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# **Criminal Justice Subcommittee**

**Tuesday March 29<sup>th</sup>, 2011**

**8:00 AM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Dennis Baxley  
Chair**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

### Summary:

#### Criminal Justice Subcommittee

Tuesday March 29, 2011 08:00 am

HB 17	Favorable With Committee Substitute	Yeas: 15	Nays: 0
CS/HB 125	Favorable	Yeas: 14	Nays: 0
HB 369	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 821	Favorable With Committee Substitute	Yeas: 12	Nays: 2
HB 1277	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 1279	Favorable With Committee Substitute	Yeas: 11	Nays: 2
HB 1379	Favorable With Committee Substitute	Yeas: 7	Nays: 6
HB 4035	Favorable	Yeas: 13	Nays: 1
HB 4157	Favorable With Committee Substitute	Yeas: 15	Nays: 0

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

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>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

### HB 17 : Military Veterans Convicted of Criminal 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: 15</b>		<b>Total Nays: 0</b>			

#### Appearances:

Brodie, James (Lobbyist) (State Employee) - Waive In Support  
Director Legislative, Florida Department of Veterans' Affairs  
4040 Esplanade Way Ste 152  
Tallahassee FL 32399-0950  
Phone: (850)487-1533

Trammell, Robert (Lobbyist) (State Employee) - Waive In Support  
General Counsel, Florida Public Defender Association, Inc  
PO Box 11057  
Tallahassee FL 32302  
Phone: (850)510-2187

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

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	_____	

*FAV.  
3/29/11*

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

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

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "T. Patt Maney  
7 Veterans' Treatment Intervention Act."

8 Section 2. Section 921.00242, Florida Statutes, is created  
9 to read:

10 921.00242 Convicted military veterans; posttraumatic  
11 stress disorder, traumatic brain injury, substance use disorder,  
12 or psychological problems from service; treatment services.-

13 (1) If a circuit or county court finds that a defendant  
14 has committed a criminal offense, the court must hold a  
15 veterans' status hearing prior to sentencing if the defendant  
16 has alleged that he or she committed the offense as a result of  
17 posttraumatic stress disorder, traumatic brain injury, substance  
18 use disorder, or psychological problems stemming from service in  
19 a combat theater in the United States military.

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20       (2) At a veterans' status hearing conducted as required by  
21 subsection (1), the court shall determine whether the defendant  
22 was a member of the military forces of the United States who  
23 served in a combat theater and assess whether the defendant  
24 suffers from posttraumatic stress disorder, traumatic brain  
25 injury, substance use disorder, or psychological problems as a  
26 result of that service. The defendant shall bear the burden of  
27 proof at the hearing.

28       (3) If the court concludes that the defendant is a person  
29 described in subsection (2) who is eligible for probation or  
30 community control and the court places the defendant on county  
31 or state probation or into community control, the court may  
32 order the defendant into a local, state, federal, or private  
33 nonprofit treatment program as a condition of probation or  
34 community control if the defendant agrees to participate in the  
35 program and the court determines that an appropriate treatment  
36 program exists.

37       (4) A defendant who is placed on county or state probation  
38 or into community control and committed to a residential  
39 treatment program under this section shall earn sentence credits  
40 for the actual time he or she serves in the residential  
41 treatment program if the court makes a written finding that it  
42 would otherwise have sentenced the defendant to incarceration  
43 except for the fact that the defendant is a person described in  
44 subsection (2).

45       (5) In making an order under this section to commit a  
46 defendant to an treatment program, whenever possible the court  
47 shall place the defendant in a treatment program that has a

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48 history of successfully treating combat veterans who suffer from  
49 posttraumatic stress disorder, traumatic brain injury, substance  
50 use disorder, or psychological problems as a result of that  
51 service. The court shall give preference to treatment programs  
52 for which the veteran is eligible through the United States  
53 Department of Veterans Affairs or the Department of Veterans'  
54 Affairs.

55 Section 3. Present subsection (7) of section 948.08,  
56 Florida Statutes, is renumbered as subsection (8), and a new  
57 subsection (7) is added to that section, to read:

58 948.08 Pretrial intervention program.-

59 (7) (a) A person who is charged with a felony, other than a  
60 felony listed in s. 948.06(8) (c), and identified as a member or  
61 former member of the military forces of the United States who  
62 served in a combat theater and who suffers from posttraumatic  
63 stress disorder, traumatic brain injury, substance use disorder,  
64 or psychological problems as a result of that service is  
65 eligible for voluntary admission into a pretrial veterans'  
66 treatment intervention program approved by the chief judge of  
67 the circuit, upon motion of either party or the court's own  
68 motion, except:

69 1. If a defendant was previously offered admission to a  
70 pretrial veterans' treatment intervention program at any time  
71 prior to trial and the defendant rejected that offer on the  
72 record, the court may deny the defendant's admission to such a  
73 program.

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74 2. If a defendant previously entered a court-ordered  
75 veterans' treatment program, the court may deny the defendant's  
76 admission into the pretrial veterans' treatment program.

77 3. If the state attorney believes that the facts and  
78 circumstances of the case suggest the defendant's involvement in  
79 the selling of controlled substances, the court shall hold a  
80 preadmission hearing. If the state attorney establishes, by a  
81 preponderance of the evidence at such hearing, that the  
82 defendant was involved in the selling of controlled substances,  
83 the court shall deny the defendant's admission into a pretrial  
84 intervention program.

85 (b) While enrolled in a pretrial intervention program  
86 authorized by this subsection, the participant is subject to a  
87 coordinated strategy developed by a veterans' treatment  
88 intervention team. The coordinated strategy should be modeled  
89 after the therapeutic jurisprudence principles and key  
90 components in s. 397.334(4), with treatment specific to the  
91 needs of veterans. The coordinated strategy may include a  
92 protocol of sanctions that may be imposed upon the participant  
93 for noncompliance with program rules. The protocol of sanctions  
94 may include, but is not limited to, placement in a treatment  
95 program offered by a licensed service provider or in a jail-  
96 based treatment program or serving a period of incarceration  
97 within the time limits established for contempt of court. The  
98 coordinated strategy must be provided in writing to the  
99 participant before the participant agrees to enter into a  
100 pretrial veterans' treatment intervention program or other  
101 pretrial intervention program. Any person whose charges are



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102 dismissed after successful completion of the pretrial veterans'  
103 treatment intervention program, if otherwise eligible, may have  
104 his or her arrest record and plea of nolo contendere to the  
105 dismissed charges expunged under s. 943.0585.

106 (c) At the end of the pretrial intervention period, the  
107 court shall consider the recommendation of the administrator  
108 pursuant to subsection (5) and the recommendation of the state  
109 attorney as to disposition of the pending charges. The court  
110 shall determine, by written finding, whether the defendant has  
111 successfully completed the pretrial intervention program. If the  
112 court finds that the defendant has not successfully completed  
113 the pretrial intervention program, the court may order the  
114 person to continue in education and treatment, which may include  
115 treatment programs offered by licensed service providers or  
116 jail-based treatment programs, or order that the charges revert  
117 to normal channels for prosecution. The court shall dismiss the  
118 charges upon a finding that the defendant has successfully  
119 completed the pretrial intervention program.

120 Section 4. Section 948.16, Florida Statutes, is amended to  
121 read:

122 948.16 Misdemeanor pretrial substance abuse education and  
123 treatment intervention program; misdemeanor pretrial veterans'  
124 treatment intervention program.—

125 (1)(a) A person who is charged with a misdemeanor for  
126 possession of a controlled substance or drug paraphernalia under  
127 chapter 893, and who has not previously been convicted of a  
128 felony nor been admitted to a pretrial program, is eligible for  
129 voluntary admission into a misdemeanor pretrial substance abuse

Amendment No. 1

130 education and treatment intervention program, including a  
131 treatment-based drug court program established pursuant to s.  
132 397.334, approved by the chief judge of the circuit, for a  
133 period based on the program requirements and the treatment plan  
134 for the offender, upon motion of either party or the court's own  
135 motion, except, if the state attorney believes the facts and  
136 circumstances of the case suggest the defendant is involved in  
137 dealing and selling controlled substances, the court shall hold  
138 a preadmission hearing. If the state attorney establishes, by a  
139 preponderance of the evidence at such hearing, that the  
140 defendant was involved in dealing or selling controlled  
141 substances, the court shall deny the defendant's admission into  
142 the pretrial intervention program.

143 (b) While enrolled in a pretrial intervention program  
144 authorized by this section, the participant is subject to a  
145 coordinated strategy developed by a drug court team under s.  
146 397.334(4). The coordinated strategy may include a protocol of  
147 sanctions that may be imposed upon the participant for  
148 noncompliance with program rules. The protocol of sanctions may  
149 include, but is not limited to, placement in a substance abuse  
150 treatment program offered by a licensed service provider as  
151 defined in s. 397.311 or in a jail-based treatment program or  
152 serving a period of incarceration within the time limits  
153 established for contempt of court. The coordinated strategy must  
154 be provided in writing to the participant before the participant  
155 agrees to enter into a pretrial treatment-based drug court  
156 program or other pretrial intervention program. Any person whose  
157 charges are dismissed after successful completion of the

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158 treatment-based drug court program, if otherwise eligible, may  
159 have his or her arrest record and plea of nolo contendere to the  
160 dismissed charges expunged under s. 943.0585.

161 (2) (a) A member or former member of the military forces of  
162 the United States who served in a combat theater and who suffers  
163 from posttraumatic stress disorder, traumatic brain injury,  
164 substance use disorder, or psychological problems as a result of  
165 that service who is charged with a misdemeanor is eligible for  
166 voluntary admission into a misdemeanor pretrial veterans'  
167 treatment intervention program approved by the chief judge of  
168 the circuit, for a period based on the program requirements and  
169 the treatment plan for the offender, upon motion of either party  
170 or the court's own motion. However, the court may deny the  
171 defendant admission into a misdemeanor pretrial veterans'  
172 treatment intervention program if the defendant has previously  
173 entered a court-ordered veterans' treatment program.

174 (b) While enrolled in a pretrial intervention program  
175 authorized by this section, the participant is subject to a  
176 coordinated strategy developed by a veterans' treatment  
177 intervention team. The coordinated strategy should be modeled  
178 after the therapeutic jurisprudence principles and key  
179 components in s. 397.334(4), with treatment specific to the  
180 needs of veterans. The coordinated strategy may include a  
181 protocol of sanctions that may be imposed upon the participant  
182 for noncompliance with program rules. The protocol of sanctions  
183 may include, but is not limited to, placement in a treatment  
184 program offered by a licensed service provider or in a jail-  
185 based treatment program or serving a period of incarceration

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186 within the time limits established for contempt of court. The  
187 coordinated strategy must be provided in writing to the  
188 participant before the participant agrees to enter into a  
189 misdemeanor pretrial veterans' treatment intervention program or  
190 other pretrial intervention program. Any person whose charges  
191 are dismissed after successful completion of the misdemeanor  
192 pretrial veterans' treatment intervention program, if otherwise  
193 eligible, may have his or her arrest record and plea of nolo  
194 contendere to the dismissed charges expunged under s. 943.0585.

195 ~~(3)~~(2) At the end of the pretrial intervention period, the  
196 court shall consider the recommendation of the treatment program  
197 and the recommendation of the state attorney as to disposition  
198 of the pending charges. The court shall determine, by written  
199 finding, whether the defendant successfully completed the  
200 pretrial intervention program. Notwithstanding the coordinated  
201 strategy developed by a drug court team pursuant to s.  
202 397.334(4) or by the veterans' treatment intervention team, if  
203 the court finds that the defendant has not successfully  
204 completed the pretrial intervention program, the court may order  
205 the person to continue in education and treatment or return the  
206 charges to the criminal docket for prosecution. The court shall  
207 dismiss the charges upon finding that the defendant has  
208 successfully completed the pretrial intervention program.

209 ~~(4)~~(3) Any public or private entity providing a pretrial  
210 substance abuse education and treatment program under this  
211 section shall contract with the county or appropriate  
212 governmental entity. The terms of the contract shall include,  
213 but not be limited to, the requirements established for private

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214 entities under s. 948.15(3). This requirement does not apply to  
215 services provided by the Department of Veterans' Affairs or the  
216 United States Department of Veterans Affairs.

217 Section 5. This act shall take effect July 1, 2011.

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

221  
222 Remove the entire title and insert:

223 An act relating to military veterans convicted of criminal  
224 offenses; providing a short title; creating s. 921.00242, F.S.;  
225 providing that persons found to have committed criminal offenses  
226 who allege that the offenses resulted from posttraumatic stress  
227 disorder, traumatic brain injury, substance use disorder, or  
228 psychological problems stemming from service in a combat theater  
229 in the United States military may have a hearing on that issue  
230 before sentencing; providing that defendants found to have  
231 committed offenses due to such causes and who are eligible for  
232 probation or community control may be placed in treatment  
233 programs in certain circumstances; providing for sentence credit  
234 for defendants placed in treatment who would have otherwise been  
235 incarcerated; providing a preference for treatment programs that  
236 have histories of successfully treating such combat veterans;  
237 amending s. 948.08, F.S.; creating a pretrial veterans'  
238 treatment intervention program; providing requirements for a  
239 defendant to be voluntarily admitted to the pretrial program;  
240 providing certain exceptions to such admission; providing for  
241 the disposition of pending charges following a defendant's

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 17 (2011)

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242 completion of the pretrial intervention program; providing for  
243 the charges to be expunged under certain circumstances; amending  
244 s. 948.16, F.S.; creating a misdemeanor pretrial veterans'  
245 treatment intervention program; providing requirements for  
246 voluntary admission to the misdemeanor pretrial program;  
247 providing for the misdemeanor charges to be expunged under  
248 certain circumstances; exempting treatment services provided by  
249 the Department of Veterans' Affairs or the United States  
250 Department of Veterans Affairs from certain contract  
251 requirements; providing an effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

CS/HB 125 : Animal Cruelty

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 Jullen	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:

Ferguson, Diana (Lobbyist) - Waive In Support  
Attorney, Florida Animal Control Association  
119 South Monroe  
Tallahassee FL 32301  
Phone: (850)681-6788

Hobgood, Jennifer (General Public) - Waive In Support  
State Director, The Humane Society of the United States  
1624 Metropolitan Circle Suite B  
Tallahassee FL 302308  
Phone: (850)386-3435

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

HB 369 : Faith- and Character-Based Correctional Institution Programs

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: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

Lukis, Vicki (Lobbyist) - Proponent  
Governor Bush's Ex-Offender Task Force  
836 Madrid St.  
Coral Gables FL 33134  
Phone: (305)216-7794

Dillinger, Bob (State Employee) - Waive In Support  
Public Defender, 6th Circuit  
14250 49 St North  
Clearwater FL 33762  
Phone: (727)464-6865

Martin, Henree (General Public) - Proponent  
5027 Centennial Oak Circle  
Tallahassee FL 32308  
Phone: (850)878-2225

Coats, Jim (General Public) - Waive In Support  
Sheriff, Florida Sheriff's Association  
P.O. Box 2500  
Largo FL 33779  
Phone: (727)420-7280

Pitts, Brian (General Public) - Proponent  
Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727)897-9291

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 369 (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	_____	

FAV  
3/29/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Rouson offered the following:

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**Amendment**

Between lines 20 and 21, insert:

(2) It is the intent of the Legislature that the department expand the faith- and character-based initiative through the use of faith- and character-based institutions. The department is encouraged to phase out the faith-based and self improvement dormitory programs and move toward the goal of only implementing faith- and character-based institutions.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

HB 821 : Eyewitness Identification

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 Jullen	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:

Brown, Rebecca (Lobbyist) - Proponent  
Senior Policy Advocate for State Affairs, Innocence Project  
40 Worth St, Suite 701  
New York NY 10013  
Phone: (917)539-4624

Bilbao, Ron (Lobbyist) - Proponent  
Legislative Associate, American Civil Liberties Union of Florida  
4500 Biscayne Blvd, Suite 340  
Miami Florida 33137  
Phone: (919)923-7288

Greenberg, Jennifer (General Public) - Proponent  
Executive Director, Florida Capital Resource Center  
1109 Spottswood Drive  
Tallahassee FL 32308  
Phone: (850)443-3240

Montle, Melissa (General Public) - Information Only  
Attorney, Innocence Project of Florida  
1100 E. Park Avenue  
Tallahassee FL 32301  
Phone: (850)561-6767

Daniels, Nancy (General Public) - Information Only  
Public Defender

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# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

**Location:** 404 HOB

King, Brad (State Employee) - Opponent  
State Attorney 5th Circuit  
110 NW 1st Ave. Suite 5000  
Ocala FL 34480  
Phone: (352)671-5914

McAuliffe, Michael (State Employee) - Opponent  
State Attorney, FPDA and State Attorneys  
901 N. Dixie  
West Palm Beach FL 33401  
Phone: (561)355-7297

Turner, George (General Public) - Opponent  
Chief, Florida Police Chiefs Association  
Brooksville FL 34601

Cameron, Bill (General Public) - Opponent  
Sheriff, Florida Sheriff's Association

Bustle, Electra (Lobbyist) - Opponent  
Palm Beach County Sheriffs Office  
Phone: (850)528-9232

Pitts, Brian (General Public) - Information Only  
Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727)897-9291

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

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 \_\_\_\_\_

FAV  
 3/29/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Thurston offered the following:  
 4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Eyewitness identification.

8 (1) SHORT TITLE.—This section may be cited as the  
 9 "Eyewitness Identification Reform Act."

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

11 (a) "Eyewitness" means a person whose identification by  
 12 sight of another person may be relevant in a criminal  
 13 proceeding.

14 (b) "Filler" means a person or a photograph of a person  
 15 who is not suspected of an offense but is included in a lineup.

16 (c) "Independent administrator" means a person who is not  
 17 participating in the investigation of a criminal offense and is  
 18 unaware of which person in the lineup is the suspect.

19 (d) "Lineup" means a photo lineup or live lineup.

Amendment No. 1

20 (e) "Lineup administrator" means the person who conducts a  
21 lineup.

22 (f) "Live lineup" means a procedure in which a group of  
23 people is displayed to an eyewitness for the purpose of  
24 determining if the eyewitness is able to identify the  
25 perpetrator of a crime.

26 (g) "Photo lineup" means a procedure in which an array of  
27 photographs is displayed to an eyewitness for the purpose of  
28 determining if the eyewitness is able to identify the  
29 perpetrator of a crime.

30 (3) EYEWITNESS IDENTIFICATION PROCEDURES.--Lineups  
31 conducted in this state by state, county, municipal, and other  
32 law enforcement agencies must meet all of the following  
33 requirements:

34 (a) A lineup must be conducted by an independent  
35 administrator.

36 (b) Before a lineup, the eyewitness shall be instructed  
37 that:

38 1. The perpetrator might or might not be in the lineup;  
39 2. The lineup administrator does not know the suspect's  
40 identity;

41 3. The eyewitness should not feel compelled to make an  
42 identification;

43 4. It is as important to exclude innocent persons as it is  
44 to identify the perpetrator; and

45 5. The investigation will continue with or without an  
46 identification.

47

Amendment No. 1

48 The eyewitness shall acknowledge, in writing, having received a  
49 copy of the lineup instructions. If the eyewitness refuses to  
50 sign a document acknowledging receipt of the instructions, the  
51 lineup administrator shall document the refusal of the  
52 eyewitness to sign the writing and then sign the acknowledgement  
53 himself or herself.

54 (4) REMEDIES.—All of the following remedies are available  
55 as consequence of a person not complying with the requirements  
56 of this section:

57 (a)1. A failure on the part of a person to comply with any  
58 requirement of this section shall be considered by the court  
59 when adjudicating motions to suppress eyewitness identification.

60 2. A failure on the part of a person to comply with any  
61 requirement of this section is admissible in support of claims  
62 of eyewitness misidentification, as long as such evidence is  
63 otherwise admissible.

64 (b) When evidence of compliance or noncompliance with the  
65 requirements of this section has been presented at trial, the  
66 jury shall be instructed that it may consider credible evidence  
67 of compliance or noncompliance to determine the reliability of  
68 eyewitness identifications.

69 (5) EDUCATION AND TRAINING.—The Criminal Justice Standards  
70 and Training Commission, in consultation with the Department of  
71 Law Enforcement, shall create educational materials and conduct  
72 training programs on how to conduct lineups in compliance with  
73 this section.

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

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Amendment No. 1

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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled  
An act relating to eyewitness identification;  
providing a short title; defining terms; requiring  
state, county, municipal, and other law enforcement  
agencies that conduct lineups to follow certain  
specified procedures; requiring the eyewitness to sign  
an acknowledgement that he or she received the  
instructions about the lineup procedures from the law  
enforcement agency; specifying remedies for failing to  
adhere to the eyewitness identification procedures;  
requiring the Criminal Justice Standards and Training  
Commission to create educational materials and conduct  
training programs on how to conduct lineups in  
compliance with the act; providing an effective date.

Amendment No. 1a

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	_____	

FAV  
3/29/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative(s) Baxley offered the following:

4  
5  
6  
7  
8  
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18

**Amendment to Amendment (1) by Representative Thurston**

Remove lines 34-35 and insert:

(a) A lineup must be conducted by an independent administrator. In lieu of using an independent administrator, a photo lineup eyewitness identification procedure may be conducted using an alternative method specified and approved by the Criminal Justice Standards and Training Commission. Any alternative method must be carefully structured to achieve neutral administration and to prevent the administrator from knowing which photograph is being presented to the eyewitness during the identification procedure. Alternative methods may include any of the following:

1. Automated computer programs that can automatically administer the photo lineup directly to an eyewitness and



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19 prevent the lineup administrator from seeing which photo the  
20 witness is viewing until after the procedure is completed.

21 2. A procedure in which photographs are placed in folders,  
22 randomly numbered, and shuffled and then presented to an  
23 eyewitness such that the administrator cannot see or track which  
24 photograph is being presented to the witness until after the  
25 procedure is completed.

26 3. Any other procedures that achieve neutral  
27 administration.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

HB 1277 : Sexual Offenders and Predators

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: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

Pitts, Brian (General Public) - Proponent  
Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727)897-9291

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

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 \_\_\_\_\_

FAV  
 3/29/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Glorioso offered the following:  
 4

5 **Amendment (with title amendment)**

6 Remove lines 73-986 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

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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.

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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.

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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

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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 s. 943.0435(3) and (4)  
121 must also report any change of the predator's residence or  
122 change in the predator's name by reason of marriage or other  
123 legal process within 48 hours after the change to the sheriff's  
124 office in the county where the predator resides or is located  
125 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

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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



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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

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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.

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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.

241 2. If the sexual predator is enrolled, employed, or  
242 carrying on a vocation at an institution of higher education in  
243 this state, the sexual predator shall also provide to the

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244 department the name, address, and county of each institution,  
245 including each campus attended, and the sexual predator's  
246 enrollment or employment status.

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

260 (10) PENALTIES.—

261 (a) Except as otherwise specifically provided, a sexual  
262 predator who fails to register; who fails, after registration,  
263 to maintain, acquire, or renew a driver's license or  
264 identification card; who fails to provide required location  
265 information, electronic mail address information, Internet  
266 identifier ~~instant message name~~ information, all home telephone  
267 numbers ~~number~~ and ~~any~~ cellular telephone numbers ~~number~~, or  
268 change-of-name information; who fails to make a required report  
269 in connection with vacating a permanent residence; who fails to  
270 reregister as required; who fails to respond to any address  
271 verification correspondence from the department within 3 weeks

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272 of the date of the correspondence; or who otherwise fails, by  
273 act or omission, to comply with the requirements of this  
274 section, commits a felony of the third degree, punishable as  
275 provided in s. 775.082, s. 775.083, or s. 775.084.

276 Section 2. Paragraphs (a) and (g) of subsection (1),  
277 subsection (2), paragraphs (a) and (d) of subsection (4),  
278 subsections (7) and (8), and paragraph (c) of subsection (14) of  
279 section 943.0435, Florida Statutes, are amended to read:

280 943.0435 Sexual offenders required to register with the  
281 department; penalty.—

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

283 (a)1. "Sexual offender" means a person who meets the  
284 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
285 subparagraph c., ~~or~~ sub-subparagraph d., or sub-subparagraph e.,  
286 as follows:

287 a.(I) Has been convicted of committing, or attempting,  
288 soliciting, or conspiring to commit, any of the criminal  
289 offenses proscribed in the following statutes in this state or  
290 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
291 or s. 787.025(2)(c), where the victim is a minor and the  
292 defendant is not the victim's parent or guardian; s. 794.011,  
293 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
294 800.04; s. 825.1025; s. 826.04 where the victim is a minor and  
295 the defendant is 18 years of age or older; s. 827.071; s.  
296 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
297 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense  
298 committed in this state which has been redesignated from a  
299 former statute number to one of those listed in this sub-sub-

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300 subparagraph; and

301 (II) Has been released on or after October 1, 1997, from  
302 the sanction imposed for any conviction of an offense described  
303 in sub-sub-subparagraph (I). For purposes of sub-sub-  
304 subparagraph (I), a sanction imposed in this state or in any  
305 other jurisdiction includes, but is not limited to, a fine,  
306 probation, community control, parole, conditional release,  
307 control release, or incarceration in a state prison, federal  
308 prison, private correctional facility, or local detention  
309 facility;

310 b. Establishes or maintains a residence in this state and  
311 who has not been designated as a sexual predator by a court of  
312 this state but who has been designated as a sexual predator, as  
313 a sexually violent predator, or by another sexual offender  
314 designation in another state or jurisdiction and was, as a  
315 result of such designation, subjected to registration or  
316 community or public notification, or both, or would be if the  
317 person were a resident of that state or jurisdiction, without  
318 regard to whether the person otherwise meets the criteria for  
319 registration as a sexual offender;

320 c. Establishes or maintains a residence in this state who  
321 is in the custody or control of, or under the supervision of,  
322 any other state or jurisdiction as a result of a conviction for  
323 committing, or attempting, soliciting, or conspiring to commit,  
324 any of the criminal offenses proscribed in the following  
325 statutes or similar offense in another jurisdiction: s. 787.01,  
326 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
327 the defendant is not the victim's parent or guardian; s.

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328 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
329 796.035; s. 800.04; s. 825.1025; s. 826.04 where the victim is a  
330 minor and the defendant is 18 years of age or older; s. 827.071;  
331 s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137;  
332 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
333 offense committed in this state which has been redesignated from  
334 a former statute number to one of those listed in this sub-  
335 subparagraph; or

336 d. On or after July 1, 2007, has been adjudicated  
337 delinquent for committing, or attempting, soliciting, or  
338 conspiring to commit, any of the criminal offenses proscribed in  
339 the following statutes in this state or similar offenses in  
340 another jurisdiction when the juvenile was 14 years of age or  
341 older at the time of the offense:

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

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

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

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

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

353

354 For each violation of a qualifying offense listed in this  
355 subsection, the court shall make a written finding of the age of

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356 the victim at the time of the offense. For a violation of s.  
357 800.04(4), the court shall additionally make a written finding  
358 indicating that the offense did or did not involve sexual  
359 activity and indicating that the offense did or did not involve  
360 force or coercion. For a violation of s. 800.04(5), the court  
361 shall additionally make a written finding that the offense did  
362 or did not involve unclothed genitals or genital area and that  
363 the offense did or did not involve the use of force or coercion.

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

368 (2) A sexual offender shall:

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

370 1. In the county in which the offender establishes or  
371 maintains a permanent, temporary, or transient residence within  
372 48 hours after:

373 a. Establishing permanent, temporary, or transient  
374 residence in this state; or

375 b. Being released from the custody, control, or  
376 supervision of the Department of Corrections or from the custody  
377 of a private correctional facility; or

378 2. In the county where he or she was convicted within 48  
379 hours after being convicted for a qualifying offense for  
380 registration under this section if the offender is not in the  
381 custody or control of, or under the supervision of, the  
382 Department of Corrections, or is not in the custody of a private  
383 correctional facility.



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384

385 Any change in the information required to be provided pursuant  
386 to paragraph (b), including, but not limited to, any change in  
387 the sexual offender's permanent, temporary, or transient  
388 residence, name, all any electronic mail addresses ~~address~~ and  
389 all Internet identifiers ~~any instant message name~~ required to be  
390 provided pursuant to paragraph (4)(d), after the sexual offender  
391 reports in person at the sheriff's office, shall be accomplished  
392 in the manner provided in subsections (4), (7), and (8).

393

(b) Provide his or her name; date of birth; social  
394 security number; race; sex; height; weight; hair and eye color;  
395 tattoos or other identifying marks; occupation and place of  
396 employment; address of permanent or legal residence or address  
397 of any current temporary residence, within the state or out of  
398 state, including a rural route address and a post office box; if  
399 no permanent or temporary address, any transient residence  
400 within the state, address, location or description, and dates of  
401 any current or known future temporary residence within the state  
402 or out of state; all home telephone numbers ~~number~~ and ~~any~~  
403 cellular telephone numbers ~~number~~; all any electronic mail  
404 addresses ~~address~~ and all Internet identifiers ~~any instant~~  
405 ~~message name~~ required to be provided pursuant to paragraph  
406 (4)(d); date and place of each conviction; and a brief  
407 description of the crime or crimes committed by the offender. A  
408 post office box shall not be provided in lieu of a physical  
409 residential address. The sexual offender must also produce or  
410 provide information about his or her passport, if he or she has  
411 a passport, and, if he or she is an alien, must produce or

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412 | provide information about documents establishing his or her  
413 | immigration status.

414 |         1. If the sexual offender's place of residence is a motor  
415 | vehicle, trailer, mobile home, or manufactured home, as defined  
416 | in chapter 320, the sexual offender shall also provide to the  
417 | department through the sheriff's office written notice of the  
418 | vehicle identification number; the license tag number; the  
419 | registration number; and a description, including color scheme,  
420 | of the motor vehicle, trailer, mobile home, or manufactured  
421 | home. If the sexual offender's place of residence is a vessel,  
422 | live-aboard vessel, or houseboat, as defined in chapter 327, the  
423 | sexual offender shall also provide to the department written  
424 | notice of the hull identification number; the manufacturer's  
425 | serial number; the name of the vessel, live-aboard vessel, or  
426 | houseboat; the registration number; and a description, including  
427 | color scheme, of the vessel, live-aboard vessel, or houseboat.

428 |         2. If the sexual offender is enrolled, employed, or  
429 | carrying on a vocation at an institution of higher education in  
430 | this state, the sexual offender shall also provide to the  
431 | department through the sheriff's office the name, address, and  
432 | county of each institution, including each campus attended, and  
433 | the sexual offender's enrollment or employment status. Each  
434 | change in enrollment or employment status shall be reported in  
435 | person at the sheriff's office, within 48 hours after any change  
436 | in status. The sheriff shall promptly notify each institution of  
437 | the sexual offender's presence and any change in the sexual  
438 | offender's enrollment or employment status.

439 |

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440 When a sexual offender reports at the sheriff's office, the  
441 sheriff shall take a photograph and a set of fingerprints of the  
442 offender and forward the photographs and fingerprints to the  
443 department, along with the information provided by the sexual  
444 offender. The sheriff shall promptly provide to the department  
445 the information received from the sexual offender.

446 (4) (a) Each time a sexual offender's driver's license or  
447 identification card is subject to renewal, and, without regard  
448 to the status of the offender's driver's license or  
449 identification card, within 48 hours after any change in the  
450 offender's permanent, temporary, or transient residence or  
451 change in the offender's name by reason of marriage or other  
452 legal process, the offender shall report in person to a driver's  
453 license office, and shall be subject to the requirements  
454 specified in subsection (3). The Department of Highway Safety  
455 and Motor Vehicles shall forward to the department all  
456 photographs and information provided by sexual offenders.

457 Notwithstanding the restrictions set forth in s. 322.142, the  
458 Department of Highway Safety and Motor Vehicles is authorized to  
459 release a reproduction of a color-photograph or digital-image  
460 license to the Department of Law Enforcement for purposes of  
461 public notification of sexual offenders as provided in this  
462 section and ss. 943.043 and 944.606. A sexual offender who is  
463 unable to secure or update a driver's license or identification  
464 card with the Department of Highway Safety and Motor Vehicles as  
465 provided in subsection (3) and this subsection must also report  
466 any change in the sexual offender's permanent, temporary, or  
467 transient residence or change in the offender's name by reason

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468 of marriage or other legal process within 48 hours after the  
469 change to the sheriff's office in the county where the offender  
470 resides or is located and provide confirmation that he or she  
471 reported such information to Department of Highway Safety and  
472 Motor Vehicles.

473 (d) A sexual offender must register all ~~any~~ electronic  
474 mail addresses and Internet identifiers ~~address or instant~~  
475 ~~message name~~ with the department prior to using such electronic  
476 mail addresses and Internet identifiers ~~address or instant~~  
477 ~~message name on or after October 1, 2007~~. The department shall  
478 establish an online system through which sexual offenders may  
479 securely access and update all electronic mail address and  
480 Internet identifier ~~instant message name~~ information.

481 (7) A sexual offender who intends to establish a  
482 permanent, temporary, or transient residence in another state or  
483 jurisdiction other than the State of Florida shall report in  
484 person to the sheriff of the county of current residence within  
485 48 hours before the date he or she intends to leave this state  
486 to establish residence in another state or jurisdiction or  
487 within 21 days before his or her planned departure date if the  
488 intended residence of 7 days or more is outside of the United  
489 States. The notification must include the address, municipality,  
490 county, ~~and state,~~ and country of intended residence. The  
491 sheriff shall promptly provide to the department the information  
492 received from the sexual offender. The department shall notify  
493 the statewide law enforcement agency, or a comparable agency, in  
494 the intended state, ~~or jurisdiction,~~ or country of residence of  
495 the sexual offender's intended residence. The failure of a

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496 sexual offender to provide his or her intended place of  
497 residence is punishable as provided in subsection (9).

498 (8) A sexual offender who indicates his or her intent to  
499 establish a permanent, temporary, or transient residence in  
500 another state, a ~~or~~ jurisdiction other than the State of  
501 Florida, or another country and later decides to remain in this  
502 state shall, within 48 hours after the date upon which the  
503 sexual offender indicated he or she would leave this state,  
504 report in person to the sheriff to which the sexual offender  
505 reported the intended change of permanent, temporary, or  
506 transient residence, and report his or her intent to remain in  
507 this state. The sheriff shall promptly report this information  
508 to the department. A sexual offender who reports his or her  
509 intent to establish a permanent, temporary, or transient  
510 residence in another state, a ~~or~~ jurisdiction other than the  
511 State of Florida, or another country but who remains in this  
512 state without reporting to the sheriff in the manner required by  
513 this subsection commits a felony of the second degree,  
514 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

515 (14)

516 (c) The sheriff's office may determine the appropriate  
517 times and days for reporting by the sexual offender, which shall  
518 be consistent with the reporting requirements of this  
519 subsection. Reregistration shall include any changes to the  
520 following information:

521 1. Name; social security number; age; race; sex; date of  
522 birth; height; weight; hair and eye color; address of any  
523 permanent residence and address of any current temporary

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524 residence, within the state or out of state, including a rural  
525 route address and a post office box; if no permanent or  
526 temporary address, any transient residence within the state;  
527 address, location or description, and dates of any current or  
528 known future temporary residence within the state or out of  
529 state; all any electronic mail addresses ~~address~~ and all  
530 Internet identifiers ~~any instant message name~~ required to be  
531 provided pursuant to paragraph (4)(d); all home telephone  
532 numbers ~~number~~ and all any cellular telephone numbers ~~number~~;  
533 date and place of any employment; vehicle make, model, color,  
534 and license tag number; fingerprints; and photograph. A post  
535 office box shall not be provided in lieu of a physical  
536 residential address.

537 2. If the sexual offender is enrolled, employed, or  
538 carrying on a vocation at an institution of higher education in  
539 this state, the sexual offender shall also provide to the  
540 department the name, address, and county of each institution,  
541 including each campus attended, and the sexual offender's  
542 enrollment or employment status.

543 3. If the sexual offender's place of residence is a motor  
544 vehicle, trailer, mobile home, or manufactured home, as defined  
545 in chapter 320, the sexual offender shall also provide the  
546 vehicle identification number; the license tag number; the  
547 registration number; and a description, including color scheme,  
548 of the motor vehicle, trailer, mobile home, or manufactured  
549 home. If the sexual offender's place of residence is a vessel,  
550 live-aboard vessel, or houseboat, as defined in chapter 327, the  
551 sexual offender shall also provide the hull identification

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552 number; the manufacturer's serial number; the name of the  
553 vessel, live-aboard vessel, or houseboat; the registration  
554 number; and a description, including color scheme, of the  
555 vessel, live-aboard vessel or houseboat.

556 4. Any sexual offender who fails to report in person as  
557 required at the sheriff's office, or who fails to respond to any  
558 address verification correspondence from the department within 3  
559 weeks of the date of the correspondence or who fails to report  
560 all electronic mail addresses and all Internet identifiers ~~or~~  
561 ~~instant message names~~, commits a felony of the third degree,  
562 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

563 Section 3. Section 943.04351, Florida Statutes, is amended  
564 to read:

565 943.04351 Search of registration information regarding  
566 sexual predators and sexual offenders required prior to  
567 appointment or employment.—A state agency or governmental  
568 subdivision, prior to making any decision to appoint or employ a  
569 person to work, whether for compensation or as a volunteer, at  
570 any park, playground, day care center, or other place where  
571 children regularly congregate, must conduct a search of that  
572 person's name or other identifying information against the  
573 registration information regarding sexual predators and sexual  
574 offenders maintained by the Department of Law Enforcement under  
575 s. 943.043. The agency or governmental subdivision may conduct  
576 the search using the Internet site maintained by the Department  
577 of Law Enforcement. Also, a national search must be conducted  
578 through the Dru Sjodin National Sex Offender Public Website  
579 maintained by the United States Department of Justice. This

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580 section does not apply to those positions or appointments within  
581 a state agency or governmental subdivision for which a state and  
582 national criminal history background check is conducted.

583 Section 4. Subsection (1) of section 943.04354, Florida  
584 Statutes, is amended to read:

585 943.04354 Removal of the requirement to register as a  
586 sexual offender or sexual predator in special circumstances.—

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

590 (a) Was or will be convicted or adjudicated delinquent of  
591 a violation of s. 794.011, s. 800.04, s. 827.071, or s.  
592 847.0135(5) or the person committed a violation of s. 794.011,  
593 s. 800.04, s. 827.071, or s. 847.0135(5) for which adjudication  
594 of guilt was or will be withheld, and the person does not have  
595 any other conviction, adjudication of delinquency, or withhold  
596 of adjudication of guilt for a violation of s. 794.011, s.  
597 800.04, s. 827.071, or s. 847.0135(5);

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

600 (c) Is not more than 4 years older than the victim of this  
601 violation who was 13 ~~14~~ years of age or older but not more than  
602 18 ~~17~~ years of age at the time the person committed this  
603 violation.

604 Section 5. Subsection (2) and paragraph (a) of subsection  
605 (3) of section 943.0437, Florida Statutes, are amended to read:

606 943.0437 Commercial social networking websites.—

607 (2) The department may provide information relating to



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608 electronic mail addresses and Internet identifiers ~~instant~~  
609 ~~message names~~ maintained as part of the sexual offender registry  
610 to commercial social networking websites or third parties  
611 designated by commercial social networking websites. The  
612 commercial social networking website may use this information  
613 for the purpose of comparing registered users and screening  
614 potential users of the commercial social networking website  
615 against the list of electronic mail addresses and Internet  
616 identifiers ~~instant message names~~ provided by the department.

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

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

623 Section 6. Paragraphs (b) and (d) of subsection (1) and  
624 paragraph (a) of subsection (3) of section 944.606, Florida  
625 Statutes, are amended to read:

626 944.606 Sexual offenders; notification upon release.—

627 (1) As used in this section:

628 (b) "Sexual offender" means a person who has been  
629 convicted of committing, or attempting, soliciting, or  
630 conspiring to commit, any of the criminal offenses proscribed in  
631 the following statutes in this state or similar offenses in  
632 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
633 where the victim is a minor and the defendant is not the  
634 victim's parent or guardian; s. 794.011, excluding s.  
635 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.

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636 825.1025; s. 826.04 where the victim is a minor and the  
637 defendant is 18 years of age or older; s. 827.071; s. 847.0133;  
638 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;  
639 s. 847.0145; or s. 985.701(1); or any similar offense committed  
640 in this state which has been redesignated from a former statute  
641 number to one of those listed in this subsection, when the  
642 department has received verified information regarding such  
643 conviction; an offender's computerized criminal history record  
644 is not, in and of itself, verified information.

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

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

652 1. The department must provide: the sexual offender's  
653 name, any change in the offender's name by reason of marriage or  
654 other legal process, and any alias, if known; the correctional  
655 facility from which the sexual offender is released; the sexual  
656 offender's social security number, race, sex, date of birth,  
657 height, weight, and hair and eye color; address of any planned  
658 permanent residence or temporary residence, within the state or  
659 out of state, including a rural route address and a post office  
660 box; if no permanent or temporary address, any transient  
661 residence within the state; address, location or description,  
662 and dates of any known future temporary residence within the  
663 state or out of state; date and county of sentence and each

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664 crime for which the offender was sentenced; a copy of the  
665 offender's fingerprints and a digitized photograph taken within  
666 60 days before release; the date of release of the sexual  
667 offender; all any electronic mail addresses address and all  
668 Internet identifiers any instant message name required to be  
669 provided pursuant to s. 943.0435(4)(d); all and home telephone  
670 numbers number and any cellular telephone numbers; and passport  
671 information, if he or she has a passport, and, if he or she is  
672 an alien, information about documents establishing his or her  
673 immigration status number. The department shall notify the  
674 Department of Law Enforcement if the sexual offender escapes,  
675 absconds, or dies. If the sexual offender is in the custody of a  
676 private correctional facility, the facility shall take the  
677 digitized photograph of the sexual offender within 60 days  
678 before the sexual offender's release and provide this photograph  
679 to the Department of Corrections and also place it in the sexual  
680 offender's file. If the sexual offender is in the custody of a  
681 local jail, the custodian of the local jail shall register the  
682 offender within 3 business days after intake of the offender for  
683 any reason and upon release, and shall notify the Department of  
684 Law Enforcement of the sexual offender's release and provide to  
685 the Department of Law Enforcement the information specified in  
686 this paragraph and any information specified in subparagraph 2.  
687 that the Department of Law Enforcement requests.

688 2. The department may provide any other information deemed  
689 necessary, including criminal and corrections records,  
690 nonprivileged personnel and treatment records, when available.

691 Section 7. Paragraphs (a) and (f) of subsection (1),

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692 paragraph (a) of subsection (4), and paragraph (c) of subsection  
693 (13) of section 944.607, Florida Statutes, are amended to read:

694 944.607 Notification to Department of Law Enforcement of  
695 information on sexual offenders.-

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

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

700 1. On or after October 1, 1997, as a result of a  
701 conviction for committing, or attempting, soliciting, or  
702 conspiring to commit, any of the criminal offenses proscribed in  
703 the following statutes in this state or similar offenses in  
704 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
705 where the victim is a minor and the defendant is not the  
706 victim's parent or guardian; s. 794.011, excluding s.  
707 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
708 825.1025; s. 826.04 where the victim is a minor and the  
709 defendant is 18 years of age or older; s. 827.071; s. 847.0133;  
710 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;  
711 s. 847.0145; or s. 985.701(1); or any similar offense committed  
712 in this state which has been redesignated from a former statute  
713 number to one of those listed in this paragraph; or

714 2. Who establishes or maintains a residence in this state  
715 and who has not been designated as a sexual predator by a court  
716 of this state but who has been designated as a sexual predator,  
717 as a sexually violent predator, or by another sexual offender  
718 designation in another state or jurisdiction and was, as a  
719 result of such designation, subjected to registration or

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720 community or public notification, or both, or would be if the  
721 person were a resident of that state or jurisdiction, without  
722 regard as to whether the person otherwise meets the criteria for  
723 registration as a sexual offender.

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

728 (4) A sexual offender, as described in this section, who  
729 is under the supervision of the Department of Corrections but is  
730 not incarcerated must register with the Department of  
731 Corrections within 3 business days after sentencing for a  
732 registrable offense and otherwise provide information as  
733 required by this subsection.

734 (a) The sexual offender shall provide his or her name;  
735 date of birth; social security number; race; sex; height;  
736 weight; hair and eye color; tattoos or other identifying marks;  
737 all any electronic mail addresses ~~address~~ and all Internet  
738 identifiers ~~any instant message name~~ required to be provided  
739 pursuant to s. 943.0435(4)(d); permanent or legal residence and  
740 address of temporary residence within the state or out of state  
741 while the sexual offender is under supervision in this state,  
742 including any rural route address or post office box; if no  
743 permanent or temporary address, any transient residence within  
744 the state; and address, location or description, and dates of  
745 any current or known future temporary residence within the state  
746 or out of state. The sexual offender must also produce or  
747 provide information about his or her passport, if he or she has

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748 a passport, and, if he or she is an alien, must produce or  
749 provide information about documents establishing his or her  
750 immigration status. The Department of Corrections shall verify  
751 the address of each sexual offender in the manner described in  
752 ss. 775.21 and 943.0435. The department shall report to the  
753 Department of Law Enforcement any failure by a sexual predator  
754 or sexual offender to comply with registration requirements.

755 (13)

756 (c) The sheriff's office may determine the appropriate  
757 times and days for reporting by the sexual offender, which shall  
758 be consistent with the reporting requirements of this  
759 subsection. Reregistration shall include any changes to the  
760 following information:

761 1. Name; social security number; age; race; sex; date of  
762 birth; height; weight; hair and eye color; address of any  
763 permanent residence and address of any current temporary  
764 residence, within the state or out of state, including a rural  
765 route address and a post office box; if no permanent or  
766 temporary address, any transient residence; address, location or  
767 description, and dates of any current or known future temporary  
768 residence within the state or out of state; all ~~any~~ electronic  
769 mail addresses ~~address~~ and all Internet identifiers ~~any instant~~  
770 ~~message name~~ required to be provided pursuant to s.

771 943.0435(4)(d); date and place of any employment; vehicle make,  
772 model, color, and license tag number; fingerprints; and  
773 photograph. A post office box shall not be provided in lieu of a  
774 physical residential address.

775 2. If the sexual offender is enrolled, employed, or

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776 carrying on a vocation at an institution of higher education in  
777 this state, the sexual offender shall also provide to the  
778 department the name, address, and county of each institution,  
779 including each campus attended, and the sexual offender's  
780 enrollment or employment status.

781 3. If the sexual offender's place of residence is a motor  
782 vehicle, trailer, mobile home, or manufactured home, as defined  
783 in chapter 320, the sexual offender shall also provide the  
784 vehicle identification number; the license tag number; the  
785 registration number; and a description, including color scheme,  
786 of the motor vehicle, trailer, mobile home, or manufactured  
787 home. If the sexual offender's place of residence is a vessel,  
788 live-aboard vessel, or houseboat, as defined in chapter 327, the  
789 sexual offender shall also provide the hull identification  
790 number; the manufacturer's serial number; the name of the  
791 vessel, live-aboard vessel, or houseboat; the registration  
792 number; and a description, including color scheme, of the  
793 vessel, live-aboard vessel or houseboat.

794 4. Any sexual offender who fails to report in person as  
795 required at the sheriff's office, or who fails to respond to any  
796 address verification correspondence from the department within 3  
797 weeks of the date of the correspondence, or who fails to report  
798 all electronic mail addresses and all Internet identifiers ~~or~~  
799 ~~instant message names~~, commits a felony of the third degree,  
800 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

801 Section 8. Paragraph (a) of subsection (3) of section  
802 985.481, Florida Statutes, is amended to read:

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803 985.481 Sexual offenders adjudicated delinquent;  
804 notification upon release.—

805 (3) (a) The department must provide information regarding  
806 any sexual offender who is being released after serving a period  
807 of residential commitment under the department for any offense,  
808 as follows:

809 1. The department must provide the sexual offender's name,  
810 any change in the offender's name by reason of marriage or other  
811 legal process, and any alias, if known; the correctional  
812 facility from which the sexual offender is released; the sexual  
813 offender's social security number, race, sex, date of birth,  
814 height, weight, and hair and eye color; address of any planned  
815 permanent residence or temporary residence, within the state or  
816 out of state, including a rural route address and a post office  
817 box; if no permanent or temporary address, any transient  
818 residence within the state; address, location or description,  
819 and dates of any known future temporary residence within the  
820 state or out of state; date and county of disposition and each  
821 crime for which there was a disposition; a copy of the  
822 offender's fingerprints and a digitized photograph taken within  
823 60 days before release; the date of release of the sexual  
824 offender; all and home telephone numbers number and any cellular  
825 telephone numbers; and passport information, if he or she has a  
826 passport, and, if he or she is an alien, information about  
827 documents establishing his or her immigration status number. The  
828 department shall notify the Department of Law Enforcement if the  
829 sexual offender escapes, absconds, or dies. If the sexual  
830 offender is in the custody of a private correctional facility,



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831 the facility shall take the digitized photograph of the sexual  
832 offender within 60 days before the sexual offender's release and  
833 also place it in the sexual offender's file. If the sexual  
834 offender is in the custody of a local jail, the custodian of the  
835 local jail shall register the offender within 3 business days  
836 after intake of the offender for any reason and upon release,  
837 and shall notify the Department of Law Enforcement of the sexual  
838 offender's release and provide to the Department of Law  
839 Enforcement the information specified in this subparagraph and  
840 any information specified in subparagraph 2. which the  
841 Department of Law Enforcement requests.

842 2. The department may provide any other information  
843 considered necessary, including criminal and delinquency  
844 records, when available.

845 Section 9. Paragraph (a) of subsection (4) and paragraph  
846 (b) of subsection (13) of section 985.4815, Florida Statutes,  
847 are amended to read:

848 985.4815 Notification to Department of Law Enforcement of  
849 information on juvenile sexual offenders.—

850 (4) A sexual offender, as described in this section, who  
851 is under the supervision of the department but who is not  
852 committed must register with the department within 3 business  
853 days after adjudication and disposition for a registrable  
854 offense and otherwise provide information as required by this  
855 subsection.

856 (a) The sexual offender shall provide his or her name;  
857 date of birth; social security number; race; sex; height;  
858 weight; hair and eye color; tattoos or other identifying marks;

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859 permanent or legal residence and address of temporary residence  
860 within the state or out of state while the sexual offender is in  
861 the care or custody or under the jurisdiction or supervision of  
862 the department in this state, including any rural route address  
863 or post office box; if no permanent or temporary address, any  
864 transient residence; address, location or description, and dates  
865 of any current or known future temporary residence within the  
866 state or out of state; passport information, if he or she has a  
867 passport, and, if he or she is an alien, information about  
868 documents establishing his or her immigration status; and the  
869 name and address of each school attended. The department shall  
870 verify the address of each sexual offender and shall report to  
871 the Department of Law Enforcement any failure by a sexual  
872 offender to comply with registration requirements.

873 (13)

874 (b) The sheriff's office may determine the appropriate  
875 times and days for reporting by the sexual offender, which shall  
876 be consistent with the reporting requirements of this  
877 subsection. Reregistration shall include any changes to the  
878 following information:

879 1. Name; social security number; age; race; sex; date of  
880 birth; height; weight; hair and eye color; address of any  
881 permanent residence and address of any current temporary  
882 residence, within the state or out of state, including a rural  
883 route address and a post office box; if no permanent or  
884 temporary address, any transient residence; address, location or  
885 description, and dates of any current or known future temporary  
886 residence within the state or out of state; passport

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887 information, if he or she has a passport, and, if he or she is  
888 an alien, information about documents establishing his or her  
889 immigration status; name and address of each school attended;  
890 date and place of any employment; vehicle make, model, color,  
891 and license tag number; fingerprints; and photograph. A post  
892 office box shall not be provided in lieu of a physical  
893 residential address.

894 2. If the sexual offender is enrolled, employed, or  
895 carrying on a vocation at an institution of higher education in  
896 this state, the sexual offender shall also provide to the  
897 department the name, address, and county of each institution,  
898 including each campus attended, and the sexual offender's  
899 enrollment or employment status.

900 3. If the sexual offender's place of residence is a motor  
901 vehicle, trailer, mobile home, or manufactured home, as defined  
902 in chapter 320, the sexual offender shall also provide the  
903 vehicle identification number; the license tag number; the  
904 registration number; and a description, including color scheme,  
905 of the motor vehicle, trailer, mobile home, or manufactured  
906 home. If the sexual offender's place of residence is a vessel,  
907 live-aboard vessel, or houseboat, as defined in chapter 327, the  
908 sexual offender shall also provide the hull identification  
909 number; the manufacturer's serial number; the name of the  
910 vessel, live-aboard vessel, or houseboat; the registration  
911 number; and a description, including color scheme, of the  
912 vessel, live-aboard vessel, or houseboat.

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

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915 address verification correspondence from the department within 3  
916 weeks after the date of the correspondence, commits a felony of  
917 the third degree, punishable as provided in ss. 775.082,  
918 775.083, and 775.084.

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**T I T L E   A M E N D M E N T**

922

Remove lines 3-62 and insert:

923

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

924

term "instant message name" with the definition of the term

925

"Internet identifier"; providing that voluntary disclosure

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of specified information waives a disclosure exemption for

927

such information; conforming provisions; requiring

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disclosure of passport and immigration status information;

929

requiring that a sexual predator who is unable to secure or

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update a driver's license or identification card within a

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specified period must report specified information to the

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local sheriff's office within a specified period after such

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change with confirmation that he or she also reported such

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information to the Department of Highway Safety and Motor

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Vehicles; revising reporting requirements if a sexual

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predator plans to leave the United States for more than a

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specified period; amending s. 943.0435, F.S.; replacing the

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definition of the term "instant message name" with the

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definition of the term "Internet identifier"; conforming

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provisions; requiring disclosure of passport and

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immigration status information; requiring that a sexual

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predator who is unable to secure or update a driver's

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1277 (2011)

Amendment No. 1

943 license or identification card within a specified period  
944 must report specified information to the local sheriff's  
945 office within a specified period of such change with  
946 confirmation that he or she also reported such information  
947 to the Department of Highway Safety and Motor Vehicles;  
948 providing additional requirements for sexual offenders  
949 intending to reside outside of the United States; amending  
950 s. 943.04351, F.S.; requiring a specified national search  
951 of registration information regarding sexual predators and  
952 sexual offenders prior to appointment or employment of  
953 persons by state agencies and governmental subdivisions;  
954 amending s. 943.04354, F.S.; revising the age range  
955 applicable to provisions allowing removal of the  
956 requirement to register as a sexual offender or sexual  
957 predator in certain circumstances; amending s. 943.0437,  
958 F.S.; replacing the definition of the term "instant message  
959 name" with the definition of the term "Internet  
960 identifier"; conforming provisions; amending ss. 944.606  
961 and 944.607, F.S.; replacing the definition of the term  
962 "instant message name" with the definition of the term  
963 "Internet identifier"; conforming provisions; requiring  
964 disclosure of passport and immigration status information;  
965 amending ss. 985.481 and 985.4815, F.S.; requiring  
966 disclosure of passport and immigration status information  
967 by certain sexual offenders adjudicated delinquent and  
968 certain juvenile sexual offenders; amending s.

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	_____	

FAV  
3/29/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Glorioso offered the following:

**Amendment (with title amendment)**

6 Remove lines 1014-1016 and insert:  
 7 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~  
 8 ~~impose a restriction against contact with minors if sexual~~  
 9 ~~offender treatment is recommended.~~ The evaluation and

10  
11  
12 -----  
**T I T L E A M E N D M E N T**

14 Remove line 68 and insert:  
 15 control for certain offenders; removing a provision prohibiting  
 16 contact with minors if sexual offender treatment is recommended;  
 17 providing severability;

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

### HB 1279 : Costs of Prosecution

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: 11</b>		<b>Total Nays: 2</b>			

### Appearances:

Hofheinz, Monica (Lobbyist) (State Employee) - Waive In Support  
Assistant State Attorney, State Attorneys  
201 SE Sixth St Ste 655  
Ft Lauderdale FL 33301  
Phone: (954)831-8543

Dillinger, Bob (State Employee) - Information Only  
Public Defender, Public Defender Association  
14250 49 St North  
Clearwater FL 33762  
Phone: (727)464-6865

Baggett, Fred (Lobbyist) - Information Only  
Florida Association of Court Clerks  
3544 Maclay Blvd  
Tallahassee FL 32312  
Phone: (850)222-6891

Pitts, Brian (General Public) - Opponent  
Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727)897-9291

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

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	_____	

FAV  
3/29/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Kreegel offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (5) and (6) of section 28.246,  
8 Florida Statutes, are amended to read:

9 28.246 Payment of court-related fees, charges, costs of  
10 prosecution, and costs; partial payments; distribution of  
11 funds.—

12 (5) When receiving partial payment of fees, service  
13 charges, court costs, costs of prosecution, and fines, clerks  
14 shall distribute funds according to the following order of  
15 priority:

16 (a) That portion of fees, service charges, court costs,  
17 and fines to be remitted to the state for deposit into the  
18 General Revenue Fund and that portion of the costs of  
19 prosecution to be remitted to the state shall be deposited into



Amendment No. 1

20 the State Attorneys Revenue Trust Fund, allocated on a pro rata  
21 basis among the authorized funds if the total collection amount  
22 is insufficient to fully fund such funds as provided by law.

23 (b) That portion of fees, service charges, court costs,  
24 and fines which are required to be retained by the clerk of the  
25 court or deposited into the Clerks of the Court Trust Fund  
26 within the Justice Administrative Commission.

27 (c) Except as provided in paragraph (a), that portion of  
28 fees, service charges, court costs, and fines payable to state  
29 trust funds, allocated on a pro rata basis among the various  
30 authorized funds if the total collection amount is insufficient  
31 to fully fund all such funds as provided by law.

32 (d) That portion of fees, service charges, court costs,  
33 and fines payable to counties, municipalities, or other local  
34 entities, allocated on a pro rata basis among the various  
35 authorized recipients if the total collection amount is  
36 insufficient to fully fund all such recipients as provided by  
37 law.

38  
39 To offset processing costs, clerks may impose either a per-month  
40 service charge pursuant to s. 28.24(26)(b) or a one-time  
41 administrative processing service charge at the inception of the  
42 payment plan pursuant to s. 28.24(26)(c).

43 (6) A clerk of court shall pursue the collection of any  
44 fees, service charges, fines, court costs, costs of prosecution,  
45 and liens for the payment of attorney's fees and costs pursuant  
46 to s. 938.29 which remain unpaid after 90 days by referring the  
47 account to a private attorney who is a member in good standing

Amendment No. 1

48 of The Florida Bar or collection agent who is registered and in  
49 good standing pursuant to chapter 559. In pursuing the  
50 collection of such unpaid financial obligations through a  
51 private attorney or collection agent, the clerk of the court  
52 must have attempted to collect the unpaid amount through a  
53 collection court, collections docket, or other collections  
54 process, if any, established by the court, find this to be cost-  
55 effective and follow any applicable procurement practices. The  
56 collection fee, including any reasonable attorney's fee, paid to  
57 any attorney or collection agent retained by the clerk may be  
58 added to the balance owed in an amount not to exceed 40 percent  
59 of the amount owed at the time the account is referred to the  
60 attorney or agent for collection. The clerk shall give the  
61 private attorney or collection agent the application for the  
62 appointment of court-appointed counsel regardless of whether the  
63 court file is otherwise confidential from disclosure.

64 Section 2. Section 903.286, Florida Statutes, is amended  
65 to read:

66 903.286 Return of cash bond; requirement to withhold  
67 unpaid fines, fees, court costs; cash bond forms.—

68 (1) Notwithstanding s. 903.31(2), the clerk of the court  
69 shall withhold from the return of a cash bond posted on behalf  
70 of a criminal defendant by a person other than a bail bond agent  
71 licensed pursuant to chapter 648 sufficient funds to pay any  
72 unpaid costs of prosecution, court fees, court costs, and  
73 criminal penalties. If sufficient funds are not available to pay  
74 all unpaid costs of prosecution, court fees, court costs, and  
75 criminal penalties, the clerk of the court shall immediately

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1279 (2011)

Amendment No. 1

76 obtain payment from the defendant or enroll the defendant in a  
77 payment plan pursuant to s. 28.246.

78 (2) All cash bond forms used in conjunction with the  
79 requirements of s. 903.09 must prominently display a notice  
80 explaining that all funds are subject to forfeiture and  
81 withholding by the clerk of the court for the payment of costs  
82 of prosecution, court fees, court costs, and criminal penalties  
83 on behalf of the criminal defendant regardless of who posted the  
84 funds.

85 Section 3. Section 938.27, Florida Statutes, is amended to  
86 read:

87 938.27 Judgment for costs on conviction.-

88 (1) In all criminal and violation-of-probation or  
89 community-control cases, convicted persons and persons whose  
90 cases are disposed of pursuant to s. 948.08(6)(c) or s.  
91 948.16(2) are liable for payment of the costs of prosecution,  
92 including investigative costs incurred by law enforcement  
93 agencies, by fire departments for arson investigations, and by  
94 investigations of the Department of Financial Services or the  
95 Office of Financial Regulation of the Financial Services  
96 Commission, if requested by such agencies. The court shall  
97 include these costs in every judgment rendered against the  
98 convicted person. For purposes of this section, "convicted"  
99 means a determination of guilt, or of violation of probation or  
100 community control, which is a result of a plea, trial, or  
101 violation proceeding, regardless of whether adjudication is  
102 withheld.

103 (2) (a) Notwithstanding any other provision of law, court

Amendment No. 1

104 rule, or administrative order, the court shall impose the costs  
105 of prosecution and investigation. Costs of prosecution and  
106 investigation shall not be converted to any form of court-  
107 ordered community service in lieu of this statutory financial  
108 obligation.

109 ~~(b)(a)~~ The court shall impose the costs of prosecution and  
110 investigation notwithstanding the defendant's present ability to  
111 pay. The court shall require the defendant to pay the costs  
112 within a specified period or in specified installments.

113 ~~(c)(b)~~ The end of such period or the last such installment  
114 shall not be later than:

- 115 1. The end of the period of probation or community  
116 control, if probation or community control is ordered;
- 117 2. Five years after the end of the term of imprisonment  
118 imposed, if the court does not order probation or community  
119 control; or
- 120 3. Five years after the date of sentencing in any other  
121 case.

122

123 However, in no event shall the obligation to pay any unpaid  
124 amounts expire if not paid in full within the period specified  
125 in this paragraph.

126 ~~(d)(e)~~ If not otherwise provided by the court under this  
127 section, costs shall be paid immediately.

128 (3) If a defendant is placed on probation or community  
129 control, payment of any costs under this section shall be a  
130 condition of such probation or community control. The court may

Amendment No. 1

131 revoke probation or community control if the defendant fails to  
132 pay these costs.

133 (4) Any dispute as to the proper amount or type of costs  
134 shall be resolved by the court by the preponderance of the  
135 evidence. The burden of demonstrating the amount of costs  
136 incurred is on the state attorney. The burden of demonstrating  
137 the financial resources of the defendant and the financial needs  
138 of the defendant is on the defendant. The burden of  
139 demonstrating such other matters as the court deems appropriate  
140 is upon the party designated by the court as justice requires.

141 (5) Any default in payment of costs may be collected by  
142 any means authorized by law for enforcement of a judgment.

143 (6) The clerk of the court shall collect and dispense cost  
144 payments in any case, regardless of whether the disposition of  
145 the case takes place before the judge in open court or in any  
146 other manner provided by law.

147 (7) Investigative costs that are recovered shall be  
148 returned to the appropriate investigative agency that incurred  
149 the expense. Such costs include actual expenses incurred in  
150 conducting the investigation and prosecution of the criminal  
151 case; however, costs may also include the salaries of permanent  
152 employees. Any investigative costs recovered on behalf of a  
153 state agency must be remitted to the Department of Revenue for  
154 deposit in the agency operating trust fund, and a report of the  
155 payment must be sent to the agency, except that any  
156 investigative costs recovered on behalf of the Department of Law  
157 Enforcement shall be deposited in the department's Forfeiture  
158 and Investigative Support Trust Fund under s. 943.362.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1279 (2011)

Amendment No. 1

159 (8) Costs for the state attorney shall be set in all cases  
160 at no less than \$50 per case when a misdemeanor or criminal  
161 traffic offense is charged and no less than \$100 per case when a  
162 felony offense is charged, including a proceeding in which the  
163 underlying offense is a violation of probation or community  
164 control. The court may set a higher amount upon a showing of  
165 sufficient proof of higher costs incurred. Costs recovered on  
166 behalf of the state attorney under this section shall be  
167 deposited into the State Attorneys Revenue Trust Fund to be used  
168 during the fiscal year in which the funds are collected, or in  
169 any subsequent fiscal year, for actual expenses incurred in  
170 investigating and prosecuting criminal cases, which may include  
171 the salaries of permanent employees, or for any other purpose  
172 authorized by the Legislature.

173 (9) Notwithstanding any law, court rule, or administrative  
174 order, the clerk shall assign the first of any fees or costs  
175 paid by a defendant as payment of the costs of prosecution.

176 Section 4. Section 985.032, Florida Statutes, is amended  
177 to read:

178 985.032 Legal representation for delinquency cases.—

179 (1) For cases arising under this chapter, the state  
180 attorney shall represent the state.

181 (2) A juvenile who has been adjudicated delinquent or has  
182 adjudication of delinquency withheld shall be assessed costs of  
183 prosecution as provided in s. 938.27.

184 Section 5. This act shall take effect July 1, 2011.  
185  
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Amendment No. 1

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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

An act relating to costs of prosecution; amending s. 28.246, F.S.; providing for remittance of the costs of prosecution to a specified trust fund; providing for collection of costs of prosecution; amending s. 903.286, F.S.; providing for the withholding of unpaid costs of prosecution from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; amending s. 938.27, F.S.; providing liability for the cost of prosecution for persons whose cases are disposed of under specified provisions; requiring courts to impose the costs of prosecution and investigation; requiring that costs of prosecution and investigation not be converted to any form of court-ordered community service; clarifying the types of cases from which the clerk of the court must collect and dispense cost payments; requiring the clerk of the court to assign the first of any fees collected as payment for costs of prosecution; amending s. 985.032, F.S.; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld; providing an effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

HB 1379 : Pretrial Programs

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: 7</b>		<b>Total Nays: 6</b>			

### Appearances:

Parisot, Dave (General Public) - Opponent  
County Commissioner, Okaloosa County  
804 Lewis Turner Blvd  
Fort Walton Beach Florida 32547  
Phone: (850)651-7105

Huckabee, Kelli (General Public) - Waive In Opposition  
Pretrial Coordinator, Okaloosa County  
400 N. Ferdon Blvd.  
Crestview FL 32539  
Phone: (850)689-5066

Mercer, Amy (General Public) - Waive In Opposition  
Executive Director, Florida Police Chief's Association  
924 N. Gadsdew St.  
Tallahassee FL 32301  
Phone: (850)219-3631

Kilpatrick, Jeff (General Public) - Opponent  
Pretrial Services Supervisor, Association of Pretrial Professionals of Florida  
549 Lake Drive  
Ocala FL 34472  
Phone: (352)239-0491

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM



# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

**Location:** 404 HOB

Ward, Dennis (State Employee) - Waive In Opposition

State Attorney 16th Judicial Circuit, Florida Prosecuting Attorneys Association

530 Whitehead St.

Key West FL 33040

Phone: (305)292-3400

Bell, Doug (Lobbyist) - Waive In Opposition

Volusia County

215 S. Monroe St.

Tallahassee FL 32301

Phone: (850)222-3533

Wagner, Brandon (Lobbyist) - Waive In Opposition

Hillsborough County

601 E. Kennedy Blvd.

Tampa FL 33602

Phone: (813)276-2640

Broxton, Teresa (General Public) - Waive In Opposition

Supervisor, Leon County Supervised Pretrial Release Program

501 C. Appleyard Dr.

Tallahassee FL 32304

Phone: (850)251-7682

Hunter, Wanda (General Public) - Waive In Opposition

Probation Director, Leon County Board of County Commissioners

301 S. Monroe St.

Tallahassee FL 32301

Phone: (850)606-5600

Ericks, David (Lobbyist) - Waive In Opposition

Broward County Sheriff's Office

2601 W Broward Blvd

Ft Lauderdale FL 33312

Phone: (850)224-0880

Jeffries, Mark (Lobbyist) - Waive In Opposition

Public Affairs Director, Orange County

201 South Rosalind Avenue

Orlando Florida 32801

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McCarty, Jess (Lobbyist) - Waive In Opposition

Assistant County Attorney, Miami-Dade County

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Miami Florida 33128

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Dillinger, Bob (State Employee) - Information Only

Public Defender, 6th Judicial Circuit

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Clearwater FL 33762

Phone: (727)464-6865

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

**Location:** 404 HOB

Coats, Jim (General Public) - Opponent  
Sheriff, Florida Sheriff's Association  
P.O. Box 2500  
Largo FL 33779  
Phone: (727)420-7280

Roth, Cari (Lobbyist) - Waive In Opposition  
Sarasota and Manatee Counties  
101 N. Monroe Street, Suite 900  
Tallahassee Florida 32301  
Phone: (850)591-1094

Brainerd, Jim (Lobbyist) - Waive In Opposition  
Attorney, Polk County  
2814 Rabbit Hill Road  
Tallahassee FL 32308  
Phone: (850)508-6716

Carroll, Sarrah (Lobbyist) - Opponent  
Legislative Advocate, Florida Association of Counties  
PO Box 549  
Tallahassee FL 32302  
Phone: (850)922-4300

Previtera, Jim (General Public) - Opponent  
Colonel, Hillsborough County Sheriff's Association  
2008 E. 8th Ave.  
Tampa FL 32605  
Phone: (850)247-8000

Fontaine, Mark (Lobbyist) - Waive In Opposition  
Executive Director, Florida Alcohol & Drug Abuse Association, Inc  
2868 Mahan Dr Ste 1  
Tallahassee FL 32308  
Phone: (850)878-2196

Amato, Dan (General Public) - Waive In Support  
Vice President, American Surety Company  
6421 Saint Partin Place  
Orlando FL 32812  
Phone: (407)850-2528

Pitts, Brian (General Public) - Opponent  
Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727)897-9291

Spath, Wayne (General Public) - Information Only  
Bail Agent  
916 S. Andrews Drive  
Fort Lauderdale FL 32601  
Phone: (954)463-4333

Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM

# **COMMITTEE MEETING REPORT**

## **Criminal Justice Subcommittee**

**3/29/2011 8:00:00AM**

**Location:** 404 HOB

Hurley, Lisa (General Public) - Information Only  
Florida Association of Criminal Defense Lawyers  
517 E. College Avenue  
Tallahassee FL 32302  
Phone: (850)224-2001

**Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM**

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	_____	

FAV  
3/29/11

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

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Eligibility criteria for government-funded pretrial release.-

(1) It is the policy of this state that only defendants who are indigent and therefore qualify for representation by the public defender are eligible for government-funded pretrial release. Further, it is the policy of this state that, to the greatest extent possible, the resources of the private sector be used to assist in the pretrial release of defendants. It is the intent of the Legislature that this section not be interpreted to limit the discretion of courts with respect to ordering reasonable conditions for pretrial release for any defendant. However, it is the intent of the Legislature that government-funded pretrial release be ordered only as an alternative to release on a defendant's own recognizance or release by the

Amendment No. 1

21 posting of a surety bond.

22 (2) A pretrial release program established by an ordinance  
23 of the county commission, an administrative order of the court,  
24 or by any other means in order to assist in the release of  
25 defendants from pretrial custody is subject to the eligibility  
26 criteria set forth in this section. These eligibility criteria  
27 supersede and preempt all conflicting local ordinances, orders,  
28 or practices. Each pretrial release program shall certify  
29 annually, in writing, to the chief circuit court judge, that it  
30 has complied with the reporting requirements of s. 907.043(4),  
31 Florida Statutes.

32 (3) A defendant is eligible to receive government-funded  
33 pretrial release only by order of the court after the court  
34 finds in writing upon consideration of the defendant's affidavit  
35 of indigence that the defendant is indigent or partially  
36 indigent as set forth in Rule 3.111, Florida Rules of Criminal  
37 Procedure, and that the defendant has not previously failed to  
38 appear at any required court proceeding.

39 (4) If a defendant seeks to post a surety bond pursuant to  
40 a bond schedule established by administrative order as an  
41 alternative to government-funded pretrial release, the defendant  
42 shall be permitted to do so without any interference or  
43 restriction by a pretrial release program.

44 (5) This section does not prohibit the court from:

45 (a) Releasing a defendant on the defendant's own  
46 recognizance.

47 (b) Imposing upon the defendant any additional reasonable  
48 condition of release as part of release on the defendant's own  
49 recognizance or the posting of a surety bond upon a finding of

Amendment No. 1

50 need in the interest of public safety, including, but not  
51 limited to, electronic monitoring, drug testing, or substance  
52 abuse treatment.

53 (6) In lieu of using a government-funded program to ensure  
54 the court appearance of any defendant, a county may reimburse a  
55 licensed surety agent for the premium costs of a surety bail  
56 bond that secures the appearance of an indigent defendant at all  
57 court proceedings if the court establishes a bail bond amount  
58 for the indigent defendant.

59 Section 2. This act shall take effect October 1, 2011.  
60

61

62

63

64

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

65

Remove the entire title and insert:

66

An act relating to pretrial programs; providing state  
67 policy and legislative intent; requiring each pretrial  
68 release program established by ordinance of a county  
69 commission, by administrative order of a court, or by  
70 any other means in order to assist in the release of a  
71 defendant from pretrial custody to conform to the  
72 eligibility criteria set forth in the act; preempting  
73 any conflicting local ordinances, orders, or  
74 practices; requiring that the defendant satisfy  
75 certain eligibility criteria in order to be assigned  
76 to a pretrial release program; providing that the act  
77 does not prohibit a court from releasing a defendant  
78 on the defendant's own recognizance or imposing any

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1379 (2011)

Amendment No. 1

79 other reasonable condition of release on the  
80 defendant; authorizing a county to reimburse a  
81 licensed surety agent for the premium costs of a bail  
82 bond for the pretrial release of an indigent defendant  
83 under certain circumstances; providing an effective  
84 date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

HB 4035 : Misdemeanor Pretrial Substance Abuse Programs

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:

Pitts, Brian (General Public) - Waive In Support

Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
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Committee meeting was reported out: Tuesday, March 29, 2011 2:32:27PM



# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/29/2011 8:00:00AM

Location: 404 HOB

HB 4157 : Department of 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: 15</b>		<b>Total Nays: 0</b>			

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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	_____	

*FAN*  
*3/29/11*

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Thurston offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

7 Section 1. Subsection (5) of section 985.02, Florida  
8 Statutes, is repealed.

9 Section 2. Subsection (48) of section 985.03, Florida  
10 Statutes, is repealed.

11 Section 3. Subsection (56) of section 985.03, Florida  
12 Statutes, is repealed.

13 Section 4. Section 985.47, Florida Statutes, is repealed.

14 Section 5. Section 985.483, Florida Statutes, is repealed.

15 Section 6. Section 985.486, Florida Statutes, is repealed.

16 Section 7. Section 985.636, Florida Statutes, is repealed.

17 Section 8. Section 985.494, Florida Statutes, is amended  
18 to read:

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19 985.494 Commitment programs for juvenile felony  
20 offenders.-

21 (1) Notwithstanding any other law and regardless of the  
22 child's age, a child who is adjudicated delinquent, or for whom  
23 adjudication is withheld, for an act that would be a felony if  
24 committed by an adult, shall be committed to:

25 ~~(a) A program for serious or habitual juvenile offenders~~  
26 ~~under s. 985.47 or an intensive residential treatment program~~  
27 ~~for offenders less than 13 years of age under s. 985.483, if the~~  
28 ~~child has participated in an early delinquency intervention~~  
29 ~~program and has completed a sheriff's training and respect~~  
30 ~~program.~~

31 ~~(b) a maximum-risk residential program, if the child has~~  
32 ~~completed two different high-risk residential commitment~~  
33 ~~programs participated in an early delinquency intervention~~  
34 ~~program, has completed a sheriff's training and respect program,~~  
35 ~~and has completed a program for serious or habitual juvenile~~  
36 ~~offenders or an intensive residential treatment program for~~  
37 ~~offenders less than 13 years of age. The commitment of a child~~  
38 ~~to a maximum-risk residential program must be for an~~  
39 ~~indeterminate period, but may not exceed the maximum term of~~  
40 ~~imprisonment that an adult may serve for the same offense.~~

41 (2) In committing a child to the appropriate program, the  
42 court may consider an equivalent program of similar intensity as  
43 being comparable to a program required under subsection (1).

44 Section 9. Section 985.445, Florida Statutes, is repealed.

45 Section 10. Paragraph (c) of subsection (5) of section  
46 985.0301, Florida Statutes, is amended to read:

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47 | 985.0301 Jurisdiction.—

48 | (5)

49 | (c) Notwithstanding ss. 743.07 and 985.455(3), and except  
50 | as provided in s. 985.47, the term of the commitment must be  
51 | until the child is discharged by the department or until he or  
52 | she reaches the age of 21 years. Notwithstanding ss. 743.07,  
53 | 985.435, 985.437, 985.439, 985.441, ~~985.445~~, 985.455, and  
54 | 985.513, and except as provided in this section and s. 985.47, a  
55 | child may not be held under a commitment from a court under s.  
56 | 985.439, s. 985.441(1)(a) or (b), ~~s. 985.445~~, or s. 985.455  
57 | after becoming 21 years of age.

58 | Section 11. Subsection (2) of section 985.47, Florida  
59 | Statutes, is amended to read:

60 | 985.47 Serious or habitual juvenile offender.—

61 | (2) DETERMINATION.—After a child has been adjudicated  
62 | delinquent under s. 985.35, the court shall determine whether  
63 | the child meets the criteria for a serious or habitual juvenile  
64 | offender under subsection (1). If the court determines that the  
65 | child does not meet such criteria, ss. 985.435, 985.437,  
66 | 985.439, 985.441, ~~985.445~~, 985.45, and 985.455 shall apply.

67 | Section 12. Paragraph (b) of subsection (4) of section  
68 | 985.565, Florida Statutes, is amended to read:

69 | 985.565 Sentencing powers; procedures; alternatives for  
70 | juveniles prosecuted as adults.—

71 | (4) SENTENCING ALTERNATIVES.—

72 | (b) *Juvenile sanctions*.—For juveniles transferred to adult  
73 | court but who do not qualify for such transfer under s.  
74 | 985.556(3) or s. 985.557(2)(a) or (b), the court may impose

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75 juvenile sanctions under this paragraph. If juvenile sentences  
76 are imposed, the court shall, under this paragraph, adjudge the  
77 child to have committed a delinquent act. Adjudication of  
78 delinquency shall not be deemed a conviction, nor shall it  
79 operate to impose any of the civil disabilities ordinarily  
80 resulting from a conviction. The court shall impose an adult  
81 sanction or a juvenile sanction and may not sentence the child  
82 to a combination of adult and juvenile punishments. An adult  
83 sanction or a juvenile sanction may include enforcement of an  
84 order of restitution or probation previously ordered in any  
85 juvenile proceeding. However, if the court imposes a juvenile  
86 sanction and the department determines that the sanction is  
87 unsuitable for the child, the department shall return custody of  
88 the child to the sentencing court for further proceedings,  
89 including the imposition of adult sanctions. Upon adjudicating a  
90 child delinquent under subsection (1), the court may:

91 1. Place the child in a probation program under the  
92 supervision of the department for an indeterminate period of  
93 time until the child reaches the age of 19 years or sooner if  
94 discharged by order of the court.

95 2. Commit the child to the department for treatment in an  
96 appropriate program for children for an indeterminate period of  
97 time until the child is 21 or sooner if discharged by the  
98 department. The department shall notify the court of its intent  
99 to discharge no later than 14 days prior to discharge. Failure  
100 of the court to timely respond to the department's notice shall  
101 be considered approval for discharge.

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102 3. Order disposition under ss. 985.435, 985.437, 985.439,  
103 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to  
104 youthful offender or adult sentencing if the court determines  
105 not to impose youthful offender or adult sanctions.

106

107 It is the intent of the Legislature that the criteria and  
108 guidelines in this subsection are mandatory and that a  
109 determination of disposition under this subsection is subject to  
110 the right of the child to appellate review under s. 985.534.

111 Section 13. Section 985.66, Florida Statutes, is amended  
112 to read:

113 985.66 Juvenile justice training academies; staff  
114 development and training; Juvenile Justice Standards and  
115 ~~Training Commission;~~ Juvenile Justice Training Trust Fund.—

116 (1) LEGISLATIVE PURPOSE.—In order to enable the state to  
117 provide a systematic approach to staff development and training  
118 for judges, state attorneys, public defenders, law enforcement  
119 officers, school district personnel, and juvenile justice  
120 program staff that will meet the needs of such persons in their  
121 discharge of duties while at the same time meeting the  
122 requirements for the American Correction Association  
123 accreditation by the Commission on Accreditation for  
124 Corrections, it is the purpose of the Legislature to require the  
125 department to establish, maintain, and oversee the operation of  
126 juvenile justice training academies in the state. The purpose of  
127 the Legislature in establishing staff development and training  
128 programs is to foster better staff morale and reduce  
129 mistreatment and aggressive and abusive behavior in delinquency

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130 programs; to positively impact the recidivism of children in the  
131 juvenile justice system; and to afford greater protection of the  
132 public through an improved level of services delivered by a  
133 professionally trained juvenile justice program staff to  
134 children who are alleged to be or who have been found to be  
135 delinquent.

136 (2) STAFF DEVELOPMENT ~~JUVENILE JUSTICE STANDARDS AND~~  
137 ~~TRAINING COMMISSION.~~-

138 ~~(a) There is created under the Department of Juvenile~~  
139 ~~Justice the Juvenile Justice Standards and Training Commission,~~  
140 ~~hereinafter referred to as the commission. The 17 member~~  
141 ~~commission shall consist of the Attorney General or designee,~~  
142 ~~the Commissioner of Education or designee, a member of the~~  
143 ~~juvenile court judiciary to be appointed by the Chief Justice of~~  
144 ~~the Supreme Court, and 14 members to be appointed by the~~  
145 ~~Secretary of Juvenile Justice as follows:~~

146 1. ~~Seven members shall be juvenile justice professionals:~~  
147 ~~a superintendent or a direct care staff member from an~~  
148 ~~institution; a director from a contracted community-based~~  
149 ~~program; a superintendent and a direct care staff member from a~~  
150 ~~regional detention center or facility; a juvenile probation~~  
151 ~~officer supervisor and a juvenile probation officer; and a~~  
152 ~~director of a day treatment or conditional release program. No~~  
153 ~~fewer than three of these members shall be contract providers.~~

154 2. ~~Two members shall be representatives of local law~~  
155 ~~enforcement agencies.~~

156 3. ~~One member shall be an educator from the state's~~  
157 ~~university and community college program of criminology,~~

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158 ~~eriminal justice administration, social work, psychology,~~  
159 ~~sociology, or other field of study pertinent to the training of~~  
160 ~~juvenile justice program staff.~~

161 ~~4. One member shall be a member of the public.~~

162 ~~5. One member shall be a state attorney, or assistant~~  
163 ~~state attorney, who has juvenile court experience.~~

164 ~~6. One member shall be a public defender, or assistant~~  
165 ~~public defender, who has juvenile court experience.~~

166 ~~7. One member shall be a representative of the business~~  
167 ~~community.~~

168  
169 ~~All appointed members shall be appointed to serve terms of 2~~  
170 ~~years.~~

171 ~~(b) The composition of the commission shall be broadly~~  
172 ~~reflective of the public and shall include minorities and women.~~  
173 ~~The term "minorities" as used in this paragraph means a member~~  
174 ~~of a socially or economically disadvantaged group that includes~~  
175 ~~blacks, Hispanics, and American Indians.~~

176 ~~(c) The Department of Juvenile Justice shall provide the~~  
177 ~~commission with staff necessary to assist the commission in the~~  
178 ~~performance of its duties.~~

179 ~~(d) The commission shall annually elect its chairperson~~  
180 ~~and other officers. The commission shall hold at least four~~  
181 ~~regular meetings each year at the call of the chairperson or~~  
182 ~~upon the written request of three members of the commission. A~~  
183 ~~majority of the members of the commission constitutes a quorum.~~  
184 ~~Members of the commission shall serve without compensation but~~  
185 ~~are entitled to be reimbursed for per diem and travel expenses~~



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186 | ~~as provided by s. 112.061 and these expenses shall be paid from~~  
187 | ~~the Juvenile Justice Training Trust Fund.~~

188 | ~~(e) The department powers, duties, and functions of the~~  
189 | ~~commission shall be to:~~

190 | ~~(a)1.~~ Designate the location of the training academies;  
191 | develop, implement, maintain, and update the curriculum to be  
192 | used in the training of juvenile justice program staff;  
193 | establish timeframes for participation in and completion of  
194 | training by juvenile justice program staff; develop, implement,  
195 | maintain, and update job-related examinations; develop,  
196 | implement, and update the types and frequencies of evaluations  
197 | of the training academies; approve, modify, or disapprove the  
198 | budget for the training academies, and the contractor to be  
199 | selected to organize and operate the training academies and to  
200 | provide the training curriculum.

201 | ~~(b)2.~~ Establish uniform minimum job-related training  
202 | courses and examinations for juvenile justice program staff.

203 | ~~(c)3.~~ Consult and cooperate with the state or any  
204 | political subdivision; any private entity or contractor; and  
205 | with private and public universities, colleges, community  
206 | colleges, and other educational institutions concerning the  
207 | development of juvenile justice training and programs or courses  
208 | of instruction, including, but not limited to, education and  
209 | training in the areas of juvenile justice.

210 | ~~(d)4. Enter into~~ With the approval of the department, make  
211 | ~~and enter into such~~ contracts and agreements with other  
212 | agencies, organizations, associations, corporations,  
213 | individuals, or federal agencies as ~~the commission determines~~

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214 are necessary in the execution of the its powers of the  
215 department or the performance of its duties.

216 ~~5. Make recommendations to the Department of Juvenile~~  
217 ~~Justice concerning any matter within the purview of this~~  
218 ~~section.~~

219 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department  
220 ~~commission~~ shall establish a certifiable program for juvenile  
221 justice training pursuant to this section, and all department  
222 program staff and providers who deliver direct care services  
223 pursuant to contract with the department shall be required to  
224 participate in and successfully complete the department-approved  
225 ~~commission-approved~~ program of training pertinent to their areas  
226 of responsibility. Judges, state attorneys, and public  
227 defenders, law enforcement officers, and school district  
228 personnel may participate in such training program. For the  
229 juvenile justice program staff, the department ~~commission~~ shall,  
230 based on a job-task analysis:

231 (a) Design, implement, maintain, evaluate, and revise a  
232 basic training program, including a competency-based  
233 examination, for the purpose of providing minimum employment  
234 training qualifications for all juvenile justice personnel. All  
235 program staff of the department and providers who deliver  
236 direct-care services who are hired after October 1, 1999, must  
237 meet the following minimum requirements:

- 238 1. Be at least 19 years of age.  
239 2. Be a high school graduate or its equivalent as  
240 determined by the department ~~commission~~.

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241 3. Not have been convicted of any felony or a misdemeanor  
242 involving perjury or a false statement, or have received a  
243 dishonorable discharge from any of the Armed Forces of the  
244 United States. Any person who, after September 30, 1999, pleads  
245 guilty or nolo contendere to or is found guilty of any felony or  
246 a misdemeanor involving perjury or false statement is not  
247 eligible for employment, notwithstanding suspension of sentence  
248 or withholding of adjudication. Notwithstanding this  
249 subparagraph, any person who pled nolo contendere to a  
250 misdemeanor involving a false statement before October 1, 1999,  
251 and who has had such record of that plea sealed or expunged is  
252 not ineligible for employment for that reason.

253 4. Abide by all the provisions of s. 985.644(1) regarding  
254 fingerprinting and background investigations and other screening  
255 requirements for personnel.

256 5. Execute and submit to the department an affidavit-of-  
257 application form, adopted by the department, attesting to his or  
258 her compliance with subparagraphs 1.-4. The affidavit must be  
259 executed under oath and constitutes an official statement under  
260 s. 837.06. The affidavit must include conspicuous language that  
261 the intentional false execution of the affidavit constitutes a  
262 misdemeanor of the second degree. The employing agency shall  
263 retain the affidavit.

264 (b) Design, implement, maintain, evaluate, and revise an  
265 advanced training program, including a competency-based  
266 examination for each training course, which is intended to  
267 enhance knowledge, skills, and abilities related to job  
268 performance.

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269 (c) Design, implement, maintain, evaluate, and revise a  
270 career development training program, including a competency-  
271 based examination for each training course. Career development  
272 courses are intended to prepare personnel for promotion.

273 (d) The department ~~commission~~ is encouraged to design,  
274 implement, maintain, evaluate, and revise juvenile justice  
275 training courses, or to enter into contracts for such training  
276 courses, that are intended to provide for the safety and well-  
277 being of both citizens and juvenile offenders.

278 (4) JUVENILE JUSTICE TRAINING TRUST FUND.-

279 (a) There is created within the State Treasury a Juvenile  
280 Justice Training Trust Fund to be used by the department of  
281 ~~Juvenile Justice~~ for the purpose of funding the development and  
282 updating of a job-task analysis of juvenile justice personnel;  
283 the development, implementation, and updating of job-related  
284 training courses and examinations; and the cost of ~~commission-~~  
285 ~~approved~~ juvenile justice training courses; ~~and reimbursement~~  
286 ~~for expenses as provided in s. 112.061 for members of the~~  
287 ~~commission and staff.~~

288 (b) One dollar from every noncriminal traffic infraction  
289 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be  
290 deposited into the Juvenile Justice Training Trust Fund.

291 (c) In addition to the funds generated by paragraph (b),  
292 the trust fund may receive funds from any other public or  
293 private source.

294 (d) Funds that are not expended by the end of the budget  
295 cycle or through a supplemental budget approved by the  
296 department shall revert to the trust fund.

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297 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—  
298 The number, location, and establishment of juvenile justice  
299 training academies shall be determined by the department  
300 ~~commission~~.

301 (6) SCHOLARSHIPS AND STIPENDS.—

302 (a) By rule, the department ~~commission~~ shall establish  
303 criteria to award scholarships or stipends to qualified juvenile  
304 justice personnel who are residents of the state who want to  
305 pursue a bachelor's or associate in arts degree in juvenile  
306 justice or a related field. The department shall handle the  
307 administration of the scholarship or stipend. The Department of  
308 Education shall handle the notes issued for the payment of the  
309 scholarships or stipends. All scholarship and stipend awards  
310 shall be paid from the Juvenile Justice Training Trust Fund upon  
311 vouchers approved by the Department of Education and properly  
312 certified by the Chief Financial Officer. Prior to the award of  
313 a scholarship or stipend, the juvenile justice employee must  
314 agree in writing to practice her or his profession in juvenile  
315 justice or a related field for 1 month for each month of grant  
316 or to repay the full amount of the scholarship or stipend  
317 together with interest at the rate of 5 percent per annum over a  
318 period not to exceed 10 years. Repayment shall be made payable  
319 to the state for deposit into the Juvenile Justice Training  
320 Trust Fund.

321 (b) The department ~~commission~~ may establish the  
322 scholarship program by rule ~~and implement the program on or~~  
323 ~~after July 1, 1996.~~

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324 (7) ADOPTION OF RULES.—The department ~~commission~~ shall  
325 adopt rules as necessary to carry out the provisions of this  
326 section.

327 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK  
328 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of  
329 Risk Management of the Department of Financial Services is  
330 authorized to insure a private agency, individual, or  
331 corporation operating a state-owned training school under a  
332 contract to carry out the purposes and responsibilities of any  
333 program of the department. The coverage authorized herein shall  
334 be under the same general terms and conditions as the department  
335 is insured for its responsibilities under chapter 284.

336 ~~(9) The Juvenile Justice Standards and Training Commission~~  
337 ~~is terminated on June 30, 2001, and such termination shall be~~  
338 ~~reviewed by the Legislature prior to that date.~~

339 Section 14. Subsection (8) of section 985.48, Florida  
340 Statutes, is repealed.

341 Section 15. This act shall take effect July 1, 2011.

342  
343  
344  
345

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

346 Remove the entire title and insert:  
347  
348 An act relating to juvenile justice; repealing ss. 985.02(5),  
349 985.03(48), 985.03(56), 985.47, 985.483, 985.486, and 985.636,  
350 F.S., relating to, respectively, legislative intent for serious  
351 or habitual juvenile offenders in the juvenile justice system,

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352 definitions of terms for a training school and the serious or  
353 habitual juvenile offender program, the serious or habitual  
354 juvenile offender program in the juvenile justice system, the  
355 intensive residential treatment program for offenders less than  
356 13 years of age, and the designation of persons holding law  
357 enforcement certification within the Office of the Inspector  
358 General to act as law enforcement officers; amending s.  
359 985.494, F.S.; requiring a child who is adjudicated delinquent,  
360 or for whom adjudication is withheld, to be committed to a  
361 maximum-risk residential program for an act that would be a  
362 felony if committed by an adult if the child has completed two  
363 different high-risk residential commitment programs; repealing  
364 s. 985.445, F.S., relating to cases involving grand theft of a  
365 motor vehicle committed by a child; amending ss. 985.0301,  
366 985.47, and 985.565, F.S.; conforming references to changes  
367 made by the act; amending s. 985.66, F.S.; removing all  
368 references to the Juvenile Justice Standards and Training  
369 Commission; requiring the Department of Juvenile Justice to be  
370 responsible for staff development and training; specifying the  
371 duties and responsibilities of the department for staff  
372 development and training; removing obsolete provisions to  
373 conform to changes made by the act; repealing s. 985.48(8),  
374 F.S., relating to activities of the Juvenile Justice Standards  
375 and Training Commission with respect to training and treatment  
376 services for juvenile sexual offenders; providing an effective  
377 date.  
378