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# **Criminal Justice Subcommittee**

**Tuesday February 22nd, 2011**

**9:00 AM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Dennis Baxley  
Chair**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

**Location:** 404 HOB

### Summary:

#### Criminal Justice Subcommittee

*Tuesday February 22, 2011 09:00 am*

HB 251	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 257	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 265	Favorable	Yeas: 13	Nays: 1
HB 333	Favorable With Committee Substitute	Yeas: 12	Nays: 2
HB 339	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 4069	Favorable With Committee Substitute	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dennis Baxley (Chair)	X		
Dwight Bullard	X		
Daphne Campbell	X		
Richard Glorioso			X
James Grant	X		
Gayle Harrell	X		
John Julien	X		
Charles McBurney	X		
W. Keith Perry	X		
Ray Pilon	X		
Ari Porth	X		
Perry Thurston, Jr.	X		
John Tobia	X		
Carlos Trujillo	X		
Charles Van Zant	X		
<b>Totals:</b>	<b>14</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

Location: 404 HOB

HB 251 : Sexual Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Richard Glorioso			X		
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### Appearances:

Pitts, Brian - Information Only  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

Poore, Terri (Lobbyist) - Proponent  
Director of Public Affairs, Florida Council Against Sexual Violence  
1820 East Park Avenue Suite 100  
Tallahassee FL 32301  
Phone: 850-363-2918

Book, Ron (Lobbyist) - Proponent  
Lauren's Kids and FL Council Against Sexual Violence  
104 W. Jefferson  
Tallahassee FL 32301  
Phone: 850-224-3427

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

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COUNCIL/COMMITTEE ACTION

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

FAV.  
2-22-11

1 Council/Committee hearing bill: Criminal Justice Subcommittee  
2 Representative Dorworth offered the following:

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**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. This act shall be known as the "Walk in Their Shoes Act."

Section 2. Subsection (2) of section 90.404, Florida Statutes, is amended to read:

90.404 Character evidence; when admissible.—

(2) OTHER CRIMES, WRONGS, OR ACTS.—

(a) Similar fact evidence of other crimes, wrongs, or acts is admissible when relevant to prove a material fact in issue, including, but not limited to, proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, but it is inadmissible when the evidence is relevant solely to prove bad character or propensity.

(b)1. In a criminal case in which the defendant is charged with a crime involving child molestation, evidence of the

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20 defendant's commission of other crimes, wrongs, or acts of child  
21 molestation is admissible, and may be considered for its bearing  
22 on any matter to which it is relevant.

23 2. For the purposes of this paragraph, the term "child  
24 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
25 794.011, s. 794.05, s. 796.03, s. 796.035, s. 796.045, s.  
26 800.04, s. 827.071, ~~or~~ s. 847.0135(5), s. 847.0145, or s.  
27 985.701(1) when committed against a person 16 years of age or  
28 younger.

29 (c) 1. In a criminal case in which the defendant is  
30 charged with a sexual offense, evidence of the defendant's  
31 commission of other crimes, wrongs, or acts involving a sexual  
32 offense is admissible, and may be considered for its bearing on  
33 any matter to which it is relevant.

34 2. For the purposes of this paragraph, the term "sexual  
35 offense" means conduct proscribed by s. 787.025(2)(c), s.  
36 794.011, s. 794.05, s. 796.03, s. 796.035, s. 796.045, s.  
37 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.  
38 985.701(1).

39 (d)(e)1. When the state in a criminal action intends to  
40 offer evidence of other criminal offenses under paragraph (a) ~~or~~  
41 ~~paragraph~~ (b) or (c), no fewer than 10 days before trial, the  
42 state shall furnish to the defendant or to the defendant's  
43 counsel a written statement of the acts or offenses it intends  
44 to offer, describing them with the particularity required of an  
45 indictment or information. No notice is required for evidence of  
46 offenses used for impeachment or on rebuttal.

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47           2. When the evidence is admitted, the court shall, if  
48 requested, charge the jury on the limited purpose for which the  
49 evidence is received and is to be considered. After the close of  
50 the evidence, the jury shall be instructed on the limited  
51 purpose for which the evidence was received and that the  
52 defendant cannot be convicted for a charge not included in the  
53 indictment or information.

54           Section 3. Prohibition on reproduction of child  
55 pornography.—

56           (1) In a criminal proceeding, any property or material  
57 that portrays sexual performance by a child as defined in s.  
58 827.071, Florida Statutes, or constitutes child pornography as  
59 defined in s. 847.001, Florida Statutes, must remain secured or  
60 locked in the care, custody, and control of a law enforcement  
61 agency, the state attorney, or the court.

62           (2) Notwithstanding any law or rule of court, a court  
63 shall deny, in a criminal proceeding, any request by the  
64 defendant to copy, photograph, duplicate, or otherwise reproduce  
65 any property or material that portrays sexual performance by a  
66 child or constitutes child pornography so long as the state  
67 attorney makes the property or material reasonably available to  
68 the defendant.

69           (3) For purposes of this section, property or material is  
70 deemed to be reasonably available to the defendant if the state  
71 attorney provides ample opportunity at a designated facility for  
72 the inspection, viewing, and examination of the property or  
73 material that portrays sexual performance by a child or  
74 constitutes child pornography by the defendant, his or her

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75 attorney, or any individual whom the defendant uses as an expert  
76 during the discovery process or at a court proceeding.

77 Section 4. Subsection (2) of section 395.1021, Florida  
78 Statutes, is amended to read:

79 395.1021 Treatment of sexual assault victims.—Any licensed  
80 facility which provides emergency room services shall arrange  
81 for the rendering of appropriate medical attention and treatment  
82 of victims of sexual assault through:

83 (2) ~~The administration of medical examinations, tests, and~~  
84 ~~analyses required by law enforcement personnel in the gathering~~  
85 of forensic medical evidence required for investigation and  
86 prosecution from a victim who has reported a sexual battery to a  
87 law enforcement agency or who requests that such evidence be  
88 gathered for a possible future report.

89  
90 Such licensed facility shall also arrange for the protection of  
91 the victim's anonymity while complying with the laws of this  
92 state and may encourage the victim to notify law enforcement  
93 personnel and to cooperate with them in apprehending the  
94 suspect.

95 Section 5. Subsection (17) is added to section 775.15,  
96 Florida Statutes, to read:

97 775.15 Time limitations; general time limitations;  
98 exceptions.—

99 (17) In addition to the time periods prescribed in this  
100 section, a prosecution for video voyeurism in violation of s.  
101 810.145 may be commenced within 1 year after the date on which  
102 the victim of video voyeurism obtains actual knowledge of the



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103 existence of such a recording or the date on which the recording  
104 is confiscated by a law enforcement agency, whichever occurs  
105 first. Any dissemination of such a recording before the victim  
106 obtains actual knowledge thereof or before its confiscation by a  
107 law enforcement agency does not affect any provision of this  
108 subsection.

109 Section 6. Section 794.056, Florida Statutes, is amended  
110 to read:

111 794.056 Rape Crisis Program Trust Fund.—

112 (1) The Rape Crisis Program Trust Fund is created within  
113 the Department of Health for the purpose of providing funds for  
114 rape crisis centers in this state. Trust fund moneys shall be  
115 used exclusively for the purpose of providing services for  
116 victims of sexual assault. Funds credited to the trust fund  
117 consist of those funds collected as an additional court  
118 assessment in each case in which a defendant pleads guilty or  
119 nolo contendere to, or is found guilty of, regardless of  
120 adjudication, an offense ~~defined~~ provided in s. 775.21(6) and  
121 (10)(a)-(b) and (g), s. 784.011, s. 784.021, s. 784.03, s.  
122 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s.  
123 784.081, s. 784.082, s. 784.083, s. 784.085, s. 787.01(3), s  
124 787.02(3), s. 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s.  
125 794.05, s. 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045,  
126 s. 796.05, s. 796.06, s. 796.07(2)(a)-(d) and (i), s. 800.03, s.  
127 800.04, s. 810.14, s. 810.145, s. 812.135, s. 817.025, s.  
128 825.102, s. 825.1025, s. 827.071, s. 836.10, s. 847.0133, s.  
129 847.0135(2), s. 847.0137, s. 847.0145, s. 943.0435(4)(c), (7),  
130 (8), (9)(a), (13) and (14)(c), or s. 985.701(1). Funds credited

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131 to the trust fund also shall include revenues provided by law,  
132 moneys appropriated by the Legislature, and grants from public  
133 or private entities.

134 (2) The Department of Health shall establish by rule  
135 criteria consistent with the provisions of s. 794.055(3)(a) for  
136 distributing moneys from the trust fund to rape crisis centers.

137 Section 7. Section 938.085, Florida Statutes, is amended  
138 to read:

139 938.085 Additional cost to fund rape crisis centers.—In  
140 addition to any sanction imposed when a person pleads guilty or  
141 nolo contendere to, or is found guilty of, regardless of  
142 adjudication, a violation of s. 775.21(6) and (10)(a)-(b) and  
143 (g), s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045,  
144 s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.  
145 784.083, s. 784.085, s. 787.01(3), s. 787.02(3), 787.025, s.  
146 787.06, s. 787.07, ~~or~~ s. 794.011, s. 794.05, s. 794.08, s.  
147 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, s. 796.06,  
148 s. 796.07(2)(a)-(d) and (i), s. 800.03, s. 800.04, s. 810.14, s.  
149 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s.  
150 827.071, s. 836.10, s. 847.0133, s. 847.0135(2), s. 847.0137, s.  
151 847.0145, s. 943.0435(4)(c), (7), (8), (9)(a), (13) and (14)(c),  
152 or s. 985.701(1), the court shall impose a surcharge of \$151.  
153 Payment of the surcharge shall be a condition of probation,  
154 community control, or any other court-ordered supervision. The  
155 sum of \$150 of the surcharge shall be deposited into the Rape  
156 Crisis Program Trust Fund established within the Department of  
157 Health by chapter 2003-140, Laws of Florida. The clerk of the

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158 court shall retain \$1 of each surcharge that the clerk of the  
159 court collects as a service charge of the clerk's office.

160 Section 8. For the purpose of incorporating the amendment  
161 made by this act to section 794.056, Florida Statutes, in a  
162 reference thereto, paragraph (a) of subsection (21) of section  
163 20.435, Florida Statutes, is reenacted to read:

164 20.435 Department of Health; trust funds.—The following  
165 trust funds shall be administered by the Department of Health:

166 (21) Rape Crisis Program Trust Fund.

167 (a) Funds to be credited to and uses of the trust fund  
168 shall be administered in accordance with the provisions of s.  
169 794.056.

170 Section 9. For the purpose of incorporating the amendment  
171 made by this act to section 938.085, Florida Statutes, in a  
172 reference thereto, paragraph (b) of subsection (3) of section  
173 794.055, Florida Statutes, is reenacted to read:

174 794.055 Access to services for victims of sexual battery.—

175 (3)

176 (b) Funds received under s. 938.085 shall be used to  
177 provide sexual battery recovery services to victims and their  
178 families. Funds shall be distributed to rape crisis centers  
179 based on an allocation formula that takes into account the  
180 population and rural characteristics of each county. No more  
181 than 15 percent of the funds shall be used by the statewide  
182 nonprofit association for statewide initiatives. No more than 5  
183 percent of the funds may be used by the department for  
184 administrative costs.

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185 Section 10. Section 960.003, Florida Statutes, is amended  
186 to read:

187 960.003 Hepatitis and HIV testing for persons charged with  
188 or alleged by petition for delinquency to have committed certain  
189 offenses; disclosure of results to victims.-

190 (1) LEGISLATIVE INTENT.-The Legislature finds that a  
191 victim of a criminal offense which involves the transmission of  
192 body fluids, or which involves certain sexual offenses in which  
193 the victim is a minor, disabled adult, or elderly person, is  
194 entitled to know at the earliest possible opportunity whether  
195 the person charged with or alleged by petition for delinquency  
196 to have committed the offense has tested positive for hepatitis  
197 or the human immunodeficiency virus (HIV) infection. The  
198 Legislature finds that to deny victims access to hepatitis and  
199 HIV test results causes unnecessary mental anguish in persons  
200 who have already suffered trauma. The Legislature further finds  
201 that since medical science now recognizes that early diagnosis  
202 is a critical factor in the treatment of hepatitis or HIV  
203 infection, both the victim and the person charged with or  
204 alleged by petition for delinquency to have committed the  
205 offense benefit from prompt disclosure of hepatitis and HIV test  
206 results.

207 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION  
208 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.-

209 (a) In any case in which a person has been charged by  
210 information or indictment with or alleged by petition for  
211 delinquency to have committed any offense enumerated in s.  
212 775.0877(1)(a)-(n), which involves the transmission of body

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213 fluids from one person to another, upon request of the victim or  
214 the victim's legal guardian, or of the parent or legal guardian  
215 of the victim if the victim is a minor, the court shall order  
216 such person to undergo hepatitis and HIV testing within 48 hours  
217 after ~~of~~ the information or indictment is filed ~~court order~~. In  
218 the event the victim requests hepatitis and HIV testing after 48  
219 hours has elapsed from the filing of the indictment or  
220 information, the testing shall be done within 48 hours of the  
221 victim's request.

222 (b) However, when a victim of any sexual offense  
223 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at  
224 the time the offense was committed or when a victim of any  
225 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.  
226 825.1025 is a disabled adult or elderly person as defined in s.  
227 825.1025 regardless of whether the offense involves the  
228 transmission of bodily fluids from one person to another, then  
229 upon the request of the victim or the victim's legal guardian,  
230 or of the parent or legal guardian, the court shall order such  
231 person to undergo hepatitis and HIV testing within 48 hours  
232 after ~~of~~ the information or indictment is filed ~~court order~~. In  
233 the event the victim requests hepatitis and HIV testing after 48  
234 hours has elapsed from the filing of the indictment or  
235 information, the testing shall be done within 48 hours of the  
236 victim's request. The testing shall be performed under the  
237 direction of the Department of Health in accordance with s.  
238 381.004. The results of a hepatitis and an HIV test performed on  
239 a defendant or juvenile offender pursuant to this subsection

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240 shall not be admissible in any criminal or juvenile proceeding  
241 arising out of the alleged offense.

242 (c) If medically appropriate, follow-up HIV testing shall  
243 be provided when testing has been ordered pursuant subsections  
244 (a) or (b). The medical propriety of follow-up HIV testing shall  
245 be based upon a determination of a physician and shall not  
246 require an additional court order. Notification to the victim,  
247 or parent or guardian of the victim, and to the defendant, of  
248 the results of each follow-up test shall made be as soon as  
249 practicable in accordance with this section.

250 (3) DISCLOSURE OF RESULTS.—

251 (a) The results of the test shall be disclosed no later  
252 than 2 weeks after the court receives such results, under the  
253 direction of the Department of Health, to the person charged  
254 with or alleged by petition for delinquency to have committed or  
255 to the person convicted of or adjudicated delinquent for any  
256 offense enumerated in s. 775.0877(1)(a)-(n), which involves the  
257 transmission of body fluids from one person to another, and,  
258 upon request, to the victim or the victim's legal guardian, or  
259 the parent or legal guardian of the victim if the victim is a  
260 minor, and to public health agencies pursuant to s. 775.0877. If  
261 the alleged offender is a juvenile, the test results shall also  
262 be disclosed to the parent or guardian. When the victim is a  
263 victim as described in paragraph (2)(b), the test results must  
264 also be disclosed no later than 2 weeks after the court receives  
265 such results, to the person charged with or alleged by petition  
266 for delinquency to have committed or to the person convicted of  
267 or adjudicated delinquent for any offense enumerated in s.

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268 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the  
269 offense involves the transmission of bodily fluids from one  
270 person to another, and, upon request, to the victim or the  
271 victim's legal guardian, or the parent or legal guardian of the  
272 victim, and to public health agencies pursuant to s. 775.0877.  
273 Otherwise, hepatitis and HIV test results obtained pursuant to  
274 this section are confidential and exempt from the provisions of  
275 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and  
276 shall not be disclosed to any other person except as expressly  
277 authorized by law or court order.

278 (b) At the time that the results are disclosed to the  
279 victim or the victim's legal guardian, or to the parent or legal  
280 guardian of a victim if the victim is a minor, the same  
281 immediate opportunity for face-to-face counseling which must be  
282 made available under s. 381.004 to those who undergo hepatitis  
283 and HIV testing shall also be afforded to the victim or the  
284 victim's legal guardian, or to the parent or legal guardian of  
285 the victim if the victim is a minor.

286 (4) POSTCONVICTION TESTING.—If, for any reason, the  
287 testing requested under subsection (2) has not been undertaken,  
288 then upon request of the victim or the victim's legal guardian,  
289 or the parent or legal guardian of the victim if the victim is a  
290 minor, the court shall order the offender to undergo hepatitis  
291 and HIV testing following conviction or delinquency  
292 adjudication. The testing shall be performed under the direction  
293 of the Department of Health, and the results shall be disclosed  
294 in accordance with the provisions of subsection (3).

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295 (5) EXCEPTIONS.—The provisions of subsections (2) and (4)  
296 do not apply if:

297 (a) The person charged with or convicted of or alleged by  
298 petition for delinquency to have committed or been adjudicated  
299 delinquent for an offense described in subsection (2) has  
300 undergone hepatitis and HIV testing voluntarily or pursuant to  
301 procedures established in s. 381.004(3)(h)6. or s. 951.27, or  
302 any other applicable law or rule providing for hepatitis and HIV  
303 testing of criminal defendants, inmates, or juvenile offenders,  
304 subsequent to his or her arrest, conviction, or delinquency  
305 adjudication for the offense for which he or she was charged or  
306 alleged by petition for delinquency to have committed; and

307 (b) The results of such hepatitis and HIV testing have  
308 been furnished to the victim or the victim's legal guardian, or  
309 the parent or legal guardian of the victim if the victim is a  
310 minor.

311 (6) TESTING DURING INCARCERATION, DETENTION, OR PLACEMENT;  
312 DISCLOSURE.—In any case in which a person convicted of or  
313 adjudicated delinquent for an offense described in subsection  
314 (2) has not been tested under subsection (2), but undergoes  
315 hepatitis and HIV testing during his or her incarceration,  
316 detention, or placement, the results of the initial hepatitis  
317 and HIV testing shall be disclosed in accordance with the  
318 provisions of subsection (3). Except as otherwise requested by  
319 the victim or the victim's legal guardian, or the parent or  
320 guardian of the victim if the victim is a minor, if the initial  
321 test is conducted within the first year of the imprisonment,  
322 detention, or placement, the request for disclosure shall be



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323 considered a standing request for any subsequent hepatitis and  
324 HIV test results obtained within 1 year after the initial  
325 hepatitis and HIV test are performed, and need not be repeated  
326 for each test administration. Where the inmate or juvenile  
327 offender has previously been tested pursuant to subsection (2)  
328 the request for disclosure under this subsection shall be  
329 considered a standing request for subsequent hepatitis and HIV  
330 results conducted within 1 year of the test performed pursuant  
331 to subsection (2). If the hepatitis and HIV testing is performed  
332 by an agency other than the Department of Health, that agency  
333 shall be responsible for forwarding the test results to the  
334 Department of Health for disclosure in accordance with the  
335 provisions of subsection (3). This subsection shall not be  
336 limited to results of hepatitis and HIV tests administered  
337 subsequent to June 27, 1990, but shall also apply to the results  
338 of all hepatitis and HIV tests performed on inmates convicted of  
339 or juvenile offenders adjudicated delinquent for sex offenses as  
340 described in subsection (2) during their incarceration,  
341 detention, or placement prior to June 27, 1990.

342 Section 11. Section 960.198, Florida Statutes, is amended  
343 to read:

344 960.198 Relocation assistance for victims of domestic  
345 violence and sexual violence.—

346 (1) Notwithstanding the criteria set forth in s. 960.13  
347 for crime victim compensation awards, the department may award a  
348 one-time payment of up to \$1,500 on any one claim and a lifetime  
349 maximum of \$3,000 to a victim of domestic violence who needs  
350 immediate assistance to escape from a domestic violence

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351 environment or to a victim of sexual violence who reasonably  
352 fears for her or his safety.

353 (2) In order for an award to be granted to a victim for  
354 relocation assistance:

355 (a) There must be proof that a domestic violence or sexual  
356 violence offense was committed;

357 (b) The domestic violence or sexual violence offense must  
358 be reported to the proper authorities;

359 (c) The victim's need for assistance must be certified by  
360 a certified domestic violence center or a certified rape crisis  
361 center in this state; and

362 (d) The center certification must assert that the victim  
363 is cooperating with law enforcement officials, if applicable,  
364 and must include documentation that the victim has developed a  
365 safety plan.

366 Section 12. Paragraph (n) of subsection (2) of section  
367 1003.42, Florida Statutes, is amended to read:

368 1003.42 Required instruction.—

369 (2) Members of the instructional staff of the public  
370 schools, subject to the rules of the State Board of Education  
371 and the district school board, shall teach efficiently and  
372 faithfully, using the books and materials required that meet the  
373 highest standards for professionalism and historic accuracy,  
374 following the prescribed courses of study, and employing  
375 approved methods of instruction, the following:

376 (n) Comprehensive health education that addresses concepts  
377 of community health; consumer health; environmental health;  
378 family life, including an awareness of the benefits of sexual

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379 abstinence as the expected standard and the consequences of  
380 teenage pregnancy; mental and emotional health; injury  
381 prevention and safety; Internet safety; nutrition; personal  
382 health; prevention and control of disease; and substance use and  
383 abuse. The health education curriculum for students in grades 7  
384 through 12 shall include a teen dating violence and abuse  
385 component that includes, but is not limited to, the definition  
386 of dating violence and abuse, the warning signs of dating  
387 violence and abusive behavior, the characteristics of healthy  
388 relationships, measures to prevent and stop dating violence and  
389 abuse, and community resources available to victims of dating  
390 violence and abuse.

391

392 The State Board of Education is encouraged to adopt standards  
393 and pursue assessment of the requirements of this subsection.

394 Section 13. Section 794.052, Florida Statutes, is amended  
395 to read:

396 794.052 Sexual battery; notification of victim's rights  
397 and services.—

398 (1) A law enforcement officer who investigates an alleged  
399 sexual battery shall:

400 (a) Assist the victim in obtaining medical treatment, if  
401 medical treatment is necessary as a result of the alleged  
402 incident, a forensic examination, and advocacy and crisis-  
403 intervention services from a certified rape crisis center and  
404 provide or arrange for transportation to the appropriate  
405 facility.

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406 (b) Advise the victim that he or she may contact a  
407 certified rape crisis center from which the victim may receive  
408 services.

409 (c) Prior to submitting a final report, permit the victim  
410 to review the final report and provide a statement as to the  
411 accuracy of the final report.

412 (2) The law enforcement officer shall give the victim  
413 immediate notice of the legal rights and remedies available to a  
414 victim on a standard form developed and distributed by the  
415 Florida Council Against Sexual Violence in conjunction with the  
416 Department of Law Enforcement. The notice must include the  
417 resource listing, including telephone number, for the area  
418 certified rape crisis center as designated by the Florida  
419 Council Against Sexual Violence.

420 Section 14. This act shall take effect July 1, 2011.

421

422

423

424

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

425

Remove the entire title and insert:

426

An act relating to sexual offenses; amending s. 90.404, F.S.;

427

providing additional offenses which are considered "child

428

molestation" for purposes of admitting evidence of other crimes,

429

wrongs or acts in a criminal case involving child molestation;

430

providing for admission of evidence of other crimes, wrongs or

431

acts in cases involving a sexual offense; requiring certain

432

property or material that is used in a criminal proceeding to

433

remain in the care, custody, and control of the law enforcement

COUNCIL/COMMITTEE AMENDMENT

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434 agency, the state attorney, or the court; prohibiting the  
435 reproduction of such property or material by the defendant when  
436 specified criteria are met by the state attorney; permitting  
437 access to the materials by the defendant; amending s. 395.1021,  
438 F.S.; requiring a licensed facility that provides emergency room  
439 services to arrange for the gathering of forensic medical  
440 evidence required for investigation and prosecution from a  
441 victim who has reported a sexual battery to a law enforcement  
442 agency or who requests that such evidence be gathered for a  
443 possible future report; amending s. 775.15, F.S.; providing that  
444 a prosecution for video voyeurism in violation of specified  
445 provisions may, in addition to existing time periods, be  
446 commenced within 1 year after the victim of video voyeurism  
447 obtains actual knowledge of the existence of such a recording or  
448 the recording is confiscated by a law enforcement agency,  
449 whichever occurs first; providing that dissemination of a  
450 recording before such knowledge or confiscation does not affect  
451 such a time period; amending ss. 794.056 and 938.085, F.S.;

452 requiring that an additional court cost or surcharge be assessed  
453 against a defendant who pleads guilty or nolo contendere to, or  
454 is found guilty of, regardless of adjudication, certain criminal  
455 offenses; providing for proceeds of the additional court cost or  
456 surcharge to be deposited into the Rape Crisis Program Trust  
457 Fund; reenacting s. 20.435(21)(a), F.S., relating to the Rape  
458 Crisis Program Trust Fund, to incorporate the amendment made to  
459 s. 794.056, F.S., in a reference thereto; reenacting s.  
460 794.055(3)(b), F.S., relating to access to services for victims  
461 of sexual battery, to incorporate the amendment made to s.

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462 938.085, F.S., in a reference thereto; amending s. 960.003,  
463 F.S.; revising legislative intent and amending provisions  
464 relating to HIV testing of persons charged with certain offenses  
465 and providing for hepatitis testing of persons charged with  
466 certain offenses; amending s. 960.198, F.S.; authorizing  
467 relocation assistance awards to victims of sexual violence;  
468 amending s. 1003.42, F.S.; requiring that public schools provide  
469 comprehensive health education that addresses concepts of  
470 Internet safety; amending s. 794.052, F.S.; requiring a law  
471 enforcement officer to provide or arrange for transportation of  
472 a victim of sexual violence to an appropriate facility for  
473 medical treatment or forensic examination; providing an  
474 effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

Location: 404 HOB

**HB 257 : Financial Responsibility for Medical Expenses of Pretrial Detainees or Sentenced Inmates**

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Richard Glorioso			X		
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### Appearances:

Coats, Jim - Proponent  
Sheriff, Florida Sheriff's Association  
P.O. Box 2500  
Largo FL 33779  
Phone: 727-420-7280

Glatfelter, Ralph (Lobbyist) - Opponent  
Florida Hospital Association  
306 E College Ave  
Tallahassee FL 32301  
Phone: (850)222-9800

Pitts, Brian - Information Only  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 257 (2011)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

*FAV  
2-22-11*

Council/Committee hearing bill: Criminal Justice Subcommittee  
Representative Hooper offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:  
Section 1. Section 901.35, Florida Statutes, is amended to  
read:

901.35 Financial responsibility for medical expenses.—  
~~(1)~~ Notwithstanding any other provision of law, the  
responsibility for paying the expenses of medical care,  
treatment, hospitalization, and transportation for any person  
ill, wounded, or otherwise injured during or as a result at the  
~~time~~ of an arrest for any violation of a state law or a county  
or municipal ordinance is the responsibility of the person  
receiving such care, treatment, hospitalization, and  
transportation. The provider of such services shall seek  
reimbursement in accordance with s. 951.032, F.S. ~~The provider~~  
~~of such services shall seek reimbursement for the expenses~~  
~~incurred in providing medical care, treatment, hospitalization,~~



COUNCIL/COMMITTEE AMENDMENT

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20 ~~and transportation from the following sources in the following~~  
21 ~~order:~~

22 ~~(a) From an insurance company, health care corporation, or~~  
23 ~~other source, if the prisoner is covered by an insurance policy~~  
24 ~~or subscribes to a health care corporation or other source for~~  
25 ~~these expenses.~~

26 ~~(b) From the person receiving the medical care, treatment,~~  
27 ~~hospitalization, or transportation.~~

28 ~~(c) From a financial settlement for the medical care,~~  
29 ~~treatment, hospitalization, or transportation payable or~~  
30 ~~accruing to the injured party.~~

31 ~~(2) Upon a showing that reimbursement from the sources~~  
32 ~~listed in subsection (1) is not available, the costs of medical~~  
33 ~~care, treatment, hospitalization, and transportation shall be~~  
34 ~~paid:~~

35 ~~(a) From the general fund of the county in which the~~  
36 ~~person was arrested, if the arrest was for violation of a state~~  
37 ~~law or county ordinance; or~~

38 ~~(b) From the municipal general fund, if the arrest was for~~  
39 ~~violation of a municipal ordinance.~~

40  
41 ~~The responsibility for payment of such medical costs shall exist~~  
42 ~~until such time as an arrested person is released from the~~  
43 ~~custody of the arresting agency.~~

44 ~~(3) An arrested person who has health insurance,~~  
45 ~~subscribes to a health care corporation, or receives health care~~  
46 ~~benefits from any other source shall assign such benefits to the~~  
47 ~~health care provider.~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 257 (2011)

Amendment No. 1

48 Section 2. Section 951.032, Florida Statutes, is amended  
49 to read:

50 951.032 Financial responsibility for medical expenses.—

51 (1) A county detention facility or municipal detention  
52 facility incurring expenses for providing medical care,  
53 treatment, hospitalization, or transportation to pretrial  
54 detainees or sentenced inmates may seek reimbursement for the  
55 expenses incurred in the following order:

56 (a) From the pretrial detainee or sentenced inmate  
57 ~~prisoner or person~~ receiving medical care, treatment,  
58 hospitalization, or transportation by deducting the cost from  
59 the pretrial detainee's or sentenced inmate's ~~prisoner's~~ cash  
60 account on deposit with the detention facility. If the pretrial  
61 detainee's or sentenced inmate's ~~prisoner's~~ cash account does  
62 not contain sufficient funds to cover medical care, treatment,  
63 hospitalization, or transportation, ~~then~~ the detention facility  
64 may place a lien against the pretrial detainee's or sentenced  
65 inmate's ~~prisoner's~~ cash account or other personal property, to  
66 provide payment in the event sufficient funds become available  
67 at a later time. Any existing lien may be carried over to future  
68 incarceration of the same detainee or inmate ~~prisoner~~ as long as  
69 the future incarceration takes place within the county  
70 originating the lien and the future incarceration takes place  
71 within 3 years after ~~of~~ the date the lien was placed against the  
72 pretrial detainee's or sentenced inmate's ~~prisoner's~~ account or  
73 other personal property.

74 (b) From an insurance company, health care corporation, or  
75 other source if the pretrial detainee or sentenced inmate

COUNCIL/COMMITTEE AMENDMENT

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76 ~~prisoner or person~~ is covered by an insurance policy or  
77 subscribes to a health care corporation or other source for  
78 those expenses.

79 (2) A pretrial detainee or sentenced inmate ~~A prisoner~~ who  
80 receives medical care, treatment, hospitalization, or  
81 transportation from a county or municipal detention facility  
82 shall cooperate with that ~~the county detention facility or~~  
83 ~~municipal detention facility~~ in seeking reimbursement under  
84 paragraphs (1)(a) and (b) for expenses incurred by the facility  
85 for the pretrial detainee or sentenced inmate ~~prisoner~~. A  
86 pretrial detainee or sentenced inmate ~~A prisoner~~ who willfully  
87 refuses to cooperate with the reimbursement efforts of the  
88 detention facility may have a lien placed against his or her ~~the~~  
89 ~~prisoner's~~ cash account or other personal property and may not  
90 receive gain-time as provided by s. 951.21.

91 (3) A third-party provider of medical care, treatment,  
92 hospitalization, or transportation for arrestees, pretrial  
93 detainees, or sentenced inmates of a county or municipal  
94 detention facility shall seek reimbursement for the expenses  
95 incurred in providing medical care, treatment, hospitalization,  
96 and transportation to such arrestees, pretrial detainees, or  
97 sentenced inmates from the following sources in the following  
98 order:

99 (a) From an insurance company, health care corporation, or  
100 other source, if the arrestee, pretrial detainee, or sentenced  
101 inmate is covered by an insurance policy or subscribes to a  
102 health care corporation or other source for those expenses.

103 (b) From the arrestee, pretrial detainee, or sentenced

Amendment No. 1

104 inmate receiving the medical care, treatment, hospitalization,  
105 or transportation.

106 (c) From a financial settlement for the medical care,  
107 treatment, hospitalization, or transportation payable or  
108 accruing to the injured arrestee, pretrial detainee, or  
109 sentenced inmate.

110 (4) Upon a showing by the third-party provider that a good  
111 faith effort was made, consistent with that provider's usual  
112 policies and procedures related to the collection of fees from  
113 indigent patients outside the custody of a county or municipal  
114 detention facility, to obtain reimbursement from the sources  
115 listed in subsection (3), but that such reimbursement is not  
116 available, the costs of medical care, treatment,  
117 hospitalization, and transportation shall be paid:

118 (a) For a person who receives such services during or as a  
119 result of an arrest:

120 1. From the general fund of the county in which the person  
121 was arrested, if the arrest was for violation of a state law or  
122 county ordinance; or

123 2. From the municipal general fund, if the arrest was for  
124 violation of a municipal ordinance.

125 (b) For a person who receives such services while detained  
126 in a county detention facility, from the county general fund.

127 (c) For a person who receives such services while detained  
128 in a municipal detention facility, from the municipal general  
129 fund.

130

131 Absent a written agreement between the third-party provider and

Amendment No. 1

132 the county or municipality, remuneration made pursuant to  
133 paragraphs (a), (b), or (c) shall be billed by the third-party  
134 provider and paid by the county or municipality at a rate not to  
135 exceed 110 percent of the Medicare allowable rate for such  
136 services. Compensation to a third-party provider may not exceed  
137 125 percent of the Medicare allowable rate if there is no  
138 written agreement between the third-party provider and the  
139 county or municipality, and the third-party provider reported a  
140 negative operating margin for the previous year to the Agency  
141 for Health Care Administration through hospital-audited  
142 financial data. However, these maximum allowable rates do not  
143 apply to amounts billed and paid for physicians licensed under  
144 chapter 458 or chapter 459 for emergency services provided  
145 within a hospital emergency department. The responsibility of  
146 the county or municipality for payment of any in-custody medical  
147 costs shall cease upon release of the arrestee, pretrial  
148 detainee, or sentenced inmate.

149 (5) An arrestee, pretrial detainee, or sentenced inmate  
150 who has health insurance, subscribes to a health care  
151 corporation, or receives health care benefits from any other  
152 source shall assign such benefits to the health care provider.

154 -----

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

156 Remove the entire title and insert:

157 A bill to be entitled

158 An act relating to financial responsibility for medical expenses  
159 of arrestees, pretrial detainees, or sentenced inmates; amending

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Bill No. HB 257 (2011)

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160 s. 901.35, F.S.; providing that the responsibility for paying  
161 the expenses of medical care, treatment, hospitalization, and  
162 transportation for a person who is ill, wounded, or otherwise  
163 injured during or as a result of an arrest for a violation of a  
164 state law or a county or municipal ordinance is the  
165 responsibility of the person receiving the medical care,  
166 treatment, hospitalization, or transportation; deleting  
167 provisions establishing the order by which medical providers  
168 receive reimbursement for the expenses incurred in providing the  
169 medical services; amending s. 951.032, F.S.; setting forth the  
170 order by which a county or municipal detention facility may seek  
171 reimbursement for the expenses incurred during the course of  
172 treating pretrial detainees or sentenced inmates; requiring each  
173 pretrial detainee or sentenced inmate who receives medical care  
174 or other services to cooperate with the county or municipal  
175 detention facility in seeking reimbursement for the expenses  
176 incurred by the facility and providing for certain liens against  
177 pretrial detainees or sentenced inmates; setting forth the order  
178 of fiscal resources from which a third-party provider of medical  
179 services may seek reimbursement for the expenses the provider  
180 incurred in providing medical care; requiring each arrestee,  
181 pretrial detainee, or sentenced inmate who has health insurance,  
182 subscribes to a health care corporation, or receives health care  
183 benefits from any other source to assign such benefits to the  
184 health care provider; requiring assignment of health insurance  
185 or health care benefits to providers by arrestees, detainees, or  
186 inmates who have such insurance or benefits; providing an  
187 effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

Location: 404 HOB

HB 265 : Sexual Offenders and Predators

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard		X			
Daphne Campbell	X				
Richard Glorioso			X		
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 1</b>			

### Appearances:

Steinkraus, Robert - Proponent  
Officer, City of Port St. Lucie  
121 SW. Port St. Lucie Blvd.  
Port St. Lucie FL 34984  
Phone: 772-871-5000

Poore, Terri (Lobbyist) - Waive In Support  
Director of Public Affairs, Florida Council Against Sexual Violence  
1820 East Park Avenue Suite 100  
Tallahassee FL 32301  
Phone: 850-363-2918

Pitts, Brian - Information Only  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

Location: 404 HOB

HB 333 : Community-based Juvenile Justice

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Richard Glorioso			X		
James Grant	X				
Gayle Harrell	X				
John Julien		X			
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia		X			
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 2</b>			

### Appearances:

Walters, Wansley (State Employee) - Information Only  
Secretary, Department of Juvenile Justice  
2737 Centerview Dr.  
Tallahassee FL 32399  
Phone: 850-413-7313

Grutza, Jody - Waive In Support  
Director of Government Relations, Eckerd Youth Alternatives  
100 N. Starcrest Dr.  
Clearwater FL 33765  
Phone: 727-266-8584

Watkins, Mike - Waive In Support  
CEO, Big Bend Community Based Care, Inc.  
525 N. Martin Luther King Jr. Blvd.  
Tallahassee FL 32301  
Phone: 850-410-1020

Lowrey, Thad (Lobbyist) - Waive In Support  
Vice President Government Relations, Operation PAR  
7720 Washington St.  
Port Richey FL 34668  
Phone: 727-992-8508

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM



# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

**Location:** 404 HOB

Olk , Tom - Proponent  
Director DISC Village  
3333 W. Pensacola St.  
Tallahassee FL 32304  
Phone: 850-264-6684

Bates, Thomas J. (State Employee) - Information Only

2125 Upper Cody Rd.  
Monticello FL 32344  
Phone: 850-212-9928

Spudeas, Christina (Lobbyist) - Proponent

Executive Director, Florida's Children First, Inc  
1801 University Dr Ste 3B  
Coral Springs FL 33071  
Phone: (954) 326-8923

Pitts, Brian - Information Only

Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Criminal Justice Subcommittee  
 2 Representative Corcoran offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 985.665, Florida Statutes, is created  
7 to read:

8 985.665 Community-based juvenile justice; pilot program.-

9 (1) The department is directed to establish community-based  
 10 juvenile justice pilot programs in the 2nd, 6th, and 11th  
 11 judicial circuits. Each pilot program must be established during  
 12 the 2011-2012 fiscal year and must operate for 2 years. The  
 13 purpose of the programs is to:

14 (a) Provide local communities the flexibility to assess and  
 15 more readily address juvenile justice needs.

16 (b) Provide juveniles a continuum of services that are  
 17 located in the juveniles' home communities and managed by a  
 18 regional coordinating agency.

19 (c) Provide enhanced juvenile justice service coordination.

Amendment No. 1

20 (d) Promote greater involvement and engagement by a  
21 juvenile's family and community.

22 (e) Result in better outcomes for juveniles and provide  
23 significant economic and operational efficiencies.

24 (2)(a) By December 1, 2011, the department shall contract  
25 with a nonprofit or county government agency to serve as the  
26 regional coordinating agency for each pilot program. The  
27 contract shall:

28 1. Require the regional coordinating agency to provide, or  
29 contract with community-based service providers to provide, the  
30 full continuum of juvenile justice services in the judicial  
31 circuit in which the pilot program is located. These services  
32 include but are not limited to, prevention services,  
33 intervention services, assessment centers, diversion programs,  
34 civil citation programs, alternatives to detention, community-  
35 based treatment programs, probation services, detention  
36 services, home detention, day treatment, independent living,  
37 evidence-based programs, and residential programs.

38 2. Require the regional coordinating agency to administer  
39 and manage the full continuum of juvenile justice services in  
40 the judicial circuit in which the pilot program is located.

41 3. Require the department to transfer all funding  
42 associated with the administration and provision of services  
43 described in subparagraph 1. to the regional coordinating  
44 agency, less those funds the department needs to provide and  
45 coordinate management of quality assurance and oversight.

46 4. Require the regional coordinating agency to thoroughly  
47 analyze and report to the department the complete direct and

Amendment No. 1

48 indirect costs of administering and providing the services  
49 described in subparagraph 1.

50 (b) The department shall award each contract in accordance  
51 with the competitive bidding requirements in s. 287.057 to a  
52 nonprofit or county government agency that:

53 1. Is located within the judicial circuit being served by  
54 the pilot program.

55 2. Possesses the organizational infrastructure and  
56 financial capacity to administer and provide the services  
57 described in subparagraph (2)(a)1.

58 3. Can ensure continuity of care from entry to exit for all  
59 juveniles referred by law enforcement agencies, the court  
60 system, and other referral sources.

61 4. Has the ability to contract with local providers to  
62 create a network of juvenile justice services.

63 5. Can ensure that each individual who provides juvenile  
64 justice services has successfully completed any training  
65 required by the department.

66 6. Is willing to accept accountability for meeting the  
67 outcomes and performance standards related to juvenile justice  
68 established by the legislature and the federal government.

69 7. Has a board of directors, of which at least 75 percent  
70 of the membership is comprised of persons residing within the  
71 judicial circuit being served by the pilot program.

72 (c) Nothing in this subsection shall impede upon the  
73 department's right to maintain statewide contracts with  
74 providers that are in existence at the time this act becomes  
75 law.

Amendment No. 1

76 (3) The department shall:

77 (a) In partnership with an objective, competent entity,  
78 establish a quality assurance program. The quality assurance  
79 program must include national standards for each specific  
80 component of services that are part of a regional coordinating  
81 agency's continuum of juvenile justice services.

82 (b) In consultation with the regional coordinating agency,  
83 establish minimum thresholds for each of the services that are  
84 part of the agency's juvenile justice service continuum.

85 (c) Ensure that regional coordinating agencies and the  
86 local providers who contract with regional coordinating agencies  
87 deliver services in accordance with applicable federal and state  
88 laws and regulations.

89 (d) Annually evaluate each regional coordinating agency  
90 using the provisions of the quality assurance program.

91 (e) Establish and operate a comprehensive system to measure  
92 and report annually the outcomes and effectiveness of the  
93 services described in subparagraph (2)(a)1. The department shall  
94 use these findings in making recommendations to the Governor and  
95 the Legislature for future program and funding priorities in the  
96 juvenile justice system.

97 (f) Retain responsibility for the quality of the services  
98 that are part of an agency's juvenile justice service continuum.

99 (4) The regional coordinating agency must comply with  
100 statutory requirements and department regulations in the  
101 provision of contractual services. Each regional coordinating  
102 agency must contract with providers meeting the current  
103 department standards under this chapter.

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104       (5) With respect to the treatment of juvenile offenders  
105 under this section, regional coordinating agencies and local  
106 providers who contract with regional coordinating agencies shall  
107 be treated as the state and its agencies and subdivisions for  
108 liability purposes under s. 768.28.

109       (6) No later than January 31 of each year, beginning in  
110 2013, the department shall submit a report regarding quality  
111 performance, outcome measure attainment, and cost efficiency for  
112 each pilot program in operation during the preceding fiscal  
113 year, to the President of the Florida Senate, the Speaker of the  
114 Florida Senate and the Florida House of Representatives, and  
115 the Governor.

116       Section 2. This act shall take effect July 1, 2011.  
117

118       -----

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

120       Remove the entire title and insert:

121       An act relating to community-based juvenile justice;  
122       creating s. 985.665, F.S.; requiring the Department of  
123       Juvenile Justice to establish community-based juvenile  
124       justice pilot programs in specified circuits; providing  
125       the purpose of the pilot programs; requiring the  
126       department to contract with specified entities to serve as  
127       the regional coordinating agency for each pilot program;  
128       providing contract requirements; requiring the department  
129       to award contracts in accordance with s. 287.057, F.S., to  
130       entities that meet specified requirements; requiring the  
131       department to establish a quality assurance program;

COUNCIL/COMMITTEE AMENDMENT

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132 requiring the department to establish minimum thresholds  
133 for services provided by the pilot program; requiring the  
134 department to ensure pilot program services are delivered  
135 in accordance with state and federal laws and regulations;  
136 requiring the department to annually evaluate regional  
137 coordinating agencies; requiring the department to  
138 establish a system to measure and report specified  
139 information and make recommendations to specified  
140 entities; providing that the department retains  
141 responsibility for the quality of the pilot program  
142 services; requiring the regional coordinating agency to  
143 comply with statutes and regulations when providing  
144 contractual services; requiring regional coordinating  
145 agencies to contract with providers who meet specified  
146 requirements; specifying that regional coordinating  
147 agencies and contracted providers will be treated as the  
148 state for purposes of s. 768.28, F.S.; requiring the  
149 department to submit a report regarding the quality  
150 performance, outcome measure attainment, and cost  
151 efficiency for each pilot program to specified entities;  
152 providing an effective date.

153  
154 WHEREAS, 94 percent of Florida youth grow up to be  
155 productive citizens, but the 6 percent of Florida youth that  
156 become delinquent cost the state of Florida an average of \$5,200  
157 per child annually according to 2008 statistics, and

158 WHEREAS, according to national studies, 27 percent of  
159 abused or neglected children become delinquent, and

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160 WHEREAS, one of the most effective ways to reduce  
161 delinquency is to prevent child abuse, abandonment, and neglect,  
162 and

163 WHEREAS, Florida's juvenile commitment programs have a 39  
164 percent recidivism rate within 1 year, and

165 WHEREAS, the Department of Juvenile Justice shows that 59  
166 percent of the juveniles being rearrested offend within 120 days  
167 after being released, revealing a critical transition period  
168 currently not being addressed, and

169 WHEREAS, the State of Washington undertook a study which  
170 demonstrated that a significant level of future prison  
171 construction can be avoided, taxpayer dollars can be saved, and  
172 crime rates can be reduced by a portfolio of evidence-based  
173 youth service options, and

174 WHEREAS, it has been proven that at-risk youth benefit from  
175 a comprehensive approach through coordination of intensive  
176 prevention, diversion, and family services, and

177 WHEREAS, local management fosters all these approaches,  
178 ensures stronger relationships between providers and the family,  
179 and allows providers to assist in strengthening relationships  
180 between the child and the family, and

181 WHEREAS, instead of competing for funding, prevention,  
182 diversion, and juvenile justice services should cooperate with  
183 the goal of keeping youth out of juvenile detention, NOW,  
184 THEREFORE,



# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

Location: 404 HOB

HB 339 : Possession of Stolen Credit or Debit Cards

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Richard Glorioso			X		
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia			X		
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### Appearances:

Gee, Jack - Proponent

Chair, Florida Law Enforcement Property Recovery Unit  
4258 NW. 6 Ct.  
Deerfield Beach FL 33442  
Phone: 954-557-1227

Pitts, Brian - Information Only

Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 339 (2011)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

*Handwritten:* **FW**  
**2-22-11**

1 Council/Committee hearing bill: Criminal Justice Subcommittee  
2 Representative Perman offered the following:

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

5 Remove lines 26-33 and insert:  
6 the penalties set forth in s. 817.67(2).

7  
8  
9 -----  
10 **T I T L E A M E N D M E N T**

11 Remove lines 5-11 and insert:  
12 providing penalties; providing an effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/22/2011 9:00:00AM

Location: 404 HOB

HB 4069 : Firearms Purchases

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Richard Glorioso			X		
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia			X		
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, February 22, 2011 3:19:04PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

Handwritten signature and date '2-22-11' in the right margin.

1 Council/Committee hearing bill: Criminal Justice Subcommittee  
2 Representative Diaz offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

6 Section 1. Section 790.28, Florida Statutes, is amended to  
7 read:

8 790.28 Purchase of rifles and shotguns in other ~~contiguous~~  
9 states.-A resident of this state may purchase a rifle or shotgun  
10 in any state ~~contiguous to this state~~ if he or she conforms to  
11 applicable laws and regulations of the United States, of the  
12 state where the purchase is made, and of this state.

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

15 -----  
16 **T I T L E A M E N D M E N T**

17 Remove the entire title and insert:

18 A bill to be entitled

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 4069 (2011)

Amendment No. 1

19 | An act relating to firearms purchases; amending s. 790.28,  
20 | F.S.; deleting language limiting the purchase of rifles  
21 | and shotguns to certain purchases in contiguous states;  
22 | providing an effective date.