offender and the
1098 scheduled termination date of that legal status.

1099 4. The location of, and local telephone number for, any
1100 department office that is responsible for supervising the sexual
1101 offender.

1102 5. An indication of whether the victim of the offense that
1103 resulted in the offender's status as a sexual offender was a
1104 minor.

1105 6. The offense or offenses at adjudication and disposition
1106 that resulted in the determination of the offender's status as a
1107 sex offender.

1108 7. A digitized photograph of the sexual offender, which
1109 must have been taken within 60 days before the offender was

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

1110 released from the custody of the department or a private
1111 correctional facility by expiration of sentence under s.
1112 944.275, or within 60 days after the onset of the department's
1113 supervision of any sexual offender who is on probation,
1114 postcommitment probation, residential commitment, nonresidential
1115 commitment, licensed child-caring commitment, community control,
1116 conditional release, parole, provisional release, or control
1117 release or who is supervised by the department under the
1118 Interstate Compact Agreement for Probationers and Parolees. If
1119 the sexual offender is in the custody of a private correctional
1120 facility, the facility shall take a digitized photograph of the
1121 sexual offender within the time period provided in this
1122 subparagraph and shall provide the photograph to the department.

1123 (13)

1124 (b) The sheriff's office may determine the appropriate
1125 times and days for reporting by the sexual offender, which shall
1126 be consistent with the reporting requirements of this
1127 subsection. Reregistration shall include any changes to the
1128 following information:

1129 1. Name; social security number; age; race; sex; date of
1130 birth; height; weight; hair and eye color; address of any
1131 permanent residence and address of any current temporary
1132 residence, within the state or out of state, including a rural
1133 route address and a post office box; if no permanent or
1134 temporary address, any transient residence; address, location or
1135 description, and dates of any current or known future temporary
1136 residence within the state or out of state; passport
1137 information, if he or she has a passport, and, if he or she is

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

1138 an alien, information about documents establishing his or her
1139 immigration status; name and address of each school attended;
1140 date and place of any employment; vehicle make, model, color,
1141 and license tag number; fingerprints; and photograph. A post
1142 office box shall not be provided in lieu of a physical
1143 residential address.

1144 2. If the sexual offender is enrolled, employed, or
1145 carrying on a vocation at an institution of higher education in
1146 this state, the sexual offender shall also provide to the
1147 department the name, address, and county of each institution,
1148 including each campus attended, and the sexual offender's
1149 enrollment or employment status.

1150 3. If the sexual offender's place of residence is a motor
1151 vehicle, trailer, mobile home, or manufactured home, as defined
1152 in chapter 320, the sexual offender shall also provide the
1153 vehicle identification number; the license tag number; the
1154 registration number; and a description, including color scheme,
1155 of the motor vehicle, trailer, mobile home, or manufactured
1156 home. If the sexual offender's place of residence is a vessel,
1157 live-aboard vessel, or houseboat, as defined in chapter 327, the
1158 sexual offender shall also provide the hull identification
1159 number; the manufacturer's serial number; the name of the
1160 vessel, live-aboard vessel, or houseboat; the registration
1161 number; and a description, including color scheme, of the
1162 vessel, live-aboard vessel, or houseboat.

1163 4. Any sexual offender who fails to report in person as
1164 required at the sheriff's office, or who fails to respond to any
1165 address verification correspondence from the department within 3

Amendment No. 1s (SA)

1166 weeks after the date of the correspondence, commits a felony of
1167 the third degree, punishable as provided in ss. 775.082,
1168 775.083, and 775.084.

1169 Section 13. If any provision of this act or its
1170 application to any person or circumstance is held invalid, the
1171 invalidity does not affect other provisions or applications of
1172 this act which can be given effect without the invalid provision
1173 or application, and to this end the provisions of this act are
1174 severable.

1175 Section 14. This act shall take effect April 20, 2012.

1176

1177

1178 T I T L E A M E N D M E N T

1179 Remove the entire title and insert:

1180

A bill to be entitled

1181

An act relating to sexual offenders and predators;

1182

amending s. 775.21, F.S.; replacing the definition of the

1183

term "instant message name" with the definition of the

1184

term "Internet identifier"; providing that voluntary

1185

disclosure of specified information waives a disclosure

1186

exemption for such information; conforming provisions;

1187

requiring disclosure of passport and immigration status

1188

information; requiring that a sexual predator who is

1189

unable to secure or update a driver's license or

1190

identification card within a specified period must report

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specified information to the local sheriff's office within

1192

a specified period after such change with confirmation

1193

that he or she also reported such information to the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

1194 Department of Highway Safety and Motor Vehicles; revising
1195 reporting requirements if a sexual predator plans to leave
1196 the United States for more than a specified period;
1197 creating s. 847.0141, F.S.; prohibiting a minor's use of
1198 an electronic communication device to transmit,
1199 distribute, or display a visual depiction of himself or
1200 herself that depicts nudity and is harmful to minors;
1201 providing penalties; prohibiting a minor's intentional or
1202 knowing possession of a visual depiction of another minor
1203 that depicts nudity and is harmful to minors; providing an
1204 exception; providing penalties; providing duties for law
1205 enforcement officers; providing for prosecution of a minor
1206 under other provisions; amending s. 943.0435, F.S. ;
1207 replacing the definition of the term "instant message
1208 name" with the definition of the term "Internet
1209 identifier"; conforming provisions; requiring disclosure
1210 of passport and immigration status information; requiring
1211 that a sexual predator who is unable to secure or update a
1212 driver's license or identification card within a specified
1213 period must report specified information to the local
1214 sheriff's office within a specified period of such change
1215 with confirmation that he or she also reported such
1216 information to the Department of Highway Safety and Motor
1217 Vehicles; providing additional requirements for sexual
1218 offenders intending to reside outside of the United
1219 States; amending s. 943.04351, F.S.; requiring a specified
1220 national search of registration information regarding
1221 sexual predators and sexual offenders prior to appointment

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2011)

Amendment No. 1s (SA)

1222 or employment of persons by state agencies and
1223 governmental subdivisions; amending s. 943.04354, F.S.;
1224 revising the age range applicable to provisions allowing
1225 removal of the requirement to register as a sexual
1226 offender or sexual predator in certain circumstances;
1227 revising eligibility requirements for removal; amending s.
1228 943.0437, F.S.; replacing the definition of the term
1229 "instant message name" with the definition of the term
1230 "Internet identifier"; conforming provisions; amending ss.
1231 944.606 and 944.607, F.S.; replacing the definition of the
1232 term "instant message name" with the definition of the
1233 term "Internet identifier"; conforming provisions;
1234 requiring disclosure of passport and immigration status
1235 information; amending s. 947.005, F.S.; revising the
1236 definition of the term "risk assessment"; amending s.
1237 948.31, F.S.; providing that conditions imposed under that
1238 section do not require oral pronouncement at the time of
1239 sentencing and shall be considered standard conditions of
1240 probation or community control for certain offenders;
1241 removing a provision prohibiting contact with minors if
1242 sexual offender treatment is recommended; amending ss.
1243 985.481 and 985.4815, F.S.; requiring disclosure of
1244 passport and immigration status information by certain
1245 sexual offenders adjudicated delinquent and certain
1246 juvenile sexual offenders; providing severability;
1247 providing an effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 7157 : Reemployment Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
	Total Yeas: 23	Total Nays: 0			

HB 7157 Amendments

Amendment 1

Adopted Without Objection

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7157 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative(s) Adkins and Dorworth offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Section 440.491, Florida Statutes, is amended
7 to read:

8 440.491 Reemployment of injured workers; rehabilitation.-

9 (1) DEFINITIONS.—As used in this section, the term:

10 (a) "Carrier" means group self-insurance funds or
11 individual self-insureds authorized under this chapter and
12 commercial funds or insurance entities authorized to write
13 workers' compensation insurance under chapter 624.

14 (b) "Department" means the Department of Education.

15 (c) "Medical care coordination" includes, but is not
16 limited to, coordinating physical rehabilitation services such
17 as medical, psychiatric, or therapeutic treatment for the
18 injured employee, providing health training to the employee and
19 family, and monitoring the employee's recovery. The purposes of

Amendment No. 1

20 medical care coordination are to minimize the disability and
21 recovery period without jeopardizing medical stability, to
22 assure that proper medical treatment and other restorative
23 services are timely provided in a logical sequence, and to
24 contain medical costs.

25 (d) "~~Qualified Rehabilitation provider~~" means a
26 rehabilitation nurse, rehabilitation counselor, vocational
27 evaluator, or ~~rehabilitation facility, or agency approved by the~~
28 ~~Department of Education as qualified to provide~~ providing
29 reemployment assessments, medical care coordination,
30 reemployment services, or vocational evaluations under this
31 chapter section.

32 (e) "Reemployment assessment" means a written assessment
33 performed by a ~~qualified~~ rehabilitation provider which provides
34 a comprehensive review of the medical diagnosis, treatment, and
35 prognosis; includes conferences with the employer, physician,
36 and claimant; and recommends a cost-effective physical and
37 vocational rehabilitation plan to assist the employee in
38 returning to suitable gainful employment.

39 (f) "Reemployment services" means services that include,
40 but are not limited to, vocational counseling, job-seeking
41 skills training, ergonomic job analysis, transferable skills
42 analysis, selective job placement, labor market surveys, and
43 arranging other services such as education or training,
44 vocational and on-the-job, which may be needed by the employee
45 to secure suitable gainful employment.

Amendment No. 1

46 (g) "Reemployment status review" means a review to
47 determine whether an injured employee is at risk of not
48 returning to work.

49 (h) "Suitable gainful employment" means employment or
50 self-employment that is reasonably attainable in light of the
51 employee's age, education, work history, transferable skills,
52 previous occupation, and injury, and which offers an opportunity
53 to restore the individual as soon as practicable and as nearly
54 as possible to his or her average weekly earnings at the time of
55 injury.

56 (i) "Vocational evaluation" means a review of the
57 employee's physical and intellectual capabilities, his or her
58 aptitudes and achievements, and his or her work-related
59 behaviors to identify the most cost-effective means toward the
60 employee's return to suitable gainful employment.

61 (2) INTENT.—It is the intent of this section ~~to implement~~
62 ~~a systematic review by carriers of the factors that are~~
63 ~~predictive of longer term disability and to encourage the~~
64 provision of medical care coordination and reemployment services
65 that are necessary to assist the employee in returning to work
66 as soon as is medically feasible.

67 (3) REEMPLOYMENT STATUS REVIEWS AND REPORTS.—

68 (a) When an employee who has suffered an injury
69 compensable under this chapter is unemployed 60 days after the
70 date of injury and is receiving benefits for temporary total
71 disability, temporary partial disability, or wage loss, and has
72 not yet been provided medical care coordination and reemployment
73 services voluntarily by the carrier, the carrier must determine

Amendment No. 1

74 whether the employee is likely to return to work and must report
75 its determination to the department and the employee. The report
76 shall include the identification of both the carrier and the
77 employee, and the carrier claim number and any case number
78 assigned by the Office of Judges of Compensation Claims. The
79 carrier must thereafter determine the reemployment status of the
80 employee at 90-day intervals as long as the employee remains
81 unemployed, is not receiving medical care coordination or
82 reemployment services, and is receiving the benefits specified
83 in this subsection.

84 (b) If medical care coordination or reemployment services
85 are voluntarily undertaken within 60 days of the date of injury,
86 such services may continue to be provided as agreed by the
87 employee and the carrier.

88 (4) REEMPLOYMENT ASSESSMENTS.—

89 (a) The carrier may require the employee to receive a
90 reemployment assessment as it considers appropriate. However,
91 the carrier is encouraged to obtain a reemployment assessment
92 if:

93 1. The carrier determines that the employee is at risk of
94 remaining unemployed.

95 2. The case involves catastrophic or serious injury.

96 (b) The carrier shall authorize ~~only a qualified~~
97 rehabilitation provider to provide the reemployment assessment.
98 The rehabilitation provider shall conduct its assessment and
99 issue a report to the carrier, and the employee, ~~and the~~
100 ~~department~~ within 30 days after the time such assessment is
101 complete.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7157 (2011)

Amendment No. 1

102 (c) If the rehabilitation provider recommends that the
103 employee receive medical care coordination or reemployment
104 services, the carrier shall advise the employee of the
105 recommendation and determine whether the employee wishes to
106 receive such services. The employee shall have 15 days after the
107 date of receipt of the recommendation in which to agree to
108 accept such services. If the employee elects to receive
109 services, the carrier may refer the employee to a rehabilitation
110 provider for such coordination or services within 15 days of
111 receipt of the assessment report or notice of the employee's
112 election, whichever is later.

113 (5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

114 (a) Once the carrier has assigned a case to a qualified
115 rehabilitation provider for medical care coordination or
116 reemployment services, the provider shall develop a reemployment
117 plan and submit the plan to the carrier and the employee for
118 approval.

119 (b) If the rehabilitation provider concludes that training
120 and education are necessary to return the employee to suitable
121 gainful employment, or if the employee has not returned to
122 suitable gainful employment within 180 days after referral for
123 reemployment services or receives \$2,500 in reemployment
124 services, whichever comes first, the carrier must discontinue
125 reemployment services and refer the employee to the department
126 for a vocational evaluation. Notwithstanding any provision of
127 chapter 289 or chapter 627, the cost of a reemployment
128 assessment and the first \$2,500 in reemployment services to an

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7157 (2011)

Amendment No. 1

129 injured employee must not be treated as loss adjustment expense
130 for workers' compensation ratemaking purposes.

131 (c) A carrier may voluntarily provide medical care
132 coordination or reemployment services to the employee at
133 intervals more frequent than those required in this section. ~~For~~
134 ~~the purpose of monitoring reemployment, the carrier or the~~
135 ~~rehabilitation provider shall report to the department, in the~~
136 ~~manner prescribed by the department, the date of reemployment~~
137 ~~and wages of the employee. The carrier shall report its~~
138 ~~voluntary service activity to the department as required by~~
139 ~~rule.~~ Voluntary services offered by the carrier for any of the
140 following injuries must be considered benefits for purposes of
141 ratemaking: traumatic brain injury; spinal cord injury;
142 amputation, including loss of an eye or eyes; burns of 5 percent
143 or greater of the total body surface.

144 (d) If medical care coordination or reemployment services
145 have not been undertaken as prescribed in paragraph (3)(b), a
146 ~~qualified~~ rehabilitation service provider, facility, or agency
147 that performs a reemployment assessment shall not provide
148 medical care coordination or reemployment services for the
149 employees it assesses.

150 (6) TRAINING AND EDUCATION.—

151 (a) Upon referral of an injured employee by the carrier,
152 or upon the request of an injured employee, the department shall
153 conduct a training and education screening to determine whether
154 it should refer the employee for a vocational evaluation and, if
155 appropriate, approve training and education or other vocational
156 services for the employee. At the time of such referral, the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7157 (2011)

Amendment No. 1

157 carrier shall provide the department a copy of any reemployment
158 assessment or reemployment plan provided to the carrier by a
159 rehabilitation provider. The department may not approve formal
160 training and education programs unless it determines, after
161 consideration of the reemployment assessment, ~~pertinent~~
162 ~~reemployment status reviews or reports, and such other relevant~~
163 ~~factors as it prescribes by rule,~~ that the reemployment plan is
164 likely to result in return to suitable gainful employment. The
165 department is authorized to expend moneys from the Workers'
166 Compensation Administration Trust Fund, established by s.
167 440.50, to secure appropriate training and education at a
168 Florida public college or at a career center established under
169 s. 1001.44, or to secure other vocational services when
70 necessary to satisfy the recommendation of a vocational
171 evaluator. As used in this paragraph, "appropriate training and
172 education" includes securing a general education diploma (GED),
173 if necessary. The department shall by rule establish training
174 and education standards pertaining to employee eligibility,
175 course curricula and duration, and associated costs. For
176 purposes of this subsection, training and education services may
177 be secured from additional providers if:

178 1. The injured employee currently holds an associate
179 degree and requests to earn a bachelor's degree not offered by a
180 Florida public college located within 50 miles from his or her
181 customary residence;

182 2. The injured employee's enrollment in an education or
183 training program in a Florida public college or career center
184 would be significantly delayed; or

Amendment No. 1

185 3. The most appropriate training and education program is
186 available only through a provider other than a Florida public
187 college or career center or at a Florida public college or
188 career center located more than 50 miles from the injured
189 employee's customary residence.

190 (b) When an employee who has attained maximum medical
191 improvement is unable to earn at least 80 percent of the
192 compensation rate and requires training and education to obtain
193 suitable gainful employment, the employer or carrier shall pay
194 the employee additional training and education temporary total
195 compensation benefits while the employee receives such training
196 and education for a period not to exceed 26 weeks, which period
197 may be extended for an additional 26 weeks or less, if such
198 extended period is determined to be necessary and proper by a
199 judge of compensation claims. The benefits provided under this
200 paragraph shall not be in addition to the 104 weeks as specified
201 in s. 440.15(2). However, a carrier or employer is not precluded
202 from voluntarily paying additional temporary total disability
203 compensation beyond that period. If an employee requires
204 temporary residence at or near a facility or an institution
205 providing training and education which is located more than 50
206 miles away from the employee's customary residence, the
207 reasonable cost of board, lodging, or travel must be borne by
208 the department from the Workers' Compensation Administration
209 Trust Fund established by s. 440.50. An employee who refuses to
210 accept training and education that is recommended by the
211 vocational evaluator and considered necessary by the department
212 will forfeit any additional training and education benefits and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7157 (2011)

Amendment No. 1

213 any additional payment for lost wages under this chapter. The
214 ~~department shall adopt rules to implement this section, which~~
215 ~~shall include requirements placed upon the carrier to shall~~
216 notify the injured employee of the availability of training and
217 education benefits as specified in this chapter. The Department
218 of Financial Services shall also include information regarding
219 the eligibility for training and education benefits in
220 informational materials specified in ss. 440.207 and 440.40.

221 (b) The department and the Agency for Workforce Innovation
222 or any successor agency are authorized to enter into an
223 interagency agreement for providing reemployment services to
224 injured employees. The department shall refer the employee to
225 such agency for such services, other than education and
26 training, deemed necessary by the department. The department is
227 authorized to expend moneys from the Workers' Compensation
228 Administration Trust Fund, established by s. 440.50 to reimburse
229 the cost of services provided pursuant to the interagency
230 agreement.

231 ~~—— (7) PROVIDER QUALIFICATIONS. ——~~

232 ~~—— (a) The department shall investigate and maintain a~~
233 ~~directory of each qualified public and private rehabilitation~~
234 ~~provider, facility, and agency, and shall establish by rule the~~
235 ~~minimum qualifications, credentials, and requirements that each~~
236 ~~rehabilitation service provider, facility, and agency must~~
237 ~~satisfy to be eligible for listing in the directory. These~~
238 ~~minimum qualifications and credentials must be based on those~~
239 ~~generally accepted within the service specialty for which the~~
240 ~~provider, facility, or agency is approved.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7157 (2011)

Amendment No. 1

241 ~~—— (b) The department shall impose a biennial application fee~~
242 ~~of \$25 for each listing in the directory, and all such fees must~~
243 ~~be deposited in the Workers' Compensation Administration Trust~~
244 ~~Fund.~~

245 ~~—— (c) The department shall monitor and evaluate each~~
246 ~~rehabilitation service provider, facility, and agency qualified~~
247 ~~under this subsection to ensure its compliance with the minimum~~
248 ~~qualifications and credentials established by the department.~~
249 ~~The failure of a qualified rehabilitation service provider,~~
250 ~~facility, or agency to provide the department with information~~
251 ~~requested or access necessary for the department to satisfy its~~
252 ~~responsibilities under this subsection is grounds for~~
253 ~~disqualifying the provider, facility, or agency from further~~
254 ~~referrals.~~

255 ~~—— (d) A qualified rehabilitation service provider, facility,~~
256 ~~or agency may not be authorized by an employer, a carrier, or~~
257 ~~the department to provide any services, including expert~~
258 ~~testimony, under this section in this state unless the provider,~~
259 ~~facility, or agency is listed or has been approved for listing~~
260 ~~in the directory. This restriction does not apply to services~~
261 ~~provided outside this state under this section.~~

262 ~~—— (e) The department, after consultation with~~
263 ~~representatives of employees, employers, carriers,~~
264 ~~rehabilitation providers, and qualified training and education~~
265 ~~providers, shall adopt rules governing professional practices~~
266 ~~and standards.~~

267 ~~—— (8) CARRIER PRACTICES.— The department shall monitor the~~
268 ~~selection of providers and the provision of services by carriers~~

Amendment No. 1

269 | ~~under this section for consistency with legislative intent set~~
270 | ~~forth in subsection (2).~~

271 | (9) PERMANENT DISABILITY.—The judge of compensation claims
272 | may not adjudicate an injured employee as permanently and
273 | totally disabled until or unless the carrier is given the
274 | opportunity to provide a reemployment assessment.

275 | Section 2. This act shall take effect July 1, 2011.

276 |

277 |

278 |

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

279 |

280 | Remove the entire title and insert:

281 | An act relating to reemployment services; amending s. 440.491,
282 | F.S.; revising intent; eliminating regulatory and monitoring
283 | responsibilities of the Department of Education with respect to
284 | rehabilitation providers and services; authorizing referral of
285 | an injured employee to the Department of Education for
286 | vocational evaluation; authorizing referral to the Agency for
287 | Workforce Innovation or any successor agency for reemployment
288 | services; authorizing interagency agreements between the
289 | Department of Education and an agency providing reemployment
290 | services; authorizing the expenditure of funds from the Workers
291 | Compensation Trust Fund for reemployment services; repealing
292 | rehabilitation provider qualifications; repealing rehabilitation
293 | provider fees; providing an effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 7195 : Charter Schools

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bembray	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones		X			
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 23		Total Nays: 1			

HB 7195 Amendments

Amendment 1

Adopted

Appearances:

HB 7195

Frank, Joy (Lobbyist) - Proponent

Florida Association of District School Superintendents

208 S Monroe St

Tallahassee FL 32301

Phone: (850)222-2280

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 7195

West, Ryan (Lobbyist) - Waive In Support

Florida Chamber of Commerce

136 S. Bronough

Tallahassee Florida 32301

Phone: 850-544-6868

HB 7195

Levesque, Patricia (Lobbyist) - Waive In Support

Foundation for Florida's Future

215 S. Monroe Street, Ste 130

Tallahassee FL 32301

Phone: (850)391-3070

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Stargel offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 Section 1. Section 1002.331, Florida Statutes, is created
8 to read:

9 1002.331 High-performing charter schools.-

10 (1) A charter school is a high-performing charter school
11 if it:

12 (a) Received at least two school grades of "A" and no
13 school grade below "B," pursuant to s. 1008.34, during each of
14 the previous 3 school years.

15 (b) Received an unqualified opinion on each annual
16 financial audit required under s. 218.39 in the most recent 3
17 fiscal years for which such audits are available.

18 (c) Did not receive a financial audit that revealed one or
19 more of the financial emergency conditions set forth in s.

Amendment No. 1

20 218.503(1) in the most recent 3 fiscal years for which such
21 audits are available. However, the condition is deemed met for a
22 charter school-in-the-workplace if there is a finding in an
23 audit that the school has the monetary resources available to
24 cover any reported deficiency or that the deficiency does not
25 result in a deteriorating financial condition pursuant to s.
26 1002.345(1)(a)3.

27
28 A virtual charter school established under s. 1002.33 is not
29 eligible for designation as a high-performing charter school.

30 (2) A high-performing charter school may:

31 (a) Increase its student enrollment once per school year
32 by up to 15 percent more than the capacity determined in the
33 charter.

34 (b) Expand grade levels within kindergarten through grade
35 12 to add grade levels not already served if any annual
36 enrollment increase resulting from grade level expansion is
37 within the limit established in paragraph (a).

38 (c) Submit a quarterly, rather than a monthly, financial
39 statement to the sponsor pursuant to s. 1002.33(9)(g).

40 (d) Consolidate under a single charter the charters of
41 multiple high-performing charter schools operated in the same
42 school district by the charter schools' governing board
43 regardless of the renewal cycle.

44 (e) Receive a 15-year charter renewal. The charter may be
45 renewed for a shorter term at the option of the high-performing
46 charter school. The charter is subject to annual review by the

Amendment No. 1

47 sponsor and may be terminated during its term pursuant to s.
48 1002.33(8).

49
50 A high-performing charter school shall notify its sponsor in
51 writing by March 1 if it intends to increase enrollment or
52 expand grade levels the following school year. The written
53 notice shall specify the amount of the enrollment increase and
54 the grade levels that will be added, as applicable.

55 (3) (a) A high-performing charter school may submit an
56 application pursuant to s. 1002.33(6) in any school district in
57 the state to establish and operate a new charter school that
58 will substantially replicate its educational program. An
59 application submitted by a high-performing charter school must
60 state that the application is being submitted pursuant to this
61 paragraph and must include the verification letter provided by
62 the Commissioner of Education pursuant to subsection (5). If the
63 sponsor fails to act on the application within 60 days after
64 receipt, the application is deemed approved and the procedure in
65 s. 1002.33(6)(h) applies. If the sponsor denies the application,
66 the high-performing charter school may appeal pursuant to s.
67 1002.33(6).

68 (b) A high-performing charter school may not establish
69 more than one charter school within the state under paragraph
70 (a) in any year. A subsequent application to establish a charter
71 school under paragraph (a) may not be submitted unless each
72 charter school established in this manner achieves high-
73 performing charter school status. A charter school established

Amendment No. 1

74 under paragraph (a) must meet class size requirements
75 established under s. 1003.03, calculated at the classroom level.

76 (4) A high-performing charter school may not increase
77 enrollment or expand grade levels following any school year in
78 which it receives a school grade of "C" or below. If the charter
79 school receives a school grade of "C" or below in any 2 years
80 during the term of the charter awarded under subsection (2), the
81 term of the charter may be modified by the sponsor and the
82 charter school loses its high-performing charter school status
83 until it regains that status under subsection (1).

84 (5) The Commissioner of Education, upon request by a
85 charter school, shall verify that the charter school meets the
86 criteria in subsection (1) and provide a letter to the charter
87 school and the sponsor stating that the charter school is a
88 high-performing charter school pursuant to this section.

89 (6) A high-performing charter school replicated under this
90 section may not be replicated as a virtual charter school.

91 Section 2. Section 1002.332, Florida Statutes, is created
92 to read:

93 1002.332 High-performing charter school system.—

94 (1) For purposes of this section, the term:

95 (a) "Entity" means a municipality or other public entity
96 that is authorized by law to operate a charter school or is a
97 private, nonprofit corporation with tax-exempt status under s.
98 501(c)(3) of the Internal Revenue Code.

99 (b) "High-performing charter school system" means an
100 entity that:

Amendment No. 1

101 1. Operates at least three high-performing charter schools
102 in the state.

103 2. Operates a system of charter schools in which, during
104 each of the previous 3 school years, at least 50 percent of the
105 charter schools received a school grade of "A" and no charter
106 school received a school grade below "B," pursuant to s.
107 1008.34.

108 a. If the entity has assumed operation of a public school
109 with a school grade of "C," that school's grade shall not be
110 considered in determining high-performing charter school system
111 status if the school attains and maintains a school grade of "B"
112 or higher within 3 years after the entity assumes operation of
113 the school. The charter school's grade shall be considered for
114 purposes of this sub-subparagraph beginning in year 4 after
115 operations have been assumed.

116 b. If the entity has assumed operation of a public school
117 with a school grade of "D" or "F," that school's grade shall not
118 be considered in determining high-performing charter school
119 system status if the school attains and maintains an increase in
120 the school's grade within 3 years after the entity assumes
121 operation of the school and attains and maintains a school grade
122 of "B" or higher within 5 years after the entity assumes
123 operation of the school. The charter school's grade shall be
124 considered for purposes of this sub-subparagraph beginning in
125 year 6 after operations have been assumed.

126 c. If the entity establishes a new charter school that
127 serves a student population the majority of which resides in a
128 school zone served by a public school that is identified as

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

129 lowest performing under s. 1008.33(4)(b), that charter school's
130 grade shall not be considered in determining high-performing
131 charter school system status if it attains and maintains a
132 school grade that is higher than that of the public school
133 serving that school zone within 3 years after establishment and
134 attains and maintains a school grade of "B" or higher within 5
135 years after establishment. The charter school's grade shall be
136 considered for purposes of this sub-subparagraph beginning in
137 year 6 after operations have been assumed.

138 3. Has not received a financial audit that revealed one or
139 more of the financial emergency conditions set forth in s.
140 218.503(1) for any charter school assumed or established by the
141 entity.

142 (2)(a) The Commissioner of Education, upon request by an
143 entity, shall verify that the entity meets the criteria in
144 subsection (1) and provide a letter to the entity stating that
145 it is a high-performing charter school system.

146 (b) A high-performing charter school system may submit an
147 application pursuant to s. 1002.33(6) in any school district in
148 the state to establish and operate a new charter school that
149 will substantially replicate the educational program of one or
150 more of its existing high-performing charter schools. An
151 application submitted by a high-performing charter school system
152 must state that the application is being submitted pursuant to
153 this paragraph and must include the verification letter provided
154 by the Commissioner of Education pursuant to paragraph (a). If
155 the sponsor fails to act on the application within 60 days after
156 receipt, the application is deemed approved and the procedure in

Amendment No. 1

157 s. 1002.33(6)(h) applies. If the sponsor denies the application,
158 the high-performing charter school system may appeal pursuant to
159 s. 1002.33(6).

160 (c) A high-performing charter school system may not
161 establish more than one charter school in a school district in
162 any one year under paragraph (b). An application to establish a
163 subsequent charter school under paragraph (b) in a school
164 district may not be submitted unless each charter school
165 established in the district in this manner achieves high-
166 performing charter school status. A charter school established
167 under paragraph (b) must meet class size requirements
168 established under s. 1003.03, calculated at the classroom level.

169 (3) A high-performing charter school replicated under this
170 section may not be replicated as a virtual charter school.

171 Section 3. Paragraph (b) of subsection (5), paragraphs
172 (b), (c), (e), and (f) of subsection (6), subsection (7),
173 paragraphs (b), (c), and (d) of subsection (8), paragraph (g) of
174 subsection (9), paragraph (d) of subsection (10), and paragraph
175 (b) of subsection (25) of section 1002.33, Florida Statutes, are
176 amended, subsection (26) is renumbered as subsection (28), and
177 new subsections (26) and (27) are added to that section, to
178 read:

179 1002.33 Charter schools.—

180 (5) SPONSOR; DUTIES.—

181 (b) Sponsor duties.—

182 1.a. The sponsor shall monitor and review the charter
183 school in its progress toward the goals established in the
184 charter.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

185 b. The sponsor shall monitor the revenues and expenditures
186 of the charter school and perform the duties provided in s.
187 1002.345.

188 c. The sponsor may approve a charter for a charter school
189 before the applicant has identified space, equipment, or
190 personnel, if the applicant indicates approval is necessary for
191 it to raise working funds.

192 d. The sponsor's policies shall not apply to a charter
193 school unless mutually agreed to by both the sponsor and the
194 charter school.

195 e. The sponsor shall ensure that the charter is innovative
196 and consistent with the state education goals established by s.
197 1000.03(5).

198 f. The sponsor shall ensure that the charter school
199 participates in the state's education accountability system. If
200 a charter school falls short of performance measures included in
201 the approved charter, the sponsor shall report such shortcomings
202 to the Department of Education.

203 g. The sponsor shall not be liable for civil damages under
204 state law for personal injury, property damage, or death
205 resulting from an act or omission of an officer, employee,
206 agent, or governing body of the charter school.

207 h. The sponsor shall not be liable for civil damages under
208 state law for any employment actions taken by an officer,
209 employee, agent, or governing body of the charter school.

210 i. The sponsor's duties to monitor the charter school
211 shall not constitute the basis for a private cause of action.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

212 j. The sponsor shall not impose additional reporting
213 requirements on a charter school without providing reasonable
214 and specific justification in writing to the charter school.

215 2. Immunity for the sponsor of a charter school under
216 subparagraph 1. applies only with respect to acts or omissions
217 not under the sponsor's direct authority as described in this
218 section.

219 3. This paragraph does not waive a district school board's
220 sovereign immunity.

221 4. A community college may work with the school district
222 or school districts in its designated service area to develop
223 charter schools that offer secondary education. These charter
224 schools must include an option for students to receive an
225 associate degree upon high school graduation. A Florida College
226 System institution may operate no more than one charter school
227 that serves students in kindergarten through grade 12 if the
228 institution operates an approved teacher preparation program
229 under s. 1004.04 or s. 1004.85. District school boards shall
230 cooperate with and assist the community college on the charter
231 application. Community college applications for charter schools
232 are not subject to the time deadlines outlined in subsection (6)
233 and may be approved by the district school board at any time
234 during the year. Community colleges may not report FTE for any
235 students who receive FTE funding through the Florida Education
236 Finance Program.

237 (6) APPLICATION PROCESS AND REVIEW.—Charter school
238 applications are subject to the following requirements:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

239 (b) A sponsor shall receive and review all applications
240 for a charter school using an evaluation instrument developed by
241 the Department of Education. ~~Beginning with the 2007-2008 school~~
242 ~~year,~~ A sponsor shall receive and consider charter school
243 applications received on or before August 1 of each calendar
244 year for charter schools to be opened at the beginning of the
245 school district's next school year, or to be opened at a time
246 agreed to by the applicant and the sponsor. A sponsor may
247 receive applications later than this date if it chooses. A
248 sponsor may not charge an applicant for a charter any fee for
249 the processing or consideration of an application, and a sponsor
250 may not base its consideration or approval of an application
251 upon the promise of future payment of any kind. Before approving
252 or denying any application, the sponsor shall allow the
253 applicant, upon receipt of written notification, at least 7
254 calendar days to make technical or nonsubstantive corrections
255 and clarifications, including, but not limited to, corrections
256 of grammatical, typographical, and like errors or missing
257 signatures, if such errors are identified by the sponsor as
258 cause to deny the application.

259 1. In order to facilitate an accurate budget projection
260 process, a sponsor shall be held harmless for FTE students who
261 are not included in the FTE projection due to approval of
262 charter school applications after the FTE projection deadline.
263 In a further effort to facilitate an accurate budget projection,
264 within 15 calendar days after receipt of a charter school
265 application, a sponsor shall report to the Department of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

266 Education the name of the applicant entity, the proposed charter
267 school location, and its projected FTE.

268 2. In order to ensure fiscal responsibility, an
269 application for a charter school shall include a full accounting
270 of expected assets, a projection of expected sources and amounts
271 of income, including income derived from projected student
272 enrollments and from community support, and an expense
273 projection that includes full accounting of the costs of
274 operation, including start-up costs.

275 3.a. A sponsor shall by a majority vote approve or deny an
276 application no later than 60 calendar days after the application
277 is received, unless the sponsor and the applicant mutually agree
278 in writing to temporarily postpone the vote to a specific date,
279 at which time the sponsor shall by a majority vote approve or
280 deny the application. If the sponsor fails to act on the
281 application, an applicant may appeal to the State Board of
282 Education as provided in paragraph (c). If an application is
283 denied, the sponsor shall, within 10 calendar days after such
284 denial, articulate in writing the specific reasons, based upon
285 good cause, supporting its denial of the charter application and
286 shall provide the letter of denial and supporting documentation
287 to the applicant and to the Department of Education ~~supporting~~
288 ~~these reasons.~~

289 b. An application submitted by a high-performing charter
290 school identified pursuant to s. 1002.331 or a high-performing
291 charter school system identified pursuant to s. 1002.332 may be
292 denied by the sponsor only if the sponsor demonstrates by clear
293 and convincing evidence that:

Amendment No. 1

294 (I) The application does not materially comply with the
295 requirements in paragraph (a);

296 (II) The charter school proposed in the application does
297 not materially comply with the requirements in paragraphs
298 (9) (a) - (f);

299 (III) The proposed charter school's educational program
300 does not substantially replicate that of the applicant or one of
301 the applicant's high-performing charter schools;

302 (IV) The applicant has made a material misrepresentation
303 or false statement or concealed an essential or material fact
304 during the application process; or

305 (V) The proposed charter school's educational program and
306 financial management practices do not materially comply with the
307 requirements of this section.

308
309 Material noncompliance is a failure to follow requirements or a
310 violation of prohibitions applicable to charter school
311 applications, which failure is quantitatively or qualitatively
312 significant either individually or when aggregated with other
313 noncompliance. An applicant is considered to be replicating a
314 high-performing charter school if the proposed school is
315 substantially similar to at least one of the applicant's high-
316 performing charter schools and the organization or individuals
317 involved in the establishment and operation of the proposed
318 school are significantly involved in the operation of replicated
319 schools.

320 c. If the sponsor denies an application submitted by a
321 high-performing charter school or a high-performing charter

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

322 school system, the sponsor must, within 10 calendar days after
323 such denial, state in writing the specific reasons, based upon
324 the criteria in sub-subparagraph b., supporting its denial of
325 the application and must provide the letter of denial and
326 supporting documentation to the applicant and to the Department
327 of Education. The applicant may appeal the sponsor's denial of
328 the application directly to the State Board of Education for
329 review pursuant to sub-subparagraph (c)3.b.

330 4. For budget projection purposes, the sponsor shall
331 report to the Department of Education the approval or denial of
332 a charter application within 10 calendar days after such
333 approval or denial. In the event of approval, the report to the
334 Department of Education shall include the final projected FTE
335 for the approved charter school.

336 5. Upon approval of a charter application, the initial
337 startup shall commence with the beginning of the public school
338 calendar for the district in which the charter is granted unless
339 the sponsor allows a waiver of this subparagraph for good cause.

340 (c)1. An applicant may appeal any denial of that
341 applicant's application or failure to act on an application to
342 the State Board of Education no later than 30 calendar days
343 after receipt of the sponsor's decision or failure to act and
344 shall notify the sponsor of its appeal. Any response of the
345 sponsor shall be submitted to the State Board of Education
346 within 30 calendar days after notification of the appeal. Upon
347 receipt of notification from the State Board of Education that a
348 charter school applicant is filing an appeal, the Commissioner
349 of Education shall convene a meeting of the Charter School

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

350 Appeal Commission to study and make recommendations to the State
351 Board of Education regarding its pending decision about the
352 appeal. The commission shall forward its recommendation to the
353 state board no later than 7 calendar days prior to the date on
354 which the appeal is to be heard.

355 2. The Charter School Appeal Commission may reject an
356 appeal submission for failure to comply with procedural rules
357 governing the appeals process. The rejection shall describe the
358 submission errors. The appellant shall have 15 calendar days
359 after notice of rejection in which to resubmit an appeal that
360 meets the requirements set forth in State Board of Education
361 rule. An appeal submitted subsequent to such rejection is
362 considered timely if the original appeal was filed within 30
363 calendar days after receipt of notice of the specific reasons
364 for the sponsor's denial of the charter application.

365 3.a. The State Board of Education shall by majority vote
366 accept or reject the decision of the sponsor no later than 90
367 calendar days after an appeal is filed in accordance with State
368 Board of Education rule. ~~The Charter School Appeal Commission~~
369 ~~may reject an appeal submission for failure to comply with~~
370 ~~procedural rules governing the appeals process. The rejection~~
371 ~~shall describe the submission errors. The appellant may have up~~
372 ~~to 15 calendar days from notice of rejection to resubmit an~~
373 ~~appeal that meets requirements of State Board of Education rule.~~
374 ~~An application for appeal submitted subsequent to such rejection~~
375 ~~shall be considered timely if the original appeal was filed~~
376 ~~within 30 calendar days after receipt of notice of the specific~~
377 ~~reasons for the sponsor's denial of the charter application. The~~

Amendment No. 1

378 State Board of Education shall remand the application to the
379 sponsor with its written decision that the sponsor approve or
380 deny the application. The sponsor shall implement the decision
381 of the State Board of Education. The decision of the State Board
382 of Education is not subject to the provisions of the
383 Administrative Procedure Act, chapter 120.

384 b. If an appeal concerns an application submitted by a
385 high-performing charter school identified pursuant to s.
386 1002.331 or a high-performing charter school system identified
387 pursuant to s. 1002.332, the State Board of Education shall
388 review the application denial to determine whether the sponsor
389 has shown, by clear and convincing evidence, that:

390 (I) The application does not materially comply with the
391 requirements in paragraph (a);

392 (II) The charter school proposed in the application does
393 not materially comply with the requirements in paragraphs
394 (9) (a) - (f);

395 (III) The proposed charter school's educational program
396 does not substantially replicate that of the applicant or one of
397 the applicant's high-performing charter schools;

398 (IV) The applicant has made a material misrepresentation
399 or false statement or concealed an essential or material fact
400 during the application process; or

401 (V) The proposed charter school's educational program and
402 financial management practices do not materially comply with the
403 requirements of this section.

404

Amendment No. 1

405 The State Board of Education shall approve or reject the
406 sponsor's denial of an application no later than 90 calendar
407 days after an appeal is filed in accordance with State Board of
408 Education rule. The State Board of Education shall remand the
409 application to the sponsor with its written decision that the
410 sponsor approve or deny the application. The sponsor shall
411 implement the decision of the State Board of Education. The
412 decision of the State Board of Education is not subject to the
413 Administrative Procedure Act, chapter 120.

414 (e)1. A Charter School Appeal Commission is established to
415 assist the commissioner and the State Board of Education with a
416 fair and impartial review of appeals by applicants whose charter
417 applications have been denied, whose charter contracts have not
418 been renewed, or whose charter contracts have been terminated by
419 their sponsors.

420 2. The Charter School Appeal Commission may receive copies
421 of the appeal documents forwarded to the State Board of
422 Education, review the documents, gather other applicable
423 information regarding the appeal, and make a written
424 recommendation to the commissioner. The recommendation must
425 state whether the appeal should be upheld or denied and include
426 the reasons for the recommendation being offered. The
427 commissioner shall forward the recommendation to the State Board
428 of Education no later than 7 calendar days prior to the date on
429 which the appeal is to be heard. The state board must consider
430 the commission's recommendation in making its decision, but is
431 not bound by the recommendation. The decision of the Charter

Amendment No. 1

432 School Appeal Commission is not subject to the provisions of the
433 Administrative Procedure Act, chapter 120.

434 3. The commissioner shall appoint a number of the members
435 to of the Charter School Appeal Commission sufficient to ensure
436 that no potential conflict of interest exists for any commission
437 appeal decision. Members shall serve without compensation but
438 may be reimbursed for travel and per diem expenses in
439 conjunction with their service. Of the members present at the
440 time of appeal decisions before the commission, one-half of the
441 members must represent currently operating charter schools, and
442 one-half of the members must represent sponsors. The
443 commissioner or a named designee shall chair the Charter School
444 Appeal Commission.

445 4. The chair shall convene meetings of the commission and
446 shall ensure that the written recommendations are completed and
447 forwarded in a timely manner. In cases where the commission
448 cannot reach a decision, the chair shall make the written
449 recommendation with justification, noting that the decision was
450 rendered by the chair.

451 5. Commission members shall thoroughly review the
452 materials presented to them from the appellant and the sponsor.
453 The commission may request information to clarify the
454 documentation presented to it. In the course of its review, the
455 commission may facilitate the postponement of an appeal in those
456 cases where additional time and communication may negate the
457 need for a formal appeal and both parties agree, in writing, to
458 postpone the appeal to the State Board of Education. A new date
459 certain for the appeal shall then be set based upon the rules

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

460 and procedures of the State Board of Education. Commission
461 members shall provide a written recommendation to the state
462 board as to whether the appeal should be upheld or denied. A
463 fact-based justification for the recommendation must be
464 included. The chair must ensure that the written recommendation
465 is submitted to the State Board of Education members no later
466 than 7 calendar days prior to the date on which the appeal is to
467 be heard. Both parties in the case shall also be provided a copy
468 of the recommendation.

469 (f)1. The Department of Education shall provide ~~offer~~ or
470 arrange for training and technical assistance to charter schools
471 ~~school applicants~~ in developing and adjusting business plans and
472 accounting for estimating costs and income. Training and
473 technical ~~This~~ assistance shall also address, at a minimum,
474 state and federal grant and student performance accountability
475 reporting requirements and provide assistance in estimating
476 ~~startup costs, projecting enrollment, and identifying and~~
477 applying for the types and amounts of state and federal
478 financial assistance the charter school may be eligible to
479 receive. The department may provide other technical assistance
480 to an applicant upon written request.

481 2. A charter school applicant must participate in the
482 training provided by the Department of Education after approval
483 of an application but at least 30 calendar days before the first
484 day of classes at the charter school ~~before filing an~~
485 ~~application~~. However, a sponsor may require the charter school
486 applicant to attend training provided by the sponsor in lieu of
487 the department's training if the sponsor's training standards

Amendment No. 1

488 meet or exceed the standards developed by the department of
489 ~~Education~~. In such case, the sponsor may not require the charter
490 school applicant to attend the training within 30 calendar days
491 before the first day of classes at the charter school. The
492 training must ~~shall~~ include instruction in accurate financial
493 planning and good business practices. If the applicant is a
494 management company or a ~~other~~ nonprofit organization, the
495 charter school principal and the chief financial officer or his
496 or her equivalent must also participate in the training. A
497 sponsor may not require a high-performing charter school or
498 high-performing charter school system applicant to participate
499 in the training described in this subparagraph more than once.

500 (7) CHARTER.—The major issues involving the operation of a
501 charter school shall be considered in advance and written into
502 the charter. The charter shall be signed by the governing board
503 ~~body~~ of the charter school and the sponsor, following a public
504 hearing to ensure community input.

505 (a) The charter shall address and criteria for approval of
506 the charter shall be based on:

507 1. The school's mission, the students to be served, and
508 the ages and grades to be included.

509 2. The focus of the curriculum, the instructional methods
510 to be used, any distinctive instructional techniques to be
511 employed, and identification and acquisition of appropriate
512 technologies needed to improve educational and administrative
513 performance which include a means for promoting safe, ethical,
514 and appropriate uses of technology which comply with legal and
515 professional standards. The charter shall ensure that reading is

Amendment No. 1

516 | a primary focus of the curriculum and that resources are
517 | provided to identify and provide specialized instruction for
518 | students who are reading below grade level. The curriculum and
519 | instructional strategies for reading must be consistent with the
520 | Sunshine State Standards and grounded in scientifically based
521 | reading research.

522 | 3. The current incoming baseline standard of student
523 | academic achievement, the outcomes to be achieved, and the
524 | method of measurement that will be used. The criteria listed in
525 | this subparagraph shall include a detailed description of:

526 | a. How the baseline student academic achievement levels
527 | and prior rates of academic progress will be established.

528 | b. How these baseline rates will be compared to rates of
529 | academic progress achieved by these same students while
530 | attending the charter school.

531 | c. To the extent possible, how these rates of progress
532 | will be evaluated and compared with rates of progress of other
533 | closely comparable student populations.

534 |

535 | The district school board is required to provide academic
536 | student performance data to charter schools for each of their
537 | students coming from the district school system, as well as
538 | rates of academic progress of comparable student populations in
539 | the district school system.

540 | 4. The methods used to identify the educational strengths
541 | and needs of students and how well educational goals and
542 | performance standards are met by students attending the charter
543 | school. The methods shall provide a means for the charter school

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

544 to ensure accountability to its constituents by analyzing
545 student performance data and by evaluating the effectiveness and
546 efficiency of its major educational programs. Students in
547 charter schools shall, at a minimum, participate in the
548 statewide assessment program created under s. 1008.22.

549 5. In secondary charter schools, a method for determining
550 that a student has satisfied the requirements for graduation in
551 s. 1003.43.

552 6. A method for resolving conflicts between the governing
553 board body of the charter school and the sponsor.

554 7. The admissions procedures and dismissal procedures,
555 including the school's code of student conduct.

556 8. The ways by which the school will achieve a
557 racial/ethnic balance reflective of the community it serves or
558 within the racial/ethnic range of other public schools in the
559 same school district.

560 9. The financial and administrative management of the
561 school, including a reasonable demonstration of the professional
562 experience or competence of those individuals or organizations
563 applying to operate the charter school or those hired or
564 retained to perform such professional services and the
565 description of clearly delineated responsibilities and the
566 policies and practices needed to effectively manage the charter
567 school. A description of internal audit procedures and
568 establishment of controls to ensure that financial resources are
569 properly managed must be included. Both public sector and
570 private sector professional experience shall be equally valid in
571 such a consideration.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

572 10. The asset and liability projections required in the
573 application which are incorporated into the charter and shall be
574 compared with information provided in the annual report of the
575 charter school.

576 11. A description of procedures that identify various
577 risks and provide for a comprehensive approach to reduce the
578 impact of losses; plans to ensure the safety and security of
579 students and staff; plans to identify, minimize, and protect
580 others from violent or disruptive student behavior; and the
581 manner in which the school will be insured, including whether or
582 not the school will be required to have liability insurance,
583 and, if so, the terms and conditions thereof and the amounts of
584 coverage.

585 12. The term of the charter which shall provide for
586 cancellation of the charter if insufficient progress has been
587 made in attaining the student achievement objectives of the
588 charter and if it is not likely that such objectives can be
589 achieved before expiration of the charter. The initial term of a
590 charter shall be for 4 or 5 years. In order to facilitate access
591 to long-term financial resources for charter school
592 construction, charter schools that are operated by a
593 municipality or other public entity as provided by law are
594 eligible for up to a 15-year charter, subject to approval by the
595 district school board. A charter lab school is eligible for a
596 charter for a term of up to 15 years. In addition, to facilitate
597 access to long-term financial resources for charter school
598 construction, charter schools that are operated by a private,
599 not-for-profit, s. 501(c)(3) status corporation are eligible for

Amendment No. 1

600 up to a 15-year charter, subject to approval by the district
601 school board. Such long-term charters remain subject to annual
602 review and may be terminated during the term of the charter, but
603 only according to the provisions set forth in subsection (8).

604 13. The facilities to be used and their location.

605 14. The qualifications to be required of the teachers and
606 the potential strategies used to recruit, hire, train, and
607 retain qualified staff to achieve best value.

608 15. The governance structure of the school, including the
609 status of the charter school as a public or private employer as
610 required in paragraph (12)(i).

611 16. A timetable for implementing the charter which
612 addresses the implementation of each element thereof and the
613 date by which the charter shall be awarded in order to meet this
614 timetable.

615 17. In the case of an existing public school that is being
616 converted to charter status, alternative arrangements for
617 current students who choose not to attend the charter school and
618 for current teachers who choose not to teach in the charter
619 school after conversion in accordance with the existing
620 collective bargaining agreement or district school board rule in
621 the absence of a collective bargaining agreement. However,
622 alternative arrangements shall not be required for current
623 teachers who choose not to teach in a charter lab school, except
624 as authorized by the employment policies of the state university
625 which grants the charter to the lab school.

626 18. Full disclosure of the identity of all relatives
627 employed by the charter school who are related to the charter

Amendment No. 1

628 | school owner, president, chairperson of the governing board of
629 | directors, superintendent, governing board member, principal,
630 | assistant principal, or any other person employed by the charter
631 | school who has equivalent decisionmaking authority. For the
632 | purpose of this subparagraph, the term "relative" means father,
633 | mother, son, daughter, brother, sister, uncle, aunt, first
634 | cousin, nephew, niece, husband, wife, father-in-law, mother-in-
635 | law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
636 | stepfather, stepmother, stepson, stepdaughter, stepbrother,
637 | stepsister, half brother, or half sister.

638 | 19. Implementation of the activities authorized under s.
639 | 1002.331 by the charter school when it satisfies the eligibility
640 | requirements for a high-performing charter school. A high-
641 | performing charter school shall notify its sponsor in writing by
642 | March 1 if it intends to increase enrollment or expand grade
643 | levels the following school year. The written notice shall
644 | specify the amount of the enrollment increase and the grade
645 | levels that will be added, as applicable.

646 | (b)1. A charter may be renewed provided that a program
647 | review demonstrates that the criteria in paragraph (a) have been
648 | successfully accomplished and that none of the grounds for
649 | nonrenewal established by paragraph (8)(a) has been documented.
650 | In order to facilitate long-term financing for charter school
651 | construction, charter schools operating for a minimum of 3 years
652 | and demonstrating exemplary academic programming and fiscal
653 | management are eligible for a 15-year charter renewal. Such
654 | long-term charter is subject to annual review and may be
655 | terminated during the term of the charter.

Amendment No. 1

656 2. The 15-year charter renewal that may be granted
657 pursuant to subparagraph 1. shall be granted to a charter school
658 that has received a school grade of "A" or "B" pursuant to s.
659 1008.34 in 3 of the past 4 years and is not in a state of
660 financial emergency or deficit position as defined by this
661 section. Such long-term charter is subject to annual review and
662 may be terminated during the term of the charter pursuant to
663 subsection (8).

664 (c) A charter may be modified during its initial term or
665 any renewal term upon the recommendation of the sponsor or the
666 charter school governing board and the approval of both parties
667 to the agreement.

668 (d) A school district may require that up to 50 percent of
669 a charter school's governing board members reside in the school
670 district in which the charter school is located. Each charter
671 school's governing board must annually hold at least three
672 public meetings in the school district. Such meetings must be
673 open and accessible to the public, and attendees must be
674 provided an opportunity to receive information and provide input
675 regarding the charter school's affairs. A quorum of the
676 governing board members must be physically present at each
677 meeting.

678 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

679 (b) At least 90 days prior to renewing or terminating a
680 charter, the sponsor shall notify the governing board ~~body~~ of
681 the school of the proposed action in writing. The notice shall
682 state in reasonable detail the grounds for the proposed action
683 and stipulate that the school's governing board ~~body~~ may, within

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

684 14 calendar days after receiving the notice, request a an
685 ~~informal~~ hearing. The hearing shall be conducted at the
686 sponsor's election in accordance with one of the following
687 procedures:

688 1. A direct hearing conducted by the sponsor within 60
689 days after receipt of the request for a hearing. The hearing
690 shall be conducted in accordance with ss. 120.569 and 120.57.
691 The sponsor shall decide upon nonrenewal or termination by a
692 majority vote. The sponsor's decision shall be a final order; or

693 2. A hearing conducted by an administrative law judge
694 assigned by the Division of Administrative Hearings. The hearing
695 shall be conducted within 60 days after receipt of the request
696 for a hearing in accordance with chapter 120. The recommendation
697 of the administrative law judge shall be made to the sponsor. A
698 majority vote by the sponsor shall be required to sustain or
699 change the administrative law judge's recommendation. The
700 determination of the sponsor shall be a final order before the
701 sponsor. The sponsor shall conduct the informal hearing within
702 30 calendar days after receiving a written request.

703 (c) The final order shall include the specific reasons for
704 nonrenewal or termination of the charter and shall be provided
705 to the charter school governing board and the Department of
706 Education within 10 calendar days after the final order is
707 issued. If a charter is not renewed or is terminated pursuant to
708 paragraph (b), the sponsor shall, within 10 calendar days,
709 articulate in writing the specific reasons for its nonrenewal or
710 termination of the charter and must provide the letter of
711 nonrenewal or termination and documentation supporting the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

712 ~~reasons to the charter school governing body, the charter school~~
713 ~~principal, and the Department of Education. The charter school's~~
714 governing board ~~body~~ may, within 30 calendar days after
715 receiving the sponsor's final order ~~written decision to refuse~~
716 ~~to renew or to terminate the charter, appeal the decision~~
717 pursuant to s. 120.68 ~~the procedure established in subsection~~
718 ~~(6).~~

719 (d) A charter may be terminated immediately if the sponsor
720 sets forth in writing the particular facts and circumstances
721 indicating that an immediate and serious danger to ~~determines~~
722 ~~that good cause has been shown or if the health, safety, or~~
723 welfare of the charter school's students exists ~~is threatened~~.
724 The sponsor's determination is ~~not~~ subject to the procedures set
725 forth in paragraphs ~~an informal hearing under paragraph (b) and~~
726 (c), except that the hearing may take place after the charter
727 has been terminated or pursuant to chapter 120. The sponsor
728 shall notify in writing the charter school's governing board
729 ~~body~~, the charter school principal, and the department if a
730 charter is ~~immediately~~ terminated immediately. The sponsor shall
731 clearly identify the specific issues that resulted in the
732 immediate termination and provide evidence of prior notification
733 of issues resulting in the immediate termination when
734 appropriate. Upon receiving written notice from the sponsor, the
735 charter school's governing board has 10 calendar days to request
736 a hearing. A requested hearing must be expedited and the final
737 order must be issued within 60 days after the date of request.
738 The sponsor shall assume operation of the charter school
739 throughout the pendency of the hearing under paragraphs (b) and

Amendment No. 1

740 | (c) unless the continued operation of the charter school would
741 | materially threaten the health, safety, or welfare of the
742 | students. Failure by the sponsor to assume and continue
743 | operation of the charter school shall result in the awarding of
744 | costs and attorney's fees to the charter school if the charter
745 | school prevails on appeal. ~~The school district in which the~~
746 | ~~charter school is located shall assume operation of the school~~
747 | ~~under these circumstances. The charter school's governing board~~
748 | ~~may, within 30 days after receiving the sponsor's decision to~~
749 | ~~terminate the charter, appeal the decision pursuant to the~~
750 | ~~procedure established in subsection (6).~~

751 | (9) CHARTER SCHOOL REQUIREMENTS.--

752 | (g) In order to provide financial information that is
753 | comparable to that reported for other public schools, charter
754 | schools are to maintain all financial records that constitute
755 | their accounting system:

756 | 1. In accordance with the accounts and codes prescribed in
757 | the most recent issuance of the publication titled "Financial
758 | and Program Cost Accounting and Reporting for Florida Schools";
759 | or

760 | 2. At the discretion of the charter school governing
761 | board, a charter school may elect to follow generally accepted
762 | accounting standards for not-for-profit organizations, but must
763 | reformat this information for reporting according to this
764 | paragraph.

765 |

766 | Charter schools shall provide annual financial report and
767 | program cost report information in the state-required formats

Amendment No. 1

768 for inclusion in district reporting in compliance with s.
769 1011.60(1). Charter schools that are operated by a municipality
770 or are a component unit of a parent nonprofit organization may
771 use the accounting system of the municipality or the parent but
772 must reformat this information for reporting according to this
773 paragraph. A charter school shall provide a monthly financial
774 statement to the sponsor unless the charter school is designated
775 as a high-performing charter school pursuant to s. 1002.331, in
776 which case the high-performing charter school may provide a
777 quarterly financial statement. The ~~monthly~~ financial statement
778 required under this paragraph shall be in a form prescribed by
779 the Department of Education.

780 (10) ELIGIBLE STUDENTS.—

781 (d) A charter school may give enrollment preference to the
782 following student populations:

783 1. Students who are siblings of a student enrolled in the
784 charter school.

785 2. Students who are the children of a member of the
786 governing board of the charter school.

787 3. Students who are the children of an employee of the
788 charter school.

789 4. Students who are the children of:

790 a. An employee of the business partner of a charter
791 school-in-the-workplace established under paragraph (15)(b) or a
792 resident of the municipality in which such charter school is
793 located; or

794 b. A resident of a municipality that operates a charter
795 school-in-a-municipality pursuant to paragraph (15)(c).

Amendment No. 1

796 5. Students who have successfully completed a voluntary
797 prekindergarten education program under ss. 1002.51-1002.79
798 provided by the charter school or the charter school's nonprofit
799 governing board during the previous year.

800 (25) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

801 (b) A member of a governing board of a charter school
802 operated by a municipality or other public entity is subject to
803 s. ~~112.3145~~ 112.3144, which relates to the disclosure of
804 financial interests.

805 (26) SHARED USE OF FACILITIES BY CHARTER SCHOOLS.—

806 (a) A charter school may not transfer an enrolled student
807 to another charter school having a separate Master School
808 Identification Number without first obtaining the written
809 approval of the student's parent.

810 (b) A charter school is ineligible for federal charter
811 school program grant funds during any period of time during
812 which it:

813 1. Shares an educational facility with an existing charter
814 school having a separate Master School Identification Number and
815 serving students in any of the grades offered by that charter
816 school; or

817 2. Shares administrative, instructional, or support staff
818 with another charter school having a separate Master School
819 Identification Number and operating within the same educational
820 facility.

821 (27) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
822 SCHOOL SYSTEMS.—A charter school system shall be designated a
823 local educational agency solely for the purpose of receiving

Amendment No. 1

824 federal funds, in the same manner as if the charter school
825 system were a school district, if the governing board of the
826 charter school system has adopted and filed a resolution with
827 its sponsoring district school board and the Department of
828 Education in which the governing board accepts full
829 responsibility for all local educational agency requirements and
830 if the charter school system meets all of the following:

- 831 (a) Includes both conversion charter schools and
832 nonconversion charter schools;
833 (b) Has all schools located in the same county;
834 (c) Has a total enrollment exceeding the total enrollment
835 of at least one school district in the state;
836 (d) Has the same governing board; and
837 (e) Does not contract with a for-profit service provider
838 for management of school operations.

839
840 Such designation does not apply to other provisions of law
841 unless specifically provided by law.

842 Section 4. (1) For the 2011-2012 fiscal year, the
843 Department of Education shall:

844 (a) Identify the school districts that distribute funds or
845 provide facilities, renovation, or new construction with funds
846 generated by the capital improvement millage authorized under s.
847 1011.71(2), Florida Statutes, to charter schools and the use of
848 such funds by the charter schools.

849 (b) Examine the costs associated with supervising charter
850 schools and determine whether the 5-percent administrative fee

Amendment No. 1

851 | for administrative and educational services for charter schools
852 | covers the costs associated with the provision of the services.

853 | (c) Examine the distribution of federal education funding
854 | to eligible students who are enrolled in charter schools,
855 | including, without limitation, funding provided under Title I of
856 | the Elementary and Secondary Education Act and the Individuals
857 | with Disabilities Education Act.

858 | (d) Examine the impacts of removing the discretion given
859 | to school districts regarding the distribution of capital
860 | improvement millage authorized under s. 1011.71(2), Florida
861 | Statutes, to charter schools-in-a-municipality as set forth in
862 | s. 1002.33(15)(c), Florida Statutes.

863 | (2) The Department of Education shall report its findings
864 | to the Governor, the President of the Senate, and the Speaker of
865 | the House of Representatives no later than January 1, 2012.

866 | Section 5. This act shall take effect July 1, 2011.

867 |

868 |

869 |

870 | **T I T L E A M E N D M E N T**

871 | Remove the entire title and insert:

872 | A bill to be entitled

873 | An act relating to school choice; creating s. 1002.331,
874 | F.S.; establishing criteria for high-performing charter
875 | schools; authorizing a high-performing charter school to
876 | increase enrollment, expand grade levels served,
877 | consolidate the charters of certain charter schools,
878 | receive a 15-year charter renewal, and report financial

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

879 statements on a quarterly basis; authorizing a high-
880 performing charter school to apply to establish a charter
881 school that replicates its educational program; providing
882 application requirements; limiting the number of charter
883 schools that may be established; requiring eligibility
884 verification by the Commissioner of Education; creating s.
885 1002.332, F.S.; providing definitions; establishing
886 criteria for high-performing charter school systems;
887 providing for eligibility verification by the Commissioner
888 of Education; authorizing a high-performing charter school
889 system to apply to establish a charter school that
890 replicates the educational program of one or more of its
891 existing high-performing charter schools; providing
892 application requirements; limiting the number of charter
893 schools that may be established; amending s. 1002.33,
894 F.S.; authorizing a charter school operated by a Florida
895 College System institution to serve students in
896 kindergarten through grade 12 if certain criteria are met;
897 requiring a charter school sponsor to allow a charter
898 school applicant to correct technical deficiencies in its
899 application before approval or denial; establishing
900 standards for sponsor review of a charter school
901 application submitted by a high-performing charter school
902 or high-performing charter school system; authorizing
903 direct appeal to the State Board of Education of a denial
904 of an application; establishing standards for reviewing
905 such an appeal; revising applicant training requirements;
906 requiring inclusion in the charter of procedures relating

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7195 (2011)

Amendment No. 1

907 | to high-performing charter schools; authorizing a sponsor
908 | to require certain governing board members to reside in
909 | the school district; revising the procedure for nonrenewal
910 | or termination of a charter; authorizing a charter
911 | school's governing board to request a hearing regarding
912 | charter nonrenewal or termination, including immediate
913 | termination; authorizing the sponsor to choose to provide
914 | a direct hearing or a hearing before an administrative law
915 | judge; authorizing the award of costs and attorney's fees
916 | to a charter school governing board if certain criteria
917 | are met; authorizing quarterly financial reporting for
918 | certain charter schools; establishing additional student
919 | enrollment preferences; correcting a cross-reference
920 | relating to the disclosure of financial interests;
921 | providing requirements for the shared use of charter
922 | school facilities; authorizing certain charter school
923 | systems to be the local education agency for administering
924 | federal funding received by the system's schools;
925 | requiring the Department of Education to examine certain
926 | charter school funding and costs and report its findings
927 | to the Governor and the Legislature; providing an
928 | effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 7197 : Digital Learning

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bembry	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner				X	
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands		X			
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 21		Total Nays: 1			

HB 7197 Amendments

Amendment 1

Adopted

Appearances:

HB 7197

West, Ryan (Lobbyist) - Waive In Support

Florida Chamber of Commerce

136 S. Bronough

Tallahassee Florida 32301

Phone: 850-544-6868

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 7197

Levesque, Patricia (Lobbyist) - Waive In Support

Foundation for Florida's Future

215 S. Monroe Street, Ste 130

Tallahassee FL 32302

Phone: (850)391-3070

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Stargel offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Section 1002.321, Florida Statutes, is created
7 to read:

8 1002.321 Digital learning.—

9 (1) DIGITAL LEARNING NOW.—There is created the "Digital
10 Learning Now Act."

11 (2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The
12 Legislature finds that each student should have access to a
13 high-quality digital learning environment that provides:

14 (a) Access to digital learning.

15 (b) Access to high-quality digital content and online
16 courses.

17 (c) Education that is customized to the needs of the
18 student using digital content.

19 (d) A means for the student to demonstrate competency in

Amendment No. 1

20 completed coursework.

21 (e) High-quality digital content, instructional materials,
22 and online and blended learning courses.

23 (f) High-quality digital instruction and teachers.

24 (g) Content and instruction that are evaluated on the
25 metric of student learning.

26 (h) The use of funding as an incentive for performance,
27 options, and innovation.

28 (i) Infrastructure that supports digital learning.

29 (j) Online administration of state assessments.

30 (3) DIGITAL PREPARATION.—Each student must graduate from
31 high school having taken at least one online course, as provided
32 in s. 1003.428.

33 (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district
34 must establish multiple opportunities for student participation
35 in part-time and full-time kindergarten through grade 12 virtual
36 instruction. Options include, but are not limited to:

37 (a) School district operated part-time or full-time
38 virtual instruction programs under s. 1002.45(1)(b) for
39 kindergarten through grade 12 students enrolled in the school
40 district. A full-time program shall operate under its own Master
41 School Identification Number.

42 (b) Florida Virtual School instructional services
43 authorized under s. 1002.37.

44 (c) Blended learning instruction provided by charter
45 schools authorized under s. 1002.33.

46 (d) Full-time virtual charter school instruction
47 authorized under s. 1002.33.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

48 (e) Courses delivered in the traditional school setting by
49 personnel providing direct instruction through a virtual
50 environment or through a blended virtual and physical environment
51 pursuant to s. 1003.498.

52 (f) Virtual courses offered in the course code directory
53 to students within the school district or to students in other
54 school districts throughout the state pursuant to s. 1003.498.

55 Section 2. Subsection (1), paragraph (a) of subsection
56 (6), subsection (7), and paragraph (a) of subsection (20) of
57 section 1002.33, Florida Statutes, are amended, and paragraph
58 (f) is added to subsection (17) of that section, to read:

59 1002.33 Charter schools.—

60 (1) AUTHORIZATION.—Charter schools shall be part of the
61 state's program of public education. All charter schools in
62 Florida are public schools. A charter school may be formed by
63 creating a new school or converting an existing public school to
64 charter status. A charter school may operate a virtual charter
65 school pursuant to s. 1002.45(1)(d) to provide full-time online
66 instruction to eligible students, pursuant to s. 1002.455, in
67 kindergarten through grade 12. A charter school must amend its
68 charter or submit a new application pursuant to subsection (6)
69 to become a virtual charter school. A virtual charter school is
70 subject to the requirements of this section; however, virtual
71 charter schools are exempt from subsections (18) and (19),
72 subparagraphs (20)(a)2.-5. and paragraph (20)(c), and s.
73 1003.03. A public school may not use the term charter in its
74 name unless it has been approved under this section.

75 (6) APPLICATION PROCESS AND REVIEW.—Charter school

Amendment No. 1

76 applications are subject to the following requirements:

77 (a) A person or entity wishing to open a charter school
78 shall prepare and submit an application on a model application
79 form prepared by the Department of Education which:

80 1. Demonstrates how the school will use the guiding
81 principles and meet the statutorily defined purpose of a charter
82 school.

83 2. Provides a detailed curriculum plan that illustrates
84 how students will be provided services to attain the Sunshine
85 State Standards.

86 3. Contains goals and objectives for improving student
87 learning and measuring that improvement. These goals and
88 objectives must indicate how much academic improvement students
89 are expected to show each year, how success will be evaluated,
90 and the specific results to be attained through instruction.

91 4. Describes the reading curriculum and differentiated
92 strategies that will be used for students reading at grade level
93 or higher and a separate curriculum and strategies for students
94 who are reading below grade level. A sponsor shall deny a
95 charter if the school does not propose a reading curriculum that
96 is consistent with effective teaching strategies that are
97 grounded in scientifically based reading research.

98 5. Contains an annual financial plan for each year
99 requested by the charter for operation of the school for up to 5
100 years. This plan must contain anticipated fund balances based on
101 revenue projections, a spending plan based on projected revenues
102 and expenses, and a description of controls that will safeguard
103 finances and projected enrollment trends.

Amendment No. 1

104 6. Documents that the applicant has participated in the
105 training required in subparagraph (f)2. A sponsor may require an
106 applicant to provide additional information as an addendum to
107 the charter school application described in this paragraph.

108 7. For the establishment of a virtual charter school,
109 documents that the applicant has contracted with a provider of
110 virtual instruction services pursuant to s. 1002.45(1)(d).

111 (7) CHARTER.—The major issues involving the operation of a
112 charter school shall be considered in advance and written into
113 the charter. The charter shall be signed by the governing board
114 body of the charter school and the sponsor, following a public
115 hearing to ensure community input.

116 (a) The charter shall address and criteria for approval of
117 the charter shall be based on:

118 1. The school's mission, the students to be served, and
119 the ages and grades to be included.

120 2. The focus of the curriculum, the instructional methods
121 to be used, any distinctive instructional techniques to be
122 employed, and identification and acquisition of appropriate
123 technologies needed to improve educational and administrative
124 performance which include a means for promoting safe, ethical,
125 and appropriate uses of technology which comply with legal and
126 professional standards.

127 a. The charter shall ensure that reading is a primary
128 focus of the curriculum and that resources are provided to
129 identify and provide specialized instruction for students who
130 are reading below grade level. The curriculum and instructional
131 strategies for reading must be consistent with the Sunshine

Amendment No. 1

132 State Standards and grounded in scientifically based reading
133 research.

134 b. In order to provide students with access to diverse
135 instructional delivery models, to facilitate the integration of
136 technology within traditional classroom instruction, and to
137 provide students with the skills they need to compete in the
138 21st century economy, the Legislature encourages instructional
139 methods for blended learning courses consisting of both
140 traditional classroom and online instructional techniques.
141 Charter schools may implement blended learning courses which
142 combine traditional classroom instruction and virtual
143 instruction. Students of a blended learning course must be full-
144 time students of the charter school and receive the online
145 instruction in a classroom setting at the charter school.
146 Instructional personnel certified pursuant to s. 1012.55 who
147 provide virtual instruction for blended learning courses may be
148 employees of the charter school or may be under contract to
149 provide instructional services to charter school students. At a
150 minimum, such instructional personnel must hold an active
151 Florida state or school district adjunct certification under s.
152 1012.57 for the subject area of the blended learning course. The
153 funding and performance accountability requirements for blended
154 learning courses are the same as those for traditional courses.

155 3. The current incoming baseline standard of student
156 academic achievement, the outcomes to be achieved, and the
157 method of measurement that will be used. The criteria listed in
158 this subparagraph shall include a detailed description of:

159 a. How the baseline student academic achievement levels

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

160 and prior rates of academic progress will be established.

161 b. How these baseline rates will be compared to rates of
162 academic progress achieved by these same students while
163 attending the charter school.

164 c. To the extent possible, how these rates of progress
165 will be evaluated and compared with rates of progress of other
166 closely comparable student populations.

167

168 The district school board is required to provide academic
169 student performance data to charter schools for each of their
170 students coming from the district school system, as well as
171 rates of academic progress of comparable student populations in
172 the district school system.

173 4. The methods used to identify the educational strengths
174 and needs of students and how well educational goals and
175 performance standards are met by students attending the charter
176 school. The methods shall provide a means for the charter school
177 to ensure accountability to its constituents by analyzing
178 student performance data and by evaluating the effectiveness and
179 efficiency of its major educational programs. Students in
180 charter schools shall, at a minimum, participate in the
181 statewide assessment program created under s. 1008.22.

182 5. In secondary charter schools, a method for determining
183 that a student has satisfied the requirements for graduation in
184 s. 1003.43.

185 6. A method for resolving conflicts between the governing
186 board ~~body~~ of the charter school and the sponsor.

187 7. The admissions procedures and dismissal procedures,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

188 including the school's code of student conduct.

189 8. The ways by which the school will achieve a
190 racial/ethnic balance reflective of the community it serves or
191 within the racial/ethnic range of other public schools in the
192 same school district.

193 9. The financial and administrative management of the
194 school, including a reasonable demonstration of the professional
195 experience or competence of those individuals or organizations
196 applying to operate the charter school or those hired or
197 retained to perform such professional services and the
198 description of clearly delineated responsibilities and the
199 policies and practices needed to effectively manage the charter
200 school. A description of internal audit procedures and
201 establishment of controls to ensure that financial resources are
202 properly managed must be included. Both public sector and
203 private sector professional experience shall be equally valid in
204 such a consideration.

205 10. The asset and liability projections required in the
206 application which are incorporated into the charter and shall be
207 compared with information provided in the annual report of the
208 charter school.

209 11. A description of procedures that identify various
210 risks and provide for a comprehensive approach to reduce the
211 impact of losses; plans to ensure the safety and security of
212 students and staff; plans to identify, minimize, and protect
213 others from violent or disruptive student behavior; and the
214 manner in which the school will be insured, including whether or
215 not the school will be required to have liability insurance,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

216 and, if so, the terms and conditions thereof and the amounts of
217 coverage.

218 12. The term of the charter which shall provide for
219 cancellation of the charter if insufficient progress has been
220 made in attaining the student achievement objectives of the
221 charter and if it is not likely that such objectives can be
222 achieved before expiration of the charter. The initial term of a
223 charter shall be for 4 or 5 years. In order to facilitate access
224 to long-term financial resources for charter school
225 construction, charter schools that are operated by a
226 municipality or other public entity as provided by law are
227 eligible for up to a 15-year charter, subject to approval by the
228 district school board. A charter lab school is eligible for a
229 charter for a term of up to 15 years. In addition, to facilitate
230 access to long-term financial resources for charter school
231 construction, charter schools that are operated by a private,
232 not-for-profit, s. 501(c)(3) status corporation are eligible for
233 up to a 15-year charter, subject to approval by the district
234 school board. Such long-term charters remain subject to annual
235 review and may be terminated during the term of the charter, but
236 only according to the provisions set forth in subsection (8).

237 13. The facilities to be used and their location.

238 14. The qualifications to be required of the teachers and
239 the potential strategies used to recruit, hire, train, and
240 retain qualified staff to achieve best value.

241 15. The governance structure of the school, including the
242 status of the charter school as a public or private employer as
243 required in paragraph (12)(i).

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

244 16. A timetable for implementing the charter which
245 addresses the implementation of each element thereof and the
246 date by which the charter shall be awarded in order to meet this
247 timetable.

248 17. In the case of an existing public school that is being
249 converted to charter status, alternative arrangements for
250 current students who choose not to attend the charter school and
251 for current teachers who choose not to teach in the charter
252 school after conversion in accordance with the existing
253 collective bargaining agreement or district school board rule in
254 the absence of a collective bargaining agreement. However,
255 alternative arrangements shall not be required for current
256 teachers who choose not to teach in a charter lab school, except
257 as authorized by the employment policies of the state university
258 which grants the charter to the lab school.

259 18. Full disclosure of the identity of all relatives
260 employed by the charter school who are related to the charter
261 school owner, president, chairperson of the governing board of
262 directors, superintendent, governing board member, principal,
263 assistant principal, or any other person employed by the charter
264 school who has equivalent decisionmaking authority. For the
265 purpose of this subparagraph, the term "relative" means father,
266 mother, son, daughter, brother, sister, uncle, aunt, first
267 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
268 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
269 stepfather, stepmother, stepson, stepdaughter, stepbrother,
270 stepsister, half brother, or half sister.

271 (b)1. A charter may be renewed provided that a program

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

272 review demonstrates that the criteria in paragraph (a) have been
273 successfully accomplished and that none of the grounds for
274 nonrenewal established by paragraph (8)(a) has been documented.
275 In order to facilitate long-term financing for charter school
276 construction, charter schools operating for a minimum of 3 years
277 and demonstrating exemplary academic programming and fiscal
278 management are eligible for a 15-year charter renewal. Such
279 long-term charter is subject to annual review and may be
280 terminated during the term of the charter.

281 2. The 15-year charter renewal that may be granted
282 pursuant to subparagraph 1. shall be granted to a charter school
283 that has received a school grade of "A" or "B" pursuant to s.
284 1008.34 in 3 of the past 4 years and is not in a state of
285 financial emergency or deficit position as defined by this
286 section. Such long-term charter is subject to annual review and
287 may be terminated during the term of the charter pursuant to
288 subsection (8).

289 (c) A charter may be modified during its initial term or
290 any renewal term upon the recommendation of the sponsor or the
291 charter school governing board and the approval of both parties
292 to the agreement.

293 (d) A school district may require that up to 50 percent of
294 a virtual charter school's governing board members reside in the
295 school district in which the charter school is sponsored. Each
296 virtual charter school's governing board must annually hold at
297 least three public meetings in the school district. Such
298 meetings must be open and accessible to the public and attendees
299 must be provided an opportunity to receive information and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

300 provide input regarding the charter school's affairs. A quorum
301 of the governing board members must physically attend each
302 meeting.

303 (17) FUNDING.—Students enrolled in a charter school,
304 regardless of the sponsorship, shall be funded as if they are in
305 a basic program or a special program, the same as students
306 enrolled in other public schools in the school district. Funding
307 for a charter lab school shall be as provided in s. 1002.32.

308 (f) Funding for a virtual charter school shall be as
309 provided in s. 1002.45(7).

310 (20) SERVICES.—

311 (a)1. A sponsor shall provide certain administrative and
312 educational services to charter schools. These services shall
313 include contract management services; full-time equivalent and
314 data reporting services; exceptional student education
315 administration services; services related to eligibility and
316 reporting duties required to ensure that school lunch services
317 under the federal lunch program, consistent with the needs of
318 the charter school, are provided by the school district at the
319 request of the charter school, that any funds due to the charter
320 school under the federal lunch program be paid to the charter
321 school as soon as the charter school begins serving food under
322 the federal lunch program, and that the charter school is paid
323 at the same time and in the same manner under the federal lunch
324 program as other public schools serviced by the sponsor or the
325 school district; test administration services, including payment
326 of the costs of state-required or district-required student
327 assessments; processing of teacher certificate data services;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

328 and information services, including equal access to student
329 information systems that are used by public schools in the
330 district in which the charter school is located. Student
331 performance data for each student in a charter school,
332 including, but not limited to, FCAT scores, standardized test
333 scores, previous public school student report cards, and student
334 performance measures, shall be provided by the sponsor to a
335 charter school in the same manner provided to other public
336 schools in the district.

337 2. A total administrative fee for the provision of such
338 services shall be calculated based upon up to 5 percent of the
339 available funds defined in paragraph (17)(b) for all students.
340 However, a sponsor may only withhold up to a 5-percent
341 administrative fee for enrollment for up to and including 250
342 students. For charter schools with a population of 251 or more
343 students, the difference between the total administrative fee
344 calculation and the amount of the administrative fee withheld
345 may only be used for capital outlay purposes specified in s.
346 1013.62(2).

347 3. In addition, a sponsor may withhold only up to a 5-
348 percent administrative fee for enrollment for up to and
349 including 500 students within a system of charter schools which
350 meets all of the following:

- 351 a. Includes both conversion charter schools and
352 nonconversion charter schools;
- 353 b. Has all schools located in the same county;
- 354 c. Has a total enrollment exceeding the total enrollment
355 of at least one school district in the state;

Amendment No. 1

356 d. Has the same governing board; and

357 e. Does not contract with a for-profit service provider
358 for management of school operations.

359 4. The difference between the total administrative fee
360 calculation and the amount of the administrative fee withheld
361 pursuant to subparagraph 3. may be used for instructional and
362 administrative purposes as well as for capital outlay purposes
363 specified in s. 1013.62(2).

364 5. Each charter school shall receive 100 percent of the
365 funds awarded to that school pursuant to s. 1012.225. Sponsors
366 shall not charge charter schools any additional fees or
367 surcharges for administrative and educational services in
368 addition to the maximum 5-percent administrative fee withheld
369 pursuant to this paragraph.

370 6. The sponsor of a virtual charter school may withhold a
371 fee of up to 5 percent. The funds shall be used to cover the
372 cost of services provided under subparagraph (a)1. and for the
373 school district's local instructional improvement system
374 pursuant to s. 1006.281 or other technological tools that are
375 required to access electronic and digital instructional
376 materials.

377 Section 3. Paragraph (a) of subsection (3) of section
378 1002.37, Florida Statutes, is amended, and subsections (8), (9),
379 (10), and (11) are added to that section, to read:

380 1002.37 The Florida Virtual School.—

381 (3) Funding for the Florida Virtual School shall be
382 provided as follows:

383 (a)1. For a student in grades 9 through 12, a "full-time

Amendment No. 1

384 equivalent student" ~~for the Florida Virtual School~~ is one
385 student who has successfully completed six full-credit courses
386 ~~credits~~ that shall count toward the minimum number of credits
387 required for high school graduation. A student who completes
388 fewer less than six full-credit courses ~~is credits shall be~~ a
389 fraction of a full-time equivalent student. Half-credit course
390 completions shall be included in determining a full-time
391 equivalent student. Credit completed by a student in excess of
392 the minimum required for that student for high school graduation
393 is not eligible for funding.

394 2. For a student in kindergarten through grade 8, a "full-
395 time equivalent student" is one student who has successfully
396 completed six courses or the prescribed level of content that
397 counts toward promotion to the next grade. A student who
398 completes fewer than six courses or the prescribed level of
399 content shall be a fraction of a full-time equivalent student.

400 3. Beginning in the 2014-2015 fiscal year, when s.
401 1008.22(3)(g) is implemented, the reported full-time equivalent
402 students and associated funding of students enrolled in courses
403 requiring passage of an end-of-course assessment shall be
404 adjusted after the student completes the end-of-course
405 assessment. However, no adjustment shall be made for home
406 education program students who choose not to take an end-of-
407 course assessment.

408
409 For purposes of this paragraph, the calculation of "full-time
410 equivalent student" shall be as prescribed in s.
411 1011.61(1)(c)1.b.(V).

Amendment No. 1

412 (8) (a) The Florida Virtual School may provide full-time
413 instruction for students in kindergarten through grade 12 and
414 part-time instruction for students in grades 4 through 12. Part-
415 time instruction for grades 4 and 5 may be provided only to
416 public school students taking grade 6 through grade 8 courses.

417 (b) For students receiving part-time instruction in grades
418 4 and 5 and students receiving full-time instruction in
419 kindergarten through grade 12 from the Florida Virtual School,
420 the combined total of all FTE reported by both the school
421 district and the Florida Virtual School may not exceed 1.0 FTE.

422 (9) Elementary school principals must notify all parents
423 of students who score level 4 or level 5 on FCAT Reading or FCAT
424 Mathematics of the option for the student to take accelerated
425 courses through the Florida Virtual School.

426 (10) (a) Public school students receiving full-time
427 instruction in kindergarten through grade 12 by the Florida
428 Virtual School must take all statewide assessments required
429 pursuant to s. 1008.22.

430 (b) Public school students receiving part-time instruction
431 by the Florida Virtual School in courses requiring statewide
432 end-of-course assessments must take all statewide end-of-course
433 assessments required pursuant to s. 1008.22(3)(c)2.

434 (c) All statewide assessments must be taken within the
435 school district in which the student resides. School districts
436 must provide the student with access to the district's testing
437 facilities.

438 (11) The Florida Virtual School shall receive a school
439 grade pursuant to s. 1008.34 for students receiving full-time

Amendment No. 1

440 instruction.

441 Section 4. Subsections (1), (2) and (3), paragraph (a) of
442 subsection (4), subsections (5), (6), and (7), paragraphs (a)
443 and (d) of subsection (8), and subsection (11) of section
444 1002.45, Florida Statutes, are amended to read:

445 1002.45 ~~School district~~ Virtual instruction programs.—

446 (1) PROGRAM.—

447 (a) For purposes of this section, the term:

448 1. "Approved provider" means a provider that is approved
449 by the Department of Education under subsection (2), the Florida
450 Virtual School, a franchise of the Florida Virtual School, or a
451 community college.

452 2. "Virtual instruction program" means a program of
453 instruction provided in an interactive learning environment
454 created through technology in which students are separated from
455 their teachers by time or space, or both, ~~and in which a~~
456 ~~Florida certified teacher under chapter 1012 is responsible for~~
457 ~~at least:~~

458 a. ~~Fifty percent of the direct instruction to students in~~
459 ~~kindergarten through grade 5; or~~

460 b. ~~Eighty percent of the direct instruction to students in~~
461 ~~grades 6 through 12.~~

462 (b) ~~Beginning with the 2009-2010 school year,~~ Each school
463 district shall provide all enrolled public school eligible
464 students within its boundaries multiple opportunities for
465 participation the option of participating in part-time and full-
466 time a virtual instruction program options. Each school district
467 must provide at least three virtual instruction options and

Amendment No. 1

468 provide parents with timely written notification of an open
469 enrollment period for full-time students of at least 90 days
470 that ends no later than 30 days prior to the first day of the
471 school year. The purpose of the program is to make quality
472 virtual instruction available to students using online and
473 distance learning technology in the nontraditional classroom. A
474 school district virtual instruction ~~The~~ program shall provide
475 the following be:

476 1. Full-time virtual instruction for students enrolled in
477 kindergarten through grade 12.

478 2. ~~Full-time or~~ Part-time virtual instruction for students
479 enrolled in grades 9 through 12 courses that are measured
480 pursuant to subparagraph (8)(a)2.

481 3. Full-time or part-time virtual instruction for students
482 ~~who are~~ enrolled in dropout prevention and academic intervention
483 programs under s. 1003.53, Department of Juvenile Justice
484 education programs under s. 1003.52, core-curricula courses to
485 meet class size requirements under s. 1003.03, or community
486 colleges under this section.

487 (c) To provide students with the option of participating
488 in virtual instruction programs as required by paragraph (b), a
489 school district may:

490 1. Contract with the Florida Virtual School or establish a
491 franchise of the Florida Virtual School for the provision of a
492 program under paragraph (b). Using this option is subject to the
493 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
494 (IV).

495 2. Contract with an approved provider under subsection (2)

Amendment No. 1

496 for the provision of a full-time program under subparagraph
497 (b)1. or subparagraph (b)3. or a ~~full-time or~~ part-time program
498 under subparagraph (b)2. or subparagraph (b)3.

499 3. Enter into an agreement with other ~~another~~ school
500 districts ~~district~~ to allow the participation of its students in
501 an approved virtual instruction program provided by the other
502 school district. The agreement must indicate a process for the
503 transfer of funds required by paragraph (7) (b).

504 4. Establish district operated part-time or full-time
505 kindergarten through grade 12 virtual instruction programs under
506 paragraph (b) for students enrolled in the school district. A
507 full-time program shall operate under its own Master School
508 Identification Number.

509 5. Enter into an agreement with a virtual charter school
510 authorized by the school district pursuant to s. 1002.33.

511

512 Contracts under subparagraph 1. or subparagraph 2. may include
513 multidistrict contractual arrangements that may be executed by a
514 regional consortium for its member districts. A multidistrict
515 contractual arrangement or an agreement under subparagraph 3. is
516 not subject to s. 1001.42(4) (d) and does not require the
517 participating school districts to be contiguous. These
518 arrangements may be used to fulfill the requirements of
519 paragraph (b).

520 (d) A virtual charter school may provide full-time virtual
521 instruction for students in kindergarten through grade 12 if the
522 virtual charter school has a charter approved pursuant to s.
523 1002.33 authorizing full-time virtual instruction. A virtual

Amendment No. 1

524 charter school may:

525 1. Contract with the Florida Virtual School.

526 2. Contract with an approved provider under subsection
527 (2).

528 3. Enter into an a-joint agreement with the school
529 districts to allow the participation of its students district in
530 which it is located for the charter school's students to
531 participate in a the school district's virtual instruction
532 program. The agreement must indicate a process for reporting of
533 student enrollment and the transfer of funds required by
534 paragraph (7) (f).

535 (e) Each school district shall:

536 1. Provide to the department by October 1, 2011, and by
537 each October 1 thereafter, a copy of each contract and the
538 amounts paid per unweighted full-time equivalent student for
539 services procured pursuant to subparagraphs (c)1. and 2.

540 2. Expend the difference in funds provided for a student
541 participating in the school district virtual instruction program
542 pursuant to subsection (7) and the price paid for contracted
543 services procured pursuant to subparagraphs (c)1. and 2. for the
544 district's local instructional improvement system pursuant to s.
545 1006.281 or other technological tools that are required to
546 access electronic and digital instructional materials.

547 3. At the end of each fiscal year, but no later than
548 September 1, report to the department an itemized listing of the
549 technological tools purchased with these funds.

550 (2) PROVIDER QUALIFICATIONS.-

551 (a) The department shall annually publish online provide

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

552 ~~school districts~~ with a list of providers approved to offer
553 virtual instruction programs. To be approved by the department,
554 a provider must document that it:

555 1. Is nonsectarian in its programs, admission policies,
556 employment practices, and operations;

557 2. Complies with the antidiscrimination provisions of s.
558 1000.05;

559 3. Locates an administrative office or offices in this
560 state, requires its administrative staff to be state residents,
561 requires all instructional staff to be Florida-certified
562 teachers under chapter 1012, and conducts background screenings
563 for all employees or contracted personnel, as required by s.
564 1012.32, using state and national criminal history records;

565 4. Possesses prior, successful experience offering online
566 courses to elementary, middle, or high school students as
567 demonstrated by quantified student learning gains in each
568 subject area and grade level provided for consideration as an
569 instructional program option;

570 5. Is accredited by a regional accrediting association as
571 defined by State Board of Education rule; ~~the Southern~~
572 ~~Association of Colleges and Schools Council on Accreditation and~~
573 ~~School Improvement, the North Central Association Commission on~~
574 ~~Accreditation and School Improvement, the Middle States~~
575 ~~Association of Colleges and Schools Commission on Elementary~~
576 ~~Schools and Commission on Secondary Schools, the New England~~
577 ~~Association of Schools and Colleges, the Northwest Association~~
578 ~~of Accredited Schools, the Western Association of Schools and~~
579 ~~Colleges, or the Commission on International and Trans-Regional~~

Amendment No. 1

580 ~~Accreditation; and~~

581 6. Ensures instructional and curricular quality through a
582 detailed curriculum and student performance accountability plan
583 that addresses every subject and grade level it intends to
584 provide through contract with the school district, including:

585 a. Courses and programs that meet the standards of the
586 International Association for K-12 Online Learning and the
587 Southern Regional Education Board.

588 b. Instructional content and services that align with, and
589 measure student attainment of, student proficiency in the Next
590 Generation Sunshine State Standards.

591 c. Mechanisms that determine and ensure that a student has
592 satisfied requirements for grade level promotion and high school
593 graduation with a standard diploma, as appropriate;

594 7. Publishes for the general public, in accordance with
595 disclosure requirements adopted in rule by the State Board of
596 Education, as part of its application as a provider and in all
597 contracts negotiated pursuant to this section:

598 a. Information and data about the curriculum of each full-
599 time and part-time program.

600 b. School policies and procedures.

601 c. Certification status and physical location of all
602 administrative and instructional personnel.

603 d. Hours and times of availability of instructional
604 personnel.

605 e. Student-teacher ratios.

606 f. Student completion and promotion rates.

607 g. Student, educator, and school performance

Amendment No. 1

608 accountability outcomes; and

609 ~~8.6-~~ If the provider is a community college, employs
610 instructors who meet the certification requirements for
611 instructional staff under chapter 1012.

612 (b) An approved provider shall retain its approved status
613 for a period of 3 years after the date of the department's
614 approval under paragraph (a) as long as the provider continues
615 to comply with all requirements of this section. However, each
616 provider approved by the department for the 2011-2012 school
617 year must reapply for approval to provide a part-time program
618 for students in grades 9 through 12.

619 (3) ~~SCHOOL-DISTRICT~~ VIRTUAL INSTRUCTION PROGRAM
620 REQUIREMENTS.—Each ~~school-district~~ virtual instruction program
621 under this section must:

622 (a) Align virtual course curriculum and course content to
623 the Sunshine State Standards under s. 1003.41.

624 (b) Offer instruction that is designed to enable a student
625 to gain proficiency in each virtually delivered course of study.

626 (c) Provide each student enrolled in the program with all
627 the necessary instructional materials.

628 (d) Provide, ~~when appropriate,~~ each full-time student
629 enrolled in the program who qualifies for free or reduced-price
630 school lunches under the National School Lunch Act or is on the
631 direct certification list and who does not have a computer or
632 Internet access in his or her home with:

633 1. All equipment necessary for participants in the school
634 district virtual instruction program, including, but not limited
635 to, a computer, computer monitor, and printer, if a printer is

Amendment No. 1

636 necessary to participate in the program; and

637 2. Access to or reimbursement for all Internet services
638 necessary for online delivery of instruction.

639 (e) Not require tuition or student registration fees.

640 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
641 provider must at minimum:

642 (a) Set forth a detailed curriculum plan that illustrates
643 how students will be provided services and be measured for
644 attainment of to attain proficiency in the Next Generation
645 Sunshine State Standards for each grade level and subject.

646 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
647 instruction program provided by the school district or by a
648 virtual charter school operated in the district in which he or
649 she resides if the student meets eligibility requirements for
650 virtual instruction pursuant to s. 1002.455. at least one of the
651 following conditions:

652 ~~(a) The student has spent the prior school year in~~
653 ~~attendance at a public school in this state and was enrolled and~~
654 ~~reported by a public school district for funding during the~~
655 ~~preceding October and February for purposes of the Florida~~
656 ~~Education Finance Program surveys.~~

657 ~~(b) The student is a dependent child of a member of the~~
658 ~~United States Armed Forces who was transferred within the last~~
659 ~~12 months to this state from another state or from a foreign~~
660 ~~country pursuant to the parent's permanent change of station~~
661 ~~orders.~~

662 ~~(c) The student was enrolled during the prior school year~~
663 ~~in a school district virtual instruction program under this~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

664 ~~section or a K-8 Virtual School Program under s. 1002.415.~~

665 ~~(d) The student has a sibling who is currently enrolled in~~
666 ~~a school district virtual instruction program and that sibling~~
667 ~~was enrolled in such program at the end of the prior school~~
668 ~~year.~~

669 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
670 enrolled in a ~~school district~~ virtual instruction program or
671 virtual charter school must:

672 (a) Comply with the compulsory attendance requirements of
673 s. 1003.21. Student attendance must be verified by the school
674 district.

675 (b) Take state assessment tests within the school district
676 in which such student resides, which must provide the student
677 with access to the district's testing facilities.

678 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
679 FUNDING.—

680 (a) Students enrolled in a virtual instruction program or
681 a virtual charter school shall be funded through the Florida
682 Education Finance Program as provided in the General
683 Appropriations Act. However, such funds may not be provided for
684 the purpose of fulfilling the class size requirements in ss.
685 1003.03 and 1011.685.

686 (b) For purposes of a ~~school district~~ virtual instruction
687 program or a virtual charter school, "full-time equivalent
688 student" has the same meaning as provided in s.
689 1011.61(1)(c)1.b.(III) or (IV).

690 (c) A "full-time equivalent student" for a student
691 enrolled part-time in a grade 6 through 12 program has the same

Amendment No. 1

692 meaning as provided in s. 1011.61(1)(c)1.b.(IV).

693 (d) A student may not be reported as more than 1.0 full-
694 time equivalent student in any given school year.

695 (e) The reported full-time equivalent students and
696 associated funding of students enrolled in courses requiring
697 passage of an end-of-course assessment shall be adjusted after
698 the student completes the end-of-course assessment.

699 (f) ~~(b)~~ The school district in which the student resides
700 shall report full-time equivalent students for a ~~the school~~
701 ~~district~~ virtual instruction program or a virtual charter school
702 to the department in a manner prescribed by the department, and
703 funding shall be provided through the Florida Education Finance
704 Program. Funds received by the school district of residence for
705 a student in a virtual instruction program provided by another
706 school district under this section shall be transferred to the
707 school district providing the virtual instruction program.

708 (g) ~~(e)~~ A community college provider may not report
709 students who are served in a school district virtual instruction
710 program for funding under the Community College Program Fund.

711 (8) ASSESSMENT AND ACCOUNTABILITY.—

712 (a) Each approved provider contracted under this section
713 must:

714 1. Participate in the statewide assessment program under
715 s. 1008.22 and in the state's education performance
716 accountability system under s. 1008.31.

717 2. Receive a school grade under s. 1008.34 or a school
718 improvement rating under s. 1008.341, as applicable. The school
719 grade or school improvement rating received by each approved

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

720 provider shall be based upon the aggregated assessment scores of
721 all students served by the provider statewide. The department
722 shall publish the school grade or school improvement rating
723 received by each approved provider on its Internet website. The
724 department shall develop an evaluation method for providers of
725 part-time programs which includes the percentage of students
726 making learning gains, the percentage of students successfully
727 passing any required end-of-course assessment, the percentage of
728 students taking Advanced Placement examinations, and the
729 percentage of students scoring 3 or higher on an Advanced
730 Placement examination.

731 (d) An approved provider's contract must be terminated if
732 the provider receives a school grade of "D" or "F" under s.
733 1008.34 or a school improvement rating of "Declining" under s.
734 1008.341 for 2 years during any consecutive 4-year period or has
735 violated any qualification requirement pursuant to subsection
736 (2). A provider that has a contract terminated under this
737 paragraph may not be an approved provider for a period of at
738 least 1 year after the date upon which the contract was
739 terminated and until the department determines that the provider
740 is in compliance with subsection (2) and has corrected each
741 cause of the provider's low performance.

742 (11) RULES.—The State Board of Education shall adopt rules
743 necessary to administer this section, including rules that
744 prescribe disclosure requirements under subsection (2) and
745 school district reporting requirements under subsection (7).

746 Section 5. Section 1002.455, Florida Statutes, is created
747 to read:

Amendment No. 1

748 1002.455 Student eligibility for K-12 virtual
749 instruction.-

750 (1) A student may enroll in virtual instruction in the
751 school district in which he or she resides if the student meets
752 at least one of the following conditions:

753 (a) The student has spent the prior school year in
754 attendance at a public school in the state and was enrolled and
755 reported by a public school district for funding during October
756 and February for purposes of the Florida Education Finance
757 Program surveys;

758 (b) The student is a dependent child of a member of the
759 United States Armed Forces who was transferred within the last
760 12 months to this state from another state or from a foreign
761 country pursuant to the parent's permanent change of station
762 orders;

763 (c) The student was enrolled during the prior school year
764 in a virtual instruction program under s. 1002.45 or a K-8
765 Virtual School Program under s. 1002.415;

766 (d) The student has a sibling who is currently enrolled in
767 a school district virtual instruction program and that sibling
768 was enrolled in such program at the end of the prior school
769 year; or

770 (e) The student is eligible to enter kindergarten or first
771 grade.

772 (2) The virtual instruction options for which this
773 eligibility section applies include:

774 (a) School district operated part-time or full-time
775 kindergarten through grade 12 virtual instruction programs under

Amendment No. 1

776 s. 1002.45(1)(b) for students enrolled in the school district.

777 (b) Full-time virtual charter school instruction

778 authorized under s. 1002.33.

779 (c) Courses delivered in the traditional school setting by

780 personnel providing direct instruction through a virtual

781 environment or through a blended virtual and physical environment

782 pursuant to s. 1003.498 and as authorized pursuant to s.

783 1002.321(4)(f).

784 (d) Virtual courses offered in the course code directory

785 to students within the school district or to students in other

786 school districts throughout the state pursuant to s. 1003.498.

787 Section 6. Paragraph (c) is added to subsection (2) of

788 section 1003.428, Florida Statutes, to read:

789 1003.428 General requirements for high school graduation;
790 revised.—

791 (2) The 24 credits may be earned through applied,
792 integrated, and combined courses approved by the Department of
793 Education. The 24 credits shall be distributed as follows:

794 (c) Beginning with students entering grade 9 in the 2011-

795 2012 school year, at least one course within the 24 credits

796 required in this subsection must be completed through online

797 learning. However, an online course taken during grades 6

798 through 8 fulfills this requirement. This requirement shall be

799 met through an online course offered by the Florida Virtual

800 School, an online course offered by the high school, or an

801 online dual enrollment course offered pursuant to a district

802 interinstitutional articulation agreement pursuant to s.

803 1007.235. A student who is enrolled in a full-time or part-time

Amendment No. 1

804 virtual instruction program under s. 1002.45 meets this
805 requirement.

806 Section 7. Section 1003.498, Florida Statutes, is created
807 to read:

808 1003.498 School district virtual course offerings.-

809 (1) School districts may deliver courses in the
810 traditional school setting by personnel certified pursuant to s.
811 1012.55 who provide direct instruction through a virtual
812 environment or through a blended virtual and physical
813 environment.

814 (2) School districts may offer virtual courses for
815 students enrolled in the school district. These courses must be
816 identified in the course code directory. Students who meet the
817 eligibility requirements of s. 1002.455 may participate in these
818 virtual course offerings.

819 (a) Any eligible student who is enrolled in a public
820 school district may register and enroll in an online course
821 offered by his or her school district.

822 (b) Any eligible student who is enrolled in a public
823 school district may register and enroll in an online course
824 offered by any other district in the state, except as limited by
825 the following:

826 1. A student may not enroll in courses offered through
827 virtual instruction programs provided pursuant to s. 1002.45.

828 2. A student may not enroll in a virtual course offered by
829 another school district if:

830 a. The course is offered online by the school district in
831 which the student resides; or

Amendment No. 1

832 b. The course is offered in the school in which the
833 student is enrolled. However, a student may enroll in an online
834 course offered by another school district if the school in which
835 the student is enrolled offers the course but the student is
836 unable to schedule the course in his or her school.

837 3. The district in which the student completes the course
838 shall report the student's completion in that course for funding
839 pursuant to s. 1011.61(1)(c)b.(VI) and the home district shall
840 not report the student for funding for that course.

841

842 For purposes of this paragraph, the combined total of all school
843 district reported FTE may not be reported as more than 1.0 full-
844 time equivalent student in any given school year. The Department
945 of Education shall establish procedures to enable interdistrict
846 coordination for the delivery and funding of this online option.

847 Section 8. Paragraph (g) of subsection (3) of section
848 1008.22, Florida Statutes, is amended to read:

849 1008.22 Student assessment program for public schools.—

850 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
851 design and implement a statewide program of educational
852 assessment that provides information for the improvement of the
853 operation and management of the public schools, including
854 schools operating for the purpose of providing educational
855 services to youth in Department of Juvenile Justice programs.
856 The commissioner may enter into contracts for the continued
857 administration of the assessment, testing, and evaluation
858 programs authorized and funded by the Legislature. Contracts may
859 be initiated in 1 fiscal year and continue into the next and may

Amendment No. 1

860 be paid from the appropriations of either or both fiscal years.
861 The commissioner is authorized to negotiate for the sale or
862 lease of tests, scoring protocols, test scoring services, and
863 related materials developed pursuant to law. Pursuant to the
864 statewide assessment program, the commissioner shall:

865 (g) Beginning with the 2014-2015 school year, all
866 statewide end-of-course assessments shall be administered
867 online. Study the cost and student achievement impact of
868 secondary end-of-course assessments, including web-based and
869 performance formats, and report to the Legislature prior to
870 implementation.

871 Section 9. Paragraph (c) of subsection (1) of section
872 1011.61, Florida Statutes, is amended to read:

873 1011.61 Definitions.—Notwithstanding the provisions of s.
874 1000.21, the following terms are defined as follows for the
875 purposes of the Florida Education Finance Program:

876 (1) A "full-time equivalent student" in each program of
877 the district is defined in terms of full-time students and part-
878 time students as follows:

879 (c)1. A "full-time equivalent student" is:

880 a. A full-time student in any one of the programs listed
881 in s. 1011.62(1)(c); or

882 b. A combination of full-time or part-time students in any
883 one of the programs listed in s. 1011.62(1)(c) which is the
884 equivalent of one full-time student based on the following
885 calculations:

886 (I) A full-time student, except a postsecondary or adult
887 student or a senior high school student enrolled in adult

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

888 education when such courses are required for high school
889 graduation, in a combination of programs listed in s.
890 1011.62(1)(c) shall be a fraction of a full-time equivalent
891 membership in each special program equal to the number of net
892 hours per school year for which he or she is a member, divided
893 by the appropriate number of hours set forth in subparagraph
894 (a)1. or subparagraph (a)2. The difference between that fraction
895 or sum of fractions and the maximum value as set forth in
896 subsection (4) for each full-time student is presumed to be the
897 balance of the student's time not spent in such special
898 education programs and shall be recorded as time in the
899 appropriate basic program.

900 (II) A prekindergarten handicapped student shall meet the
901 requirements specified for kindergarten students.

902 (III) A full-time equivalent student for students in
903 kindergarten through grade 5 in a ~~school district~~ virtual
904 instruction program under s. 1002.45 or a virtual charter school
905 under s. 1002.33 shall consist of a student who has successfully
906 completed a basic program listed in s. 1011.62(1)(c)1.a. or b.,
907 and who is promoted to a higher grade level.

908 (IV) A full-time equivalent student for students in grades
909 6 through 12 in a ~~school district~~ virtual instruction program
910 under s. 1002.45(1)(b)1., and 2., or 3. or a virtual charter
911 school under s. 1002.33 shall consist of six full credit
912 completions in programs listed in s. 1011.62(1)(c)1.b. or c. and
913 3. Credit completions may ~~can~~ be a combination of full-credit
914 courses or half-credit courses ~~either full credits or half~~
915 ~~credits~~. Beginning in the 2014-2015 fiscal year, when s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

916 1008.22(3)(g) is implemented, the reported full-time equivalent
917 students and associated funding of students enrolled in courses
918 requiring passage of an end-of-course assessment shall be
919 adjusted after the student completes the end-of-course
920 assessment.

921 (V) A Florida Virtual School full-time equivalent student
922 shall consist of six full credit completions or the prescribed
923 level of content that counts toward promotion to the next grade
924 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
925 kindergarten grades 6 through grade 8 and the programs listed in
926 s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
927 may be a combination of full-credit courses or half-credit
928 courses either full credits or half credits. Beginning in the
929 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the
930 reported full-time equivalent students and associated funding of
931 students enrolled in courses requiring passage of an end-of-
932 course assessment shall be adjusted after the student completes
933 the end-of-course assessment.

934 (VI) Each successfully completed full-credit course earned
935 through an online course delivered by a district other than the
936 one in which the student resides shall be calculated as 1/6 FTE.

937 ~~(VI)~~ (VII) Each successfully completed credit earned under
938 the alternative high school course credit requirements
939 authorized in s. 1002.375, which is not reported as a portion of
940 the 900 net hours of instruction pursuant to subparagraph
941 (1)(a)1., shall be calculated as 1/6 FTE.

942 2. A student in membership in a program scheduled for more
943 or less than 180 school days or the equivalent on an hourly

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

944 basis as specified by rules of the State Board of Education is a
945 fraction of a full-time equivalent membership equal to the
946 number of instructional hours in membership divided by the
947 appropriate number of hours set forth in subparagraph (a)1.;
948 however, for the purposes of this subparagraph, membership in
949 programs scheduled for more than 180 days is limited to students
950 enrolled in juvenile justice education programs and the Florida
951 Virtual School.

952
953 The department shall determine and implement an equitable method
954 of equivalent funding for experimental schools and for schools
955 operating under emergency conditions, which schools have been
956 approved by the department to operate for less than the minimum
957 school day.

958 Section 10. Section 1012.57, Florida Statutes, is amended
959 to read:

960 1012.57 Certification of adjunct educators.—

961 (1) Notwithstanding the provisions of ss. 1012.32,
962 1012.55, and 1012.56, or any other provision of law or rule to
963 the contrary, district school boards shall adopt rules to allow
964 for the issuance of an adjunct teaching certificate to any
965 applicant who fulfills the requirements of s. 1012.56(2)(a)-(f)
966 and (10) and who has expertise in the subject area to be taught.
967 An applicant shall be considered to have expertise in the
968 subject area to be taught if the applicant demonstrates
969 sufficient subject area mastery through passage of a subject
970 area test. The adjunct teaching certificate shall be used for
971 part-time teaching positions.

Amendment No. 1

972 (2) The Legislature intends that this section ~~intent of~~
973 ~~this provision is to~~ allow school districts to tap the wealth of
974 talent and expertise represented in Florida's citizens who may
975 wish to teach part-time in a Florida public school by permitting
976 school districts to issue adjunct certificates to qualified
977 applicants.

978 (3) Adjunct certificateholders should be used as a
979 strategy to enhance the diversity of course offerings offered to
980 all students. School districts may use the expertise of
981 individuals in the state who wish to provide online instruction
982 to students by issuing adjunct certificates to qualified
983 applicants ~~reduce the teacher shortage; thus, adjunct~~
984 ~~certificateholders should supplement a school's instructional~~
985 ~~staff, not supplant it. Each school principal shall assign an~~
986 ~~experienced peer mentor to assist the adjunct teaching~~
987 ~~certificateholder during the certificateholder's first year of~~
988 ~~teaching, and an adjunct certificateholder may participate in a~~
989 ~~district's new teacher training program. District school boards~~
990 ~~shall provide the adjunct teaching certificateholder an~~
991 ~~orientation in classroom management prior to assigning the~~
992 ~~certificateholder to a school.~~

993 (4) Each adjunct teaching certificate is valid through the
994 term of the annual contract between the educator and the school
995 district. Additional annual certifications and annual contracts
996 may be awarded by the district at the district's discretion but
997 only for 5 school years and is renewable if the applicant is
998 rated effective or highly effective under s. 1012.34 has
999 ~~received satisfactory performance evaluations during each year~~

Amendment No. 1

1000 of teaching under adjunct teaching certification.

1001 ~~(5)-(2)~~ Individuals who are certified and employed under
1002 this section shall have the same rights and protection of laws
1003 as teachers certified under s. 1012.56.

1004 Section 11. By December 1, 2011, the Department of
1005 Education shall submit a report to the Governor, the President
1006 of the Senate, and the Speaker of the House of Representatives
1007 which identifies and explains the best methods and strategies by
1008 which the department can assist district school boards in
1009 acquiring digital learning at the most reasonable prices
1010 possible and provides a plan under which district school boards
1011 may voluntarily pool their bids for such purchases. The report
1012 shall identify criteria that will enable district school boards
1013 to differentiate between the level of service and pricing based
1014 upon factors such as the level of student support, the frequency
1015 of teacher-student communications, instructional accountability
1016 standards, and academic integrity. The report shall also include
1017 ways to increase student access to digital learning, including
1018 identification and analysis of the best methods and strategies
1019 for implementing part-time virtual education in kindergarten
1020 through grade 5.

1021 Section 12. This act shall take effect July 1, 2011.

1022

1023

1024

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

1025

1026

Remove the entire title and insert:

1027

A bill to be entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

1028 An act relating to digital learning; creating s. 1002.321, F.S.;
1029 creating the "Digital Learning Now Act"; providing legislative
1030 findings related to the elements to be included in high-quality
1031 digital learning; providing digital preparation requirements;
1032 providing for customized and accelerated learning; amending s.
1033 1002.33, F.S.; authorizing the establishment of virtual charter
1034 schools; providing application requirements for establishment of
1035 a virtual charter school; authorizing a charter school to
1036 implement blended learning courses; providing requirements for a
1037 virtual charter school governing board; providing funding for a
1038 virtual charter school; establishing administrative fees for a
1039 virtual charter school; amending s. 1002.37, F.S.; redefining
1040 the term "full-time equivalent student" as it applies to the
1041 Florida Virtual School; providing instruction, funding,
1042 assessment, and accountability requirements; amending s.
1043 1002.45, F.S.; requiring school districts to provide all public
1044 school students the opportunity to participate in virtual
1045 instruction programs; requiring school districts to provide
1046 full-time and part-time virtual instruction program options;
1047 authorizing a school district to enter into an agreement with a
1048 charter virtual school to provide virtual instruction to
1049 district students; authorizing virtual charter school contracts;
1050 providing additional provider qualifications relating to
1051 curriculum, student performance accountability, and disclosure;
1052 revising student eligibility requirements; providing funding and
1053 accountability requirements; creating s. 1002.455, F.S.;
1054 establishing student eligibility requirements for virtual
1055 instruction; amending s. 1003.428, F.S.; requiring at least one

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7197 (2011)

Amendment No. 1

1056 course required for high school graduation to be completed
1057 through online learning; creating s. 1003.498, F.S.; authorizing
1058 school districts to offer virtual courses and blended learning
1059 courses; amending s. 1008.22, F.S.; requiring all statewide end-
1060 of-course assessments to be administrated online by the 2014-
1061 2015 school year; amending s. 1011.61, F.S.; redefining the term
1062 "full-time equivalent student" for purposes of virtual
1063 instruction; amending s. 1012.57, F.S.; authorizing school
1064 districts to issue adjunct teaching certificates to individuals
1065 to provide online instruction; revising requirements for adjunct
1066 teaching certificateholders; providing for annual contracts;
1067 requiring the Department of Education to submit a report to the
1068 Governor and the Legislature relating to school district
1069 offering of, and student access to, digital learning; providing
1070 an effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 9:45:00AM

Location: Webster Hall (212 Knott)

HB 7215 : Department of Agriculture and Consumer Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck	X				
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 24		Total Nays: 0			

HB 7215 Amendments

Amendment 1

Adopted Without Objection

Appearances:

HB 7215

Lovett, Grace (Lobbyist) (State Employee) - Waive In Support

Department of Agriculture & Consumer Services

PL-10 The Capitol

Tallahassee Florida 32399

Phone: 850-488-3022

Committee meeting was reported out: Friday, April 15, 2011 6:04:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7215 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Crisafulli offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 1265 and 1266, insert:

6 Section 46. The sum of \$744,000 in nonrecurring funds is
7 appropriated to the Department of Agriculture and Consumer
8 Services from the Florida Forever Program Trust Fund for the
9 2011-2012 fiscal year in the Fixed Capital Outlay-Agency
10 Managed-Land Management appropriation category pursuant to s.
11 259.105(3)(f), Florida Statutes.

12
13
14 -----
15 **T I T L E A M E N D M E N T**

16 Remove line 182 and insert:

17 products; providing an appropriation; providing an
18 effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

Summary:

Appropriations Committee

Friday April 15, 2011 11:30 am

CS/HB 95	Favorable With Committee Substitute	Yeas: 22	Nays: 0
Amendment 1	Adopted Without Objection		
Amendment 2	Adopted Without Objection		
Amendment 3	Adopted Without Objection		
CS/HB 119	Favorable	Yeas: 17	Nays: 5
CS/HB 251	Heard At Previous Meeting		
CS/CS/CS/HJR 381	Heard At Previous Meeting		
CS/CS/HB 599	Favorable	Yeas: 22	Nays: 0
CS/HB 739	Favorable	Yeas: 16	Nays: 0
CS/HB 779	Favorable	Yeas: 22	Nays: 0
HB 811	Favorable With Committee Substitute	Yeas: 22	Nays: 0
Amendment 1	Adopted Without Objection		
CS/HB 847	Favorable With Committee Substitute	Yeas: 22	Nays: 0
Amendment 1	Adopted Without Objection		
CS/HB 965	Favorable With Committee Substitute	Yeas: 18	Nays: 4
Amendment 1	Adopted Without Objection		
CS/HB 1005	Heard At Previous Meeting		
CS/HB 1125	Heard At Previous Meeting		
CS/HB 1163	Heard At Previous Meeting		
CS/HB 1277	Heard At Previous Meeting		
HB 7157	Heard At Previous Meeting		
HB 7195	Heard At Previous Meeting		
HB 7197	Heard At Previous Meeting		
HB 7215	Heard At Previous Meeting		

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Denise Grimsley (Chair)	X		
Leonard Bembry	X		
Charles Chestnut IV	X		
Marti Coley	X		
Joseph Gibbons	X		
Richard Glorioso	X		
Ed Hooper	X		
Mike Horner	X		
Matt Hudson	X		
Dorothy Hukill	X		
Mia Jones	X		
Martin Kiar	X		
Paige Kreegel	X		
John Legg	X		
Carlos Lopez-Cantera		X	
Seth McKeel	X		
H. Marlene O'Toole	X		
William Proctor	X		
Darryl Rouson	X		
Franklin Sands	X		
Ron Saunders	X		
Robert Schenck		X	
William Snyder	X		
Trudi Williams	X		
Totals:	22	2	0

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 95 : State Parks

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 22		Total Nays: 0			

CS/HB 95 Amendments

Amendment 1

Adopted Without Objection

Amendment 2

Adopted Without Objection

Amendment 3

Adopted Without Objection

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 95 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Bembry offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 28-31
6
7
8

9 -----
10 **T I T L E A M E N D M E N T**

11 Remove lines 4-5 and insert:
12 veterans to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 95 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Bembry offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 31 and 32, insert:

6 Section 2. Section 380.0685, Florida Statutes, is amended
7 to read:

8 380.0685 State park in area of critical state concern in
9 county which creates land authority; surcharge on admission and
10 overnight occupancy.—The Department of Environmental Protection
11 shall impose and collect a surcharge of 50 cents per person per
12 day, or \$5 per annual family auto entrance permit, on admission
13 to all state parks in areas of critical state concern located in
14 a county which creates a land authority pursuant to s.

15 380.0663(1), and a surcharge of \$2.50 per night per campsite,
16 cabin, or other overnight recreational occupancy unit in state
17 parks in areas of critical state concern located in a county
18 which creates a land authority pursuant to s. 380.0663(1);
19 however, no surcharge shall be imposed or collected under this

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 95 (2011)

Amendment No. 2

20 section for overnight use by nonprofit groups of organized group
21 camps, primitive camping areas, or other facilities intended
22 primarily for organized group use. Such surcharges shall be
23 imposed within 90 days after any county creating a land
24 authority notifies the Department of Environmental Protection
25 that the land authority has been created. The proceeds from such
26 surcharges, less a collection fee that shall be kept by the
27 Department of Environmental Protection for the actual cost of
28 collection, not to exceed 2 percent, shall be transmitted to the
29 land authority of the county from which the revenue was
30 generated. Such funds shall be used to purchase property in the
31 area or areas of critical state concern in the county from which
32 the revenue was generated. An amount not to exceed 10 percent
33 may be used for administration and other costs incident to such
34 purchases. However, the proceeds of the surcharges imposed and
35 collected pursuant to this section in a state park or parks
36 located wholly within a municipality, less the costs of
37 collection as provided herein, shall be transmitted to that
38 municipality for use by the municipality for land acquisition or
39 for beach renourishment or restoration, including, but not
40 limited to, costs associated with any design, permitting,
41 monitoring, and mitigation of such work, as well as the work
42 itself. However, these funds may not be included in any
43 calculation used for providing state matching funds for local
44 contributions for beach renourishment or restoration. The
45 surcharges levied under this section shall remain imposed as
46 long as the land authority is in existence.

47

Amendment No. 2

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

Remove line 7 and insert:

charge; amending s. 380.0685, F.S., relating to a surcharge imposed on admission fees to state parks in areas of critical state concern located in certain counties; providing for certain municipalities to use the proceeds of the surcharge for land acquisition or beach renourishment or restoration; providing limitations for purposes of determining state matching funds; exempting parks within the state park system that

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 95 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Bembry offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 32-33 and insert:

6 Section 2. For any property within the state park system
7 that has free-roaming animal populations, the state is exempt
8 from the provisions of s. 588.15, Florida Statutes.

9
10
11
12 -----
13 **T I T L E A M E N D M E N T**

14 Remove lines 7-8 and insert:

15 charge; exempting the state within the state park system that
16 has free-roaming animal populations from the liability

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 119 : Health Care

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons		X			
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones		X			
Martin Kiar		X			
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson		X			
Franklin Sands	X				
Ron Saunders		X			
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 17		Total Nays: 5			

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 251 : Sexual Offenses

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/CS/CS/HJR 381 : Property Assessment, Homestead and Specified Nonhomestead Value Decline; Nonhomestead Increase Limitation Reduction; Additional Homestead Exemption; Scheduled Repeal Deletion

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/CS/HB 599 : Uniform Prudent Management of Institutional Funds

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bembrly	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Appearances:

Homant, Susanne - Waive In Support
 Able Trust, The
 3320 Thomasville Rd Ste 200
 Tallahassee FL 32308
 Phone: (850)224-4493

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 739 : Transition-to-Adulthood Services

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso				X	
Ed Hooper	X				
Mike Horner				X	
Matt Hudson	X				
Dorothy Hukill				X	
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg				X	
Carlos Lopez-Cantera			X		
Seth McKeel				X	
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder				X	
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 779 : Restraint of Incarcerated Pregnant Women

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Appearances:

Bilbao, Ron (Lobbyist) - Waive In Support
 American Civil Liberties Union of Florida
 4500 Biscayne Blvd, Suite 340
 Miami Florida 33137
 Phone: 919-923-7288

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

HB 811 : Florida Endowment Foundation For Vocational Rehabilitation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bembrly	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 22		Total Nays: 0			

HB 811 Amendments

Amendment 1

Adopted Without Objection

Appearances:

Bill/Amendment

Homant, Susanne - Waive In Support

The Able Trust/FL. Foundation for Vocational Rehab

3320 Thomasville Rd Ste 200

Tallahassee FL 32308

Phone: (850)224-4493

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 811 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Perry offered the following:

3

4 **Amendment**

5 Remove line 51 and insert:

6 remaining liquid balances of funds held for investment and
7 reinvestment

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 847 : Mobile Home and Recreational Vehicle Parks

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 22		Total Nays: 0			

CS/HB 847 Amendments

Amendment 1

Adopted Without Objection

Appearances:

Cornwell, Bobby - Waive In Support
 Florida Assn. of RV Parks
 1340 Vickers Road
 Tallahassee Florida 32303
 Phone: 850-562-7151

Tillman, Jim (Lobbyist) - Waive In Support
 Florida Association of RV Parks and Campgrounds
 522 East Jefferson Street
 Tallahassee FL 32301
 Phone: (850)224-6611

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 847 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Broxson offered the following:

3

4

Amendment

5

Remove line 388 and insert:

6

Section 16. This act shall take effect September 1, 2011.

7

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 965 : Florida Tax Credit Scholarship Program

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Joseph Gibbons		X			
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones		X			
Martin Kiar		X			
Paige Kreegel	X				
John Legg	X				
Carlos Lopez-Cantera			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands		X			
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams	X				
Denise Grimsley (Chair)	X				
Total Yeas: 18		Total Nays: 4			

CS/HB 965 Amendments

Amendment 1

Adopted Without Objection

Appearances:

Lasher, Denise (Lobbyist) - Proponent
Step Up for Students
PO Box 1440
Lutz Florida 33548
Phone: 813-240-4567

Amendment

Lasher, Denise (Lobbyist) - Waive In Support
Step Up for Students
PO Box 1440
Lutz Florida 33548
Phone: 813-240-4567

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

Herzog, James (Lobbyist) - Waive In Support

Florida Catholic Conference

201 W Park Ave

Tallahassee FL 32301

Phone: (850)205-6823

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 965 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative(s) Horner offered the following:

3
4 **Amendment**

5 Remove lines 39-41 and insert:
6 period. For the information for taxes identified in
7 subparagraphs 1., 2., and 4., the department must provide such
8 information within 45 days after a request by an eligible
9 nonprofit scholarship-funding organization. For the information
10 for taxes identified in subparagraph 3., the department shall
11 first request the taxpayer's consent to the release of the
12 information and grant the taxpayer a 45-day notice period to
13 object to the release of the information. Information pertaining
14 to a taxpayer that objects to the release of the information may
15 not be released. After the 45-day notice period, the department
16 shall release the information relating to any taxpayer that did
17 not object. The information may be used by the

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 1005 : Murder of a Child 17 Years Of Age or Younger

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 1125 : Florida Health Choices Program

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 1163 : Ad Valorem Taxation

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

CS/HB 1277 : Sexual Offenders and Predators

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

HB 7157 : Reemployment Services

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

HB 7195 : Charter Schools

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

HB 7197 : Digital Learning

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM

COMMITTEE MEETING REPORT

Appropriations Committee

4/15/2011 11:30:00AM or upon adjournment of session

Location: Webster Hall (212 Knott)

HB 7215 : Department of Agriculture and Consumer Services

Heard At Previous Meeting

Committee meeting was reported out: Friday, April 15, 2011 6:38:25PM