



Criminal Justice Subcommittee

Wednesday January 25th, 2012

11:00 AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**Gayle Harrell
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

Summary:

Criminal Justice Subcommittee

Wednesday January 25, 2012 11:00 am

| | | | |
|-----------|--|----------|---------|
| HB 37 | Favorable With Committee Substitute | Yeas: 11 | Nays: 0 |
| | Amendment 534939 Adopted Without Objection | | |
| CS/HB 943 | Favorable With Committee Substitute | Yeas: 14 | Nays: 0 |
| | Amendment 088263 Withdrawn | | |
| | Amendment 471799 Adopted Without Objection | | |
| | Amendment 472003 Withdrawn | | |
| | Amendment 545059 Adopted Without Objection | | |
| | Amendment 589909 Adopted Without Objection | | |
| | Amendment 684339 Adopted Without Objection | | |
| | Amendment 724391 Adopted Without Objection | | |
| | Amendment 855363 Withdrawn | | |
| | Amendment 879983 Adopted Without Objection | | |
| | Amendment 938095 Adopted Without Objection | | |
| HB 949 | Favorable With Committee Substitute | Yeas: 12 | Nays: 1 |
| | Amendment 521617 Adopted Without Objection | | |
| HB 1021 | Favorable With Committee Substitute | Yeas: 14 | Nays: 0 |
| | Amendment 517249 Adopted Without Objection | | |
| HB 1173 | Favorable With Committee Substitute | Yeas: 12 | Nays: 0 |
| | Amendment 286225 Adopted Without Objection | | |
| | Amendment 616877 Adopted Without Objection | | |
| HB 1285 | Favorable With Committee Substitute | Yeas: 14 | Nays: 0 |
| | Amendment 362515 Adopted Without Objection | | |
| HB 1323 | Favorable With Committee Substitute | Yeas: 12 | Nays: 0 |
| | Amendment 736971 Adopted Without Objection | | |
| HB 1443 | Favorable With Committee Substitute | Yeas: 12 | Nays: 0 |
| | Amendment 234869 Adopted Without Objection | | |

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|-----------------------|----------------|---------------|----------------|
| Gayle Harrell (Chair) | X | | |
| Dwight Bullard | X | | |
| Daphne Campbell | X | | |
| Jose Diaz | X | | |
| Richard Glorioso | X | | |
| James Grant | X | | |
| John Julien | X | | |
| Charles McBurney | X | | |
| W. Keith Perry | X | | |
| Ray Pilon | X | | |
| Irving Slosberg | X | | |
| Carlos Trujillo | X | | |
| Charles Van Zant | X | | |
| Barbara Watson | X | | |
| Dana Young | | | X |
| Totals: | 14 | 0 | 1 |

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 37 : Offenses by Caregivers of Minor Children

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | | | X | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | | | X | | |
| James Grant | | | X | | |
| John Julien | X | | | | |
| Charles McBurney | X | | | | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | X | | | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 11 | | Total Nays: 0 | | | |

HB 37 Amendments

Amendment 534939

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Waive In Support
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 37 (2012)

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 _____

FAVORABLE
1/25/12.

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Diaz offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 837.055, Florida Statutes, is amended
8 to read:

9 837.055 False information to law enforcement during
10 investigation.-

11 (1) Whoever knowingly and willfully gives false
12 information to a law enforcement officer who is conducting a
13 missing person investigation or a felony criminal investigation
14 with the intent to mislead the officer or impede the
15 investigation commits a misdemeanor of the first degree,
16 punishable as provided in s. 775.082 or s. 775.083.

17 (2) Whoever knowingly and willfully gives false
18 information to a law enforcement officer who is conducting a
19 missing person investigation involving a child 16 years of age

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20 or younger with the intent to mislead the officer or impede the
21 investigation and the child who is the subject of the
22 investigation suffers great bodily harm, permanent disability,
23 permanent disfigurement, or death commits a felony of the third
24 degree, punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084.

26 Section 2. This act shall take effect October 1, 2012.
27
28

29 -----
30 **T I T L E A M E N D M E N T**

31 Remove the entire title and insert:

32 An act relating to knowingly and willfully giving false
33 information to a law enforcement officer; amending s. 837.055,
34 F.S.; providing that it is a third-degree felony for a person to
35 knowingly and willfully give false information to a law
36 enforcement officer conducting a missing person investigation
37 involving a child 16 years of age or younger with the intent to
38 mislead the officer or impede the investigation if the child
39 suffers great bodily harm, permanent disability, permanent
40 disfigurement, or death; providing criminal penalties; providing
41 an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

CS/HB 943 : Background Screening

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | X | | | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | X | | | | |
| James Grant | X | | | | |
| John Julien | X | | | | |
| Charles McBurney | X | | | | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | X | | | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 14 | | Total Nays: 0 | | | |

CS/HB 943 Amendments

Amendment 088263

Withdrawn

Amendment 471799

Adopted Without Objection

Amendment 472003

Withdrawn

Amendment 545059

Adopted Without Objection

Amendment 589909

Adopted Without Objection

Amendment 684339

Adopted Without Objection

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

CS/HB 943 : Background Screening (continued)

Amendment 724391

Adopted Without Objection

Amendment 855363

Withdrawn

Amendment 879983

Adopted Without Objection

Amendment 938095

Adopted Without Objection

Appearances:

Croteau, Jim (General Public) - Waive In Support
Director, Elder Care Services, Florida Association of Aging Service Providers
2518 W. Tennessee St.
Tallahassee FL 32304
Phone: (850) 921-5554

Koch, Karen (Lobbyist) - Proponent
Vice President, Florida Council for Behavioral Healthcare, Inc
316 E. Park Ave.
Tallahassee FL 32301-1514
Phone: (850) 224-6048

Cantwell, Laura (Lobbyist) - Waive In Support
AARP
200 W. College Ave. Suite 304
Tallahassee FL 32301
Phone: (850) 577-5163

Granger, Theodore (Lobbyist) - Waive In Support
President, United Way of Florida
307 E. 7th Ave.
Tallahassee FL 32303
Phone: (850) 488-8276

Beck, Robert (Lobbyist) - Waive In Support
Florida Association of Area Agencies on Aging, Inc
307 W. Park Ave. Suite 101
Tallahassee FL 32308
Phone: (850) 766-1410

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

CS/HB 943 : Background Screening (continued)

Appearances: (continued)

Mohs, Lucy (State Employee) - Information Only

Public Affairs Director, Division of Vocational Rehabilitation

2002 Old St. Augustine Rd.

Tallahassee FL 32301

Phone: (850) 245-3335

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

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 _____

FAVORABLE
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

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

6 Remove lines 440-490 and insert:

7 Section 9. Paragraph (i) of subsection (4) of section
8 409.221, Florida Statutes, is amended to read:

9 409.221 Consumer-directed care program.—

10 (4) CONSUMER-DIRECTED CARE.—

11 (i) Background screening requirements.—All persons who
12 render care under this section must undergo level 2 background
13 screening pursuant to chapter 435 and s. 408.809. The agency
14 shall, as allowable, reimburse consumer-employed caregivers for
15 the cost of conducting background screening as required by this
16 section. For purposes of this section, a person who has
17 undergone screening, who is qualified for employment under this
18 section and applicable rule, and who has not been unemployed for
19 more than 90 days following such screening is not required to be

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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20 rescreened. Such person must attest under penalty of perjury to
21 not having been convicted of a disqualifying offense since
22 completing such screening.

23 Section 10. Section 435.02, Florida Statutes, is amended
24 to read:

25 435.02 Definitions.—For the purposes of this chapter, the
26 term:

27 (1) "Agency" means any state, county, or municipal agency
28 that grants licenses or registration permitting the operation of
29 an employer or is itself an employer or that otherwise
30 facilitates the screening of employees pursuant to this chapter.
31 If there is no state agency or the municipal or county agency
32 chooses not to conduct employment screening, "agency" means the
33 Department of Children and Family Services.

34 (2) "Employee" means any person required by law to be
35 screened pursuant to this chapter, including, but not limited
36 to, persons who are contractors, licensees, or volunteers.

37 (3) "Employer" means any person or entity required by law
38 to conduct screening of employees pursuant to this chapter.

39 (4) "Employment" means any activity or service sought to
40 be performed by an employee which requires the employee to be
41 screened pursuant to this chapter.

42 (5) "Specified agency" means the Department of Health, the
43 Department of Children and Families, the Agency for Health Care
44 Administration, the Department of Elder Affairs, the Department
45 of Juvenile Justice, and the Agency for Persons with
46 Disabilities, when these agencies are conducting state and

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Bill No. CS/HB 943 (2012)

Amendment No. 1

47 | national criminal history background screening on persons who
48 | work with children, elderly or disabled persons.

49 | (6) "Vulnerable person" means a minor as defined in s.
50 | 1.01 or a vulnerable adult as defined in s. 415.102.

51 | Section 11. Section 435.12, Florida Statutes, is created
52 | to read:

53 | 435.12 Care Provider Background Screening Clearinghouse.--

54 | (1) The Agency for Health Care Administration in
55 | consultation with the Department of Law Enforcement shall create
56 | a secure internet web-based system, which shall be known as the
57 | "Clearinghouse," and shall be implemented to the full extent
58 | practicable no later than September 30, 2013, subject to the
59 | specified agencies being funded and equipped to participate in
60 | such program. The Clearinghouse will allow for the results of
61 | criminal history checks provided to the specified agencies for
62 | screening of persons qualified as care providers under
63 | s.943.0542 to be shared among the specified agencies when a
64 | person has applied for employment, volunteering, licensing or
65 | contracting that requires a state and national fingerprint-based
66 | criminal history check. The Agency for Health Care
67 | Administration and the Department of Law Enforcement may adopt
68 | rules under ss. 120.536(1) and 120.54 to implement any forms or
69 | procedures needed to carry out this section.

70 | (2) (a) To ensure currency of information in the
71 | Clearinghouse, fingerprints of employees required to be screened
72 | by a specified agency and included in the Clearinghouse must be:

73 | 1. Retained by the Department of Law Enforcement pursuant
74 | to s. 943.05(2)(g) and (h), and subsection (3), and the

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75 Department of Law Enforcement must report the results of
76 searching those fingerprints against incoming Florida arrests to
77 the Agency for Health Care Administration for inclusion in the
78 Clearinghouse.

79 2. Resubmitted for a Federal Bureau of Investigation (FBI)
80 national criminal history check every five years until such time
81 as the fingerprints are retained at the FBI.

82 3. Subject to retention on a five year renewal basis with
83 fees collected at the time of initial or resubmission of
84 fingerprints.

85 (b) Until such time as the fingerprints are retained at
86 the FBI, employees with a break in service for more than 90 days
87 from a position that requires screening by a specified agency
88 must submit to a national screening if returning to such a
89 position.

90 (c) Employers of persons subject to screening by a
91 specified agency must register with the Clearinghouse and
92 maintain employment status of all employees within the
93 Clearinghouse. Initial employment status and any changes in
94 status must be reported within 10 business days.

95 (3) Employees who have undergone fingerprint-based
96 criminal history checks by a specified agency prior to the
97 Clearinghouse becoming operational are not required to be
98 checked again solely for the purpose of entry in the
99 Clearinghouse. All employees who are or will become subject to
100 fingerprint-based criminal history checks to be licensed, or
101 have their license renewed, or to meet screening or rescreening
102 requirements, by a specified agency once the specified agency

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Bill No. CS/HB 943 (2012)

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103 participates in the Clearinghouse shall be subject to the
104 requirements of this section with respect to entry of records in
105 the Clearinghouse and retention of fingerprints for reporting
106 the results of searching against incoming Florida arrests.

107 Section 12. Section 456.0135, Florida Statutes, is created
108 to read:

109 456.0135 General Background Screening Provisions.--

110 (1) An application for initial licensure or renewal
111 received on or after January 1, 2013, under chapters 458, 459,
112 460, 461, 464, or s. 465.022, must include fingerprints under
113 procedures specified by the department through a vendor approved
114 by the Department of Law Enforcement, and fees for initial
115 screening and retention of fingerprints. Fingerprints must be
116 submitted electronically to the Department of Law Enforcement
117 for state processing, and the Department of Law Enforcement must
118 forward the fingerprints to the Federal Bureau of Investigation
119 for national processing. Each board, or the department if there
120 is no board, shall screen the results to determine if an
121 applicant meets licensure requirements. For any subsequent
122 renewal of the applicant's license, the department shall request
123 the Department of Law Enforcement to forward the retained
124 fingerprints of the applicant to the Federal Bureau of
125 Investigation for a national criminal history check.

126 (2) All fingerprints submitted to the Department of Law
127 Enforcement as required by subsection (1), shall be retained by
128 the Department of Law Enforcement as provided at s.

129 943.051(2)(g) and (h), and (3). The department shall notify the

COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No. 1

130 Department of Law Enforcement of any person whose fingerprints
131 have been retained that no longer is licensed.

132 (3) The costs of fingerprint processing, including the cost
133 for retaining fingerprints, shall be borne by the applicant
134 subject to the background screening.

135 Section 13. Paragraph (h) of subsection (2) of section
136 943.05, Florida Statutes, is amended to read:

137 943.05 Criminal Justice Information Program; duties; crime
138 reports.-

139 (2) The program shall:

140 (h) For each agency or qualified entity that officially
141 requests retention of fingerprints or for which retention is
142 otherwise required by law, search all arrest fingerprint
143 submissions received under s. 943.051 against the fingerprints
144 retained in the statewide automated fingerprint identification
145 system under paragraph (g).

146 1. Any arrest record that is identified with the retained
147 fingerprints of a person subject to background screening as
148 provided in paragraph (g) shall be reported to the appropriate
149 agency or qualified entity.

150 2. To participate in this search process, agencies or
151 qualified entities must notify each person fingerprinted that
152 his or her fingerprints will be retained, pay an annual fee to
153 the department, and inform the department of any change in the
154 affiliation, employment, or contractual status of each person
155 whose fingerprints are retained under paragraph (g) if such
156 change removes or eliminates the agency or qualified entity's
157 basis or need for receiving reports of any arrest of that

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Amendment No. 1

158 person, so that the agency or qualified entity is not obligated
159 to pay the upcoming annual fee for the retention and searching
160 of that person's fingerprints to the department. The department
161 shall adopt a rule setting the amount of the annual fee to be
162 imposed upon each participating agency or qualified entity for
163 performing these searches and establishing the procedures for
164 the retention of fingerprints and the dissemination of search
165 results. The fee may be borne by the agency, qualified entity,
166 or person subject to fingerprint retention or as otherwise
167 provided by law. Consistent with the recognition of criminal
168 justice agencies expressed in s. 943.053(3), these services
169 shall be provided to criminal justice agencies for criminal
170 justice purposes free of charge. Qualified entities that elect
171 to participate in the fingerprint retention and search process
172 are required to timely remit the fee to the department by a
173 payment mechanism approved by the department. If requested by
174 the qualified entity, and with the approval of the department,
175 such fees may be timely remitted to the department by a
176 qualified entity upon receipt of an invoice for such fees from
177 the department. Failure of a qualified entity to pay the amount
178 due on a timely basis or as invoiced by the department, may
179 result in the refusal by the department to permit the qualified
180 entity to continue to participate in the fingerprint retention
181 and search process until all fees due and owing are paid.

182 3. Agencies that participate in the fingerprint retention
183 and search process may adopt rules pursuant to ss. 120.536(1)
184 and 120.54 to require employers to keep the agency informed of
185 any change in the affiliation, employment, or contractual status

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Bill No. CS/HB 943 (2012)

Amendment No. 1

186 of each person whose fingerprints are retained under paragraph
187 (g) if such change removes or eliminates the agency's basis or
188 need for receiving reports of any arrest of that person, so that
189 the agency is not obligated to pay the upcoming annual fee for
190 the retention and searching of that person's fingerprints to the
191 department.

192 Section 14. Subsection (12) of section 943.053, Florida
193 Statutes, is amended, and subsection (13) is added to said
194 section, to read:

195 943.053 Dissemination of criminal justice information;
196 fees.—

197 (12) Notwithstanding any other provision of law, when a
198 criminal history check or a duty to disclose the absence of a
199 criminal history check is mandated by state law, or when a
200 privilege or benefit is conferred by state law in return for
201 exercising an option of conducting a criminal history check, the
202 referenced criminal history check, whether it is an initial or
203 renewal check, shall include a Florida criminal history provided
204 by the department as set forth in this section. Such Florida
205 criminal history information may be provided by a private vendor
206 only if that information is directly obtained from the
207 department for each request. When a national criminal history
208 check is required or authorized by state law, the national
209 criminal history check shall be submitted by and through the
210 department in the manner established by the department for such
211 checks, unless otherwise required by federal law. The fee for
212 criminal history information as established by state law or, in
213 the case of national checks, by the Federal Government, shall be

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214 borne by the person or entity submitting the request, or as
215 provided by law. Criminal history information provided by any
216 other governmental entity of this state or any private entity
217 shall not be substituted for criminal history information
218 provided by the department when the criminal history check or a
219 duty to disclose the absence of a criminal history check is
220 required by statute or is made a condition of a privilege or
221 benefit by law. Whenever fingerprints are required or permitted
222 to be used as a basis for identification in conducting such a
223 criminal history check, such fingerprints must be taken by a law
224 enforcement agency employee, a government agency employee, a
225 qualified electronic fingerprint service provider or a private
226 employer. Fingerprints taken by the subject of the criminal
227 history check may not be accepted or used for the purpose of
228 identification in conducting such a criminal history check.

229 (13) (a) For the department to accept an electronic
230 fingerprint submission from:

231 1. A private vendor engaged in the business of providing
232 electronic fingerprint submission; or

233 2. A private entity or public agency that submits the
234 fingerprints of its own employees, volunteers, contractors,
235 associates, or applicants for the purpose of conducting a
236 required or permitted criminal history background check,

237
238 the vendor, entity, or agency submitting the fingerprints must
239 enter into an agreement with the department that at a minimum
240 obligates the vendor, entity, or agency to comply with certain
241 specified standards to ensure that all persons having direct or

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242 indirect responsibility for taking, identifying, and
243 electronically submitting fingerprints are qualified to do so
244 and will ensure the integrity and security of all personal
245 information gathered from the persons whose fingerprints are
246 submitted.

247 (b) Such standards shall include, but need not be limited
248 to, requiring:

249 1. All persons responsible for taking fingerprints and
250 collecting personal identifying information from the persons
251 fingerprinted to meet current written state and federal
252 guidelines for identity verification and for recording legible
253 fingerprints;

254 2. The department and the Federal Bureau of
255 Investigation's technical standards for the electronic
256 submission of fingerprints are satisfied;

257 3. The fingerprint images electronically submitted satisfy
258 the department and the Federal Bureau of Investigation's quality
259 standards; and

260 4. That no person be allowed to take his or her own
261 fingerprints for submission to the department.

262 (c) The requirement for entering into an agreement with
263 the department for this purpose does not apply to criminal
264 justice agencies as defined at s. 943.045(10).

265 (d) The agreement with the department must require the
266 vendor, entity, or agency to collect from the person or entity
267 on whose behalf the fingerprints are submitted the fees
268 prescribed by state and federal law for processing the
269 fingerprints for a criminal history background check. The

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Bill No. CS/HB 943 (2012)

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270 agreement must provide that such fees be timely remitted to the
271 department by a payment mechanism approved by the department.
272 If requested by the vendor, entity, or agency, and with the
273 approval of the department, such fees may be timely remitted to
274 the department by a vendor, entity, or agency upon receipt of an
275 invoice for such fees from the department. Failure of a vendor,
276 entity, or agency to pay the amount due on a timely basis or as
277 invoiced by the department may result in the refusal by the
278 department to accept future fingerprint submissions until all
279 fees due and owing are paid.

280 Section 15. Paragraph (a) of subsection (4) of section
281 943.0585, Florida Statutes, is amended to read:

282 943.0585 Court-ordered expunction of criminal history
283 records.—The courts of this state have jurisdiction over their
284 own procedures, including the maintenance, expunction, and
285 correction of judicial records containing criminal history
286 information to the extent such procedures are not inconsistent
287 with the conditions, responsibilities, and duties established by
288 this section. Any court of competent jurisdiction may order a
289 criminal justice agency to expunge the criminal history record
290 of a minor or an adult who complies with the requirements of
291 this section. The court shall not order a criminal justice
292 agency to expunge a criminal history record until the person
293 seeking to expunge a criminal history record has applied for and
294 received a certificate of eligibility for expunction pursuant to
295 subsection (2). A criminal history record that relates to a
296 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
297 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.

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298 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
299 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
300 any violation specified as a predicate offense for registration
301 as a sexual predator pursuant to s. 775.21, without regard to
302 whether that offense alone is sufficient to require such
303 registration, or for registration as a sexual offender pursuant
304 to s. 943.0435, may not be expunged, without regard to whether
305 adjudication was withheld, if the defendant was found guilty of
306 or pled guilty or nolo contendere to the offense, or if the
307 defendant, as a minor, was found to have committed, or pled
308 guilty or nolo contendere to committing, the offense as a
309 delinquent act. The court may only order expunction of a
310 criminal history record pertaining to one arrest or one incident
311 of alleged criminal activity, except as provided in this
312 section. The court may, at its sole discretion, order the
313 expunction of a criminal history record pertaining to more than
314 one arrest if the additional arrests directly relate to the
315 original arrest. If the court intends to order the expunction of
316 records pertaining to such additional arrests, such intent must
317 be specified in the order. A criminal justice agency may not
318 expunge any record pertaining to such additional arrests if the
319 order to expunge does not articulate the intention of the court
320 to expunge a record pertaining to more than one arrest. This
321 section does not prevent the court from ordering the expunction
322 of only a portion of a criminal history record pertaining to one
323 arrest or one incident of alleged criminal activity.

324 Notwithstanding any law to the contrary, a criminal justice
325 agency may comply with laws, court orders, and official requests

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 1

326 of other jurisdictions relating to expunction, correction, or
327 confidential handling of criminal history records or information
328 derived therefrom. This section does not confer any right to the
329 expunction of any criminal history record, and any request for
330 expunction of a criminal history record may be denied at the
331 sole discretion of the court.

332 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
333 criminal history record of a minor or an adult which is ordered
334 expunged by a court of competent jurisdiction pursuant to this
335 section must be physically destroyed or obliterated by any
336 criminal justice agency having custody of such record; except
337 that any criminal history record in the custody of the
338 department must be retained in all cases. A criminal history
339 record ordered expunged that is retained by the department is
340 confidential and exempt from the provisions of s. 119.07(1) and
341 s. 24(a), Art. I of the State Constitution and not available to
342 any person or entity except upon order of a court of competent
343 jurisdiction. A criminal justice agency may retain a notation
344 indicating compliance with an order to expunge.

345 (a) The person who is the subject of a criminal history
346 record that is expunged under this section or under other
347 provisions of law, including former s. 893.14, former s. 901.33,
348 and former s. 943.058, may lawfully deny or fail to acknowledge
349 the arrests covered by the expunged record, except when the
350 subject of the record:

351 1. Is a candidate for employment with a criminal justice
352 agency;

353 2. Is a defendant in a criminal prosecution;

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Bill No. CS/HB 943 (2012)

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354 3. Concurrently or subsequently petitions for relief under
355 this section or s. 943.059;

356 4. Is a candidate for admission to The Florida Bar;

357 5. Is seeking to be employed or licensed by or to contract
358 with the Department of Children and Family Services, the Agency
359 for Health Care Administration, the Agency for Persons with
360 Disabilities, the Department of Health, the Department of
361 Elderly Affairs, or the Department of Juvenile Justice or to be
362 employed or used by such contractor or licensee in a sensitive
363 position having direct contact with children, the
364 developmentally disabled, ~~the aged,~~ or the elderly ~~as provided~~
365 ~~in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.~~
366 ~~402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(5),~~
367 ~~chapter 916, s. 985.644, chapter 400, or chapter 429;~~

368 6. Is seeking to be employed or licensed by the Department
369 of Education, any district school board, any university
370 laboratory school, any charter school, any private or parochial
371 school, or any local governmental entity that licenses child
372 care facilities; or

373 7. Is seeking authorization from a seaport listed in s.
374 311.09 for employment within or access to one or more of such
375 seaports pursuant to s. 311.12.

376 Section 16. Paragraph (a) of subsection (4) of section
377 943.059, Florida Statutes, is amended to read:

378 943.059 Court-ordered sealing of criminal history
379 records.—The courts of this state shall continue to have
380 jurisdiction over their own procedures, including the
381 maintenance, sealing, and correction of judicial records.

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Bill No. CS/HB 943 (2012)

Amendment No. 1

382 containing criminal history information to the extent such
383 procedures are not inconsistent with the conditions,
384 responsibilities, and duties established by this section. Any
385 court of competent jurisdiction may order a criminal justice
386 agency to seal the criminal history record of a minor or an
387 adult who complies with the requirements of this section. The
388 court shall not order a criminal justice agency to seal a
389 criminal history record until the person seeking to seal a
390 criminal history record has applied for and received a
391 certificate of eligibility for sealing pursuant to subsection
392 (2). A criminal history record that relates to a violation of s.
393 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
394 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
395 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
396 916.1075, a violation enumerated in s. 907.041, or any violation
397 specified as a predicate offense for registration as a sexual
398 predator pursuant to s. 775.21, without regard to whether that
399 offense alone is sufficient to require such registration, or for
400 registration as a sexual offender pursuant to s. 943.0435, may
401 not be sealed, without regard to whether adjudication was
402 withheld, if the defendant was found guilty of or pled guilty or
403 nolo contendere to the offense, or if the defendant, as a minor,
404 was found to have committed or pled guilty or nolo contendere to
405 committing the offense as a delinquent act. The court may only
406 order sealing of a criminal history record pertaining to one
407 arrest or one incident of alleged criminal activity, except as
408 provided in this section. The court may, at its sole discretion,
409 order the sealing of a criminal history record pertaining to

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Bill No. CS/HB 943 (2012)

Amendment No. 1

410 more than one arrest if the additional arrests directly relate
411 to the original arrest. If the court intends to order the
412 sealing of records pertaining to such additional arrests, such
413 intent must be specified in the order. A criminal justice agency
414 may not seal any record pertaining to such additional arrests if
415 the order to seal does not articulate the intention of the court
416 to seal records pertaining to more than one arrest. This section
417 does not prevent the court from ordering the sealing of only a
418 portion of a criminal history record pertaining to one arrest or
419 one incident of alleged criminal activity. Notwithstanding any
420 law to the contrary, a criminal justice agency may comply with
421 laws, court orders, and official requests of other jurisdictions
422 relating to sealing, correction, or confidential handling of
423 criminal history records or information derived therefrom. This
424 section does not confer any right to the sealing of any criminal
425 history record, and any request for sealing a criminal history
426 record may be denied at the sole discretion of the court.

427 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
428 history record of a minor or an adult which is ordered sealed by
429 a court of competent jurisdiction pursuant to this section is
430 confidential and exempt from the provisions of s. 119.07(1) and
431 s. 24(a), Art. I of the State Constitution and is available only
432 to the person who is the subject of the record, to the subject's
433 attorney, to criminal justice agencies for their respective
434 criminal justice purposes, which include conducting a criminal
435 history background check for approval of firearms purchases or
436 transfers as authorized by state or federal law, to judges in
437 the state courts system for the purpose of assisting them in

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 1

438 their case-related decisionmaking responsibilities, as set forth
439 in s. 943.053(5), or to those entities set forth in
440 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
441 licensing, access authorization, and employment purposes.

442 (a) The subject of a criminal history record sealed under
443 this section or under other provisions of law, including former
444 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
445 deny or fail to acknowledge the arrests covered by the sealed
446 record, except when the subject of the record:

- 447 1. Is a candidate for employment with a criminal justice
448 agency;
- 449 2. Is a defendant in a criminal prosecution;
- 450 3. Concurrently or subsequently petitions for relief under
451 this section or s. 943.0585;
- 452 4. Is a candidate for admission to The Florida Bar;
- 453 5. Is seeking to be employed or licensed by or to contract
454 with the Department of Children and Family Services, the Agency
455 for Health Care Administration, the Agency for Persons with
456 Disabilities, the Department of Health, the Department of
457 Elderly Affairs, or the Department of Juvenile Justice or to be
458 employed or used by such contractor or licensee in a sensitive
459 position having direct contact with children, the
460 developmentally disabled, ~~the aged,~~ or the elderly ~~as provided~~
461 ~~in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.~~
462 ~~402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(5), s.~~
463 ~~415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;~~
464 6. Is seeking to be employed or licensed by the Department
465 of Education, any district school board, any university

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 1

466 laboratory school, any charter school, any private or parochial
467 school, or any local governmental entity that licenses child
468 care facilities;

469 7. Is attempting to purchase a firearm from a licensed
470 importer, licensed manufacturer, or licensed dealer and is
471 subject to a criminal history check under state or federal law;
472 or

473 8. Is seeking authorization from a Florida seaport
474 identified in s. 311.09 for employment within or access to one
475 or more of such seaports pursuant to s. 311.12.

476 Section 17. This act shall take effect upon becoming a law

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481

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

482

Remove lines 50-57 and insert:

483

certified nursing assistants; amending s. 409.221, F.S.;

484

revising provisions relating to background screening for persons

485

rendering care in the consumer-directed care program; amending

486

s. 435.02, F.S.; revising and providing definitions relating to

487

employment screening; creating s. 435.12, F.S.; creating the

488

Background Screening Clearinghouse; providing for the

489

implementation and operation of the Clearinghouse; providing

490

for the results of certain criminal history checks to be shared

491

among specified agencies; providing for retention of

492

fingerprints; providing for the registration of employers;

493

creating s. 456.0135, F.S.; providing that certain fingerprints

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 1

494 submitted to the Department of Health after a certain date be
495 submitted by an approved vendor pursuant to certain procedures ;
496 amending s. 943.05, F.S.; providing certain procedures for
497 qualified entities participating in the Criminal Justice
498 Information Program that elect to participate in the fingerprint
499 retention program; amending s. 943.053, F.S.; providing
500 procedures for the submission of fingerprints for certain
501 criminal history checks; amending s. 943.0585, F.S.; revising
502 provisions relating to the court-ordered expunction of criminal
503 history records; amending s. 943.059, F.S.; provisions relating
504 to the court-ordered sealing of criminal history records;
505 providing an effective date.

506

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

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 _____

FAVORABLE
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

4
5 **Amendment**

6 Remove lines 107-136 and insert:

7 (2) Level 2 background screening pursuant to chapter 435
8 is not required for the following direct service providers:

9 (a)1. Licensed physicians, nurses, or other professionals
10 licensed by the Department of Health who have been fingerprinted
11 and background screened as part of such licensure; and

12 2. Attorneys in good standing with The Florida Bar; are not
13 subject to background screening

14
15 if they are providing a service that is within the scope of
16 their licensed practice.

17 (b) Relatives. For purposes of this section, the term
18 "relative" means an individual who is the father, mother,
19 stepfather, stepmother, son, daughter, brother, sister,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 2

20 grandmother, grandfather, great-grandmother, great-grandfather,
21 grandson, granddaughter, uncle, aunt, first cousin, nephew,
22 niece, husband, wife, father-in-law, mother-in-law, son-in-law,
23 daughter-in-law, brother-in-law, sister-in-law, stepson,
24 stepdaughter, stepbrother, stepsister, half-brother, or half-
25 sister of the client.

26 (c)1. Volunteers who assist on an intermittent basis for
27 less than 20 hours per month and who are not listed on the
28 Department of Law Enforcement Career Offender Search or the Dru
29 Sjodin National Sex Offender Public Website. The program that
30 provides services to the elderly is responsible for verifying
31 that the volunteer is not listed on the databases.

32 2. Once the department is participating as a specified
33 agency in the Clearinghouse in s.435.12, the provider must
34 forward the volunteer information to the Department of Elder
35 Affairs if such volunteer is not listed in either of the
36 databases listed in sub-paragraph 1. The department must then
37 perform a check of the Clearinghouse. If a disqualification is
38 identified in the Clearinghouse, the volunteer must undergo a
39 level 2 background screen pursuant to ch. 435 and this section.

40 (3) Until such time as the department is participating as
41 a specified agency in the Clearinghouse in s. 435.12, the
42 department shall not require additional Level 2 screening
43 pursuant to this section if the individual is qualified for
44 licensure or employment by the Agency for Health Care
45 Administration pursuant to the agency's background screening
46 standards contained in s. 408.809, and the individual is

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 2

47 providing a service that is within the scope of her or his
48 licensed practice or employment.

49

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

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 _____

FAVORABLE
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

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

6 Remove lines 193-207 and insert:

7 Section 4. Paragraph (e) is added to subsection (1) of
8 section 435.04, Florida Statutes, to read:

9 435.04 Level 2 screening standards.—

10 (1)

11 (e) Vendors who submit fingerprints on behalf of employers

12 must:

13 1. Meet the requirements of s. 943.053; and

14 2. Have the ability to communicate electronically with the
15 state agency accepting screening results from the Department of
16 Law Enforcement and to provide a photograph of the applicant
17 taken concurrent with the submission of fingerprints.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 3

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

Remove lines 33-34 and insert:
specified criteria;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 4

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 _____

*FAVORABLE
1/25/12*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 219-229

7

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9

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11

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

12

Remove lines 41-44 and insert:

13

process is complete; amending s. 408.809, F.S.; eliminating

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 5

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 _____

*FAVORABLE
1/25/12*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

4
5 **Amendment**

6 Remove lines 279-291 and insert:
7 fingerprinted. Until the person's background screening results
8 are retained in the Clearinghouse authorized in s. 435.12, the
9 agency may accept as satisfying the requirements of this section
10 proof of compliance with level 2 screening standards submitted
11 within the previous 5 years to meet any provider or professional
12 licensure requirements of the agency, the Department of Health,
13 the Department of Elderly Affairs, the Agency for Persons with
14 Disabilities, the Department of Children and Family Services, or
15 the Department of Financial Services for an applicant for a
16 certificate of authority or provisional certificate of authority
17 to operate a continuing care retirement community under chapter
18 ~~651 satisfies the requirements of this section if the,~~ provided:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 5

19 (a) The screening standards and disqualifying offenses for
20 the prior screening are equivalent to those specified in section
21 435.04 and this section;

22 (b) The person subject to screening has not had a break in
23 service from a position that requires Level 2 screening ~~been~~
24 unemployed for more than 90 days; and

25 (c) Such proof is accompanied, under penalty of perjury, by
26 an affidavit of compliance with the provisions of chapter 435
27 and this section using forms provided by the agency.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 6

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 _____

FAVORABLE
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

4

5

Amendment

6

Remove line 411 and insert:

7

applying for a certificate to practice, and the person's

8

background screening results are not retained in the

9

Clearinghouse authorized under s. 435.12, the board shall waive

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 7

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
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

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

6 Between lines 72 and 73, insert:

7 Section 2. Subsection (11) is added to section 395.003,
8 Florida Statutes, to read:

9 395.003 Licensure; denial, suspension, and revocation.-

10 (11) The agency shall require level 2 background screening
11 as required in s. 408.809(1)(e) pursuant to chapter 435 and s.
12 408.809 for personnel of hospitals federally certified as a long
13 term care hospital or of rural hospitals participating in the
14 swing bed program.

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

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 7

20 Remove line 9 and insert:
21 amending s. 395.003, F.S.; requiring level 2 background
22 screening for personnel of hospitals federally certified as a
23 long term care hospital or of rural hospitals participating in
24 the swing bed program; amending s. 409.1757, F.S.; adding law
25 enforcement

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 8

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 _____

*FAVORABLE
1/25/12*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 61-72 and insert:

7 Section 1. Paragraph (d) is added to subsection (1) of
8 section 394.4572, Florida Statutes, to read:

9 394.4572 Screening of mental health personnel.—

10

(1)

11

(d) Mental health personnel working in a facility licensed

12

under chapter 395 who work on an intermittent basis for less

13

than 15 hours per week of direct, face-to-face contact with

14

patients, and who are not listed on the Department of Law

15

Enforcement Career Offender Search or the Dru Sjodin National

16

Sex Offender Public Website, are exempt from the fingerprinting

17

and screening requirements, except that persons working in a

18

mental health facility where the primary purpose of the facility

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 8

19 is the mental health treatment of minors must be fingerprinted
20 and meet screening requirements.

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24

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

25

Remove line 8 and insert:

26

screening requirements under certain conditions; providing an

27

exception;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 9

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
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Holder offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 489 and 490, insert:

7 Section 10. Subsection (4) of section 943.13, Florida
8 Statutes, is amended to read:

9 943.13 Officers' minimum qualifications for employment or
10 appointment.—On or after October 1, 1984, any person employed or
11 appointed as a full-time, part-time, or auxiliary law
12 enforcement officer or correctional officer; on or after October
13 1, 1986, any person employed as a full-time, part-time, or
14 auxiliary correctional probation officer; and on or after
15 October 1, 1986, any person employed as a full-time, part-time,
16 or auxiliary correctional officer by a private entity under
17 contract to the Department of Corrections, to a county
18 commission, or to the Department of Management Services shall:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 9

19 (4) Not have been convicted of any felony or of a
20 misdemeanor involving perjury or a false statement, or have
21 received a dishonorable discharge from any of the Armed Forces
22 of the United States. Any person who, after July 1, 1981, pleads
23 guilty or nolo contendere to or is found guilty of any felony or
24 of a misdemeanor involving perjury or a false statement is not
25 eligible for employment or appointment as an officer,
26 notwithstanding suspension of sentence or withholding of
27 adjudication. Notwithstanding this subsection, any person who
28 has pled nolo contendere to a misdemeanor involving a false
29 statement, prior to December 1, 1985, and has had such record
30 sealed or expunged shall not be deemed ineligible for employment
31 or appointment as an officer. Notwithstanding this subsection,
32 any person who has a federal felony conviction, and who has had
33 their civil rights restored under Article IV, Section 8 of the
34 Florida Constitution, shall not be deemed ineligible for
35 employment or appointment as an officer.
36
37
38

39 -----
40 **T I T L E A M E N D M E N T**

41 Remove line 57 and insert:

42 in its work plan; amending s. 943.13, F.S.; revising a provision
43 relating to the minimum qualifications of law enforcement or
44 correctional officers; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 10

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
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Grant offered the following:

4

5 **Substitute Amendment for Amendment (855363) by**
6 **Representative Holder (with title amendment)**

7 Between lines 489 and 490, insert:

8 Section 10. Subsection (4) of section 943.13, Florida
9 Statutes, is amended to read:

10 943.13 Officers' minimum qualifications for employment or
11 appointment.—On or after October 1, 1984, any person employed or
12 appointed as a full-time, part-time, or auxiliary law
13 enforcement officer or correctional officer; on or after October
14 1, 1986, any person employed as a full-time, part-time, or
15 auxiliary correctional probation officer; and on or after
16 October 1, 1986, any person employed as a full-time, part-time,
17 or auxiliary correctional officer by a private entity under
18 contract to the Department of Corrections, to a county
19 commission, or to the Department of Management Services shall:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 943 (2012)

Amendment No. 10

20 (4) Not have been convicted of any felony or of a
21 misdemeanor involving perjury or a false statement, or have
22 received a dishonorable discharge from any of the Armed Forces
23 of the United States. Any person who, after July 1, 1981, pleads
24 guilty or nolo contendere to or is found guilty of any felony or
25 of a misdemeanor involving perjury or a false statement is not
26 eligible for employment or appointment as an officer,
27 notwithstanding suspension of sentence or withholding of
28 adjudication. Notwithstanding this subsection, any person who
29 has pled nolo contendere to a misdemeanor involving a false
30 statement, prior to December 1, 1985, and has had such record
31 sealed or expunged shall not be deemed ineligible for employment
32 or appointment as an officer. Notwithstanding this subsection,
33 any person who has a federal non-violent felony conviction, that
34 is not a federal sex crime, and who has had their civil rights
35 restored under Article IV, Section 8 of the Florida
36 Constitution, shall not be deemed ineligible for employment or
37 appointment as an officer.
38
39
40

41 -----
42 **T I T L E A M E N D M E N T**

43 Remove line 57 and insert:
44 in its work plan; amending s. 943.13, F.S.; revising a provision
45 relating to the minimum qualifications of law enforcement or
46 correctional officers; providing an effective date.
47

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Published On: 1/25/2012 3:19:47 PM

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 949 : Juvenile Justice Education and Workforce Programs

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | | X | | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | X | | | | |
| James Grant | X | | | | |
| John Julien | X | | | | |
| Charles McBurney | X | | | | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | | | X | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 12 | | Total Nays: 1 | | | |

HB 949 Amendments

Amendment 521617

Adopted Without Objection

Appearances:

Lukis, Vicki (General Public) - Proponent
Consultant. Senate JJ Education Workgroup
836 Madrid St.
Coral Gables FL 33134
Phone: (305) 216-7794

Williams, TJ (General Public) - Information Only
Hvac/R Mechanic Journeyman
281 Old Hawthorne Rd.
Hawthorne FL 32640
Phone: (352) 481-4467

Myers, Cathy (Lobbyist) - Information Only
Executive Director, Florida Juvenile Justice Association
1107 Hays St. Suite 107
Tallahassee FL 32301
Phone: (850) 294-9960

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 949 : Juvenile Justice Education and Workforce Programs (continued)

Appearances: (continued)

Pesto, George (General Public) - Information Only
Director of Education Policy and Development
1212 Sandhurst Dr.
Tallahassee FL 32312
Phone: (850) 380-1504

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

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 949 (2012)

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 _____

FAVORABLE
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Baxley offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Present subsections (30) through (57) of section 985.03, Florida Statutes, are redesignated as subsections (31) through (58), respectively, and a new subsection (30) is added to that section, to read:

985.03 Definitions.—As used in this chapter, the term:
(30) "Juvenile justice education programs" has the same meaning as provided in s. 1003.01(11)(a).

Section 2. Subsection (6) is added to section 985.46, Florida Statutes, to read:

985.46 Conditional release.—
(6) Each juvenile committed to a commitment program shall have a transition plan upon release. Transition planning shall begin for each juvenile upon placement in a commitment program and shall result in an individual transition plan for each youth

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21 before he or she is released. The transition plan shall be
22 developed with the participation of the youth, representatives
23 of the commitment program, school district personnel, and
24 representatives of conditional release or postcommitment
25 probation programs, if appropriate. The transition plan shall
26 include an education transition plan component as provided in s.
27 1003.515(10), as well as information regarding pertinent
28 delinquency treatment and intervention services that are
29 accessible upon exiting the program.

30 (a) For a juvenile who is released on conditional release
31 or postcommitment probation status, the transition plan shall be
32 incorporated into the conditions of release.

33 (b) For a juvenile who is not released on conditional
34 release or postcommitment probation status, the transition plan
35 shall be explained to the youth and provided upon release, with
36 all necessary referrals having been made at least 30 days before
37 the youth exits the program.

38 (c) For a juvenile who participates in a nonresidential
39 program, the transition plan shall be explained to the youth and
40 provided upon release. For a juvenile who participates in a
41 nonresidential program and who is released on conditional
42 release or postcommitment probation status, the transition plan
43 shall be incorporated into the conditions of release.

44 Section 3. Section 985.618, Florida Statutes, is amended to
45 read:

46 (Substantial rewording of section. See
47 s. 985.618, F.S., for present text.)

48 985.618 Education and workforce-related programs.-

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49 (1) The Legislature intends for youth in juvenile justice
50 programs to be provided a quality education that includes
51 workforce-related skills that lead to continuing education or
52 meaningful employment, or both, and that results in reduced
53 rates of recidivism.

54 (2) The department, in collaboration with the Department of
55 Education, shall annually verify that each juvenile justice
56 education program, at a minimum:

57 (a) Provides access to virtual course offerings that
58 maximize learning opportunities for youth.

59 (b) Encourages access to virtual counseling to address the
60 educational and workforce needs of adjudicated youth.

61 (c) Provides instruction from individuals who hold industry
62 credentials in the occupational areas in which they teach.

63 (d) Ensures student access to instruction during evenings
64 and weekends.

65 (e) Considers, before placement, the age, interests, prior
66 education, training, work experience, emotional and mental
67 abilities, treatment needs, and physical capabilities of the
68 youth and the duration of the term of placement imposed.

69 (f) Provides specialized instruction, related services,
70 accommodations, and modifications as are necessary to ensure the
71 provision of a free, appropriate public education for students
72 with disabilities.

73 (g) Expends funds in a manner that directly supports the
74 attainment of successful student outcomes as specified in s.
75 1003.515(7) and that allows youth to engage in real work
76 situations whenever possible.

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77 (3) The department shall collaborate with the Department of
78 Education, the Department of Economic Opportunity, school
79 districts, and private providers to adopt rules to administer
80 this section.

81 Section 4. Section 985.632, Florida Statutes, is amended to
82 read:

83 985.632 Quality assurance and cost-effectiveness.—

84 (1) It is the intent of the Legislature that the
85 department:

86 (a) Ensure that information be provided to decisionmakers
87 in a timely manner so that resources are allocated to programs
88 of the department which achieve desired performance levels.

89 (b) Provide information about the cost of such programs and
90 their differential effectiveness so that the quality of such
91 programs can be compared and improvements made continually.

92 (c) Provide information to aid in developing related policy
93 issues and concerns.

94 (d) Provide information to the public about the
95 effectiveness of such programs in meeting established goals and
96 objectives.

97 (e) Provide a basis for a system of accountability so that
98 each client is afforded the best programs to meet his or her
99 needs.

100 (f) Improve service delivery to clients.

101 (g) Modify or eliminate activities that are not effective.

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

103 (a) "Client" means any person who is being provided
104 treatment or services by the department or by a provider under

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105 contract with the department.

106 (b) "Program component" means an aggregation of generally
107 related objectives which, because of their special character,
108 related workload, and interrelated output, can logically be
109 considered an entity for purposes of organization, management,
110 accounting, reporting, and budgeting.

111 (c) "Program effectiveness" means the ability of the
112 program to achieve desired client outcomes, goals, and
113 objectives.

114 (3) The department shall annually collect and report cost
115 data for every program operated by the department or its
116 contracted provider ~~or contracted by the department~~. The cost
117 data shall conform to a format approved by the department and
118 the Legislature. Uniform cost data shall be reported and
119 collected for each education program operated by a school
120 district or private provider contracted by a school district
121 ~~state-operated and contracted programs~~ so that comparisons can
122 be made among programs. The Department of Education shall ensure
123 that there is accurate cost accounting for education programs
124 operated by school districts, including those programs operated
125 by private providers under contract with school districts ~~state-~~
126 ~~operated services including market equivalent rent and other~~
127 ~~shared cost. The cost of the educational program provided to a~~
128 ~~residential facility shall be reported and included in the cost~~
129 ~~of a program. The Department of Education shall submit an annual~~
130 ~~cost data report to the department President of the Senate, the~~
131 ~~Speaker of the House of Representatives, the Minority Leader of~~
132 ~~each house of the Legislature, the appropriate substantive and~~

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133 ~~fiscal committees of each house of the Legislature, and the~~
134 ~~Governor, no later than December 1 of each year. The annual cost~~
135 ~~data shall be included in the annual report required in~~
136 ~~subsection (7). Cost-benefit analysis for juvenile justice~~
137 ~~education educational programs shall ~~will~~ be developed and~~
138 ~~implemented in collaboration with and in cooperation with the~~
139 ~~Department of Education, local providers, and local school~~
140 ~~districts. ~~Cost data for the report shall include data collected~~~~
141 ~~by the Department of Education for the purposes of preparing the~~
142 ~~annual report required by s. 1003.52(19).~~

143 (4) (a) The department, in consultation with the Office of
144 Economic and Demographic Research and contract service
145 providers, shall develop a cost-effectiveness model and apply
146 the model to each commitment program. Program recidivism rates
147 shall be a component of the model. The cost-effectiveness model
148 shall compare program costs to client outcomes and program
149 outputs. It is the intent of the Legislature that continual
150 development efforts take place to improve the validity and
151 reliability of the cost-effectiveness model.

152 (b) The department shall rank commitment programs based on
153 the cost-effectiveness model and shall submit a report to the
154 appropriate substantive and fiscal committees of each house of
155 the Legislature by December 31 of each year.

156 (c) Based on reports of the department on client outcomes
157 and program outputs and on the department's most recent cost-
158 effectiveness rankings, the department may terminate a program
159 operated by the department or a provider if the program has
160 failed to achieve a minimum threshold of program effectiveness.

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161 This paragraph does not preclude the department from terminating
162 a contract as provided under this section or as otherwise
163 provided by law or contract, and does not limit the department's
164 authority to enter into or terminate a contract.

165 (d) In collaboration with the Office of Economic and
166 Demographic Research, and contract service providers, the
167 department shall develop a work plan to refine the cost-
168 effectiveness model so that the model is consistent with the
169 performance-based program budgeting measures approved by the
170 Legislature to the extent the department deems appropriate. The
171 department shall notify the Office of Program Policy Analysis
172 and Government Accountability of any meetings to refine the
173 model.

174 (e) Contingent upon specific appropriation, the department,
175 in consultation with the Office of Economic and Demographic
176 Research, and contract service providers, shall:

177 1. Construct a profile of each commitment program that uses
178 the results of the quality assurance report required by this
179 section, the cost-effectiveness report required in this
180 subsection, and other reports available to the department.

181 2. Target, for a more comprehensive evaluation, any
182 commitment program that has achieved consistently high, low, or
183 disparate ratings in the reports required under subparagraph 1.

184 3. Identify the essential factors that contribute to the
185 high, low, or disparate program ratings.

186 4. Use the results of these evaluations in developing or
187 refining juvenile justice programs or program models, client
188 outcomes and program outputs, provider contracts, quality

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189 assurance standards, and the cost-effectiveness model.

190 (5) (a) Program effectiveness shall be determined by
191 implementing systematic data collection, data analysis, and
192 education and workforce-related program evaluations pursuant to
193 this section and s. 1003.515.

194 (b) The evaluation of juvenile justice education and
195 workforce-related programs shall be based on the performance
196 outcomes provided in s. 1003.515(7).

197 (6) (5) The department shall:

198 (a) Establish a comprehensive quality assurance system for
199 each program operated by the department or its contracted
200 provider ~~operated by a provider under contract with the~~
201 ~~department~~. Each contract entered into by the department must
202 provide for quality assurance.

203 (b) Provide operational definitions of and criteria for
204 quality assurance for each specific program component.

205 (c) Establish quality assurance goals and objectives for
206 each specific program component.

207 (d) Establish the information and specific data elements
208 required for the quality assurance program.

209 (e) Develop a quality assurance manual of specific,
210 standardized terminology and procedures to be followed by each
211 program.

212 (f) Evaluate each program operated by the department or its
213 contracted ~~a provider under a contract with the department~~ and
214 establish minimum thresholds for each program component. If a
215 provider fails to meet the established minimum thresholds, such
216 failure shall cause the department to cancel the provider's

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217 contract unless the provider achieves compliance with minimum
218 thresholds within 6 months or unless there are documented
219 extenuating circumstances. In addition, the department may not
220 contract with the same provider for the canceled service for a
221 period of 12 months. If a department-operated program fails to
222 meet the established minimum thresholds, the department must
223 take necessary and sufficient steps to ensure and document
224 program changes to achieve compliance with the established
225 minimum thresholds. If the department-operated program fails to
226 achieve compliance with the established minimum thresholds
227 within 6 months and if there are no documented extenuating
228 circumstances, the department must notify the Executive Office
229 of the Governor and the Legislature of the corrective action
230 taken. Appropriate corrective action may include, but is not
231 limited to:

- 232 1. Contracting out for the services provided in the
233 program;
- 234 2. Initiating appropriate disciplinary action against all
235 employees whose conduct or performance is deemed to have
236 materially contributed to the program's failure to meet
237 established minimum thresholds;
- 238 3. Redesigning the program; or
- 239 4. Realigning the program.

240

241 The department shall submit an annual report to the President of
242 the Senate, the Speaker of the House of Representatives, the
243 Minority Leader of each house of the Legislature, the
244 appropriate substantive and fiscal committees of each house of

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245 the Legislature, and the Governor, no later than February 1 of
246 each year. The annual report must contain, at a minimum, for
247 each specific program component: a comprehensive description of
248 the population served by the program; a specific description of
249 the services provided by the program; cost; a comparison of
250 expenditures to federal and state funding; immediate and long-
251 range concerns; and recommendations to maintain, expand,
252 improve, modify, or eliminate each program component so that
253 changes in services lead to enhancement in program quality. The
254 department shall ensure the reliability and validity of the
255 information contained in the report.

256 (7) The department, in collaboration with the Department of
257 Education and in consultation with the school districts and
258 private juvenile justice education program providers, shall
259 prepare an annual report containing the education performance
260 outcomes, based on the criteria in s. 1003.515(7), of youth in
261 juvenile justice education programs. The report shall delineate
262 the performance outcomes of youth in the state, in each school
263 district's juvenile justice education program, and for each
264 private provider's juvenile justice education program, including
265 the performance outcomes of all major student populations and
266 genders, as determined by the Department of Education. The
267 report shall address the use and successful completion of
268 virtual instruction courses and the successful implementation of
269 transition and reintegration plans. The report must include an
270 analysis of the performance of youth over time, including, but
271 not limited to, additional education attainment, employment,
272 earnings, industry certification, and rates of recidivism. The

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273 report must also include recommendations for improving
274 performance outcomes and for additional cost savings and
275 efficiencies. The report shall be submitted to the Governor, the
276 President of the Senate, and the Speaker of the House of
277 Representatives by December 31, 2013, and each year thereafter.

278 ~~(8)(6)~~ The department shall collect and analyze available
279 statistical data for the purpose of ongoing evaluation of all
280 programs. The department shall provide the Legislature with
281 necessary information and reports to enable the Legislature to
282 make informed decisions regarding the effectiveness of, and any
283 needed changes in, services, programs, policies, and laws.

284 Section 5. Section 985.721, Florida Statutes, is amended to
285 read:

286 985.721 Escapes from secure detention or residential
287 commitment facility.—An escape from:

288 (1) Any secure detention facility maintained for the
289 temporary detention of children, pending adjudication,
290 disposition, or placement;

291 (2) Any residential commitment facility described in s.
292 ~~985.03(46)~~ ~~985.03(45)~~, maintained for the custody, treatment,
293 punishment, or rehabilitation of children found to have
294 committed delinquent acts or violations of law; or

295 (3) Lawful transportation to or from any such secure
296 detention facility or residential commitment facility,

297
298 constitutes escape within the intent and meaning of s. 944.40
299 and is a felony of the third degree, punishable as provided in
300 s. 775.082, s. 775.083, or s. 775.084.

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301 Section 6. Paragraph (b) of subsection (18) of section
302 1001.42, Florida Statutes, is amended to read:

303 1001.42 Powers and duties of district school board.—The
304 district school board, acting as a board, shall exercise all
305 powers and perform all duties listed below:

306 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
307 Maintain a state system of school improvement and education
308 accountability as provided by statute and State Board of
309 Education rule. This system of school improvement and education
310 accountability shall be consistent with, and implemented
311 through, the district's continuing system of planning and
312 budgeting required by this section and ss. 1008.385, 1010.01,
313 and 1011.01. This system of school improvement and education
314 accountability shall comply with the provisions of ss. 1008.33,
315 1008.34, 1008.345, and 1008.385 and include the following:

316 (b) *Public disclosure.*—The district school board shall
317 provide information regarding the performance of students in ~~and~~
318 education ~~educational~~ programs as required pursuant to ss.
319 1008.22 and 1008.385 and implement a system of school reports as
320 required by statute and State Board of Education rule which
321 shall include schools operating for the purpose of providing
322 education ~~educational~~ services to youth in Department of
323 Juvenile Justice residential and nonresidential programs, and
324 for those programs ~~schools~~, report on the data and education
325 outcomes ~~elements~~ specified in s. 1003.515(7) ~~1003.52(19)~~.
326 Annual public disclosure reports shall be in an easy-to-read
327 report card format and shall include the school's grade, high
328 school graduation rate calculated without GED tests,

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329 disaggregated by student ethnicity, and performance data as
330 specified in state board rule.

331 Section 7. Subsection (20) of section 1002.20, Florida
332 Statutes, is amended to read:

333 1002.20 K-12 student and parent rights.—Parents of public
334 school students must receive accurate and timely information
335 regarding their child's academic progress and must be informed
336 of ways they can help their child to succeed in school. K-12
337 students and their parents are afforded numerous statutory
338 rights including, but not limited to, the following:

339 (20) JUVENILE JUSTICE PROGRAMS.—Students who are in
340 juvenile justice programs have the right to receive educational
341 programs and services in accordance with the provisions of s.
342 1003.515 ~~1003.52~~.

343 Section 8. Paragraph (b) of subsection (1) of section
344 1002.45, Florida Statutes, is amended to read:

345 1002.45 Virtual instruction programs.—

346 (1) PROGRAM.—

347 (b) Each school district that is eligible for the sparsity
348 supplement pursuant to s. 1011.62(7) shall provide all enrolled
349 public school students within its boundaries the option of
350 participating in part-time and full-time virtual instruction
351 programs. Each school district that is not eligible for the
352 sparsity supplement shall provide at least three options for
353 part-time and full-time virtual instruction. All school
354 districts must provide parents with timely written notification
355 of an open enrollment period for full-time students of at least
356 90 days that ends no later than 30 days before ~~prior to~~ the

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357 first day of the school year. The purpose of the program is to
358 make quality virtual instruction available to students using
359 online and distance learning technology in the nontraditional
360 classroom. A school district virtual instruction program shall
361 provide the following:

362 1. Full-time virtual instruction for students enrolled in
363 kindergarten through grade 12.

364 2. Part-time virtual instruction for students enrolled in
365 grades 9 through 12 courses that are measured pursuant to
366 subparagraph (8)(a)2.

367 3. Full-time or part-time virtual instruction for students
368 enrolled in dropout prevention and academic intervention
369 programs under s. 1003.53, Department of Juvenile Justice
370 education programs under s. 1003.515 ~~1003.52~~, core-curricula
371 courses to meet class size requirements under s. 1003.03, or
372 Florida College System institutions under this section.

373 Section 9. Paragraph (a) of subsection (11) of section
374 1003.01, Florida Statutes, is amended to read:

375 1003.01 Definitions.—As used in this chapter, the term:

376 (11)(a) "Juvenile justice education programs ~~or schools~~"
377 means programs ~~or schools~~ operating for the purpose of providing
378 educational services to youth in Department of Juvenile Justice
379 programs, for a school year comprised of 250 days of instruction
380 distributed over 12 months. At the request of the provider, a
381 district school board may decrease the minimum number of days of
382 instruction by up to 10 days for teacher planning for
383 residential programs and up to 20 days for teacher planning for
384 nonresidential programs, subject to the approval of the

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385 Department of Juvenile Justice and the Department of Education.

386 Section 10. Section 1003.515, Florida Statutes, is created

387 to read:

388 1003.515 The Florida Juvenile Justice Education Act.-

389 (1) SHORT TITLE.-This section may be cited as the "Florida
390 Juvenile Justice Education Act."

391 (2) LEGISLATIVE FINDING.-The Legislature finds that an
392 education is the single most important factor in the
393 rehabilitation of adjudicated youth who are in Department of
394 Juvenile Justice residential and nonresidential programs.

395 (3) PURPOSES.-The purposes of this section are to:

396 (a) Provide performance-based outcome measures and
397 accountability for juvenile justice education programs; and
398 (b) Improve academic and workforce-related outcomes so that
399 adjudicated and at-risk youth may successfully complete the
400 transition to and reenter the academic and workforce
401 environments.

402 (4) DEFINITION.-For purposes of this section, the term
403 "juvenile justice education programs" has the same meaning as in
404 s. 1003.01(11)(a).

405 (5) SCHOOL DISTRICT AND CONTRACTED EDUCATION PROVIDER
406 RESPONSIBILITIES.-

407 (a) A school district or private provider contracted by a
408 school district to offer education services to youth in a
409 juvenile justice education program shall:

410 1. Provide rigorous and relevant academic and workforce-
411 related curricula that will lead to industry certifications in
412 an occupational area of high demand identified in the Industry

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413 Certification Funding list adopted by the State Board of
414 Education, or articulate to secondary or postsecondary-level
415 coursework, as appropriate.

416 2. Support state, local, and regional economic development
417 demands.

418 3. Make high-wage and high-demand careers more accessible
419 to adjudicated and at-risk youth.

420 4. Reduce rates of recidivism for adjudicated youth.

421 5. Provide access to the appropriate courses and
422 instruction to prepare youth for a standard high school diploma,
423 a special diploma, or a high school equivalency diploma, as
424 appropriate.

425 6. Provide access to virtual education courses that are
426 appropriate to meet the requirements of academic or workforce-
427 related programs and the requirements for continuing education
428 specified in the youth's transition and postrelease plans.

429 7. Provide opportunities for earning credits toward high
430 school graduation or credits that articulate to postsecondary
431 education institutions while the youth are in residential and
432 nonresidential juvenile justice facilities.

433 8. Ensure that the credits and partial credits earned by
434 the youth are transferred and included in the youth's records as
435 part of the transition plan.

436 9. Ensure that the education program consists of the
437 appropriate academic, workforce-related, or exceptional
438 education curricula and related services that directly support
439 performance outcomes, which must be specified in each youth's
440 education transition plan component as required by subsection

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441 (10).

442 10. If the duration of a youth's stay in a program is less
443 than 40 days, ensure that the youth receives employability, life
444 skills, and academic remediation, as appropriate. In addition,
445 counseling and transition services must be provided which
446 mitigate the youth's identified risk factors and prepare the
447 youth for a successful reintegration into the school, community,
448 and home settings.

449 11. Maintain an academic record for each youth who is
450 enrolled in a juvenile justice facility, as required by s.
451 1003.51, and ensure that the coursework, credits, partial
452 credits, occupational completion points, and industry
453 certifications earned by the youth are transferred and included
454 in the youth's transition plan pursuant to s. 985.46.

455 (b) Each school district and private provider shall ensure
456 that the following youth participate in the program:

457 1. Youth who are of compulsory school attendance age
458 pursuant to s. 1003.21.

459 2. Youth who are not of compulsory school attendance age
460 and who have not received a high school diploma or its
461 equivalent, if the youth is in a residential or nonresidential
462 juvenile justice program. Such youth must participate in the
463 education program and participate in a workforce-related
464 education program that leads to industry certification in an
465 occupational area of high demand. This subparagraph does not
466 limit the rights of students with disabilities, as defined under
467 the Individuals with Disabilities Education Act, who are not of
468 compulsory school attendance age and who have not received a

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469 high school diploma to receive a free, appropriate public
470 education in accordance with their individualized needs.

471 3. Youth who have attained a high school diploma or its
472 equivalent and who are not employed. Such youth must participate
473 in a workforce-related education program that leads to
474 employment in an occupational area of high demand. Such youth
475 may enroll in a state postsecondary institution to complete the
476 workforce-related education program and are exempt from the
477 payment of tuition and fees pursuant to s. 1009.25(1)(g).

478 (6) PROGRAM REQUIREMENTS.-In compliance with the strategic
479 5-year plan under s. 1003.491, each juvenile justice residential
480 and nonresidential education program shall, in collaboration
481 with the regional workforce board or economic development agency
482 and local postsecondary institutions, determine the appropriate
483 occupational areas for the program. Juvenile justice education
484 programs must:

485 (a) Ensure that rigorous academic and workforce-related
486 coursework is offered and meets or exceeds appropriate state-
487 approved subject area standards, and results in the attainment
488 of industry certification and postsecondary credit, when
489 appropriate;

490 (b) Ensure instruction from individuals who hold industry
491 credentials in the occupational areas in which they teach;

492 (c) Maximize the use of private sector personnel;

493 (d) Use strategies to maximize the delivery of virtual
494 instruction;

495 (e) Maximize instructional efficiency for youth in juvenile
496 justice facilities;

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497 (f) Provide opportunities for youth to earn weighted or
498 dual enrollment credit for higher-level courses, when
499 appropriate;

500 (g) Promote credit recovery; and

501 (h) Provide instruction that results in competency,
502 certification, or credentials in workplace skills, including,
503 but not limited to, communication skills, interpersonal skills,
504 decisionmaking skills, work ethic, and the importance of
505 attendance and timeliness in the work environment.

506 (7) DEPARTMENT RESPONSIBILITIES.-

507 (a) The department shall identify each residential and
508 nonresidential juvenile justice education program, excluding
509 detention programs, as having one of the following performance
510 ratings as defined by State Board of Education rule:

511 1. High performance.

512 2. Adequate performance.

513 3. Failing performance.

514 (b) The department shall consider the level of rigor
515 associated with the attainment of a particular outcome when
516 assigning weight to the outcome. The department shall evaluate
517 the following elements in determining a juvenile justice
518 education program's performance rating:

519 1. One or more of the following outcomes for a youth who is
520 14 years of age or younger:

521 a. Achieving academic progress in reading and mathematics,
522 as measured by the statewide common pre- and post-assessment
523 adopted by the department for use in juvenile justice education
524 programs, and participating in continuing education upon release

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525 from a juvenile justice residential or nonresidential program.

526 b. Completing secondary coursework and participating in
527 continuing education upon release from a juvenile justice
528 residential or nonresidential program.

529 c. Attaining occupational completion points in an
530 occupational area of high demand identified in the Industry
531 Certification Funding list adopted by the State Board of
532 Education and participating in continuing education upon release
533 from a juvenile justice residential or nonresidential program.

534 d. Attaining an industry certification in an occupational
535 area of high demand identified in the Industry Certification
536 Funding list adopted by the State Board of Education, if
537 available and appropriate, and participating in continuing
538 education upon release from a juvenile justice residential or
539 nonresidential program.

540 2. One or more of the following outcomes for a youth who is
541 15 years of age or older:

542 a. Achieving academic progress in reading and mathematics,
543 as measured by the statewide common pre- and post-assessment
544 adopted by the department for use in juvenile justice education
545 programs, and participating in continuing education upon release
546 from a juvenile justice residential or nonresidential program.

547 b. Earning secondary or postsecondary credit upon release
548 from a juvenile justice facility and participating in continuing
549 education upon release from a juvenile justice residential or
550 nonresidential program.

551 c. Attaining a high school diploma or its equivalent and
552 participating in continuing education at the postsecondary level

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553 upon release from a juvenile justice residential or
554 nonresidential program.

555 d. Attaining a high school diploma or its equivalent and
556 obtaining employment.

557 e. Attaining an industry certification in an occupational
558 area of high demand identified in the Industry Certification
559 Funding list adopted by the State Board of Education and
560 obtaining employment.

561 f. Attaining occupational completion points in an
562 occupational area of high demand and obtaining employment.

563 g. Attaining occupational completion points in an
564 occupational area of high demand identified in the Industry
565 Certification Funding list adopted by the State Board of
566 Education and, upon release from a juvenile justice residential
567 or nonresidential program, participating in continuing education
568 in order to complete the industry certification in that
569 occupation.

570 (c) By September 1, 2012, the department shall make
571 available a common student pre- and post-assessment to measure
572 the academic progress in reading and mathematics of youth who
573 are assigned to juvenile justice education programs.

574
575 For purposes of performance ratings, juvenile justice
576 residential and nonresidential education programs, excluding
577 detention centers, shall be held accountable for the performance
578 outcomes of youth for no more than 6 months after the release of
579 youth from the residential or nonresidential program. This
580 subsection does not abrogate the provisions of s. 1002.22 which

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581 relate to education records or the requirements of 20 U.S.C. s.
582 1232g, the Family Educational Rights and Privacy Act.

583 (8) PROGRAM ACCOUNTABILITY.—

584 (a) The department shall, in collaboration with the
585 Department of Juvenile Justice:

586 1. Monitor the education performance of youth in juvenile
587 justice facilities.

588 2. Prohibit school districts or private providers that have
589 failing performance ratings from delivering the education
590 services.

591 3. Verify that a school district is operating or
592 contracting with a private provider to deliver education
593 services.

594 (b) If a school district's juvenile justice residential or
595 nonresidential education program earns two failing performance
596 ratings in any 3-year period, as provided in subsection (7), the
597 school district shall contract with a private provider that has
598 an adequate or higher performance rating or enter into an
599 agreement with a school district that has an adequate or higher
600 performance rating to deliver the education services to the
601 youth in the program.

602 (c) Except as provided in paragraph (b), the school
603 district of the county in which the residential or
604 nonresidential facility is located shall deliver education
605 services to youth in Department of Juvenile Justice programs. A
606 school district may contract with a private provider to deliver
607 the education services in lieu of directly providing the
608 education services. The contract shall include performance

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609 criteria as provided in subsection (7).

610 (d) When determining educational placement for youth who
611 enroll in a school district upon release, the school district
612 must adhere to the transition plan established under s.
613 985.46(6).

614 (e) If a private provider under contract with a school
615 district maintains a high-performance rating pursuant to
616 subsection (7), the school district may not require a private
617 provider to use the school district's personnel.

618 (f) Academic instructional personnel must be certified by
619 the Department of Education; however, a nondegreed teacher of
620 career education may be certified by a local school district
621 under s. 1012.39 and may be designated as teaching out-of-field.
622 An instructor who is deemed to be an expert in a specific field
623 may be employed under s. 1012.55(1).

624 (g) Each school district must provide juvenile justice
625 education programs access to substitute classroom teachers used
626 by the school district.

627 (9) EXITING PROGRAM.—Upon exiting a program, a youth must:

628 (a) Attain an industry certification in an occupational
629 area of high demand identified in the Industry Certification
630 Funding list adopted by the State Board of Education;

631 (b) Enroll in a program to complete the industry
632 certification;

633 (c) Be gainfully employed and earning full-time wages; or

634 (d) Enroll in and continue his or her education based on
635 the transition and postrelease plan provided in s. 958.46.

636 (10) EDUCATION TRANSITION PLAN COMPONENT.—

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637 (a) The education transition plan component shall be
638 incorporated in the transition plan pursuant to s. 985.46(6).

639 (b) Each juvenile justice education program must develop an
640 education transition plan component during the course of a
641 youth's stay in a juvenile justice residential or nonresidential
642 program which coordinates academic and workforce services and
643 assists the youth in successful community reintegration upon the
644 youth's release.

645 (c) The development of the education transition plan
646 component shall begin upon a youth's placement in the program.
647 The education transition plan component must include the
648 academic and workforce services to be provided during the
649 program stay and the establishment of services to be implemented
650 upon release. The appropriate personnel in the juvenile justice
651 residential and nonresidential program, the members of the
652 community, the youth, and the youth's family, when appropriate,
653 shall collaborate to develop the education transition plan
654 component.

655 (d) Education planning for reintegration shall begin when
656 placement decisions are made and continue throughout the youth's
657 stay in order to provide for continuing education, job
658 placement, and other necessary services. Individuals who are
659 responsible for reintegration shall coordinate activities to
660 ensure that the education transition plan component is
661 successfully implemented and a youth is provided access to
662 support services that will sustain the youth's success once he
663 or she is no longer under the supervision of the Department of
664 Juvenile Justice. The education transition plan component must

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665 provide for continuing education, workforce development, or
666 meaningful job placement pursuant to the performance outcomes in
667 subsection (7). For purposes of this section, the term
668 "reintegration" means the process by which a youth returns to
669 the community following release from a juvenile justice program.

670 (11) FUNDING.—

671 (a) Youth who are participating in GED preparation programs
672 while under the supervision of the Department of Juvenile
673 Justice shall be funded at the basic program cost factor for
674 juvenile justice programs in the Florida Education Finance
675 Program (FEFP). Juvenile justice education programs shall be
676 funded in the appropriate FEFP program based on the education
677 services needed by the students in the programs pursuant to s.
678 1011.62.

679 (b) Juvenile justice education programs operated through a
680 contract with the Department of Juvenile Justice and under the
681 purview of the department's quality assurance standards and
682 performance outcomes shall receive the appropriate FEFP funding
683 for juvenile justice programs.

684 (c) A district school board shall fund the education
685 program in a juvenile justice facility at the same or higher
686 level of funding for equivalent students in the district school
687 system based on the funds generated through the FEFP and funds
688 allocated from federal programs.

689 (d) Consistent with the rules of the State Board of
690 Education, district school boards shall request an alternative
691 full-time equivalent (FTE) survey for juvenile justice programs
692 experiencing fluctuations in student enrollment.

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693 (e) The State Board of Education shall prescribe rules
694 relating to FTE count periods which must be the same for
695 juvenile justice programs and other public school programs. The
696 summer school period for students in juvenile justice programs
697 shall begin on the day immediately preceding the subsequent
698 regular school year. Students may be funded for no more than 25
699 hours per week of direct instruction; however, students shall be
700 provided access to virtual instruction in order to maximize the
701 most efficient use of time.

702 (12) FACILITIES.—The district school board may not be
703 charged any rent, maintenance, utilities, or overhead on the
704 facilities. Maintenance, repairs, and remodeling of existing
705 facilities shall be provided by the Department of Juvenile
706 Justice.

707 (13) RULEMAKING.—The State Board of Education shall
708 collaborate with the Department of Juvenile Justice, the
709 Department of Economic Opportunity, school districts, and
710 private providers to adopt rules pursuant to ss. 120.536(1) and
711 120.54 to administer this section.

712 Section 11. Section 1003.52, Florida Statutes, is repealed.

713 Section 12. Present paragraph (g) of subsection (1) of
714 section 1009.25, Florida Statutes, is redesignated as paragraph
715 (h), and a new paragraph (g) is added to that subsection, to
716 read:

717 1009.25 Fee exemptions.—

718 (1) The following students are exempt from the payment of
719 tuition and fees, including lab fees, at a school district that
720 provides postsecondary career programs, Florida College System

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721 institution, or state university:

722 (g) For purposes of completing coursework initiated while
723 in the temporary custody of the state, youth who are eligible
724 under s. 1003.515(5)(b)3. and who are ordered by a court to
725 participate in a juvenile justice residential program.

726 Section 13. Paragraph (f) of subsection (1) of section
727 1011.62, Florida Statutes, is amended to read:

728 1011.62 Funds for operation of schools.—If the annual
729 allocation from the Florida Education Finance Program to each
730 district for operation of schools is not determined in the
731 annual appropriations act or the substantive bill implementing
732 the annual appropriations act, it shall be determined as
733 follows:

734 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
735 OPERATION.—The following procedure shall be followed in
736 determining the annual allocation to each district for
737 operation:

738 (f) *Supplemental academic instruction; categorical fund.*—

739 1. There is created a categorical fund to provide
740 supplemental academic instruction to students in kindergarten
741 through grade 12. This paragraph may be cited as the
742 "Supplemental Academic Instruction Categorical Fund."

743 2. Categorical funds for supplemental academic instruction
744 shall be allocated annually to each school district in the
745 amount provided in the General Appropriations Act. These funds
746 shall be in addition to the funds appropriated on the basis of
747 FTE student membership in the Florida Education Finance Program
748 and shall be included in the total potential funds of each

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749 district. These funds shall be used to provide supplemental
750 academic instruction to students enrolled in the K-12 program.
751 Supplemental instruction strategies may include, but are not
752 limited to: modified curriculum, reading instruction, after-
753 school instruction, tutoring, mentoring, class size reduction,
754 extended school year, intensive skills development in summer
755 school, and other methods for improving student achievement.
756 Supplemental instruction may be provided to a student in any
757 manner and at any time during or beyond the regular 180-day term
758 identified by the school as being the most effective and
759 efficient way to best help that student progress from grade to
760 grade and to graduate.

761 3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year,
762 funding on the basis of FTE membership beyond the 180-day
763 regular term shall be provided in the FEFP only for students
764 enrolled in juvenile justice education programs or in education
765 programs for juveniles placed in secure facilities or programs
766 under s. 985.19. Funding for instruction beyond the regular 180-
767 day school year for all other K-12 students shall be provided
768 through the supplemental academic instruction categorical fund
769 and other state, federal, and local fund sources with ample
770 flexibility for schools to provide supplemental instruction to
771 assist students in progressing from grade to grade and
772 graduating.

773 4. The Florida State University School, as a lab school, is
774 authorized to expend from its FEFP or Lottery Enhancement Trust
775 Fund allocation the cost to the student of remediation in
776 reading, writing, or mathematics for any graduate who requires

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777 remediation at a postsecondary educational institution.

778 5. ~~Beginning in the 1999-2000 school year,~~ Dropout
779 prevention programs as defined in ss. 1003.515 ~~1003.52~~,
780 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in
781 group 1 programs under subparagraph (d)3.

782 Section 14. This act shall take effect upon becoming a law.

783 -----

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

785 Remove the entire title and insert:

786 An act relating to juvenile justice education and workforce
787 programs; amending s. 985.03, F.S.; providing a definition for
788 the term "juvenile justice education programs" for purposes of
789 the act; amending s. 985.46, F.S.; requiring that each juvenile
790 committed to a juvenile justice commitment program have a
791 transition plan upon release; requiring that the transition plan
792 include an education transition plan component and information
793 regarding delinquency treatment and intervention services that
794 are accessible upon exiting the program; amending s. 985.618,
795 F.S.; providing legislative intent regarding juvenile justice
796 education and workforce-related programs; requiring that the
797 Department of Juvenile Justice, in collaboration with the
798 Department of Education, annually verify that each juvenile
799 justice education program meets specified minimum standards;
800 requiring that the department collaborate with certain entities
801 to adopt rules; amending s. 985.632, F.S.; conforming provisions
802 to changes made by the act; requiring that the Department of
803 Education rather than the Department of Juvenile Justice ensure
804 that there is accurate cost accounting for certain education

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805 programs; requiring that the Department of Education submit
806 annual cost data to the department; requiring that the
807 effectiveness of juvenile justice education programs be
808 determined by implementing systematic data collection, data
809 analysis, and evaluations; requiring that the programs be
810 evaluated based on student performance outcomes; requiring that
811 the Department of Juvenile Justice, in collaboration with the
812 Department of Education and in consultation with other entities,
813 prepare and submit an annual report to the Governor and the
814 Legislature by a specified date; amending s. 985.721, F.S.;
815 conforming a cross-reference; amending s. 1001.42, F.S.;
816 conforming provisions to changes made by the act; conforming a
817 cross-reference; amending ss. 1002.20 and 1002.45, F.S.;
818 conforming cross-references; amending s. 1003.01, F.S.; revising
819 the term "juvenile justice education programs or schools" to
820 conform to changes made by the act; creating s. 1003.515, F.S.;
821 providing a short title; providing a legislative finding;
822 providing purposes of the Florida Juvenile Justice Education
823 Act; providing a definition for the term "juvenile justice
824 education programs"; providing responsibilities for school
825 districts and private providers contracted by school districts
826 to offer education services to youth in juvenile justice
827 education programs; requiring that each juvenile justice
828 residential and nonresidential program involve the regional
829 workforce board or economic development agency and local
830 postsecondary institutions to determine the occupational areas
831 for the education and workforce-related program; providing
832 requirements for education and workforce-related services in

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833 juvenile justice programs; providing responsibilities for the
834 Department of Education; requiring that the department identify
835 each juvenile justice residential and nonresidential education
836 program, excluding detention programs, by performance ratings;
837 providing criteria for determining performance ratings;
838 requiring that the department make available a common student
839 pre- and post-assessment to measure the academic progress in
840 reading and mathematics of youth in juvenile justice education
841 programs; requiring that juvenile justice residential and
842 nonresidential education programs, excluding detention centers,
843 be held accountable for student performance outcomes for a
844 specified period after youth are released from the programs;
845 providing for program accountability; requiring that the
846 department monitor the education performance of youth, prohibit
847 certain school district or private providers, under specified
848 circumstances, from delivering education services, and verify
849 that a school district is operating or contracting to deliver
850 education services; providing for a school district's
851 responsibilities; requiring that a youth who exits the program
852 attain an industry certification, enroll in a program to
853 complete the industry certification, be gainfully employed, or
854 enroll in and continue his or her education based on a
855 transition plan; requiring that an education transition plan
856 component be incorporated in a youth's transition plan;
857 requiring that each juvenile justice education program develop
858 the education transition plan component during the course of the
859 youth's stay in a juvenile justice residential or nonresidential
860 program; providing funding requirements for the juvenile justice

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861 education programs; prohibiting a district school board from
862 being charged rent, maintenance, utilities, or overhead on
863 facilities; requiring that the Department of Juvenile Justice
864 provide maintenance, repairs, and remodeling of existing
865 facilities; requiring that the State Board of Education
866 collaborate with the Department of Juvenile Justice, the
867 Department of Economic Opportunity, school districts, and
868 private providers to adopt rules; repealing s. 1003.52, F.S.,
869 relating to educational services in Department of Juvenile
870 Justice programs; amending s. 1009.25, F.S.; providing an
871 exemption from the payment of postsecondary education fees and
872 tuition for certain youth who are ordered by a court to
873 participate in a juvenile justice residential program; amending
874 s. 1011.62, F.S.; extending dates relating to the funding of
875 students who are enrolled in juvenile justice education programs
876 or in education programs for juveniles placed in secure
877 facilities; conforming a cross-reference; providing an effective
878 date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1021 : Agriculture

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | X | | | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | X | | | | |
| James Grant | X | | | | |
| John Julien | X | | | | |
| Charles McBurney | X | | | | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | X | | | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 14 | | Total Nays: 0 | | | |

HB 1021 Amendments

Amendment 517249

Adopted Without Objection

Appearances:

Adams, Howard (Lobbyist) - Waive In Support
Attorney, Florida Feed Association
215 S. Monroe St.
Tallahassee FL 32301
Phone: (850) 222-3533

Matthews, Ryan (Lobbyist) - Information Only
Legislative Advocate, Florida League of Cities
301 S. Bronough St. Suite 300
Tallahassee FL 32302
Phone: (850) 222-9684

Love, Drew (Lobbyist) - Waive In Support
Director of Legislative Affairs, Florida Citrus Mutual
113 East College Ave.
Tallahassee FL 32301
Phone: (863) 698-9936

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1021 : Agriculture (continued)

Appearances: (continued)

Shelby, Alan (Lobbyist) - Waive In Support
Government Relations Director, Florida Forestry Association
402 E. Jefferson St.
Tallahassee FL 32301
Phone: (850) 222-5646

Bevan, Laura (General Public) - Information Only
Humane Society of the United States

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1021 (2012)

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 _____

*FAVORABLE
1/25/12*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Albritton offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 187-238 and insert:

7 Section 6. This act shall take effect July 1, 2012.

8

9

10

11

12

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

13

Remove lines 25-29 and insert:

14

development of such rules; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1173 : Criminal Gang Prevention

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | X | | | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | X | | | | |
| James Grant | | | | X | |
| John Julien | X | | | | |
| Charles McBurney | X | | | | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | | | X | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 12 | | Total Nays: 0 | | | |

HB 1173 Amendments

Amendment 286225

Adopted Without Objection

Amendment 616877

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Opponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Westfall, Eric (General Public) - Waive In Support
Lieutenant, Florida Sheriff's Association
123 W. Indiana Ave.
Deland FL 32720
Phone: (386) 248-1777

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1173 (2012)

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 _____

FAVORABLE
1/25/12

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

4
5 **Amendment**

6 Remove line 103 and insert:

7 .

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1173 (2012)

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 _____

FAVORABLE
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Ingram offered the following:

4
5 **Amendment**

6 Remove line 461 and insert:

7 874.04, the subtotal sentence points are multiplied by 1.5. If
8 applying the multiplier results in the lowest permissible
9 sentence exceeding the statutory maximum sentence for the
10 primary offense under ch. 775, the court may not apply the
11 multiplier and must sentence the defendant to the statutory
12 maximum sentence.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1285 : Criminal Conduct

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | X | | | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | X | | | | |
| James Grant | X | | | | |
| John Julien | X | | | | |
| Charles McBurney | X | | | | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | X | | | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 14 | | Total Nays: 0 | | | |

HB 1285 Amendments

Amendment 362515

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Opponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Miller, Holly (Lobbyist) - Waive In Support
Assistant General Counsel, Florida Medical Association
PO Box 10269
Tallahassee FL 32302
Phone: (850) 224-6496

Isaac MD, Jerome (General Public) - Proponent
Medical Director Child Protection Team, Florida Chpt. AAP/Florida Pediatric Soc.
453 Cortez Rd. W.
Bradenton FL 34207
Phone: (941) 345-1200

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1285 : Criminal Conduct (continued)

Appearances: (continued)

Bell, Sam (Lobbyist) - Information Only

Florida Pediatric Society

1298 Millstream

Tallahassee FL 32312

Phone: (850) 222-3533

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1285 (2012)

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 _____

FAVORABLE
1/25/12.

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Van Zant offered the following:

4
5 **Amendment**

6 Remove lines 64-105 and insert:
7 supported by expert testimony.

8 (e)(3)(a) "Neglect of a child" means:

9 1. A caregiver's failure or omission to provide a child
10 with the care, supervision, and services necessary to maintain
11 the child's physical and mental health, including, but not
12 limited to, food, nutrition, clothing, shelter, supervision,
13 medicine, and medical services that a prudent person would
14 consider essential for the well-being of the child; or

15 2. A caregiver's failure to make a reasonable effort to
16 protect a child from abuse, neglect, or exploitation by another
17 person.
18

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1285 (2012)

Amendment No. 1

19 Except as otherwise provided in this section, neglect of a child
20 may be based on repeated conduct or on a single incident or
21 omission that results in, or could reasonably be expected to
22 result in, serious physical or mental injury, or a substantial
23 risk of death, to a child.

24 (2) OFFENSES.-

25 (a) A person who commits aggravated child abuse commits a
26 felony of the first degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 (b) A person who willfully or by culpable negligence
29 neglects a child and in so doing causes great bodily harm,
30 permanent disability, or permanent disfigurement to the child
31 commits a felony of the second degree, punishable as provided in
32 s. 775.082, s. 775.083, or s. 775.084.

33 (c) A person who knowingly or willfully abuses a child
34 without causing great bodily harm, permanent disability, or
35 permanent disfigurement to the child commits a felony of the
36 third degree, punishable as provided in s. 775.082, s. 775.083,
37 or s. 775.084.

38 (d)~~(e)~~ A person who willfully or by culpable negligence
39 neglects a child without causing great bodily harm, permanent
40 disability, or permanent disfigurement to the child commits a
41 felony of the third degree, punishable as provided in s.
42 775.082, s. 775.083, or s. 775.084.

43 (3) EXPERT TESTIMONY.-

44 (a) Except as provided in paragraph (b), a physician may
45 not provide expert testimony in a criminal child abuse case
46 unless the physician is a physician licensed under chapter 458

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1285 (2012)

Amendment No. 1

47 or chapter 459 or has obtained certification as an expert
48 witness pursuant to s. 458.3175.

49 (b) A physician may not provide expert testimony in a
50 criminal child abuse case regarding mental injury unless the
51 physician is a physician licensed under chapter 458 or chapter
52 459 who is board certified in psychiatry or has obtained
53 certification as an expert witness pursuant to s. 458.3175.

54 (c) A psychologist may not give expert testimony in a
55 criminal child abuse case regarding mental injury unless the
56 psychologist is licensed under chapter 490.

57 (d) The expert testimony requirements of this subsection
58 only apply to criminal child abuse cases and not to family court
59 or dependency court cases.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1323 : Metal Theft

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | X | | | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | X | | | | |
| James Grant | | | | X | |
| John Julien | X | | | | |
| Charles McBurney | X | | | | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | | | X | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 12 | | Total Nays: 0 | | | |

HB 1323 Amendments

Amendment 736971

Adopted Without Objection

Appearances:

Dimuzio, Melanie (Lobbyist) - Waive In Support
Grassroots Coordinator, Progress Energy, Inc
106 E. College Ave. Suite 800
Tallahassee FL 32301
Phone: (850) 510-9435

Christian, Amy (Lobbyist) - Waive In Support
Florida Power & Light
537 E. Park Ave.
Tallahassee FL 32301
Phone: (850) 224-1900

Reeves, Richard (Lobbyist) - Waive In Support
Gulf Power Company
201 S. Monroe #300
Tallahassee FL 32301
Phone: (850) 513-0004

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1323 : Metal Theft (continued)

Appearances: (continued)

Simmons, Donna (Lobbyist) - Waive In Support
Director, State Government Relations TECO Energy
106 E. College Ave. Suite 630
Tallahassee FL 32301
Phone: (850) 681-6785

Zubaly, Amy (Lobbyist) - Waive In Support
Director, Public Affairs Florida Municipal Electric Association
417 E. College Ave.
Tallahassee FL 32301
Phone: (850) 224-3314

Bjorklund, Michel (Lobbyist) - Waive In Support
Director of Legislative Affairs, Florida Electric Cooperatives Association
2916 Apalachee Pky
Tallahassee FL 32301
Phone: (850) 877-6166

Cory, Keyna (Lobbyist) - Waive In Support
Associated Industries of Florida
110 E. College Ave.
Tallahassee FL 32301
Phone: (850) 893-0995

McCarty, Jess (Lobbyist) - Waive In Support
Assistant County Attorney, Miami-Dade County
111 NW 1st Street Suite 2810
Miami Florida 33128
Phone: (305) 979-7110

Nardiello, Brian (General Public) - Waive In Support
Lieutenant, Volusia County Sheriff's Office
123 W. Indiana Ave.
Deland FL 32720
Phone: (386) 822-5050

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1323 (2012)

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 _____

*FAVORABLE
1/25/12*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Drake offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 32-34 and insert:

7 Section 2. Paragraphs (d) and (e) of subsection (1) of
8 section 812.145, Florida Statutes, are redesignated as
9 paragraphs (e) and (f), respectively, and paragraph (d) is added
10 to that subsection, and a new subsection (3) is added to section
11 812.145, Florida Statutes, to read:

12 812.145 Theft of copper or other nonferrous metals.—

13 (1) As used in this section, the terms:

14 (d) “Electrical substation” means a facility which takes
15 electricity from the transmission grid and converts it to a
16 lower voltage so it can be distributed to customers in the local
17 area on the local distribution grid through one or more
18 distribution lines less than 69 kilovolts in size.
19

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1323 (2012)

Amendment No. 1

20

21

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

22

Remove line 7 and insert:

23

F.S., providing a definition; prohibiting removing or assisting

24

with the

25

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/25/2012 11:00:00AM

Location: 404 HOB

HB 1443 : Public Nuisances

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Dwight Bullard | X | | | | |
| Daphne Campbell | X | | | | |
| Jose Diaz | X | | | | |
| Richard Glorioso | X | | | | |
| James Grant | | | | X | |
| John Julien | X | | | | |
| Charles McBurney | | | | X | |
| W. Keith Perry | X | | | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | X | | | | |
| Carlos Trujillo | X | | | | |
| Charles Van Zant | X | | | | |
| Barbara Watson | X | | | | |
| Dana Young | | | X | | |
| Gayle Harrell (Chair) | X | | | | |
| Total Yeas: 12 | | Total Nays: 0 | | | |

HB 1443 Amendments

Amendment 234869

Adopted Without Objection

Appearances:

Finley, Wayne (Lobbyist) - Waive In Support
Community and Grants Development Officer, City of St. Petersburg
PO Box 2842
St. Petersburg FL 33731
Phone: (813) 767-5503

Committee meeting was reported out: Wednesday, January 25, 2012 5:10:27PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1443 (2012)

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 | — | |

FAVORABLE
1/25/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Frishe offered the following:

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

6 Remove everything after the enacting clause and insert:
7 Section 1. Subsections (2), (4), (6), (7), (8), and (11) of
8 section 893.138, Florida Statutes, are amended to read:

9 893.138 Local administrative action to abate drug-related,
10 prostitution-related, or stolen-property-related public
11 nuisances and criminal gang activity.—

12 (2) Any place or premises that has been used:

13 (a) On more than two occasions within a 6-month period, as
14 the site of a violation of s. 796.07;

15 (b) On more than two occasions within a 6-month period, as
16 the site of the unlawful sale, delivery, manufacture, or
17 cultivation of a any controlled substance, or as the site of the
18 storage of a controlled substance with intent to sell or deliver
19 the controlled substance off the premises;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1443 (2012)

Amendment No. 1

20 (c) On one occasion as the site of the unlawful possession
21 of a controlled substance, where such possession constitutes a
22 felony, and that has been previously used on more than one
23 occasion as the site of the unlawful sale, delivery,
24 manufacture, or cultivation of a ~~any~~ controlled substance;

25 (d) By a criminal gang for the purpose of conducting
26 criminal gang-related ~~gang~~ activity as defined in ~~by~~ s. 874.03;
27 or

28 (e) On more than two occasions within a 6-month period, as
29 the site of a violation of s. 812.019 relating to dealing in
30 stolen property,

31
32 may be declared to be a public nuisance, and such nuisance may
33 be abated pursuant to ~~the procedures provided in~~ this section.

34 (4) Any county or municipality may, by ordinance, create an
35 administrative board to hear complaints regarding the nuisances
36 described in subsections (2) and (3). Any employee, officer, or
37 resident of the county or municipality may bring a complaint
38 before the board after giving not less than 3 days' written
39 notice of such complaint to the owner of the place or premises
40 at his or her last known address. After a hearing in which the
41 board may consider any evidence, including evidence of the
42 general reputation of the place or premises, and at which the
43 owner of the premises shall have an opportunity to present
44 evidence in his or her defense, the board may declare the place
45 or premises to be a public nuisance as described in subsections
46 (2) and (3).

47 (6) An order entered under subsection (5) ~~(4)~~ expires

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1443 (2012)

Amendment No. 1

48 ~~shall expire~~ after 1 year or at such earlier time as is stated
49 in the order unless the owner of a place or premises that has
50 been declared to be a public nuisance has violated the order
51 during the term of the order. Upon receiving a complaint of
52 recurring public nuisance activity or noncompliance and after
53 providing at least 3 days' written notice to the owner of such
54 place or premises, the board shall conduct a hearing to
55 determine whether the owner violated the administrative order
56 entered under subsection (5). If the board finds that the owner
57 of such place or premises violated the order, the board may
58 extend the term of the order by up to 1 additional year and may
59 impose an additional penalty to the extent authorized by this
60 section and by a supplemental county or municipal ordinance.

61 (7) An order entered under subsection (5) ~~(4)~~ may be
62 enforced pursuant to the procedures contained in s. 120.69. This
63 subsection does not subject a municipality that creates a board
64 under this section, or the board so created, to any other
65 provision of chapter 120.

66 (8) The board may bring a complaint under s. 60.05 seeking
67 temporary and permanent injunctive relief against any nuisance
68 described in subsections (2) and (3).

69 ~~The provisions of~~ This section may be supplemented by
70 a county or municipal ordinance. The ordinance may include, but
71 need is not be limited to, provisions that establish additional
72 penalties for public nuisances, including fines not to exceed
73 \$250 per day for each day that the public nuisance activities
74 described in subsections (2) and (3) have occurred, including
75 days outside the 6-month period in which the minimum number of

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Published On: 1/24/2012 6:39:13 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1443 (2012)

Amendment No. 1

76 public nuisance activities are shown to have occurred. The
77 ordinance may also provide for the payment of reasonable costs,
78 including reasonable attorney fees associated with
79 investigations of and hearings on public nuisances; provide for
80 continuing jurisdiction for a period of 1 year over any place or
81 premises that have ~~has~~ been or are ~~is~~ declared to be a public
82 nuisance, subject to an extension for up to 1 additional year as
83 provided in subsection (6); establish penalties, including fines
84 not to exceed \$500 per day for recurring public nuisances;
85 provide for the recording of orders on public nuisances so that
86 notice must be given to subsequent purchasers, successors in
87 interest, or assigns of the real property that is the subject of
88 the order; provide that recorded orders on public nuisances may
89 become liens against the real property that is the subject of
90 the order; and provide for the foreclosure of the property that
91 is subject to a lien and the recovery of all costs, including
92 reasonable attorney fees, associated with the recording of
93 orders and foreclosure. A ~~No~~ lien created pursuant to ~~the~~
94 ~~provisions of~~ this section may not be foreclosed on real
95 property that ~~which~~ is a homestead under s. 4, Art. X of the
96 State Constitution. When ~~Where~~ a local government seeks to bring
97 an administrative action, based on a stolen property nuisance,
98 against a property owner operating an establishment where
99 multiple tenants, on one site, conduct their own retail
100 business, the property owner is ~~shall~~ not ~~be~~ subject to a lien
101 against his or her property or the prohibition of operation
102 provision if the property owner evicts the business declared to
103 be a nuisance within 90 days after notification by registered

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Published On: 1/24/2012 6:39:13 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1443 (2012)

Amendment No. 1

104 mail to the property owner of a second stolen property
105 conviction of the tenant. The total fines imposed pursuant to
106 ~~the authority of this section may shall~~ not exceed \$15,000.
107 ~~Nothing contained within~~ This section does not prohibit
108 ~~prohibits~~ a county or municipality from proceeding against a
109 public nuisance by any other means.

110 Section 2. This act shall take effect July 1, 2012.

114 -----
115 **T I T L E A M E N D M E N T**

116 Remove the entire title and insert:

117 An act relating to local administrative action to abate public
118 nuisances and criminal gang activity; amending s. 893.138, F.S.;
119 authorizing a local administrative board to declare a place to
120 be a public nuisance if the place is used on more than two
121 occasions within a 6-month period as the site of the storage of
122 a controlled substance with intent to sell or deliver the
123 controlled substance; authorizing an administrative board to
124 hear complaints regarding any pain clinic declared to be a
125 public nuisance; providing that an order entered against a
126 person for a public nuisance expires after 1 year or at an
127 earlier time if so stated in the order unless the person has
128 violated the order during the term of the order; requiring that
129 the board conduct a hearing to determine whether the person
130 violated the administrative order; authorizing an administrative
131 board to seek temporary and permanent injunctive relief against

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1443 (2012)

Amendment No. 1

132 any pain clinic declared to be a public nuisance; authorizing
133 the board to extend the term of the order by up to 1 additional
134 year and to impose a penalty if the board finds that the person
135 violated the order; authorizing a county or municipal ordinance
136 to include fines for days of public nuisance activities outside
137 the 6-month period in which the minimum number of activities are
138 shown to have occurred; authorizing a local ordinance to provide
139 for continuing jurisdiction over a place or premises that are
140 subject to an extension of the administrative order; providing
141 an effective date.