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**PUBLIC SAFETY  
&  
DOMESTIC SECURITY  
POLICY COMMITTEE**

**TUESDAY, MARCH 09, 2010  
8:00 A.M. – 10:45 A.M.  
404 HOB**

**MEETING PACKET**

Larry Cretul  
Speaker

Kevin C. Ambler  
Chair

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**Summary:**

**Public Safety & Domestic Security Policy Committee**

*Tuesday March 09, 2010 08:00 am*

CS/HB 91	Favorable	Yeas: 12	Nays: 0
CS/HB 233	Favorable	Yeas: 12	Nays: 2
HB 309	Favorable	Yeas: 12	Nays: 0
HB 445	Favorable	Yeas: 13	Nays: 0
HB 627	Favorable	Yeas: 13	Nays: 0
HB 811	Favorable	Yeas: 14	Nays: 0
HB 813	Favorable	Yeas: 12	Nays: 0
HB 819	Favorable	Yeas: 14	Nays: 0
HB 833	Favorable	Yeas: 13	Nays: 0
HB 951	Favorable	Yeas: 13	Nays: 0
HB 1005	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 1055	Favorable	Yeas: 14	Nays: 0
HB 1101	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 1115	Favorable	Yeas: 12	Nays: 0

**Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM**

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kevin Ambler (Chair)	X		
Sandra Adams	X		
Mackenson Bernard	X		
Brad Drake	X		
Greg Evers	X		
Luis Garcia	X		
Bill Heller	X		
Doug Holder	X		
Ed Hooper	X		
Lake Ray	X		
Julio Robaina	X		
Darryl Rouson	X		
Kelli Stargel	X		
James Waldman	X		
<b>Totals:</b>	<b>14</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**CS/HB 91 : Adult Protective Services**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia				X	
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB  
**CS/HB 233 : Vessel Safety**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake		X			
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel		X			
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 2</b>			

**Appearances:**

CS/HB 233 by Agricultural & Natural Resources Policy Committee, Kiar--Vessel Safety  
Peggy Mathews (Lobbyist) - Proponent  
American Watercraft Assoc.  
1529 Big Sky Way  
Tallahassee Florida 32317  
Phone: 850-877-3843

CS/HB 233 by Agricultural & Natural Resources Policy Committee, Kiar--Vessel Safety  
Brian Pitts, Chair - Information Only  
Justice 2 Jesus  
1119 Newton Avenue S.  
St. Petersburg Florida 33705  
Phone: 727-897-9291

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 309 : Violations of Injunctions for Protection**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray			X		
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 309 by Long--Violations of Injunction for Protection...  
 Terri Poore, Director of Public Affairs (Lobbyist) - Proponent  
 Florida Council Against Sexual Violence  
 1820 E. Park Avenue, Suite 100`  
 Tallahassee Florida 32301  
 Phone: 850-297-2000

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 445 : Pretrial Detention and Release**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 445 by Dorworth--Pretrial Detention and Release  
 Rick Roundtree, Bail Agent - Proponent  
 FSAA  
 410 SE 4 Avenue  
 Gainesville Florida 32601  
 Phone: 352-538-1489

HB 445 by Dorworth--Pretrial Detention and Release  
 Freddie Balton - Proponent  
 Bail Agent Pres. FSAA  
 525 W Main Street  
 Tavares Florida 32778  
 Phone: 352-343-7775

HB 445 by Dorworth--Pretrial Detention and Release  
 Albert Estes, Sr. - Proponent  
 AL Estes Bonding, Inc.  
 13790 49th St. North  
 Clearwater Florida  
 Phone: 727-571-9999

HB 445 by Dorworth--Pretrial Detention and Release  
 James Ellrodt, Treasure FSAA - Proponent  
 FSAA  
 303 North Texas Avenue  
 Tavares Florida 32778  
 Phone: 352-343-2245

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location: 404 HOB**

HB 445 by Dorworth--Pretrial Detention and Release  
Darryl F Allan - Proponent  
Darryl F. Allan Bail Bonds  
2897 W Sunrise Blvd  
Fort Lauderdale Florida 33311  
Phone: 954-868-1031

HB 445 by Dorworth--Pretrial Detention and Release  
Olympia Delgado - Proponent  
Bails Bonds Industry  
7661 nw 165 Terr  
Hialeah Florida 33015  
Phone: 786-444-7093

HB 445 by Dorworth--Pretrial Detention and Release  
Sabreen A, Abdullah - Proponent  
Bails Bond Industry  
726 N.W. 29 terr  
Miami Florida 33127  
Phone: 305-638-8777

HB 445 by Dorworth--Pretrial Detention and Release  
Bryon Tunnell - Proponent  
9907 Land O' Lakes Blvd.  
Land O Lakes Florida 34638  
Phone: 813-997-0808

HB 445 by Dorworth--Pretrial Detention and Release  
Wayne Spath, Bail Bond Agent - Proponent  
Brandy Bail Bonds  
916 S Andrews  
Fort Lauderdale Florida 33316  
Phone: 954-463-4333

HB 445 by Dorworth--Pretrial Detention and Release  
Monica McGoey - Proponent  
Best Bail Bonds  
1845 NW 17th Ave.  
Miami Florida 33125  
Phone: 954-821-8917

HB 445 by Dorworth--Pretrial Detention and Release  
Nidia Diaz - Proponent  
Bails Bond Industry  
600 NE 36th St., #PH 20  
Miami Florida 33137  
Phone: 305-571-5006

HB 445 by Dorworth--Pretrial Detention and Release  
Maria R. Diaz - Proponent  
Bails Bond Industry  
109 W 43 St.  
Hialeah Florida  
Phone: 305-821-4333

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM



**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** 404 HOB

HB 445 by Dorworth--Pretrial Detention and Release  
Bruce Moncrief - Proponent  
Moncrief Bail Bonds  
3910 S John Young Pkwy  
Orlando Florida 32839  
Phone: 407-468-6000

HB 445 by Dorworth--Pretrial Detention and Release  
Dan Amato - Proponent  
American Surety Company  
6421 Saint Partin Place  
Orlando Florida 32812  
Phone: 407-850-2528

HB 445 by Dorworth--Pretrial Detention and Release  
Melanie Ledgerwood - Proponent  
Gov't Relations  
4798 New Broad Street  
Orlando Florida 32814  
Phone: 407-629-2131

HB 445 by Dorworth--Pretrial Detention and Release  
Russ Aactees, Jr, Bailbondsman - Proponent  
1390 NW 16th Street  
Miami Florida 33125  
Phone: 305-324-6444

HB 445 by Dorworth--Pretrial Detention and Release  
Jackie Indacochea, Bail Bondsman - Proponent  
ABC Bail Bonds  
1440 NW 13 Terr.  
Miami Florida 33125  
Phone: 305-324-7005

HB 445 by Dorworth--Pretrial Detention and Release  
Dennis Williams - Proponent  
Accredited Surety  
121 W Lakeview Ave  
Pensacola Florida 32501  
Phone: 850-375-1248

HB 445 by Dorworth--Pretrial Detention and Release  
Peter Antonacci, Attorney (Lobbyist) - Proponent  
Accredited Surety  
Bronough Street  
Tallahassee Florida  
Phone: 222-7717

HB 445 by Dorworth--Pretrial Detention and Release  
Bill Lervone, State Attorney (State Employee) - Opponent  
8th Circuit  
120 W University Avenue  
Gainesville Florida 32601  
Phone: 352-374-3686

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** 404 HOB

HB 445 by Dorworth--Pretrial Detention and Release  
Mark Spetser, Circuit Court Judge (State Employee) - Information Only  
Fla. Sub TMX Corp.  
Fort Lauderdale Florida  
Phone: 954-831-7805

HB 445 by Dorworth--Pretrial Detention and Release  
Sarrah Carroll (Lobbyist) - Opponent  
Florida Assoc. of Counties  
P.O. Box 549  
Tallahassee Florida 32309  
Phone: 850-284-5993

HB 445 by Dorworth--Pretrial Detention and Release  
Bill Proctor, Commissioner - Leon County - Opponent  
Leon County  
301 S. Monroe Street  
Tallahassee Florida 32301  
Phone: 850-606-5300

HB 445 by Dorworth--Pretrial Detention and Release  
Don Bioring, Manager, Community Corrections Orange County - Opponent  
Orange County  
P.O. Box 4920  
Orlando Florida 32802  
Phone: 407-836-0382

HB 445 by Dorworth--Pretrial Detention and Release  
Gerie R. Crawford - Opponent  
Alachua County BOCC  
14 NE 1st Street  
Gainesville Florida 32618  
Phone: 352-494-6643-C

HB 445 by Dorworth--Pretrial Detention and Release  
Bob Dillinger (State Employee) - Opponent  
Public Defender Assoc  
14250 49th St. N  
Clearwater Florida 33762  
Phone: 762-464-6865

HB 445 by Dorworth--Pretrial Detention and Release  
Ellen Piekalkiewicz, Ex Director (Lobbyist) (State Employee) - Information Only  
Fla. Substance Abuse & MH Corp  
1317 Winewood Blvd  
Tallahassee Florida 32312  
Phone: 850-410-1576

HB 445 by Dorworth--Pretrial Detention and Release  
Major Robert Bullars - Opponent  
Hillsborough County Sheriff Office  
1501 Falkenburg Road  
Tampa Florida 33619  
Phone: 813-627-2100

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**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location: 404 HOB**

HB 445 by Dorworth--Pretrial Detention and Release  
David Kilcrease, Lieutenant - Opponent  
Sheriff John Rutherford - Jacksonville Sheriffs Office  
501 E Bay Street  
Jacksonville Florida 32202  
Phone: 904-630-5804

HB 445 by Dorworth--Pretrial Detention and Release  
Sherriff Jim Coats - Information Only  
Pinellas County Sheriff's Office  
Pinellas County

HB 445 by Dorworth--Pretrial Detention and Release  
Johnny Jallad - Information Only  
518 Genius Drive  
Winter Park Florida 32789  
Phone: 407-619-5709

HB 445 by Dorworth--Pretrial Detention and Release  
Brian Pitts, Chair - Information Only  
Justice 2 Jesus  
1119 Newton Avenue S.  
St. Petersburg Florida 33705  
Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 627 : Transitional Services for Youth**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 627 by Porth--Transitional Services for Youth

Jason Welty, Legislative Affairs Director (Lobbyist) (State Employee) - Proponent  
 Dept. of Juvenile Justice  
 2737 Centerview Drive  
 Tallahassee Florida 32399  
 Phone: 850-921-3097

HB 627 by Porth--Transitional Services for Youth

Cathy Craig-Myers (Lobbyist) - Proponent  
 Fla. Juvenile Justice Assoc.  
 1107 Hays Street  
 Tallahassee Florida  
 Phone: 850-671-3442

HB 627 by Porth--Transitional Services for Youth

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

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 811 : Faith- and Character-Based Correctional Institution Programs**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 813 : Juvenile Justice Facilities and Programs**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray				X	
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 813 by Garcia--Juvenile Justice Facilities and Programs  
 Jason Welty, Legislative Affairs Director (Lobbyist) (State Employee) - Proponent  
 Dept. of Juvenile Justice  
 2737 Centerview Drive  
 Tallahassee Florida 32399-3100  
 Phone: 850-921-3097

HB 813 by Garcia--Juvenile Justice Facilities and Programs  
 Cathy Craig-Myers (Lobbyist) - Proponent  
 Fla. Juvenile Justice Assoc.  
 1107 Hays Street  
 Tallahassee Florida  
 Phone: 850-671-3442

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 819 : Sexual Misconduct with Students by Authority Figures**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 819 by Stargel  
 Brian Pitts, Chair - Information Only  
 Justice 2 Jesus  
 1119 Newton Avenue S.  
 St. Petersburg Florida 33705  
 Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 833 : Reports and Functions of the Department of Juvenile Justice**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 833 by Thurston--Reports and Functions of the Dept. of Juvenile Justice  
 Jason Welty, Legislative Affairs Director (Lobbyist) (State Employee) - Proponent  
 Dept. of Juvenile Justice  
 2737 Centerview Drive  
 Tallahassee Florida 32399  
 Phone: 850-921-3097

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM



**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB  
**HB 951 : Public Safety**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 1005 : Criminal Justice**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 1005 by Holder--Criminal Justice

Tommy Maggitas, OMC Manager (Lobbyist) (State Employee) - Information Only

Department of Corrections  
 2601 Blair Stone Road  
 Tallahassee Florida 32301  
 Phone: 488-7436

HB 1005 by Holder--Criminal Justice

Richard Davidson, Deputy Secretary (Lobbyist) (State Employee) - Proponent

Florida Department of Corrections  
 2601 Blair Stone Road  
 Tallahassee Florida 32399  
 Phone: 850-410-4227

HB 1005 by Holder--Criminal Justice

Brian Pitts, Chair - Information Only

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

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

**ADOPTED**

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

1 Council/Committee hearing bill: Public Safety & Domestic  
 2 Security Policy Committee  
 3 Representative(s) Holder offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Subsection (5) of section 384.34, Florida Statutes,  
 8 is amended to read:

9 384.34 Penalties.—

10 (5) Any person who violates the provisions of s. 384.24(2)  
 11 commits a felony of the third degree, punishable as provided in  
 12 s. 775.082, s. 775.083, or s.775.084 ~~ss. 775.082, 775.083,~~  
 13 ~~775.084, and 775.0877(7)~~. Any person who commits multiple  
 14 violations of the provisions of s. 384.24(2) commits a felony of  
 15 the first degree, punishable as provided in s. 775.082, s.  
 16 775.083, or s. 775.084 ~~ss. 775.082, 775.083, 775.084, and~~  
 17 ~~775.0877(7)~~.

18 Section 2. Section 775.0877, Florida Statutes, is amended  
 19 to read:

Amendment No. 1

20 775.0877 Criminal transmission of HIV; procedures;  
21 penalties.-

22 (1) In any case in which a person has been convicted of or  
23 has pled nolo contendere or guilty to, regardless of whether  
24 adjudication is withheld, any of the following offenses, or the  
25 attempt thereof, which offense or attempted offense involves the  
26 transmission of body fluids from one person to another:

27 (a) Section 794.011, relating to sexual battery,

28 (b) Section 826.04, relating to incest,

29 (c) Section 800.04(1), (2), and (3), relating to lewd,  
30 lascivious, or indecent assault or act upon any person less than  
31 16 years of age,

32 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
33 relating to assault,

34 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
35 relating to aggravated assault,

36 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
37 relating to battery,

38 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),  
39 relating to aggravated battery,

40 (h) Section 827.03(1), relating to child abuse,

41 (i) Section 827.03(2), relating to aggravated child abuse,

42 (j) Section 825.102(1), relating to abuse of an elderly  
43 person or disabled adult,

44 (k) Section 825.102(2), relating to aggravated abuse of an  
45 elderly person or disabled adult,

46 (l) Section 827.071, relating to sexual performance by  
47 person less than 18 years of age,

## Amendment No. 1

48 (m) Sections 796.03, 796.07, and 796.08, relating to  
49 prostitution, or

50 (n) Section 381.0041(11)(b), relating to donation of  
51 blood, plasma, organs, skin, or other human tissue,

52  
53 the court shall order the offender to undergo HIV testing, to be  
54 performed under the direction of the Department of Health in  
55 accordance with s. 381.004, unless the offender has undergone  
56 HIV testing voluntarily or pursuant to procedures established in  
57 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or  
58 rule providing for HIV testing of criminal offenders or inmates,  
59 subsequent to her or his arrest for an offense enumerated in  
60 paragraphs (a)-(n) for which she or he was convicted or to which  
61 she or he pled nolo contendere or guilty. The results of an HIV  
62 test performed on an offender pursuant to this subsection are  
63 not admissible in any criminal proceeding arising out of the  
64 alleged offense.

65 (2) The results of the HIV test must be disclosed under  
66 the direction of the Department of Health, to the offender who  
67 has been convicted of or pled nolo contendere or guilty to an  
68 offense specified in subsection (1), the public health agency of  
69 the county in which the conviction occurred and, if different,  
70 the county of residence of the offender, and, upon request  
71 pursuant to s. 960.003, to the victim or the victim's legal  
72 guardian, or the parent or legal guardian of the victim if the  
73 victim is a minor.

74 (3) An offender who has undergone HIV testing pursuant to  
75 subsection (1), and to whom positive test results have been

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76 disclosed pursuant to subsection (2), who commits a second or  
77 subsequent offense enumerated in paragraphs (1)(a)-(n), commits  
78 criminal transmission of HIV, a felony of the third degree,  
79 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
80 ~~subsection (7)~~. A person may be convicted and sentenced  
81 separately for a violation of this subsection and for the  
82 underlying crime enumerated in paragraphs (1)(a)-(n).

83 (4) An offender may challenge the positive results of an  
84 HIV test performed pursuant to this section and may introduce  
85 results of a backup test performed at her or his own expense.

86 (5) Nothing in this section requires that an HIV infection  
87 have occurred in order for an offender to have committed  
88 criminal transmission of HIV.

89 (6) For an alleged violation of any offense enumerated in  
90 paragraphs (1)(a)-(n) for which the consent of the victim may be  
91 raised as a defense in a criminal prosecution, it is an  
92 affirmative defense to a charge of violating this section that  
93 the person exposed knew that the offender was infected with HIV,  
94 knew that the action being taken could result in transmission of  
95 the HIV infection, and consented to the action voluntarily with  
96 that knowledge.

97 ~~(7) In addition to any other penalty provided by law for~~  
98 ~~an offense enumerated in paragraphs (1)(a)-(n), the court may~~  
99 ~~require an offender convicted of criminal transmission of HIV to~~  
100 ~~serve a term of criminal quarantine community control, as~~  
101 ~~described in s. 948.001.~~

102 Section 3. Subsection (5) of section 796.08, Florida  
103 Statutes, is amended to read:

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104 796.08 Screening for HIV and sexually transmissible  
105 diseases; providing penalties.—

106 (5) A person who:

107 (a) Commits or offers to commit prostitution; or

108 (b) Procures another for prostitution by engaging in  
109 sexual activity in a manner likely to transmit the human  
110 immunodeficiency virus,

111

112 and who, prior to the commission of such crime, had tested  
113 positive for human immunodeficiency virus and knew or had been  
114 informed that he or she had tested positive for human  
115 immunodeficiency virus and could possibly communicate such  
116 disease to another person through sexual activity commits  
117 criminal transmission of HIV, a felony of the third degree,  
118 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
119 ~~or s. 775.0877(7)~~. A person may be convicted and sentenced  
120 separately for a violation of this subsection and for the  
121 underlying crime of prostitution or procurement of prostitution.

122 Section 4. Section 800.09, Florida Statutes, is created to  
123 read:

124 800.09 Lewd or lascivious exhibition in the presence of a  
125 facility employee.—

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

127 (a) "Facility" means a state correctional institution, as  
128 defined in s. 944.02, or a private correctional facility, as  
129 defined in s. 944.710.

130 (b) "Employee" means any person employed by or performing  
131 contractual services for a public or private entity operating a

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132 facility or any person employed by or performing contractual  
133 services for the corporation operating the prison industry  
134 enhancement programs or the correctional work programs under  
135 part II of chapter 946. The term also includes any person who is  
136 a parole examiner with the Parole Commission.

137 (2) (a) A person who is detained in a facility may not:

138 1. Intentionally masturbate;

139 2. Intentionally expose the genitals in a lewd or  
140 lascivious manner; or

141 3. Intentionally commit any other sexual act, including,  
142 but not limited to, sadomasochistic abuse, sexual bestiality, or  
143 the simulation of any act involving sexual activity

144  
145 in the presence of a person he or she knows or reasonably should  
146 know is an employee.

147 (b) A person who violates paragraph (a) commits lewd or  
148 lascivious exhibition in the presence of a facility employee, a  
149 felony of the third degree, punishable as provided in s.  
150 775.082, s. 775.083, or s. 775.084.

151 Section 5. Subsections (2) and (3) of section 921.187,  
152 Florida Statutes, are amended to read:

153 921.187 Disposition and sentencing; alternatives;  
154 restitution.-

155 ~~(2) In addition to any other penalty provided by law for~~  
156 ~~an offense enumerated in s. 775.0877(1)(a)-(n), if the offender~~  
157 ~~is convicted of criminal transmission of HIV pursuant to s.~~  
158 ~~775.0877, the court may sentence the offender to criminal~~  
159 ~~quarantine community control as described in s. 948.001.~~



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160        (2)~~(3)~~ The court shall require an offender to make  
161 restitution under s. 775.089, unless the court finds clear and  
162 compelling reasons not to order such restitution. If the court  
163 does not order restitution, or orders restitution of only a  
164 portion of the damages, as provided in s. 775.089, the court  
165 shall state the reasons on the record in detail. An order  
166 requiring an offender to make restitution to a victim under s.  
167 775.089 does not remove or diminish the requirement that the  
168 court order payment to the Crimes Compensation Trust Fund under  
169 chapter 960.

170        Section 6. Section 940.061, Florida Statutes, is amended  
171 to read:

172        940.061 Informing persons about executive clemency and  
173 restoration of civil rights.—The Department of Corrections shall  
174 inform and educate inmates and offenders on community  
175 supervision about the restoration of civil rights. Each month  
176 the Department of Corrections shall send to the Parole  
177 Commission an electronic list containing the names of inmates  
178 who have been released from incarceration, and offenders who  
179 have been terminated from supervision, and who may be eligible  
180 ~~and assist eligible inmates and offenders on community~~  
181 ~~supervision with the completion of the application for the~~  
182 restoration of civil rights.

183        Section 7. Section 944.293, Florida Statutes, is repealed.

184        Section 8. Paragraph (b) of subsection (3) of section  
185 944.35, Florida Statutes, is amended to read:

186        944.35 Authorized use of force; malicious battery and  
187 sexual misconduct prohibited; reporting required; penalties.—

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188 (3)

189 (b)1. As used in this paragraph, the term "sexual  
190 misconduct" means the oral, anal, or vaginal penetration by, or  
191 union with, the sexual organ of another or the anal or vaginal  
192 penetration of another by any other object, but does not include  
193 an act done for a bona fide medical purpose or an internal  
194 search conducted in the lawful performance of the employee's  
195 duty.

196 2. Any employee of the department or a private  
197 correctional facility, as defined in s. 944.710, who engages in  
198 sexual misconduct with an inmate or an offender supervised by  
199 the department in the community, without committing the crime of  
200 sexual battery, commits a felony of the third degree, punishable  
201 as provided in s. 775.082, s. 775.083, or s. 775.084.

202 3. The consent of the inmate or offender supervised by the  
203 department in the community to any act of sexual misconduct may  
204 not be raised as a defense to a prosecution under this  
205 paragraph.

206 4. This paragraph does not apply to any employee of the  
207 department or any employee of a private correctional facility  
208 who is legally married to an inmate or an offender supervised by  
209 the department in the community, nor does it apply to any  
210 employee who has no knowledge, and would have no reason to  
211 believe, that the person with whom the employee has engaged in  
212 sexual misconduct is an inmate or an offender under community  
213 supervision of the department.

214 Section 9. Subsection (3) of section 944.605, Florida  
215 Statutes, is amended to read:

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216 944.605 Inmate release; notification.-

217 (3) (a) If an inmate is to be released after having served  
218 one or more sentences for a conviction of robbery, sexual  
219 battery, home-invasion robbery, or carjacking, or an inmate to  
220 be released has a prior conviction for robbery, sexual battery,  
221 home-invasion robbery, or carjacking or similar offense, in this  
222 state or in another jurisdiction, and if such prior conviction  
223 information is contained in department records, the department  
224 shall release to the sheriff of the county in which the inmate  
225 plans to reside, and, if the inmate plans to reside within a  
226 municipality, to the chief of police of that municipality, the  
227 following information, which must include, but need not be  
228 limited to:

- 229 1. ~~(a)~~ Name;
- 230 2. ~~(b)~~ Social security number;
- 231 3. ~~(c)~~ Date of birth;
- 232 4. ~~(d)~~ Race;
- 233 5. ~~(e)~~ Sex;
- 234 6. ~~(f)~~ Height;
- 235 7. ~~(g)~~ Weight;
- 236 8. ~~(h)~~ Hair and eye color;
- 237 9. ~~(i)~~ Tattoos or other identifying marks;
- 238 10. ~~(j)~~ Fingerprints; and
- 239 11. ~~(k)~~ A digitized photograph as provided in subsection

240 (2).

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242 The department shall release the information specified in this  
243 paragraph subsection within 6 months prior to the discharge of  
244 the inmate from the custody of the department.

245 (b) The department may electronically submit the  
246 information listed in paragraph (a) to the sheriff of the county  
247 in which the inmate plans to reside, and, if the inmate plans to  
248 reside within a municipality, to the chief of police of that  
249 municipality.

250 Section 10. Section 944.804, Florida Statutes, is amended  
251 to read:

252 944.804 Elderly offenders correctional facilities program  
253 of 2000.—

254 (1) The Legislature finds that the number and percentage  
255 of elderly offenders in the Florida prison system is increasing  
256 and will continue to increase for the foreseeable future. The  
257 current cost to incarcerate elderly offenders is approximately  
258 three times the cost of incarceration of younger inmates.

259 Alternatives to the current approaches to housing, programming,  
260 and treating the medical needs of elderly offenders, which may  
261 reduce the overall costs associated with this segment of the  
262 prison population, must be explored and implemented.

263 (2) The department shall establish and operate a geriatric  
264 facilities or geriatric dorms within a facility at the site  
265 known as River Junction Correctional Institution, which shall be  
266 an institution specifically for generally healthy elderly  
267 offenders who can perform general work appropriate for their  
268 physical and mental condition. Prior to reopening the facility,  
269 the department shall make modifications to the facility which

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270 ~~will ensure its compliance with the Americans with Disabilities~~  
271 ~~Act and decrease the likelihood of falls, accidental injury, and~~  
272 ~~other conditions known to be particularly hazardous to the~~  
273 ~~elderly.~~

274 (a) In order to decrease long-term medical costs to the  
275 state, a preventive fitness/wellness program and diet  
276 specifically designed to maintain the mental and physical health  
277 of elderly offenders shall be developed and implemented. In  
278 developing the program, the department shall give consideration  
279 to preventive medical care for the elderly which shall include,  
280 but not be limited to, maintenance of bone density, all aspects  
281 of cardiovascular health, lung capacity, mental alertness, and  
282 orientation. Existing policies and procedures shall be  
283 reexamined and altered to encourage offenders to adopt a more  
284 healthy lifestyle and maximize their level of functioning. The  
285 program components shall be modified as data and experience are  
286 received which measure the relative success of the program  
287 components previously implemented.

288 (b) Consideration must be given to redirecting resources  
289 as a method of offsetting increased medical costs. Elderly  
290 offenders are not likely to reenter society as a part of the  
291 workforce, and programming resources would be better spent in  
292 activities to keep the elderly offenders healthy, alert, and  
293 oriented. Limited or restricted programming or activities for  
294 elderly offenders will increase the daily cost of institutional  
295 and health care, and programming opportunities adequate to  
296 reduce the cost of care will be provided. Programming shall  
297 include, but not be limited to, recreation, education, and

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298 counseling which is needs-specific to elderly offenders.  
299 Institutional staff shall be specifically trained to effectively  
300 supervise elderly offenders and to detect physical or mental  
301 changes which warrant medical attention before more serious  
302 problems develop.

303 (3) The department shall adopt rules that specify which  
304 elderly offenders shall be eligible to be housed at the  
305 geriatric correctional facilities or dorms River Junction  
306 Correctional Institution.

307 (4) While developing the criteria for eligibility, the  
308 department shall use the information in existing offender  
309 databases to determine the number of offenders who would be  
310 eligible. The Legislature directs the department to consider a  
311 broad range of elderly offenders for the department's geriatric  
312 facilities or dorms River Junction Correctional Institution who  
313 have good disciplinary records and a medical grade that will  
314 permit them to perform meaningful work activities, including  
315 participation in an appropriate correctional work program  
316 (PRIDE) facility, if available.

317 (5) The department shall also submit a study based on  
318 existing offenders which projects the number of existing  
319 offenders who will qualify under the rules. An appendix to the  
320 study shall identify the specific offenders who qualify.

321 Section 11. Section 944.8041, Florida Statutes, is amended  
322 to read:

323 944.8041 Elderly offenders; annual review.—For the purpose  
324 of providing information to the Legislature on elderly offenders  
325 within the correctional system, the department and the

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326 Correctional Medical Authority shall each submit annually a  
327 report on the status and treatment of elderly offenders in the  
328 state-administered and private state correctional systems and  
329 ~~as well as such information on the department's geriatric~~  
330 facilities and dorms River Junction Correctional Institution. In  
331 order to adequately prepare the reports, the department and the  
332 Department of Management Services shall grant access to the  
333 Correctional Medical Authority which includes access to the  
334 facilities, offenders, and any information the agencies require  
335 to complete their reports. The review shall also include an  
336 examination of promising geriatric policies, practices, and  
337 programs currently implemented in other correctional systems  
338 within the United States. The reports, with specific findings  
339 and recommendations for implementation, shall be submitted to  
340 the President of the Senate and the Speaker of the House of  
341 Representatives on or before December 31 of each year.

342 Section 12. Subsections (4) and (5) of section 945.41,  
343 Florida Statutes, are amended to read:

344 945.41 Legislative intent of ss. 945.40-945.49.—It is the  
345 intent of the Legislature that mentally ill inmates in the  
346 custody of the Department of Corrections receive evaluation and  
347 appropriate treatment for their mental illness through a  
348 continuum of services. It is further the intent of the  
349 Legislature that:

350 (4) Any inmate sentenced as a youthful offender, or  
351 designated as a youthful offender by the department under  
352 ~~pursuant to~~ chapter 958, who is transferred pursuant to this act  
353 to a mental health treatment facility be separated from other

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354 inmates, if necessary, as determined by the warden of the  
355 treatment facility. ~~In no case shall any youthful offender be~~  
356 ~~placed at the Florida State Prison or the Union Correctional~~  
357 ~~Institution for mental health treatment.~~

358 (5) The department may designate a mental health treatment  
359 facilities facility for adult, youthful, and female offenders or  
360 may contract with other appropriate entities, persons, or  
361 agencies for such services.

362 Section 13. Subsections (5) and (6) of section 945.42,  
363 Florida Statutes, are amended to read:

364 945.42 Definitions; ss. 945.40-945.49.—As used in ss.  
365 945.40-945.49, the following terms shall have the meanings  
366 ascribed to them, unless the context shall clearly indicate  
367 otherwise:

368 (5) "In immediate need of care and treatment" means that  
369 an inmate is apparently mentally ill and is not able to be  
370 appropriately cared for in the institution where he or she is  
371 confined and that, but for being isolated in a more restrictive  
372 and secure housing environment, because of the apparent mental  
373 illness:

374 (a)1. The inmate is demonstrating a refusal to care for  
375 himself or herself and without immediate treatment intervention  
376 is likely to continue to refuse to care for himself or herself,  
377 and such refusal poses an immediate, real, and present threat of  
378 substantial harm to his or her well-being; or

379 2. There is an immediate, real, and present threat that  
380 the inmate will inflict serious bodily harm on himself or



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381 herself or another person, as evidenced by recent behavior  
382 involving causing, attempting, or threatening such harm;

383 ~~(b)1. The inmate has refused voluntary placement for~~  
384 ~~treatment at a mental health treatment facility after sufficient~~  
385 ~~and conscientious explanation and disclosure of the purpose of~~  
386 ~~placement; or~~

387 2. The inmate is unable to determine for himself or  
388 herself whether placement is necessary; and

389 (c) All available less restrictive treatment alternatives  
390 that would offer an opportunity for improvement of the inmate's  
391 condition have been clinically determined to be inappropriate.

392 (6) "In need of care and treatment" means that an inmate  
393 has a mental illness for which inpatient services in a mental  
394 health treatment facility are necessary and that, but for being  
395 isolated in a more restrictive and secure housing environment,  
396 because of the mental illness:

397 (a)1. The inmate is demonstrating a refusal to care for  
398 himself or herself and without treatment is likely to continue  
399 to refuse to care for himself or herself, and such refusal poses  
400 a real and present threat of substantial harm to his or her  
401 well-being; or

402 2. There is a substantial likelihood that in the near  
403 future the inmate will inflict serious bodily harm on himself or  
404 herself or another person, as evidenced by recent behavior  
405 causing, attempting, or threatening such harm;

406 ~~(b)1. The inmate has refused voluntary placement for~~  
407 ~~treatment at a mental health treatment facility after sufficient~~

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408 ~~and conscientious explanation and disclosure of the purpose of~~  
409 ~~placement; or~~

410 2. The inmate is unable to determine for himself or  
411 herself whether placement is necessary; and

412 (c) All available less restrictive treatment alternatives  
413 that would offer an opportunity for improvement of the inmate's  
414 condition have been clinically determined to be inappropriate.

415 Section 14. Section 945.43, Florida Statutes, is amended  
416 to read:

417 945.43 Placement ~~Admission~~ of inmate in a ~~to~~ mental health  
418 treatment facility.—

419 (1) CRITERIA.—An inmate may be placed in ~~admitted to~~ a  
420 mental health treatment facility if he or she is mentally ill  
421 and is in need of care and treatment, as defined in s. 945.42.

422 (2) PROCEDURE FOR PLACEMENT IN A MENTAL HEALTH TREATMENT  
423 FACILITY.—

424 (a) An inmate may be placed in ~~admitted to~~ a mental health  
425 treatment facility after notice and hearing, upon the  
426 recommendation of the warden of the facility where the inmate is  
427 confined. The recommendation shall be entered on a petition and  
428 must be supported by the expert opinion of a psychiatrist and  
429 the second opinion of a psychiatrist or psychological  
430 professional. The petition shall be filed with the court in the  
431 county where the inmate is located.

432 (b) A copy of the petition shall be served on the inmate,  
433 accompanied by a written notice that the inmate may apply  
434 immediately to the court to have an attorney appointed if the  
435 inmate cannot afford one.

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436 (c) The petition for placement shall ~~may~~ be filed in the  
437 county in which the inmate is located. The hearing shall be held  
438 in the same county, and one of the inmate's physicians at the  
439 facility where the inmate is located shall appear as a witness  
440 at the hearing.

441 (d) An attorney representing the inmate shall have access  
442 to the inmate and any records, including medical or mental  
443 health records, which are relevant to the representation of the  
444 inmate.

445 (e) If the court finds that the inmate is mentally ill and  
446 in need of care and treatment, as defined in s. 945.42, the  
447 court shall order that he or she be placed in a mental health  
448 treatment facility or, if the inmate is at a mental health  
449 treatment facility, that he or she be retained there. The court  
450 shall authorize the mental health treatment facility to retain  
451 the inmate for up to 6 months. If, at the end of that time,  
452 continued placement is necessary, the warden shall apply to the  
453 Division of Administrative Hearings in accordance with s. 945.45  
454 for an order authorizing continued placement.

455 (3) PROCEDURE FOR HEARING ON PLACEMENT OF AN INMATE IN A  
456 MENTAL HEALTH TREATMENT FACILITY.—

457 (a) The court shall serve notice on the warden of the  
458 facility where the inmate is confined and the allegedly mentally  
459 ill inmate. The notice must specify the date, time, and place of  
460 the hearing; the basis for the allegation of mental illness; and  
461 the names of the examining experts. The hearing shall be held  
462 within 5 days, and the court may appoint a general or special  
463 magistrate to preside. The court may waive the presence of the

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464 inmate at the hearing if the ~~such~~ waiver is consistent with the  
465 best interests of the inmate and the inmate's counsel does not  
466 object. The department may transport the inmate to the location  
467 of the hearing if the hearing is not conducted at the facility  
468 or by electronic means. The hearing may be as informal as is  
469 consistent with orderly procedure. One of the experts whose  
470 opinion supported the petition for placement shall be present at  
471 the hearing for information purposes.

472 (b) If, at the hearing, the court finds that the inmate is  
473 mentally ill and in need of care and treatment, as defined in s.  
474 945.42, the court shall order that he or she be placed in a  
475 mental health treatment facility. The court shall provide a copy  
476 of its order authorizing placement and all supporting  
477 documentation relating to the inmate's condition to the warden  
478 of the treatment facility. If the court finds that the inmate is  
479 not mentally ill, it shall dismiss the petition for placement.

480 (4) REFUSAL OF PLACEMENT.—The warden of an institution in  
481 which a mental health treatment facility is located may refuse  
482 to place any inmate in that treatment facility who is not  
483 accompanied by adequate court orders and documentation, as  
484 required in ss. 945.40-945.49.

485 Section 15. Section 945.46, Florida Statutes, is amended  
486 to read:

487 945.46 Initiation of involuntary placement proceedings  
488 with respect to a mentally ill inmate scheduled for release.—

489 (1) If an inmate who is receiving mental health treatment  
490 in the department is scheduled for release through expiration of  
491 sentence or any other means, but continues to be mentally ill

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492 and in need of care and treatment, as defined in s. 945.42, the  
493 warden is authorized to initiate procedures for involuntary  
494 placement pursuant to s. 394.467, 60 days prior to such release.

495 (2) In addition, the warden may initiate procedures for  
496 involuntary examination pursuant to s. 394.463 for any inmate  
497 who has a mental illness and meets the criteria of s.  
498 394.463(1).

499 (3) The department may transport an individual who is  
500 being released from its custody to a receiving or treatment  
501 facility for involuntary examination or placement. Such  
502 transport shall be made to a facility that is specified by the  
503 Department of Children and Family Services as able to meet the  
504 specific needs of the individual. If the Department of Children  
505 and Family Services does not specify a facility, transport may  
506 be made to the nearest receiving facility.

507 Section 16. Section 946.42, Florida Statutes, is created  
508 to read:

509 946.42 Use of inmates on private property.-

510 (1) The department may allow inmates who meet the criteria  
511 provided in s. 946.40 to enter onto private property to perform  
512 public works or for the following purposes:

513 (a) To accept and collect donations for the use and  
514 benefit of the department.

515 (b) To assist federal, state, local, and private agencies  
516 before, during, and after emergencies or disasters.

517 (2) As used in this section, the term:

518 (a) "Disaster" means any natural, technological, or civil  
519 emergency that causes damage of sufficient severity and

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520 magnitude to result in a declaration of a state of emergency by  
521 a county, the Governor, or the President of the United States.

522 (b) "Donations" means gifts of tangible personal property  
523 and includes equipment, fixtures, construction materials, food  
524 items, and other tangible personal property of a consumable and  
525 nonconsumable nature.

526 (c) "Emergency" means any occurrence or threat of an  
527 occurrence, whether natural, technological, or manmade, in war  
528 or in peace, which results or may result in substantial injury  
529 or harm to the population or substantial damage to or loss of  
530 property.

531 Section 17. Subsection (3) of section 948.001, Florida  
532 Statutes, is repealed.

533 Section 18. Subsection (1) of section 948.03, Florida  
534 Statutes, is amended to read:

535 948.03 Terms and conditions of probation.—

536 (1) The court shall determine the terms and conditions of  
537 probation. Conditions specified in this section do not require  
538 oral pronouncement at the time of sentencing and may be  
539 considered standard conditions of probation. These conditions  
540 may include among them the following, that the probationer or  
541 offender in community control shall:

542 (a) Report to the probation and parole supervisors as  
543 directed.

544 (b) Permit such supervisors to visit him or her at his or  
545 her home or elsewhere.

546 (c) Work faithfully at suitable employment insofar as may  
547 be possible.

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548 (d) Remain within a specified place.

549 (e) Live without violating any law. A conviction in a  
550 court of law is not necessary for such a violation of law to  
551 constitute a violation of probation, community control, or any  
552 other form of court-ordered supervision.

553 (f)~~(e)~~ Make reparation or restitution to the aggrieved  
554 party for the damage or loss caused by his or her offense in an  
555 amount to be determined by the court. The court shall make such  
556 reparation or restitution a condition of probation, unless it  
557 determines that clear and compelling reasons exist to the  
558 contrary. If the court does not order restitution, or orders  
559 restitution of only a portion of the damages, as provided in s.  
560 775.089, it shall state on the record in detail the reasons  
561 therefor.

562 (g)~~(f)~~ Effective July 1, 1994, and applicable for offenses  
563 committed on or after that date, make payment of the debt due  
564 and owing to a county or municipal detention facility under s.  
565 951.032 for medical care, treatment, hospitalization, or  
566 transportation received by the felony probationer while in that  
567 detention facility. The court, in determining whether to order  
568 such repayment and the amount of the ~~such~~ repayment, shall  
569 consider the amount of the debt, whether there was any fault of  
570 the institution for the medical expenses incurred, the financial  
571 resources of the felony probationer, the present and potential  
572 future financial needs and earning ability of the probationer,  
573 and dependents, and other appropriate factors.

574 (h)~~(g)~~ Support his or her legal dependents to the best of  
575 his or her ability.

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576 (i)~~(h)~~ Make payment of the debt due and owing to the state  
577 under s. 960.17, subject to modification based on change of  
578 circumstances.

579 (j)~~(i)~~ Pay any application fee assessed under s.  
580 27.52(1)(b) and attorney's fees and costs assessed under s.  
581 938.29, subject to modification based on change of  
582 circumstances.

583 (k)~~(j)~~ Not associate with persons engaged in criminal  
584 activities.

585 (1)~~(k)~~1. Submit to random testing as directed by the  
586 correctional probation officer or the professional staff of the  
587 treatment center where he or she is receiving treatment to  
588 determine the presence or use of alcohol or controlled  
589 substances.

590 2. If the offense was a controlled substance violation and  
591 the period of probation immediately follows a period of  
592 incarceration in the state correction system, the conditions  
593 shall include a requirement that the offender submit to random  
594 substance abuse testing intermittently throughout the term of  
595 supervision, upon the direction of the correctional probation  
596 officer as defined in s. 943.10(3).

597 (m)~~(l)~~ Be prohibited from possessing, carrying, or owning  
598 any firearm ~~unless authorized by the court and consented to by~~  
599 ~~the probation officer.~~ Be prohibited from possessing, carrying  
600 or owning any weapon without first procuring the consent of the  
601 correctional probation officer.

602 (n)~~(m)~~ Be prohibited from using intoxicants to excess or  
603 possessing any drugs or narcotics unless prescribed by a



Amendment No. 1

604 physician. The probationer or community controllee shall not  
605 knowingly visit places where intoxicants, drugs, or other  
606 dangerous substances are unlawfully sold, dispensed, or used.

607 (o)~~(n)~~ Submit to the drawing of blood or other biological  
608 specimens as prescribed in ss. 943.325 and 948.014, and  
609 reimburse the appropriate agency for the costs of drawing and  
610 transmitting the blood or other biological specimens to the  
611 Department of Law Enforcement.

612 (p) Submit to the taking of a digitized photograph by the  
613 department as a part of the offender's records. This photograph  
614 may be displayed on the department's public website while the  
615 offender is under court-ordered supervision. However, this  
616 paragraph does not apply to an offender who is on pretrial  
617 intervention supervision or an offender whose identity is exempt  
618 from disclosure due to an exemption from the requirements of s.  
619 119.07.

620 Section 19. Subsection (7) of section 948.09, Florida  
621 Statutes, is amended to read:

622 948.09 Payment for cost of supervision and  
623 rehabilitation.—

624 (7) The department shall establish a payment plan for all  
625 costs ordered by the courts for collection by the department and  
626 a priority order for payments, except that victim restitution  
627 payments authorized under s. 948.03(1)(f) ~~s. 948.03(1)(e)~~ take  
628 precedence over all other court-ordered payments. The department  
629 is not required to disburse cumulative amounts of less than \$10  
630 to individual payees established on this payment plan.

Amendment No. 1

631 Section 20. Section 948.101, Florida Statutes, is amended  
632 to read:

633 948.101 Terms and conditions of community control ~~and~~  
634 ~~criminal quarantine community control.~~

635 (1) The court shall determine the terms and conditions of  
636 community control. Conditions specified in this subsection do  
637 not require oral pronouncement at the time of sentencing and may  
638 be considered standard conditions of community control.

639 ~~(a)~~ The court shall require intensive supervision and  
640 surveillance for an offender placed into community control,  
641 which may include, but is not limited to:

642 ~~(a)1.~~ Specified contact with the parole and probation  
643 officer.

644 ~~(b)2.~~ Confinement to an agreed-upon residence during hours  
645 away from employment and public service activities.

646 ~~(c)3.~~ Mandatory public service.

647 ~~(d)4.~~ Supervision by the Department of Corrections by  
648 means of an electronic monitoring device or system.

649 ~~(e)5.~~ The standard conditions of probation set forth in s.  
650 948.03.

651 ~~(b) For an offender placed on criminal quarantine~~  
652 ~~community control, the court shall require:~~

653 ~~1. Electronic monitoring 24 hours per day.~~

654 ~~2. Confinement to a designated residence during designated~~  
655 ~~hours.~~

656 (2) The enumeration of specific kinds of terms and  
657 conditions does not prevent the court from adding thereto any  
658 other terms or conditions that the court considers proper.

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659 However, the sentencing court may only impose a condition of  
660 supervision allowing an offender convicted of s. 794.011, s.  
661 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in  
662 another state if the order stipulates that it is contingent upon  
663 the approval of the receiving state interstate compact  
664 authority. The court may rescind or modify at any time the terms  
665 and conditions theretofore imposed by it upon the offender in  
666 community control. However, if the court withholds adjudication  
667 of guilt or imposes a period of incarceration as a condition of  
668 community control, the period may not exceed 364 days, and  
669 incarceration shall be restricted to a county facility, a  
670 probation and restitution center under the jurisdiction of the  
671 Department of Corrections, a probation program drug punishment  
672 phase I secure residential treatment institution, or a community  
673 residential facility owned or operated by any entity providing  
674 such services.

675 ~~(3) The court may place a defendant who is being sentenced~~  
676 ~~for criminal transmission of HIV in violation of s. 775.0877 on~~  
677 ~~criminal quarantine community control. The Department of~~  
678 ~~Corrections shall develop and administer a criminal quarantine~~  
679 ~~community control program emphasizing intensive supervision with~~  
680 ~~24 hour per day electronic monitoring. Criminal quarantine~~  
681 ~~community control status must include surveillance and may~~  
682 ~~include other measures normally associated with community~~  
683 ~~control, except that specific conditions necessary to monitor~~  
684 ~~this population may be ordered.~~

685 Section 21. Subsection (1) of section 948.11, Florida  
686 Statutes, is amended to read:

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687 948.11 Electronic monitoring devices.—

688 (1)(a) The Department of Corrections may, at its  
689 discretion, electronically monitor an offender sentenced to  
690 community control.

691 ~~(b) The Department of Corrections shall electronically~~  
692 ~~monitor an offender sentenced to criminal quarantine community~~  
693 ~~control 24 hours per day.~~

694 Section 22. Present subsection (4) of section 951.26,  
695 Florida Statutes, is renumbered as subsection (5), and a new  
696 subsection (4) is added to that section, to read:

697 951.26 Public safety coordinating councils.—

698 (4) The council may also develop a comprehensive local  
699 reentry plan that is designed to assist offenders released from  
700 incarceration to successfully reenter the community. The plan  
701 should cover at least a 5-year period. In developing the plan,  
702 the council shall coordinate with public safety officials and  
703 local community organizations who can provide offenders with  
704 reentry services, such as assistance with housing, health care,  
705 education, substance abuse treatment, and employment.

706 Section 23. This act shall take effect July 1, 2010.

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708

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

711

Remove the entire title and insert:

712

A bill to be entitled

713

An act relating to corrections; amending s. 384.34, F.S.;

714

revising criminal penalties pertaining to sexually

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715 transmissible diseases; amending s. 775.0877, F.S.;

716 removing a provision authorizing a court to require an

717 offender convicted of criminal transmission of HIV to

718 serve a term of criminal quarantine community control;

719 amending s. 796.08, F.S., relating to criminal

720 transmission of HIV; conforming a cross-reference;

721 creating s. 800.09, F.S.; defining terms; providing that a

722 person who is detained in a state or private correctional

723 facility may not commit any lewd or lascivious behavior or

724 other sexual act in the presence of an employee whom the

725 detainee knows or reasonably should know is an employee;

726 providing that a violation is a felony of the third

727 degree; providing criminal penalties; amending s. 921.187,

728 F.S.; removing a reference to criminal quarantine

729 community control to conform to changes made by the act;

730 amending s. 940.061, F.S.; requiring that the Department

731 of Corrections send to the Parole Commission a monthly

732 electronic list containing the names of inmates released

733 from incarceration and offenders terminated from

734 supervision and who may be eligible for restoration of

735 civil rights; repealing s. 944.293, F.S., relating to the

736 restoration of an inmate's civil rights; amending s.

737 944.35, F.S.; prohibiting an employee of a private

738 correctional facility from committing certain specified

739 criminal acts; amending s. 944.605, F.S.; authorizing the

740 Department of Corrections to electronically submit certain

741 information to the sheriff of the county in which the

742 inmate plans to reside and to the chief of police of the

## Amendment No. 1

743 municipality where the inmate plans to reside; amending  
744 ss. 944.804 and 944.8041, F.S.; authorizing the department  
745 to establish and operate certain geriatric facilities at  
746 prison institutions; removing provisions authorizing the  
747 operation of a specified facility; amending s. 945.41,  
748 F.S.; deleting a prohibition against the placement of  
749 youthful offenders at certain institutions for mental  
750 health treatment; amending s. 945.42, F.S.; deleting  
751 references to an inmate's refusal of voluntary placement  
752 for purposes of determining the inmate's need for care and  
753 treatment; amending s. 945.43, F.S.; clarifying that an  
754 inmate is placed in a mental health treatment facility  
755 rather than admitted to the facility; authorizing the  
756 department to transport the inmate to the location of the  
757 hearing on such a placement; amending s. 945.46, F.S.;  
758 providing procedures for the transport of inmates who are  
759 mentally ill and who are scheduled to be released from  
760 confinement; creating s. 946.42, F.S.; authorizing the  
761 department to use inmate labor on private property under  
762 certain specified circumstances; defining terms; repealing  
763 s. 948.001(3), F.S., relating to the definition of the  
764 term "criminal quarantine community control," to conform  
765 to changes made by the act; amending s. 948.03, F.S.;  
766 providing additional conditions of probation to be applied  
767 to a defendant; deleting a requirement that a probationer  
768 obtain court authorization in order to possess a weapon;  
769 requiring that a digitized photograph of an offender be  
770 part of the offender's record; authorizing the department

COUNCIL/COMMITTEE AMENDMENT

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771 to display such photographs on its website for a specified  
772 period; providing certain exceptions; amending s. 948.09,  
773 F.S.; conforming a cross-reference; amending ss. 948.101  
774 and 948.11, F.S.; revising terms and conditions of  
775 community control and deleting provisions related to  
776 criminal quarantine community control; amending s. 951.26,  
777 F.S.; authorizing each local public safety coordinating  
778 council to develop a comprehensive local reentry plan for  
779 offenders reentering the community; providing an effective  
780 date.

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB  
**HB 1055 : Brevard County**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina	X				
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM



**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 1101 : Misdemeanor Pretrial Substance Abuse Programs**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray	X				
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, March 09, 2010 2:41:25PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1101 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

**ADOPTED**

1 Council/Committee hearing bill: Public Safety & Domestic  
2 Security Policy Committee  
3 Representative Waldman offered the following:  
4

**Amendment (with title amendment)**

5  
6 Remove everything after the enacting clause and insert:  
7 Section 1. Paragraph (a) of subsection (1) of section 948.16,  
8 Florida Statutes, is amended to read:

9 948.16 Misdemeanor pretrial substance abuse education and  
10 treatment intervention program.—

11 (1)(a) A person who is charged with a misdemeanor for  
12 possession of a controlled substance or drug paraphernalia under  
13 chapter 893, and who has not previously been convicted of a  
14 felony ~~nor been admitted to a pretrial program~~, is eligible for  
15 voluntary admission into a misdemeanor pretrial substance abuse  
16 education and treatment intervention program, including a  
17 treatment-based drug court program established pursuant to s.  
18 397.334, approved by the chief judge of the circuit, for a  
19 period based on the program requirements and the treatment plan

Amendment No. 1

20 for the offender, upon motion of either party or the court's own  
21 motion, except, if the state attorney believes the facts and  
22 circumstances of the case suggest the defendant is involved in  
23 dealing and selling controlled substances, the court shall hold  
24 a preadmission hearing. If the state attorney establishes, by a  
25 preponderance of the evidence at such hearing, that the  
26 defendant was involved in dealing or selling controlled  
27 substances, the court shall deny the defendant's admission into  
28 the pretrial intervention program.

29 Section 2. This act shall take effect July 1, 2010.  
30  
31

32 -----

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

34 Remove lines 3-5 and insert:  
35 programs; amending s. 948.16, F.S.; providing that a

**COMMITTEE MEETING REPORT**  
**Public Safety & Domestic Security Policy Committee**  
**3/9/2010 8:00:00AM**

**Location:** 404 HOB

**HB 1115 : Injunctions for Protection against Domestic Violence, Repeat Violence, Sexual Violence, or Dating Violence**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Mackenson Bernard	X				
Brad Drake	X				
Greg Evers	X				
Luis Garcia	X				
Bill Heller	X				
Doug Holder	X				
Ed Hooper	X				
Lake Ray			X		
Julio Robaina			X		
Darryl Rouson	X				
Kelli Stargel	X				
James Waldman	X				
Kevin Ambler (Chair)	X				
<b>Total Yeas: 12</b>					
		<b>Total Nays: 0</b>			

**Appearances:**

HB 1115 by Jones-- Injunctions for Protection against Domestic Violence, Repeat Violence, Sexual Violence, or Dating Violence

Frank Messersmith (Lobbyist) - Proponent

Fla. Sheriff's Assoc.

2901 Lake Bradford

Tallahassee Florida

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