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# **Criminal Justice Subcommittee**

**March 24, 2014**

**12:30 PM**

**404 HOB**

**Action Packet**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/24/2014 12:30:00PM

**Location:** Sumner Hall (404 HOB)

### Summary:

#### Criminal Justice Subcommittee

*Monday March 24, 2014 12:30 pm*

CS/HB 837	Favorable With Committee Substitute	Yeas: 11	Nays: 0
Amendment 636663	Adopted Without Objection		
Amendment 203087	Adopted Without Objection		
Amendment 949857	Withdrawn		
HB 1215	Favorable With Committee Substitute	Yeas: 11	Nays: 0
Amendment 521087	Adopted Without Objection		
HB 1263	Favorable With Committee Substitute	Yeas: 11	Nays: 0
Amendment 101129	Adopted Without Objection		
HB 461	Workshopped		

Committee meeting was reported out: Monday, March 24, 2014 3:29:39PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/24/2014 12:30:00PM

**Location:** Sumner Hall (404 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Gaetz (Chair)	X		
Randolph Bracy	X		
Michael Clelland	X		
Dane Eagle	X		
James Grant			X
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Dave Kerner	X		
Kionne McGhee	X		
Ray Pilon	X		
Irving Slosberg	X		
Charles Van Zant	X		
<b>Totals:</b>	<b>12</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Monday, March 24, 2014 3:29:39PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/24/2014 12:30:00PM

**Location:** Sumner Hall (404 HOB)

**CS/HB 837 : Mental Health Treatment**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant			X		
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson			X		
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### CS/HB 837 Amendments

#### Amendment 636663

*Adopted Without Objection*

#### Amendment 203087

*Adopted Without Objection*

#### Amendment 949857

*Withdrawn*

### Appearances:

Hofheinz, Monica (State Employee) - Information Only  
Assistant State Attorney, 17th Circuit  
201 SE 6th Street  
Fort Lauderdale FL 33301  
Phone: 954-831-8543

Committee meeting was reported out: Monday, March 24, 2014 3:29:39PM



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	_____	

*Adopted without objection  
3/24/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Schwartz offered the following:

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

6 Remove line 127 and insert:

7 (b) A status hearing must be held within 30 days after  
8  
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**T I T L E A M E N D M E N T**

Remove line 8 and insert:

status hearings must be held; amending s. 916.145,



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	—	

*Adopted without objection  
3/24/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Schwartz offered the following:

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

6 Remove lines 187-320 and insert:

7 (5) A status hearing must be held within 30 days after the  
8 court receives notification that the defendant no longer meets  
9 the criteria for continued commitment.

10 Section 5. This act shall take effect July 1, 2014.

11  
12  
13 -----

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

15 Remove lines 13-17 and insert:

16 status hearings must be held; providing an effective date.

17



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn  
3/24/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Gaetz offered the following:

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

6 Remove lines 131-182 and insert:

7 Enter Amending Text Here  
8  
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**T I T L E A M E N D M E N T**

Remove lines 8-11 and insert:

competency hearings must be held; amending s.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/24/2014 12:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 1215 : False Personation**

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant			X		
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson			X		
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### HB 1215 Amendments

#### Amendment 521087

Adopted Without Objection

### Appearances:

HB 1215

Watler, Doug (General Public) - Waive In Support

Florida Professional Firefighters

345 West Madison Street

Tallahassee FL

Committee meeting was reported out: Monday, March 24, 2014 3:29:39PM





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	—	

*Adopted Without Objection*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Watson, B. offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 46-71 and insert:

7 Section 2. Subsections (1), (2), (3), and (4) of section  
8 843.085, Florida Statutes, are amended to read:

9 843.085 Unlawful use of police badges or other indicia of  
10 authority. ~~It is unlawful for any person:~~

11 (1) It is unlawful for any person, Unless appointed by the  
12 Governor pursuant to chapter 354, authorized by the appropriate  
13 agency, or displayed in a closed or mounted case as a collection  
14 or exhibit, to wear or display any authorized indicia of  
15 authority, including any badge, insignia, emblem, identification  
16 card, or uniform, or any colorable imitation thereof, of any  
17 federal, state, county, or municipal law enforcement agency, or



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18 other criminal justice agency as now or hereafter defined in s.  
19 943.045, with the intent to mislead or cause another person to  
20 believe that he or she is a member of that agency or is  
21 authorized to display or wear such item, or to wear or display  
22 any item that ~~which could deceive a reasonable person into~~  
23 ~~believing that such item is authorized by any of the agencies~~  
24 ~~described above for use by the person displaying or wearing it,~~  
25 ~~or which displays in any manner or combination the word or words~~  
26 "police," "patrolman," "agent," "sheriff," "deputy," "trooper,"  
27 "highway patrol," "commission officer," "Wildlife Officer,"  
28 "Marine Patrol Officer," "state attorney," "public defender,"  
29 "marshal," "constable," ~~or~~ "bailiff," or "fire department," with  
30 the intent to mislead or cause another person to believe that he  
31 or she is a member of that agency or is authorized to wear or  
32 display such item ~~which could deceive a reasonable person into~~  
33 ~~believing that such item is authorized by any of the agencies~~  
34 ~~described above for use by the person displaying or wearing it.~~

35 (2) It is unlawful for a person To own or operate a motor  
36 vehicle marked or identified in any manner or combination by the  
37 word or words "police," "patrolman," "sheriff," "deputy,"  
38 "trooper," "highway patrol," "commission officer," "Wildlife  
39 Officer," "Marine Patrol Officer," "marshal," "constable," ~~or~~  
40 "bailiff," or "fire department," or by any lettering, marking,  
41 or insignia, or colorable imitation thereof, including, but not  
42 limited to, stars, badges, or shields, officially used to  
43 identify the vehicle as a federal, state, county, or municipal



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44 law enforcement vehicle or a vehicle used by a criminal justice  
45 agency as ~~now or hereafter~~ defined in s. 943.045, or a vehicle  
46 used by a fire department with the intent to mislead or cause  
47 another person to believe that such vehicle is an official  
48 vehicle of that agency and is authorized to be used by that  
49 agency which could deceive a reasonable person into believing  
50 that such vehicle is authorized by any of the agencies described  
51 above for use by the person operating the motor vehicle, unless  
52 such vehicle is owned or operated by the appropriate agency and  
53 its use is authorized by such agency, or the local law  
54 enforcement agency or fire department authorizes the use of such  
55 vehicle, ~~or unless~~ the person is appointed by the Governor  
56 pursuant to chapter 354.

57 (3) It is unlawful for a person To sell, transfer, or give  
58 away the authorized badge, or colorable imitation thereof,  
59 including miniatures, of any criminal justice agency as ~~now or~~  
60 ~~hereafter~~ defined in s. 943.045, or bearing in any manner or  
61 combination the word or words "police," "patrolman," "sheriff,"  
62 "deputy," "trooper," "highway patrol," "commission officer,"  
63 "Wildlife Officer," "Marine Patrol Officer," "marshal,"  
64 "constable," "agent," "state attorney," "public defender," ~~or~~  
65 "bailiff," or "fire department," with the intent to mislead or  
66 cause another person to believe that he or she is a member of  
67 that agency or is authorized to wear or display such item which  
68 could deceive a reasonable person into believing that such item  
69 is authorized by any of the agencies described above, except for



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70 agency purchases or upon the presentation and recordation of  
71 both a driver's license and other identification showing any  
72 transferee to actually be a member of such criminal justice  
73 agency or unless the person is appointed by the Governor  
74 pursuant to chapter 354. A transferor of an item covered by this  
75 subsection is required to maintain for 2 years a written record  
76 of such transaction, including records showing compliance with  
77 this subsection, and if such transferor is a business, it shall  
78 make such records available during normal business hours for  
79 inspection by any law enforcement agency having jurisdiction in  
80 the area where the business is located.

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**T I T L E   A M E N D M E N T**

86

87 Remove lines 5-9 and insert:

88 amending s. 843.085, F.S.; prohibiting the sale or transfer of  
89 specified badges bearing in any manner or combination the word  
90 "fire department;" requiring a person to have the intent to  
91 mislead or cause another person to believe that he or she is a  
92 member of specified agencies or is authorized to wear or display  
93 a specified item; prohibiting the ownership or operation of  
94 vehicles marked or identified by the word "fire department;"  
95 requiring a person have the intent to mislead or cause another



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96 person to believe that the vehicle is an official vehicle  
97 authorized by specified agencies for use by the person operating  
98 it; prohibiting the sale or transfer of specified badges bearing  
99 in any manner or combination the word "fire department;"  
100 requiring a person to have the intent to mislead or cause  
101 another person to believe that he or she is a member of  
102 specified agencies or is authorized to wear or display a  
103 specified item; providing an  
104

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/24/2014 12:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 1263 : Child-on-Child Sexual Abuse**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant			X		
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson			X		
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### HB 1263 Amendments

#### Amendment 101129

*Adopted Without Objection*

### Appearances:

HB 1263

Spudeas, Christina (Lobbyist) - Waive In Support

Executive Director, Florida's Children First, Inc

1801 University Dr Ste 3B

Coral Springs FL 33071

Phone: 954-796-0860

Committee meeting was reported out: Monday, March 24, 2014 3:29:39PM



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	—	

*Adopted Without Objection*

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

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Subsections (8) through (34) of section 39.01,  
 8 Florida Statutes, are renumbered as subsections (7) through  
 9 (33), respectively, present subsection (7) is reordered and  
 10 renumbered as subsection (34) and amended, and present  
 11 subsection (14) of that section is amended, to read:

12 39.01 Definitions.—When used in this chapter, unless the  
13 context otherwise requires:

14 ~~(34) (7) "Alleged juvenile sexual offender" means:~~

15 ~~(a) A child 12 years of age or younger who is alleged to~~  
 16 ~~have committed a violation of chapter 794, chapter 796, chapter~~  
 17 ~~800, s. 827.071, or s. 847.0133; or~~



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18 ~~(b) A child who is alleged to have committed any violation~~  
19 ~~of law or delinquent act involving juvenile sexual abuse.~~

20 "Juvenile sexual abuse" means any sexual behavior by a child  
21 that ~~which~~ occurs without consent, without equality, or as a  
22 result of coercion. For purposes of this subsection ~~paragraph~~,  
23 the term ~~following definitions~~ apply:

24 (a)1. "Coercion" means the exploitation of authority or  
25 the use of bribes, threats of force, or intimidation to gain  
26 cooperation or compliance.

27 (b)2. "Equality" means two participants operating with the  
28 same level of power in a relationship, neither being controlled  
29 nor coerced by the other.

30 (c)3. "Consent" means an agreement, including all of the  
31 following:

32 1.a. Understanding what is proposed based on age,  
33 maturity, developmental level, functioning, and experience.

34 2.b. Knowledge of societal standards for what is being  
35 proposed.

36 3.e. Awareness of potential consequences and alternatives.

37 4.d. Assumption that agreement or disagreement will be  
38 accepted equally.

39 5.e. Voluntary decision.

40 6.f. Mental competence.

41  
42 Juvenile sexual abuse ~~offender~~ behavior ranges from noncontact  
43 sexual behavior such as making obscene phone calls,





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44 | exhibitionism, voyeurism, and the showing or taking of lewd  
45 | photographs to varying degrees of direct sexual contact, such as  
46 | frottage, fondling, digital penetration, rape, fellatio, sodomy,  
47 | and various other sexually aggressive acts.

48 | (14) "Child who has exhibited inappropriate sexual  
49 | behavior" means a child ~~who is 12 years of age or younger and~~  
50 | who has been found by the department or the court to have  
51 | committed an inappropriate sexual act.

52 | Section 2. Paragraph (c) of subsections (1) and (2) of  
53 | section 39.201, Florida Statutes, are amended to read:

54 | 39.201 Mandatory reports of child abuse, abandonment, or  
55 | neglect; mandatory reports of death; central abuse hotline.-

56 | (1)

57 | (c) Any person who knows, or has reasonable cause to  
58 | suspect, that a child is the victim of childhood sexual abuse or  
59 | the victim of juvenile sexual abuse ~~a known or suspected~~  
60 | ~~juvenile sexual offender, as defined in this chapter,~~ shall  
61 | report such knowledge or suspicion to the department in the  
62 | manner prescribed in subsection (2).

63 | (2)

64 | (c) Reports involving juvenile sexual abuse ~~a known or~~  
65 | ~~suspected juvenile sexual offender~~ or a child who has exhibited  
66 | inappropriate sexual behavior shall be reported to the  
67 | department's central abuse hotline ~~be made and received by the~~  
68 | ~~department.~~

69 | 1. The department shall determine the age of the alleged



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70 offender, if known.

71 2. ~~If the alleged offender is 12 years of age or younger,~~  
72 the central abuse hotline shall immediately electronically  
73 transfer the report or call to the county sheriff's office. The  
74 department shall conduct an assessment and assist the family in  
75 receiving appropriate services pursuant to s. 39.307~~7~~ and send a  
76 written report of the allegation to the appropriate county  
77 sheriff's office within 48 hours after the initial report is  
78 made to the central abuse hotline.

79 3. The department must ensure that the fact and results of  
80 any investigation of juvenile sexual abuse involving a child in  
81 the custody of or under the protective supervision of the  
82 department are made known to the court at the next hearing or  
83 included in the next report to the court concerning the child.

84 ~~If the alleged offender is 13 years of age or older, the central~~  
85 ~~abuse hotline shall immediately electronically transfer the~~  
86 ~~report or call to the appropriate county sheriff's office and~~  
87 ~~send a written report to the appropriate county sheriff's office~~  
88 ~~within 48 hours after the initial report to the central abuse~~  
89 ~~hotline.~~

90 Section 3. Section 39.307, Florida Statutes, is amended to  
91 read:

92 39.307 Reports of child-on-child sexual abuse.-

93 (1) Upon receiving a report alleging juvenile sexual abuse  
94 or inappropriate sexual behavior as defined in s. 39.01(7), the  
95 department shall assist the family in receiving appropriate



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96 services to address the allegations of the report.

97 (a) The department shall ensure that information  
98 describing a child's history of juvenile sexual abuse is  
99 included in the child's electronic record. This record must also  
100 include information describing the services the child has  
101 received as a result of his or her involvement with juvenile  
102 sexual abuse.

103 (b) Placement decisions for a child who has been involved  
104 with juvenile sexual abuse must include consideration of he  
105 needs of the child and any other children in the home being  
106 considered for placement.

107 (2) The department, contracted sheriff's office providing  
108 protective investigation services, or contracted case management  
109 personnel responsible for providing services, at a minimum,  
110 shall adhere to the following procedures:

111 (a) The purpose of the response to a report alleging  
112 juvenile sexual abuse or inappropriate sexual behavior shall be  
113 explained to the caregiver.

114 1. The purpose of the response shall be explained in a  
115 manner consistent with legislative purpose and intent provided  
116 in this chapter.

117 2. The name and office telephone number of the person  
118 responding shall be provided to the caregiver of the alleged  
119 abuser ~~juvenile sexual offender~~ or child who has exhibited  
120 inappropriate sexual behavior and the victim's caregiver.

121 3. The possible consequences of the department's response,



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122 including outcomes and services, shall be explained to the  
123 caregiver of the alleged abuser ~~juvenile sexual offender~~ or  
124 child who has exhibited inappropriate sexual behavior and the  
125 victim's caregiver.

126 (b) The caregiver of the alleged abuser ~~juvenile sexual~~  
127 ~~offender~~ or child who has exhibited inappropriate sexual  
128 behavior and the victim's caregiver shall be involved to the  
129 fullest extent possible in determining the nature of the sexual  
130 behavior concerns and the nature of any problem or risk to other  
131 children.

132 (c) The assessment of risk and the perceived treatment  
133 needs of the alleged abuser ~~juvenile sexual offender~~ or child  
134 who has exhibited inappropriate sexual behavior, the victim, and  
135 respective caregivers shall be conducted by the district staff,  
136 the child protection team of the Department of Health, and other  
137 providers under contract with the department to provide services  
138 to the caregiver of the alleged offender, the victim, and the  
139 victim's caregiver.

140 (d) The assessment shall be conducted in a manner that is  
141 sensitive to the social, economic, and cultural environment of  
142 the family.

143 (e) If necessary, the child protection team of the  
144 Department of Health shall conduct a physical examination of the  
145 victim, which is sufficient to meet forensic requirements.

146 (f) Based on the information obtained from the alleged  
147 abuser ~~juvenile sexual offender~~ or child who has exhibited



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148 inappropriate sexual behavior, his or her caregiver, the victim,  
149 and the victim's caregiver, an assessment of service and  
150 treatment needs must be completed and, if needed, a case plan  
151 developed within 30 days.

152 (g) The department shall classify the outcome of the  
153 report as follows:

154 1. Report closed. Services were not offered because the  
155 department determined that there was no basis for intervention.

156 2. Services accepted by alleged abuser ~~juvenile sexual~~  
157 ~~offender~~. Services were offered to the alleged abuser ~~juvenile~~  
158 ~~sexual offender~~ or child who has exhibited inappropriate sexual  
159 behavior and accepted by the caregiver.

160 3. Report closed. Services were offered to the alleged  
161 abuser ~~juvenile sexual offender~~ or child who has exhibited  
162 inappropriate sexual behavior, but were rejected by the  
163 caregiver.

164 4. Notification to law enforcement. The risk to the  
165 victim's safety and well-being cannot be reduced by the  
166 provision of services or the caregiver rejected services, and  
167 notification of the alleged delinquent act or violation of law  
168 to the appropriate law enforcement agency was initiated.

169 5. Services accepted by victim. Services were offered to  
170 the victim and accepted by the caregiver.

171 6. Report closed. Services were offered to the victim but  
172 were rejected by the caregiver.

173 (3) If services have been accepted by the alleged abuser



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174 | ~~juvenile sexual offender~~ or child who has exhibited  
175 | inappropriate sexual behavior, the victim, and respective  
176 | caregivers, the department shall designate a case manager and  
177 | develop a specific case plan.

178 |       (a) Upon receipt of the plan, the caregiver shall indicate  
179 | its acceptance of the plan in writing.

180 |       (b) The case manager shall periodically review the  
181 | progress toward achieving the objectives of the plan in order  
182 | to:

183 |           1. Make adjustments to the plan or take additional action  
184 | as provided in this part; or

185 |           2. Terminate the case if indicated by successful or  
186 | substantial achievement of the objectives of the plan.

187 |       (4) Services provided to the alleged abuser ~~juvenile~~  
188 | ~~sexual offender~~ or child who has exhibited inappropriate sexual  
189 | behavior, the victim, and respective caregivers or family must  
190 | be voluntary and of necessary duration.

191 |       (5) If the family or caregiver of the alleged abuser  
192 | ~~juvenile sexual offender~~ or child who has exhibited  
193 | inappropriate sexual behavior fails to adequately participate or  
194 | allow for the adequate participation of the child in the  
195 | services or treatment delineated in the case plan, the case  
196 | manager may recommend that the department:

197 |           (a) Close the case;

198 |           (b) Refer the case to mediation or arbitration, if  
199 | available; or



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200 (c) Notify the appropriate law enforcement agency of  
201 failure to comply.

202 (6) At any time, as a result of additional information,  
203 findings of facts, or changing conditions, the department may  
204 pursue a child protective investigation as provided in this  
205 chapter.

206 (7) The department may ~~is authorized to~~ develop rules and  
207 other policy directives ~~necessary to administer~~ implement the  
208 ~~provisions of~~ this section.

209 Section 4. Paragraph (b) of subsection (4) of section  
210 39.0132, Florida Statutes, is amended to read:

211 39.0132 Oaths, records, and confidential information.—

212 (4)

213 (b) The department shall disclose to the school  
214 superintendent the presence of any child in the care and custody  
215 or under the jurisdiction or supervision of the department who  
216 has a known history of criminal sexual behavior with other  
217 juveniles; ~~is an~~ alleged to have committed juvenile sex abuse  
218 ~~effender, as defined in s. 39.01;~~ or has pled guilty or nolo  
219 contendere to, or has been found to have committed, a violation  
220 of chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
221 847.0133, regardless of adjudication. Any employee of a district  
222 school board who knowingly and willfully discloses such  
223 information to an unauthorized person commits a misdemeanor of  
224 the second degree, punishable as provided in s. 775.082 or s.  
225 775.083.



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226 Section 5. Subsection (1) of section 39.302, Florida  
227 Statutes, is amended to read:

228 39.302 Protective investigations of institutional child  
229 abuse, abandonment, or neglect.—

230 (1) The department shall conduct a child protective  
231 investigation of each report of institutional child abuse,  
232 abandonment, or neglect. Upon receipt of a report that alleges  
233 that an employee or agent of the department, or any other entity  
234 or person covered by s. 39.01(32) ~~39.01(33)~~ or (47), acting in  
235 an official capacity, has committed an act of child abuse,  
236 abandonment, or neglect, the department shall initiate a child  
237 protective investigation within the timeframe established under  
238 s. 39.201(5) and notify the appropriate state attorney, law  
239 enforcement agency, and licensing agency, which shall  
240 immediately conduct a joint investigation, unless independent  
241 investigations are more feasible. When conducting investigations  
242 or having face-to-face interviews with the child, investigation  
243 visits shall be unannounced unless it is determined by the  
244 department or its agent that unannounced visits threaten the  
245 safety of the child. If a facility is exempt from licensing, the  
246 department shall inform the owner or operator of the facility of  
247 the report. Each agency conducting a joint investigation is  
248 entitled to full access to the information gathered by the  
249 department in the course of the investigation. A protective  
250 investigation must include an interview with the child's parent  
251 or legal guardian. The department shall make a full written





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252 report to the state attorney within 3 working days after making  
253 the oral report. A criminal investigation shall be coordinated,  
254 whenever possible, with the child protective investigation of  
255 the department. Any interested person who has information  
256 regarding the offenses described in this subsection may forward  
257 a statement to the state attorney as to whether prosecution is  
258 warranted and appropriate. Within 15 days after the completion  
259 of the investigation, the state attorney shall report the  
260 findings to the department and shall include in the report a  
261 determination of whether ~~or not~~ prosecution is justified and  
262 appropriate in view of the circumstances of the specific case.

263 Section 6. Paragraph (d) of subsection (4) of section  
264 985.04, Florida Statutes, is amended to read:

265 985.04 Oaths; records; confidential information.—

266 (4)

267 (d) The department shall disclose to the school  
268 superintendent the presence of any child in the care and custody  
269 or under the jurisdiction or supervision of the department who  
270 has a known history of criminal sexual behavior with other  
271 juveniles; is ~~an~~ alleged to have committed juvenile sexual abuse  
272 ~~offender~~, as defined in s. 39.01; or has pled guilty or nolo  
273 contendere to, or has been found to have committed, a violation  
274 of chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
275 847.0133, regardless of adjudication. Any employee of a district  
276 school board who knowingly and willfully discloses such  
277 information to an unauthorized person commits a misdemeanor of



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278 the second degree, punishable as provided in s. 775.082 or s.  
279 775.083.

280 Section 7. This act shall take effect July 1, 2014.

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

285 Remove everything before the enacting clause and insert:  
286 An act relating to child-on-child sexual abuse; reordering and  
287 amending s. 39.01, F.S.; replacing the definition of the term  
288 "alleged juvenile sexual offender" with a definition of the term  
289 "juvenile sexual offender"; deleting an age requirement from the  
290 definition of the term "child who has exhibited inappropriate  
291 sexual behavior"; amending s. 39.201, F.S.; requiring reports  
292 involving juvenile sexual abuse or a child who has exhibited  
293 inappropriate sexual behavior to be reported to the department's  
294 central abuse hotline; providing duties concerning such reports;  
295 deleting provisions concerning reports about children over a  
296 certain age; amending s. 39.307, F.S.; requiring the department  
297 to ensure that information describing a child's history of  
298 juvenile sexual abuse is included in the child's electronic  
299 record; requiring placement decisions to include certain  
300 considerations; conforming provisions to changes made by the  
301 act; amending ss. 39.0132, 39.302 and 985.04, F.S.; conforming  
302 provisions to changes made by the act; providing an effective  
303 date.

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# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

3/24/2014 12:30:00PM

**Location:** Sumner Hall (404 HOB)

### Workshop

#### HB 461:

*Workshopped*

#### Appearances:

Branch, Richard (General Public) - Information Only

HB 461

*Minister of Music, First United Methodist Church, Pensacola and Escambia Youth Justice Coalition*

5995 Adelyn Road

Pensacola Florida 32504

Phone: 850-324-9874

Kato, Natalie (Lobbyist) - Information Only

HB 461

*Human Rights Watch*

1948 Greenwood Dr

Tallahassee FL

Phone: 763-221-3151

Landry, Dale (General Public) - Proponent

HB 461

*VP, Florida State Conference NAACP*

1940 Nanticoke Circle

Tallahassee FL 32303

Phone: 850-514-4393

Martinez, Carlos (State Employee) - Information Only

HB 461

*Florida Public Defenders Association*

1320 NW 14th Street

Miami FL 33145

Phone: 305-545-1700

Vogel, Catherine (State Employee) - Opponent

HB 461

*Florida Prosecuting Attorneys Association*

530 Whiteheas Street, Suite 301

Key West Florida 33040

Phone: 305-292-3400

Committee meeting was reported out: Monday, March 24, 2014 3:29:39PM