

CHAPTER 2010-117

House Bill No. 7131

An act relating to criminal justice; amending s. 775.0877, F.S.; revising obsolete references; amending s. 775.25, F.S.; clarifying a reference to a repealed section; amending s. 784.07, F.S.; removing an outdated reference to certain employees in relation to assault and battery of specified persons; amending s. 831.16, F.S.; clarifying a cross-reference; clarifying that it is a third degree felony for a person to knowingly have in his or her possession fewer than 10 counterfeit coins with the intent to utter or pass such coins; amending s. 831.17, F.S.; clarifying a cross-reference; clarifying that certain subsequent violations of s. 831.16, F.S., are punishable as a second degree felony; amending s. 831.18, F.S.; clarifying that the offense of making or possessing instruments for forging bills is punishable as a third degree felony; amending s. 831.21, F.S.; clarifying that the offense of forging or counterfeiting a doctor's certificate of examination is punishable as a third degree felony; amending s. 831.27, F.S.; correcting a reference relating to the offense of issuing notes; amending s. 838.021, F.S.; correcting grammatical errors; reenacting s. 847.0125, F.S., relating to retail display of materials harmful to minors; amending s. 860.13, F.S.; correcting an obsolete reference; amending s. 865.09, F.S.; correcting a reference; amending s. 893.10, F.S.; removing obsolete language relating to evidence in possession of controlled substances cases; reenacting s. 914.24(2)(a), F.S., relating to victim and witness protection orders; amending ss. 916.12 and 916.3012, F.S.; revising and clarifying provisions; amending s. 918.0155, F.S.; deleting obsolete language directing the Legislature to request the Supreme Court to adopt emergency rules; amending s. 921.0022, F.S.; correcting references in the offense severity ranking chart; reenacting s. 921.141(5)(a), F.S., relating to sentence of death or life imprisonment for capital felonies; amending s. 932.704, F.S.; deleting an obsolete provision relating to the deadline for certifying compliance with the Contraband Forfeiture Act; amending s. 933.18, F.S.; correcting a reference in relation to when a warrant may be issued to search a dwelling; amending s. 933.40, F.S.; replacing obsolete references to "magistrate" with references to "trial court judge"; amending s. 934.03, F.S.; deleting an obsolete cross-reference; defining the term "public utility"; amending s. 938.15, F.S.; clarifying that the term "commission" refers to the Criminal Justice Standards and Training Commission; amending s. 943.051, F.S.; clarifying a reference to a repealed section; amending s. 943.053, F.S.; removing an obsolete reference; amending s. 943.0581, F.S.; clarifying provisions; reenacting s. 943.0582(3)(a) and (5), F.S., relating to prearrest, postarrest, or teen court diversion program expunction; reenacting s. 943.135(4)(b), F.S., relating to requirements for continued employment; amending s. 944.053, F.S.; updating obsolete provisions; reenacting s. 944.28(1), F.S., relating to gain-time; amending ss. 944.708, 944.801, and 945.10, F.S.; replacing obsolete references to the Department of Labor and Employment Security with references to the Agency for Workforce

Innovation; reenacting s. 947.06, F.S., relating to when the Florida Parole Commission may meet and act; amending s. 949.071, F.S.; correcting a federal statutory citation; amending s. 957.07, F.S.; replacing an obsolete reference to the Correctional Privatization Commission with a reference to the Department of Management Services; amending s. 985.486, F.S.; correcting references concerning intensive residential treatment programs for offenders less than 13 years of age; amending s. 985.632, F.S.; removing a reference to a repealed provision; removing obsolete provisions; reenacting s. 985.686(2)(b), F.S., relating to county and state responsibility for juvenile detention; amending ss. 815.03, 817.554, 828.17, 831.30, 877.22, 893.02, 921.20, 944.023, 944.474, 947.16, 951.23, 951.231, 960.003, and 984.225, F.S.; correcting cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (1) of section 775.0877, Florida Statutes, is amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

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

(c) Section 800.04(1), (2), and (3), relating to lewd or lascivious offenses committed upon or in the presence of persons ~~lewd, lascivious, or indecent assault or act upon any person~~ less than 16 years of age,

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

Section 2. Section 775.25, Florida Statutes, is amended to read:

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator or sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender. In addition, a sexual predator may be

prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 3. Subsection (2) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, ~~intake officer,~~ traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.

Section 4. Subsection (11) of section 815.03, Florida Statutes, is amended to read:

815.03 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(11) “Property” means anything of value as defined in s. ~~812.012~~ ~~812.011~~ and includes, but is not limited to, financial instruments, information, including electronically produced data and computer software and programs in either machine-readable or human-readable form, and any other tangible or intangible item of value.

Section 5. Subsection (4) of section 817.554, Florida Statutes, is amended to read:

817.554 Fraudulently offering for sale tour or travel-related services.—

(4) Any individual or group which meets the standards of organized fraud as defined in s. ~~817.034~~ ~~817.036~~ shall be punished as provided in s. ~~817.034~~ ~~817.036~~.

Section 6. Section 828.17, Florida Statutes, is amended to read:

828.17 Officer to arrest without warrant.—Any sheriff or any other peace officer of the state, or any police officer of any city or town of the state, shall arrest without warrant any person found violating any of the provisions of ss. ~~828.04~~, 828.08, 828.12, and 828.13-828.16, and the officer making the arrest shall hold the offender until a warrant can be procured, and he or she shall use proper diligence to procure such warrant.

Section 7. Section 831.16, Florida Statutes, is amended to read:

831.16 Having fewer less than 10 counterfeit coins in possession; with intent to utter.—Whoever has in his or her possession any number of pieces fewer less than 10 of the counterfeit coin mentioned in s. ~~831.15~~ ~~the preceding section~~, knowing the same to be counterfeit, with intent to utter or pass the same as true, or who utters, passes or tenders in payment as true any such counterfeit coin, knowing the same to be false and counterfeit, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 shall be punished by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding 12 months, or by fine not exceeding \$1,000.

Section 8. Section 831.17, Florida Statutes, is amended to read:

831.17 Violation of s. 831.16; second conviction.—Whoever having been convicted of either of the offenses mentioned in s. ~~831.16~~ ~~the preceding section~~, is again convicted of either of the same offenses, committed after the former conviction, and whoever is at the same term of the court convicted upon three distinct charges of said offenses, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 shall be deemed a common utterer of counterfeit coin and punished by imprisonment in the state prison not exceeding 20 years.

Section 9. Section 831.18, Florida Statutes, is amended to read:

831.18 Making or possessing instruments for forging bills.—Whoever engraves, makes, or amends, or begins to engrave, make, or amend, any plate, block, press, or other tool, instrument, or implement, or makes or provides any paper or other material, adapted and designed for the making of a false and counterfeit note, certificate, or other bill of credit, purporting to be issued by lawful authority for a debt of this state, or a false or counterfeit note or bill, in the similitude of the notes or bills issued by any bank or banking company established in this state, or within the United States, or in any foreign province, state, or government; and whoever has in his or her possession any such plate or block engraved in any part, or any press or other tool, instrument, or any paper or other material adapted and designed as aforesaid, with intent to issue the same, or to cause or permit the same to be used in forging or making any such false and counterfeit certificates, bills, or notes, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished by imprisonment in the state prison not exceeding 10 years, or by fine not exceeding \$1,000.~~

Section 10. Section 831.21, Florida Statutes, is amended to read:

831.21 Forging or counterfeiting doctor's certificate of examination.—Whoever falsely makes, alters, forges, or counterfeits any doctor's certificate or record of examination to an application for a policy of insurance, or knowing such doctor's certificate or record of examination to be falsely made, altered, forged, or counterfeited, passes shall pass, utters, utter or publishes publish such certificate as true, with intent to injure or defraud any person, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be deemed guilty of forgery, and upon conviction thereof shall be punished by imprisonment in the state penitentiary not exceeding 5 years, or by fine not exceeding \$500.~~

Section 11. Section 831.27, Florida Statutes, is amended to read:

831.27 Issuing notes.—Whoever issues any note, bill, order, or check, other than foreign bills of exchange and notes or bills of some bank or company incorporated by the laws of this state, or by the laws of the United States, or by the laws of Canada ~~either of the British provinces in North America~~, with intent that the same shall be circulated as currency, commits ~~shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083.~~

Section 12. Section 831.30, Florida Statutes, is amended to read:

831.30 Medicinal drugs; fraud in obtaining.—Whoever:

(1) Falsely makes, alters, or forges any prescription, as defined in s. ~~465.003~~ 465.031(2), for a medicinal drug other than a drug controlled by chapter 893;

(2) Knowingly causes such prescription to be falsely made, altered, forged, or counterfeited; or

(3) Passes, utters, or publishes such prescription or otherwise knowingly holds out such false or forged prescription as true;

with intent to obtain such drug ~~commits~~, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent conviction ~~constitutes~~ shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Subsection (1) of section 838.021, Florida Statutes, is amended to read:

838.021 Corruption by threat against public servant.—

(1) ~~It is unlawful to harm~~ Whoever unlawfully harms or ~~threaten to threatens~~ unlawful harm to any public servant, to his or her immediate family, or to any other person with whose welfare the public servant is interested, with the intent ~~to~~ or purpose:

(a) ~~To~~ Influence the performance of any act or omission ~~that~~ which the person believes to be, or ~~that~~ the public servant represents as being, within the official discretion of the public servant, in violation of a public duty, or in performance of a public duty.

(b) ~~To~~ Cause or induce the public servant to use or exert, or procure the use or exertion of, any influence upon or with any other public servant regarding any act or omission ~~that~~ which the person believes to be, or ~~that~~ the public servant represents as being, within the official discretion of the public servant, in violation of a public duty, or in performance of a public duty.

Section 14. Section 847.0125, Florida Statutes, is reenacted to read:

847.0125 Retail display of materials harmful to minors prohibited.—

(1) “KNOWINGLY” DEFINED.—As used in this section, “knowingly” means having general knowledge of, reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

(a) The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and

(b) The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(2) OFFENSES AND PENALTIES.—

(a) It is unlawful for anyone offering for sale in a retail establishment open to the general public any book, magazine, or other printed material, the cover of which depicts material which is harmful to minors, to knowingly

exhibit such book, magazine, or material in such establishment in such a way that it is on open display to, or within the convenient reach of, minors who may frequent the retail establishment. Such items shall, however, be displayed, either individually or collectively, behind an opaque covering which conceals the book, magazine, or other printed material.

(b) It is unlawful for anyone offering for sale in a retail establishment open to the general public any book, magazine, or other printed material, the content of which exploits, is devoted to, or is principally made up of descriptions or depictions of material which is harmful to minors, to knowingly exhibit such book, magazine, or material in such establishment in such a way that it is within the convenient reach of minors who may frequent the retail establishment.

(c) A violation of any provision of this section constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Subsection (4) of section 860.13, Florida Statutes, is amended to read:

860.13 Operation of aircraft while intoxicated or in careless or reckless manner; penalty.—

(4) It shall be the duty of any court in which there is a conviction for violation of this statute to report such conviction to the Federal Aviation Civil Aeronautics Administration for its guidance and information with respect to the pilot's certificate.

Section 16. Subsection (11) of section 865.09, Florida Statutes, is amended to read:

865.09 Fictitious name registration.—

(11) FORMS.—Registration, cancellation, and renewal shall be made on forms prescribed by the Department of State, which may include the uniform business report, pursuant to s. 606.06, as a means of satisfying the requirement of this section part.

Section 17. Subsection (4) of section 877.22, Florida Statutes, is amended to read:

877.22 Minors prohibited in public places and establishments during certain hours; penalty; procedure.—

(4) If a minor violates a curfew and is taken into custody, the minor shall be transported immediately to a police station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording pertinent information about the minor, the law enforcement agency shall attempt to contact the parent of the minor and, if successful, shall request that the parent take custody of the minor and shall release the minor to the parent. If

the law enforcement agency is not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency may transport the minor to her or his residence or proceed as authorized under part V H of chapter 39.

Section 18. Subsection (21) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(21) "Prescription" means and includes an order for drugs or medicinal supplies written, signed, or transmitted by word of mouth, telephone, telegram, or other means of communication by a duly licensed practitioner licensed by the laws of the state to prescribe such drugs or medicinal supplies, issued in good faith and in the course of professional practice, intended to be filled, compounded, or dispensed by another person licensed by the laws of the state to do so, and meeting the requirements of s. 893.04. The term also includes an order for drugs or medicinal supplies so transmitted or written by a physician, dentist, veterinarian, or other practitioner licensed to practice in a state other than Florida, but only if the pharmacist called upon to fill such an order determines, in the exercise of his or her professional judgment, that the order was issued pursuant to a valid patient-physician relationship, that it is authentic, and that the drugs or medicinal supplies so ordered are considered necessary for the continuation of treatment of a chronic or recurrent illness. However, if the physician writing the prescription is not known to the pharmacist, the pharmacist shall obtain proof to a reasonable certainty of the validity of said prescription. A prescription order for a controlled substance shall not be issued on the same prescription blank with another prescription order for a controlled substance which is named or described in a different schedule, nor shall any prescription order for a controlled substance be issued on the same prescription blank as a prescription order for a medicinal drug, as defined in s. ~~465.003(8)~~ ~~465.031(5)~~, which does not fall within the definition of a controlled substance as defined in this act.

Section 19. Subsections (3) and (4) of section 893.10, Florida Statutes, are renumbered as subsections (2) and (3), respectively, and present subsection (2) of that section is amended to read:

893.10 Burden of proof; photograph or video recording of evidence.—

~~(2)—In the case of a person charged under s. 893.14(1) with the possession of a controlled substance, the label required under s. 893.04(1) or s. 893.05(2) is admissible in evidence and prima facie evidence that such substance was obtained pursuant to a valid prescription form or dispensed by a practitioner while acting in the course of his or her professional practice.~~

Section 20. Paragraph (a) of subsection (2) of section 914.24, Florida Statutes, is reenacted to read:

914.24 Civil action to restrain harassment of a victim or witness.—

(2)(a) A circuit court, upon motion of the state attorney, shall issue a protective order prohibiting the harassment of a victim or witness in a criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a criminal case exists or that such order is necessary to prevent and restrain an offense under s. 914.22, other than an offense consisting of misleading conduct, or to prevent and restrain an offense under s. 914.23.

Section 21. Subsection (3) of section 916.12, Florida Statutes, is amended to read:

916.12 Mental competence to proceed.—

(3) In considering the issue of competence to proceed, an examining expert shall first consider and specifically include in his or her report the defendant’s capacity to:

- (a) Appreciate the charges or allegations against the defendant.
- (b) Appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against the defendant.
- (c) Understand the adversarial nature of the legal process.
- (d) Disclose to counsel facts pertinent to the proceedings at issue.
- (e) Manifest appropriate courtroom behavior.
- (f) Testify relevantly.

~~(g) In addition, an examining expert shall consider and include in his or her report any other factor deemed relevant by the expert.~~

Section 22. Subsection (3) of section 916.3012, Florida Statutes, is amended to read:

916.3012 Mental competence to proceed.—

(3) In considering the issue of competence to proceed, an ~~the~~ examining expert ~~experts~~ shall first consider and specifically include in his or her ~~their~~ report the defendant’s capacity to:

- (a) Appreciate the charges or allegations against the defendant.
- (b) Appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against the defendant.

- (c) Understand the adversarial nature of the legal process.
- (d) Disclose to counsel facts pertinent to the proceedings at issue.
- (e) Manifest appropriate courtroom behavior.
- (f) Testify relevantly.

~~(g)~~ In addition, an examining expert shall consider and include in his or her report any other factor deemed relevant by the expert experts.

Section 23. Section 918.0155, Florida Statutes, is amended to read:

918.0155 Expeditious disposition of particular criminal cases involving a child under age 16.—Every criminal case prosecuted under chapter 782, chapter 784, chapter 787, chapter 794, chapter 796, chapter 800, chapter 827, or chapter 847 which involves the abuse of a child or unlawful sexual contact or acts performed in the presence of, with, or upon a child under the age of 16 shall be heard and disposed of as expeditiously as possible. ~~The Legislature requests the Supreme Court to adopt emergency rules regarding the expeditious handling of the matters enumerated in this section.~~

Section 24. Paragraphs (b) and (d) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or Intentional burning of <u>lands</u> .

Florida Statute	Felony Degree	Description
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an anti-shoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.

Florida Statute	Felony Degree	Description
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.
499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer , etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.

Florida Statute	Felony Degree	Description
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

Florida Statute	Felony Degree	Description
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
914.14(2)	3rd	Witnesses accepting bribes.

Florida Statute	Felony Degree	Description
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

Section 25. Paragraph (a) of subsection (5) of section 921.141, Florida Statutes, is reenacted to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(a) The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.

Section 26. Section 921.20, Florida Statutes, is amended to read:

921.20 Classification summary; Parole Commission.—As soon as possible after a prisoner has been placed in the custody of the Department of Corrections, the classification board shall furnish a classification summary to the Parole Commission for use as provided in s. ~~945.25~~ 947.14. The summary shall include the criminal, personal, social, and environmental background and other relevant factors considered in classifying the prisoner for a penal environment best suited for the prisoner’s rapid rehabilitation.

Section 27. Paragraph (a) of subsection (11) of section 932.704, Florida Statutes, is amended to read:

932.704 Forfeiture proceedings.—

(11)(a) The Department of Law Enforcement, in consultation with the Florida Sheriffs Association and the Florida Police Chiefs Association, shall develop guidelines and training procedures to be used by state and local law enforcement agencies and state attorneys in implementing the Florida Contraband Forfeiture Act. ~~Each state or local law enforcement agency that files civil forfeiture actions under the Florida Contraband Forfeiture Act shall file, by December 31, 1995, a certificate signed by the agency head or his or her designee, which represents that the agency’s policies and procedures~~

~~are in compliance with the guidelines.~~ Each state or local law enforcement agency that seizes property for the purpose of forfeiture shall periodically review seizures of assets made by the agency's law enforcement officers, settlements, and forfeiture proceedings initiated by the agency, to determine whether such seizures, settlements, and forfeitures comply with the Florida Contraband Forfeiture Act and the guidelines adopted under this subsection. The determination of whether an agency will file a civil forfeiture action must be the sole responsibility of the head of the agency or his or her designee.

Section 28. Subsection (7) of section 933.18, Florida Statutes, is amended to read:

933.18 When warrant may be issued for search of private dwelling.—No search warrant shall issue under this chapter or under any other law of this state to search any private dwelling occupied as such unless:

(7) One or more of the following ~~misdemeanor~~ child abuse offenses is being committed there:

(a) Interference with custody, in violation of s. 787.03.

(b) Commission of an unnatural and lascivious act with a child, in violation of s. 800.02.

(c) Exposure of sexual organs to a child, in violation of s. 800.03. If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the law enforcement officer conducting such search may remove the child from the private dwelling and take the child into protective custody pursuant to chapter 39. The term "private dwelling" shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 29. Subsections (5) and (8) of section 933.40, Florida Statutes, are amended to read:

933.40 Agriculture warrants.—

(5) Agriculture warrants may be signed by any person competent to issue search warrants under s. 933.01, either manually, by signature stamp, or by electronic signature. The ~~trial court judge or magistrate~~, upon examination of the application and proofs submitted, if satisfied that probable cause exists for the issuing of one or more agriculture warrants, shall issue such agriculture warrants with his or her signature and office affixed thereto. Such agriculture warrants may be served and executed by employees of the department, with the assistance of third parties supervised by department

employees, and shall authorize department employees with such assistance to undertake all actions authorized by the warrant.

(8) An agriculture warrant shall be effective for 60 days and shall authorize multiple executions of the warrant prior to its expiration. An agriculture warrant may be extended or renewed by the trial court judge or magistrate who signed and issued the original warrant upon his or her satisfaction ~~of such official~~ that probable cause continues to exist for the reissuance of the warrant. Such warrant must be returned to the issuing official prior to the expiration date specified in the warrant or within the extended or renewed time.

Section 30. Paragraph (g) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(g) It is lawful under ss. 934.03-934.09 for an employee of:

1. An ambulance service licensed pursuant to s. 401.25, a fire station employing firefighters as defined by s. 633.30, a public utility ~~as defined by ss. 365.01 and 366.02~~, a law enforcement agency as defined by s. 934.02(10), or any other entity with published emergency telephone numbers;

2. An agency operating an emergency telephone number “911” system established pursuant to s. 365.171; or

3. The central abuse hotline operated pursuant to s. 39.201;

to intercept and record incoming wire communications; however, such employee may intercept and record incoming wire communications on designated “911” telephone numbers and published nonemergency telephone numbers staffed by trained dispatchers at public safety answering points only. It is also lawful for such employee to intercept and record outgoing wire communications to the numbers from which such incoming wire communications were placed when necessary to obtain information required to provide the emergency services being requested. For the purpose of this paragraph, the term “public utility” has the same meaning as provided in s. 366.02 and includes a person, partnership, association, or corporation now or hereafter owning or operating equipment or facilities in the state for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

Section 31. Section 938.15, Florida Statutes, is amended to read:

938.15 Criminal justice education for local government.—In addition to the costs provided for in s. 938.01, municipalities and counties may assess an additional \$2 for expenditures for criminal justice education degree

programs and training courses, including basic recruit training, for their respective officers and employing agency support personnel, provided such education degree programs and training courses are approved by the employing agency administrator, on a form provided by the Criminal Justice Standards and Training Commission, for local funding.

(1) Workshops, meetings, conferences, and conventions shall, on a form approved by the Criminal Justice Standards and Training Commission for use by the employing agency, be individually approved by the employing agency administrator prior to attendance. The form shall include, but not be limited to, a demonstration by the employing agency of the purpose of the workshop, meeting, conference, or convention; the direct relationship of the training to the officer's job; the direct benefits the officer and agency will receive; and all anticipated costs.

(2) The Criminal Justice Standards and Training Commission may inspect and copy the documentation of independent audits conducted of the municipalities and counties which make such assessments to ensure that such assessments have been made and that expenditures are in conformance with the requirements of this subsection and with other applicable procedures.

Section 32. Paragraph (b) of subsection (3) of section 943.051, Florida Statutes, is amended to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

(b) A minor who is charged with or found to have committed the following offenses shall be fingerprinted and the fingerprints shall be submitted to the department:

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Negligent treatment of children, as defined in former s. 827.05.
6. Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.

- 9. Unlawful possession of a firearm, as defined in s. 790.22(5).
- 10. Petit theft, as defined in s. 812.014(3).
- 11. Cruelty to animals, as defined in s. 828.12(1).
- 12. Arson, as defined in s. 806.031(1).
- 13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

Section 33. Subsection (6) of section 943.053, Florida Statutes, is reenacted to read:

943.053 Dissemination of criminal justice information; fees.—

(6) Notwithstanding any other provision of law, the department shall provide to the Florida Department of Revenue ~~Child Support Enforcement~~ access to Florida criminal records which are not exempt from disclosure under chapter 119, and to such information as may be lawfully available from other states via the National Law Enforcement Telecommunications System, for the purpose of locating subjects who owe or potentially owe support, as defined in s. 409.2554, or to whom such obligation is owed pursuant to Title IV-D of the Social Security Act. Such information may be provided to child support enforcement authorities in other states for these specific purposes.

Section 34. Subsection (6) of section 943.0581, Florida Statutes, is amended to read:

943.0581 Administrative expunction.—

(6) An application or endorsement under this section is not admissible as evidence in any judicial or administrative proceeding and may not ~~or otherwise~~ be construed in any way as an admission of liability in connection with an arrest.

Section 35. Paragraph (a) of subsection (3) and subsection (5) of section 943.0582, Florida Statutes, are reenacted to read:

943.0582 Prearrest, postarrest, or teen court diversion program expunction.—

(3) The department shall expunge the nonjudicial arrest record of a minor who has successfully completed a prearrest or postarrest diversion program if that minor:

- (a) Submits an application for prearrest or postarrest diversion expunction, on a form prescribed by the department, signed by the minor’s parent or legal guardian, or by the minor if he or she has reached the age of majority at the time of applying.

(5) This section operates retroactively to permit the expunction of any nonjudicial record of the arrest of a minor who has successfully completed a prearrest or postarrest diversion program on or after July 1, 2000; however, in the case of a minor whose completion of the program occurred before the effective date of this section, the application for prearrest or postarrest diversion expunction must be submitted within 6 months after the effective date of this section.

Section 36. Paragraph (b) of subsection (4) of section 943.135, Florida Statutes, is reenacted to read:

943.135 Requirements for continued employment.—

(4)

(b) Any person who qualifies under paragraph (a) may, for purposes of meeting the minimum mandatory continuing training or education requirements of this section, at the option of an employing agency, associate with that agency for the sole purpose of securing continuing training or education as required by this section and for allowing the agency to report completion of the education or training to the Criminal Justice Standards and Training Commission. The employing agency with which the person has associated shall submit proof of completion of any education or training so obtained for purposes of demonstrating compliance with this section and shall indicate that the person for whom the credits are reported has secured the training under the special status authorized by this section. An employing agency may require any person so associated to attend continuing training or education at the person's own expense and may determine the courses or training that a person is to attend while associated with the agency. Any person who is permitted to associate with an employing agency for purposes of obtaining and reporting education or continuing training credits while serving in an elected or appointed public office shall not be considered to be employed by the employing agency or considered by the association with the employing agency to maintain an office under s. 5(a), Art. II of the State Constitution.

Section 37. Subsection (5) of section 944.023, Florida Statutes, is amended to read:

944.023 Comprehensive correctional master plan.—

(5) The comprehensive correctional master plan shall project by year the total operating and capital outlay costs necessary for constructing a sufficient number of prison beds to avoid a deficiency in prison beds. Included in the master plan which projects operating and capital outlay costs shall be a siting plan which shall assess, rank, and designate appropriate sites pursuant to s. 944.095(2)(a)-(k). The master plan shall include an assessment of the department's current capability for providing the degree of security necessary to ensure public safety and should reflect the levels of security needed for the forecasted admissions of various types of offenders based upon

sentence lengths and severity of offenses. The plan shall also provide construction options for targeting violent and habitual offenders for incarceration while providing specific alternatives for the various categories of lesser offenders.

Section 38. Subsection (4) of section 944.053, Florida Statutes, is amended to read:

944.053 Forestry Work Camps.—

(4) Forestry Work Camps shall house minimum custody inmates and medium custody inmates who are not serving a sentence for, or who have not been previously convicted of, sexual battery pursuant to s. 794.011 or any sexual offense specified in s. 917.012(1), unless they have successfully completed a treatment program pursuant to s. 917.012.

Section 39. Subsection (1) of section 944.28, Florida Statutes, is reenacted to read:

944.28 Forfeiture of gain-time and the right to earn gain-time in the future.—

(1) If a prisoner is convicted of escape, or if the clemency, conditional release as described in chapter 947, probation or community control as described in chapter 948, provisional release as described in s. 944.277, parole, or control release as described in s. 947.146 granted to the prisoner is revoked, the department may, without notice or hearing, declare a forfeiture of all gain-time earned according to the provisions of law by such prisoner prior to such escape or his or her release under such clemency, conditional release, probation, community control, provisional release, control release, or parole.

Section 40. Subsection (2) of section 944.474, Florida Statutes, is amended to read:

944.474 Legislative intent; employee wellness program; drug and alcohol testing.—

(2) Under no circumstances shall employees of the department test positive for illegal use of controlled substances. An employee of the department may not be under the influence of alcohol while on duty. In order to ensure that these prohibitions are adhered to by all employees of the department and notwithstanding s. 112.0455, the department may develop a program for the random drug testing of all employees. The department may randomly evaluate employees for the contemporaneous use or influence of alcohol through the use of alcohol tests and observation methods. Notwithstanding s. 112.0455(5)(a), the department may develop a program for the reasonable suspicion drug testing of employees who are in safety-sensitive or special risk positions, as defined in s. 112.0455(5), for the controlled substances listed in s. 893.03(3)(d). The reasonable suspicion drug testing authorized by this subsection shall be conducted in accordance with s.

112.0455, but may also include testing upon reasonable suspicion based on violent acts or violent behavior of an employee who is on or off duty. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 that are necessary to administer this subsection.

Section 41. Section 944.708, Florida Statutes, is amended to read:

944.708 Rules.—The Department of Corrections and the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~ shall ~~adopt~~ promulgate rules to implement the provisions of ss. 944.701-944.707.

Section 42. Paragraph (h) of subsection (3) of section 944.801, Florida Statutes, is amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(h) Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include labor market analyses which demonstrate the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the department shall evaluate the feasibility of adding vocational education programs which have been identified by the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~ or a regional coordinating council as being in undersupply in this state. The department shall periodically reevaluate the vocational education programs in major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry Enhancement Program.

Section 43. Paragraph (d) of subsection (3) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department’s records or to information contained in the department’s records. However, except as to another inmate’s or offender’s records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department’s records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, the Agency for Workforce Innovation Department of Labor and Employment Security, or any other similar application or claim with a state agency or federal agency.

Section 44. Section 947.06, Florida Statutes, is reenacted to read:

947.06 Meeting; when commission may act.—The commission shall meet at regularly scheduled intervals and from time to time as may otherwise be determined by the chair. The making of recommendations to the Governor and Cabinet in matters relating to modifications of acts and decisions of the chair as provided in s. 947.04(1) shall be by a majority vote of the commission. No prisoner shall be placed on parole except as provided in ss. 947.172 and 947.174 by a panel of no fewer than two commissioners appointed by the chair. All matters relating to the granting, denying, or revoking of parole shall be decided in a meeting at which the public shall have the right to be present. Victims of the crime committed by the inmate shall be permitted to make an oral statement or submit a written statement regarding their views as to the granting, denying, or revoking of parole. Persons not members or employees of the commission or victims of the crime committed by the inmate may be permitted to participate in deliberations concerning the granting and revoking of paroles only upon the prior written approval of the chair of the commission. To facilitate the ability of victims and other persons to attend commission meetings, the commission shall meet in various counties including, but not limited to, Broward, Duval, Escambia, Hillsborough, Leon, Miami-Dade, Orange, and Palm Beach, with the location chosen being as close as possible to the location where the parole-eligible inmate committed the offense for which the parole-eligible inmate was sentenced. The commission shall adopt rules governing the oral participation of victims and the submission of written statements by victims.

Section 45. Paragraph (a) of subsection (4) of section 947.16, Florida Statutes, is amended to read:

947.16 Eligibility for parole; initial parole interviews; powers and duties of commission.—

(4) A person who has become eligible for an initial parole interview and who may, according to the objective parole guidelines of the commission, be granted parole shall be placed on parole in accordance with the provisions of this law; except that, in any case of a person convicted of murder, robbery, burglary of a dwelling or burglary of a structure or conveyance in which a human being is present, aggravated assault, aggravated battery, kidnapping, sexual battery or attempted sexual battery, incest or attempted incest, an unnatural and lascivious act or an attempted unnatural and lascivious act, lewd and lascivious behavior, assault or aggravated assault when a sexual act is completed or attempted, battery or aggravated battery when a sexual act is completed or attempted, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence, at the

time of sentencing the judge may enter an order retaining jurisdiction over the offender for review of a commission release order. This jurisdiction of the trial court judge is limited to the first one-third of the maximum sentence imposed. When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to the first one-third of the maximum sentence imposed for the highest felony of which the person was convicted. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to one-third of the total consecutive sentences imposed.

(a) In retaining jurisdiction for the purposes of this act, the trial court judge shall state the justification with individual particularity, and such justification shall be made a part of the court record. A copy of such justification shall be delivered to the department together with the commitment issued by the court pursuant to s. ~~944.17~~ 944.16.

Section 46. Subsection (2) of section 949.071, Florida Statutes, is amended to read:

949.071 Definition of “state” as used in s. 949.07; further declaration relating to interstate compacts.—

(2) It is hereby recognized and further declared that pursuant to the consent and authorization contained in s. ~~112~~ 111(b) of Title 4 of the United States Code as added by Pub. L. No. 970-84th Congress, Ch. 941-2d Session, this state shall be a party to the Interstate Compact for Adult Offender Supervision, with any additional jurisdiction legally joining in the compact when such jurisdiction enacts the compact in accordance with the terms thereof.

Section 47. Paragraph (e) of subsection (9) of section 951.23, Florida Statutes, is amended to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(9) INMATE COMMISSARY AND WELFARE FUND.—

(e) The officer in charge shall be responsible for an audit of the fiscal management of the commissary by a disinterested party on an annual basis, which shall include certification of compliance with the pricing requirements of paragraph ~~(1)(b)~~ above. Appropriate transaction records and stock inventory shall be kept current.

Section 48. Paragraph (c) of subsection (1) of section 951.231, Florida Statutes, is amended to read:

951.231 County residential probation program.—

(1) Any prisoner who has been sentenced under s. 921.18 to serve a sentence in a county residential probation center as described in s. 951.23 shall:

(c) Participate in and complete the program required by s. 958.045 ~~958.04(4)~~, if required by the supervisor of the center.

Section 49. Subsection (4) of section 957.07, Florida Statutes, is amended to read:

957.07 Cost-saving requirements.—

(4) The Department of Corrections shall provide a report detailing the state cost to design, finance, acquire, lease, construct, and operate a facility similar to the private correctional facility on a per diem basis. This report shall be provided to the Auditor General in sufficient time that it may be certified to the Department of Management Services ~~commission~~ to be included in the request for proposals.

Section 50. Paragraph (b) of subsection (3) of section 960.003, Florida Statutes, is amended to read:

960.003 HIV testing for persons charged with or alleged by petition for delinquency to have committed certain offenses; disclosure of results to victims.—

(3) DISCLOSURE OF RESULTS.—

(b) At the time that the results are disclosed to the victim or the victim’s legal guardian, or to the parent or legal guardian of a victim if the victim is a minor, the same immediate opportunity for face-to-face counseling which must be made available under s. ~~381.004(3)(e)~~ to those who undergo HIV testing shall also be afforded to the victim or the victim’s legal guardian, or to the parent or legal guardian of the victim if the victim is a minor.

Section 51. Subsections (6) and (7) of section 984.225, Florida Statutes, are amended to read:

984.225 Powers of disposition; placement in a staff-secure shelter.—

(6) The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the commitment period, the parent, guardian, or legal custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child’s return. If, at the end of the commitment period, the child is not reunited with his or her parent, guardian, or custodian due solely to the continued refusal of the parent, guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the

Department of Children and Family Services, and the child's care shall be governed under the relevant provisions parts II and III of chapter 39.

(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine whether if the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services, and the child's care shall be governed under the relevant provisions parts II and III of chapter 39.

Section 52. Section 985.486, Florida Statutes, is amended to read:

985.486 Intensive residential treatment programs for offenders less than 13 years of age; prerequisite for commitment.—No child who is eligible for commitment to an intensive residential treatment program for offenders less than 13 years of age under as established in s. 985.483(1), may be committed to any intensive residential treatment program for offenders less than 13 years of age under as established in s. 985.483, unless such program has been established by the department through existing resources or specific appropriation; for such program.

Section 53. Paragraph (a) of subsection (4) and subsection (7) of section 985.632, Florida Statutes, are amended to read:

985.632 Quality assurance and cost-effectiveness.—

(4)(a) ~~The department of Juvenile Justice, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program. Program recidivism rates shall be a component of the model. The cost-effectiveness model shall compare program costs to client outcomes and program outputs. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model and to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.~~

~~(7) No later than November 1, 2001, the department shall submit a proposal to the Legislature concerning funding incentives and disincentives for the department and for providers under contract with the department. The recommendations for funding incentives and disincentives shall be based upon both quality assurance performance and cost-effectiveness performance. The proposal should strive to achieve consistency in incentives and disincentives for both department-operated and contractor-provided programs. The department may include recommendations for the use of~~

~~liquidated damages in the proposal; however, the department is not presently authorized to contract for liquidated damages in non-hardware-secure facilities until January 1, 2002.~~

Section 54. Paragraph (b) of subsection (2) of section 985.686, Florida Statutes, is reenacted to read:

985.686 Shared county and state responsibility for juvenile detention.

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

(b) “Fiscally constrained county” means a county within a rural area of critical economic concern as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.

Section 55. This act shall take effect July 1, 2010.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.