

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 1029 — Interstate Compact for Juveniles

by Rep. Brodeur (SB 1494 by Senator Evers)

The bill reenacts the statutes relating to the Interstate Compact for Juveniles (compact) and the State Council for Interstate Juvenile Offender Supervision (council) that expired by operation of law on August 26, 2010. The compact governs interstate movement of juveniles on probation and parole as well as extradition across state lines of runaways, escapees, absconders, and juveniles charged as delinquent. The bill reenacts the compact to do the following:

- Creates the Interstate Commission, which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Provides rule making authority for the Interstate Commission;
- Establishes a mechanism for all states to collect standardized information and information systems;
- Provides for sanctions against states that do not follow compact rules and regulations;
- Provides for gubernatorial appointments of representatives from member states to the Interstate Commission;
- Provides a mandatory funding mechanism sufficient to support essential compact operations;
- Provides for coordination and cooperation with other interstate compacts; and
- Requires the creation of state councils.

The bill also reenacts the Interstate Juvenile Offender Supervision Council (council) to do the following:

- Requires that the council consist of seven members comprised of the Secretary of the Department of Juvenile Justice (DJJ), the compact administrator or his or her designee, the Executive Director of the Florida Department of Law Enforcement (FDLE) or his or her designee, and four remaining members to be appointed by the Governor, who may delegate this appointment power to the Secretary of DJJ in writing on an individual basis;
- Provides that appointees may include one victim's advocate, employees of the Department of Children and Family Services, employees of the FDLE who work with missing or exploited children, and a parent;
- Applies provisions of public records/open meetings requirements to the council's proceedings and records;
- Supplies terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses; and
- Creates additional duties and responsibilities for the compact administrator.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 118-0

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CS/HB 1039 — Controlled Substances

by Justice Appropriations Subcommittee and Rep. Patronis and others (CS/SB 1886 by Budget Committee and Senators Wise and Oelrich)

The bill amends s. 893.13(1)(c), F.S., to schedule in Schedule I of Florida's controlled substance schedules several psychoactive substances or "designer drugs" that have been sold in Florida as "bath salts" but are actually drugs of abuse. These substances are:

- 3,4-Methylenedioxymethcathinone.
- 3,4-Methylenedioxypyrovalerone (MDPV).
- Methymethcathinone.
- Methoxymethcathinone.
- Fluoromethcathinone.
- Methylethcathinone.

The effect of the scheduling of these substances is that offenses relating to possession, sale, etc., of Schedule I controlled substances will apply to these substances.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 39-0; House 116-0

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HB 4159 — State Attorneys

by Rep. Ray (CS/SB 1092 by Judiciary Committee and Senator Wise)

The bill eliminates the current reporting required of state attorneys in “10-20-Life” cases, prison releasee reoffender cases, habitual felony offender and habitual violent felony offender cases, and juvenile direct-file cases.

The bill further eliminates the requirement that the state attorney submit quarterly reports to the Legislature and the Governor regarding the prosecution and sentencing of offenders under the 10-20-Life law, with a copy being retained for 10 years by the Florida Prosecuting Attorneys Association, Inc. (FPAA), and made available to the public upon request. The prosecutor will maintain an explanation of the sentencing deviation in the prosecutor’s file.

For those cases in which the defendant meets the criteria for being sentenced as a “prison releasee reoffender” but does not receive the mandatory minimum sentence, the bill eliminates the requirement for the state attorney to transmit these memoranda to the FPAA. The prosecutor will maintain an explanation of the sentencing deviation in the prosecutor’s file.

The bill repeals the statute requiring the state attorney in each judicial circuit to adopt uniform criteria for determining when to pursue habitual felony offender and habitual violent felony offender sanctions. The requirement that any deviation from the criteria must be explained in writing and placed in the court file is also eliminated in the repeal.

The bill repeals the requirement that the state attorneys in each judicial circuit develop policies and guidelines for filing juvenile cases in adult court, as well as the requirement that these policies and guidelines be submitted to the Legislature and the Governor no later than January 1 of each year.

The bill deletes a cross-reference to s. 775.08401, F.S., relating to the establishment of criteria for prosecution of habitual offenders and habitual violent felony offenders, which is repealed under the bill.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 36-3; House 93-21

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HB 7075 — OGSR/DJJ Employees and Family Members

by Government Operations Subcommittee and Rep. Ahern (CS/SB 600 by Governmental Oversight and Accountability Committee and Criminal Justice Committee)

The bill reenacts the public record exemption in s. 119.071(4)(d)1.i., F.S., which provides that certain personal information of current or former specified direct care employees of the Department of Juvenile Justice, their spouses, and children are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The personal information covers home addresses, telephone numbers, photographs, spouse's places of employment, and children's schools and daycare locations.

The covered direct care employees include the following: juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, social service counselors, and rehabilitation therapists.

If approved by the Governor, these provisions take effect October 1, 2011.

Vote: Senate 36-3; House 113-1

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HB 7077 — OGSR/Biometric Identification Information

by Government Operations Subcommittee and Rep. Logan (SB 602 by Criminal Justice Committee)

The bill reenacts s. 119.071(5)(g), F.S., which exempts from public inspection or copying biometric identification information held by an agency before, on, or after the effective date of the exemption. Biometric identification information consists of any record of friction ridge detail, fingerprints, palm prints, and footprints.

If approved by the Governor, these provisions take effect October 1, 2011.

Vote: Senate 39-0; House 114-0

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HB 7161 — OGSR/Concealed Weapons or Firearms

by Government Operations Subcommittee and Rep. Patronis (SB 604 by Criminal Justice Committee)

Current law provides that personal identifying information of an individual who has applied for or received a license to carry a concealed weapon or firearm pursuant to s. 790.06, F.S., held by the Division of Licensing of the Department of Agriculture and Consumer Services, is confidential and exempt from s. 119.071(1), F.S., and s. 24(a), Art. I of the State Constitution.

There is no other governmental agency that collects this particular information from applicants, and it cannot be obtained by the public from another source. The information is not protected by another exemption, nor do multiple exemptions for the same type of information exist.

An applicant for such license must submit to the department a completed application, a nonrefundable license fee, a full set of fingerprints, a photocopy of a certificate or an affidavit attesting to the applicant's completion of a firearms course, and a full frontal view color photograph of the applicant. The application must include:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A statement that the applicant is in compliance with licensure requirements;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapons and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents; and,
- A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense.

The exemption applies to such information held by the division before, on, or after the effective date of the exemption. Such information may be released only:

- With the express written consent of the applicant or licensee or his or her legally authorized representative;
- By court order upon a showing of good cause; or
- Upon request by a law enforcement agency in connection with the performance of lawful duties, which includes access to any automated database containing such information maintained by the Department of Agriculture and Consumer Services.

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2011, unless reenacted by the Legislature. This bill reenacts the public records exemption in s. 790.0601, F.S.

If approved by the Governor, these provisions take effect October 1, 2011.

Vote: Senate 36-2; House 98-12