CONTROLLED SUBSTANCES AND DRUG CONTROL

CS/SB 160 — Industrial Use Exceptions to Controlled Substance Scheduling

by Criminal Justice Committee and Senators Wise and Fasano

This bill (Chapter 2003-10, L.O.F.) creates s. 893.031, F.S., which provides that for purposes of certain industrial uses, 1,4-Butanediol (BDO) and gamma-butyrolactone (GBL) are excepted from scheduling as Schedule I controlled substances when in the possession of authorized manufacturers and distributors of BD or GBL, authorized manufacturers and distributors of industrial products, and authorized persons who possess finished products. Key terms are defined and the bill reenacts s. 893.03(1)(d), F.S.

The bill also amends s. 893.13(1)(c), F.S., to clarify the hours during which it is unlawful to sell, manufacture, deliver, or possess a controlled substance within 1,000 feet of the real property comprising a child care facility or public or private elementary, middle, or secondary school. The bill provides that the hours applicable to the offense are 6:00 a.m. to 12 midnight.

These provisions became law upon approval by the Governor on May 2, 2003.
Vote: Senate 38-0; House 115-0

SB 1080 — Anhydrous Ammonia

by Senators Smith and Aronberg

This bill amends s. 812.104(1)(c), F.S., to provide that it is grand theft of the third degree, a third-degree felony, to steal anhydrous ammonia.

The bill also amends s. 893.033, F.S., to designate or list anhydrous ammonia as a listed precursor chemical, which is a chemical that may be used in the manufacture of a controlled substance. This designation or listing does not bar, prohibit, or punish legitimate use of anhydrous ammonia.

Pursuant to s. 893.149, F.S., which the bill reenacts and which applies to any listed chemical, it is a second degree felony to knowingly and intentionally possess anhydrous ammonia with the intent to unlawfully manufacture a controlled substance, or possess or distribute anhydrous ammonia knowing, or having reasonable cause to believe, that the anhydrous ammonia will be used to manufacture a controlled substance.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 114-0

CS/SB 1588 — Drug Abuse Prevention and Control

by Criminal Justice Committee and Senators Aronberg, Wilson, Atwater, Crist, Fasano, and Bullard

This bill amends s. 893.13, F.S., to increase penalties for controlled substance offenses (such offenses include sale, manufacture, and delivery, but do not include purchase or possession) committed, at any time, within 1,000 feet of a park. The bill clarifies that the term "park" includes state, county, and municipal parks.

The bill also provides for enhanced penalties for controlled substance offenses committed, at anytime, within 1,000 feet of a community center or a publicly owned recreational facility. The bill defines the term "community center" as a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services.

The bill also provides for enhanced penalties for controlled substance offenses committed within 1,000 feet of a public or private college, university, or other postsecondary education institution, and within 1,000 feet of a public housing facility.

Finally, the bill amends s. 921.0022, F.S., the offense ranking chart of the Criminal Punishment Code, to amend descriptions and rankings of offenses to conform to amendments of the controlled substance offenses amended by the bill.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 39-0; House 116-0

CORRECTIONS

SB 278 — Transportation of Inmates

by Senator Villalobos

This bill amends s. 945.0913, F.S., to prohibit state inmates from driving a state-owned vehicle to transport work release inmates to their places of employment. It also amends s. 945.091, F.S., to specify that work release inmates must get to their job, classes, or training by walking, bicycling, riding public transportation, or riding transportation provided by a family member or employer. The Department of Corrections is allowed to transport work release inmates in a state-owned vehicle for these purposes if it is given a specific appropriation and the inmate is unable to obtain other transportation.

If approved by the Governor, these provisions take effect October 1, 2003.
Vote: Senate 36-3; House 119-0

CS/CS/SB 428 — Community Control

by Judiciary Committee; Criminal Justice Committee; and Senators Smith, Crist, Villalobos, Diaz de la Portilla, Geller, Siplin, Lynn, Dockery, Fasano, Lee, Sebesta, Jones, Constantine, Miller, Bullard, Pruitt, Bennett, Dawson, Argenziano, Wilson, Alexander, and Cowin

This bill amends s. 948.10, F.S., to require the Department of Corrections to notify the sentencing judge, state attorney, and Attorney General within 30 days of receipt of a sentencing order if a statutorily ineligible offender is placed on community control supervision. New reporting requirements are established to notify the judiciary and prosecutors about the placement of offenders on community control and to provide the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice of the Supreme Court with information about the community control program and the department's efforts to protect the public from offenders on community control. The department is also required to develop and maintain a caseload equalization strategy to ensure that high-risk offenders receive the highest level of supervision, and to develop and implement a risk assessment classification system for community control offenders.

The bill amends s. 921.187, F.S., to replicate a provision found in s. 948.10(10), F.S., that restricts certain repeat forcible felons from being placed on community control and probation.

The bill also directs the department to study the use of electronic monitoring and its effectiveness for community control, and allows the department to suspend the caseload ratio requirement found in s. 948.10(2), F.S., during the period from July 1, 2003, until February 1, 2004. Findings must be reported to the Governor, the President of the Senate, and the Speaker of the House by February 1, 2004.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 38-0; House 118-0

HB 465 — Unclaimed Court-Ordered Payments

by Rep. Dean and others (CS/SB 1910 by Criminal Justice Committee and Senators Fasano, Lynn, and Crist)

This bill amends s. 945.31, F.S., to authorize the Department of Corrections to deposit the following funds into the General Revenue Fund: (1) offender overpayments remaining at the end of an offender's supervision if the amount is less than $10; (2) offender funds, victim's restitution payments, and unidentified payments that are not claimed within one year after an

offender's supervision terminates; and (3) interest earned on balances in COPS (Court Ordered Payment System) bank accounts.

This bill also repeals s. 960.0025, F.S., which directs the department to allocate unclaimed restitution or other court-ordered payments to a direct-support organization that assists in addressing the needs of crime victims.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 113-0

SB 488 — Probation or Community Control

by Senators Villalobos, Lynn, and Cowin

This bill amends s. 948.03, F.S, which provides mandatory conditions of probation for offenders who are on probation or community control for committing certain sexual offenses. If the crime was committed after September 30, 1995, and the victim was under 18 years of age, the offender is prohibited from living within 1000 feet of a school, day care center, park, playground, or other place where children regularly congregate. This bill specifies that the distance must be measured in a straight line from the boundary of the property to the offender's residence, without considering the distance that an automobile or pedestrian would travel.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 114-1

HB 1203 — Department of Corrections/Personnel

by Rep. Zapata and others (CS/SB 2228 by Criminal Justice Committee and Senator Cowin)

This bill amends s. 110.205, F.S., to move Correctional Officer Majors and Correctional Officer Colonels from the Career Service class to the Select Exempt Service class. It also deletes obsolete references to the Correctional Education Program and to superintendents and assistant superintendents.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 115-0

HB 1553 — Health Care Practitioners/Complaints

by Rep. Llorente and others (CS/SB 1928 by Criminal Justice Committee and Senators Geller and Argenziano)

This bill amends s. 456.073, F.S., to require that a state prisoner exhaust administrative remedies within the Department of Corrections before filing a complaint with the Department of Health

against a health care practitioner who is employed by or providing health care within a department facility. However, the Department of Health may determine legal sufficiency of any prisoner complaint and proceed with discipline if it makes a preliminary determination that the practitioner poses a serious threat to the health or safety of any individual who is not a prisoner.

The bill also requires the Department of Corrections to notify the Department of Health within fifteen days of disciplining or allowing the resignation of a health care practitioner for a practice-related offense.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 113-0

HB 1717 — Identity of the Executioner/Public Record

by State Administration Committee and others (SB 1028 by Criminal Justice Committee)

This bill amends s. 945.10(g), F.S., reenacting the public records exemption for information that identifies any person who prescribes, prepares, compounds, dispenses or administers the lethal injection used to carry out a death sentence pursuant to ch. 922, F.S. The bill repeals s. 922.106, F.S., which is duplicative, and also amends s. 922.10, F.S., to eliminate a duplicative exemption for the identity of an executioner.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 118-0

CRIMINAL PROCEDURE

HB 747 — Sexual Battery Time Limitations

by Rep. Kallinger and others (CS/SB 1734 by Judiciary Committee and Senators Webster, Fasano, and Lynn)

This bill would extend the time limitation on commencing the prosecution of first degree felony sexual battery offenses proscribed in s. 794.011, F.S., so that the crime could be prosecuted at any time, if the victim was under the age of 18 at the time of the offense.

The extended time limitation on prosecuting a first-degree felony sexual battery applies in cases except those where the time limitation has run on or before the effective date of the bill.

If approved by the Governor, these provisions take effect October 1, 2003.
Vote: Senate 39-0; House 115-0

CRIMINAL OFFENSES AND PENALTIES

HB 479 — Offense of Stalking

by Rep. Stargel and others (SB 82 by Senator Geller)

This bill amends s. 784.048, F.S., which defines and prohibits the criminal offense of stalking. The bill specifically includes cyberstalking as an activity that can be an element of the crime. Cyberstalking is defined as harassment by communicating or causing the communication of words, images, or language by the use of electronic mail or electronic communication. The bill also expands the definition of aggravated stalking to include the making of a threat that places a person in reasonable fear of death or bodily injury of the person's child, sibling, spouse, parent, or dependent. Currently, only a threat against a person's own life or body is included in aggravated stalking.

If approved by the Governor, these provisions take effect October 1, 2003.
Vote: Senate 39-0; House 116-0

CS/CS/SB 1072 — Identity Theft/Internet Fraud

by Appropriations Committee; Criminal Justice Committee; and Senators Crist, Aronberg, and Cowin

This bill amends ss. 817.568 and 921.022, F.S., to provide that it is a second degree felony, ranked in Level 5 of the offense severity chart of the Criminal Punishment Code, with a mandatory minimum sentence of 3-years imprisonment, for a person to willfully and without authorization fraudulently use personal identification information of an individual without first obtaining that individual's consent. This penalty applies if the pecuniary benefit, the value of the services received, the payment sought to be avoided, or the amount of the injury or fraud is $5,000 or more or if the person fraudulently uses the personal identification information of 10 or more individuals without their consent. The definition of "personal identification information" is amended to include a bank account or credit card number.

If the amount is $50,000 or more or if the person fraudulently uses the personal identification information of 20 or more individuals without their consent, it is a first degree felony. A mandatory sentence of 5 years applies if the amount is $50,000 to less than $100,000. A mandatory minimum sentence of 10 years applies if the amount is $100,000 or more or if the person fraudulently uses the personal identification information of 30 or more individuals without their consent. If the unlawfully used personal information concerns a person less than 18 years of age, it is a second degree felony, ranked in Level 8. If the person unlawfully using such information of a minor is a parent or legal guardian of that minor, it is a second degree felony, ranked in Level 9.

The bill amends s. 934.23, F.S., to define that a "court of competent jurisdiction" means a court having jurisdiction over the investigation or otherwise authorized by law.

The bill creates s. 92.605, F.S., which requires out-of-state corporations who provide electronic communication services or remote computing services to comply with subpoenas or other court orders issued by a Florida court and also requires Florida providers of electronic communication services or remote computing services to comply with subpoenas or other court orders issued by a court of another state.

In a criminal court proceeding, out-of-state records of regularly conducted business activity or a copy of those records are not excluded as hearsay evidence if an out-of-state certification makes specified attestations.

In a criminal case, the content of any electronic communication may be obtained under the section only by court order or by the issuance of a search warrant, unless otherwise provided under the Electronic Communications Privacy Act or other provision of law.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 118-0

HB 1227 — Self-Propelled Knives

by Rep. Evers and others (SB 2256 by Senator Bennett)

This bill refined the statutory description of self-propelled knives to include the term "ballistic" and to specify that the law refers to a device which physically separates the blade from the device. It further clarified that s. 790.225, F.S, does not apply to any device from which a knifelike blade opens where such blade remains physically integrated with the device when open. This bill should rectify any ambiguity in the statutory language.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 117-0

CS/CS/SB 1480 — Breaking or Damaging Fences

by Judiciary Committee; Criminal Justice Committee; and Senators Alexander and Lynn

This bill creates a third-degree felony offense consisting of the lesser included offense of breaking or injuring a fence if the fence or part thereof is used to contain animals at the time of the offense.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 114-0

HB 1675 — Facilitating or Furthering Burglary

by Rep. Prieguez and others (SB 158 by Senator Villalobos)

This bill creates s. 810.061, F.S., which provides that a person who, for the purpose of facilitating or furthering the commission or attempted commission of a burglary of a dwelling, damages a wire or line that transmits or conveys telephone or power to that dwelling, impairs any other equipment necessary for telephone or power transmission or conveyance, or otherwise impairs or impedes such telephone or power transmission or conveyance commits a third-degree felony, ranked in Level 2 of the Criminal Punishment Code's offense severity ranking chart.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 117-0

HB 1683 — Leaving Scene of Accident/Penalty

by Rep. Kyle and others (SB 246 by Senators Saunders, Fasano, and Crist)

This bill amends s. 921.0022, F.S., to change the ranking of the offense of leaving the scene of an accident involving death from a Level 6 offense to a Level 7 offense in the offense severity ranking chart of the Criminal Punishment Code. This change will result in a scored lowest permissible sentence of imprisonment of this offense.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 38-0; House 117-0

CS/SB 2046 — Sentencing

by Appropriations Committee and Senators Smith and Argenziano

This bill amends s. 921.16, F.S., to prohibit a county court or circuit court from directing that a sentence imposed by that court be served coterminously with a sentence imposed by another court of this state or imposed by a court of another state. The prohibition has prospective application, applying to offenses committed on or after October 1, 2003.

If approved by the Governor, these provisions take effect October 1, 2003.
Vote: Senate 38-0; House 118-0

CS/CS/SB 2172 — Dangerous Sexual Felony Offender Act

by Appropriations Committee; Criminal Justice Committee; and Senator Cowin

This bill substantially amends s. 794.0115, F.S., which, prior to this amendment, provided for a 10-year mandatory minimum term of imprisonment for certain recidivist sexual offenders designated "repeat sexual batterers."

The bill changes the mandatory minimum term to 25 years to life. This term must be imposed or included in sentencing of a person as a "dangerous sexual felony offender." A "dangerous sexual felony offender" is a person who is convicted of any one of several designated sexual battery offenses, or lewd battery or lewd molestation, or the selling or buying of minors, which the person committed when he or she was 18 years of age or older; and any of the following factors apply to the offense committed:

- Caused serious personal injury to the victim as a result of the offense.
- Used or threatened to use a deadly weapon during the commission of the offense.
- Victimized more than one person during the course of the criminal episode applicable to the offense.
- Committed the offense while under the jurisdiction of a court for a felony offense in Florida or another jurisdiction or for an offense that would be a felony if that offense were committed in Florida.
- Has previously been convicted of any of the same designated sexual offenses.

The bill provides that it is irrelevant that a factor for sentencing is an element of the offense or that such offense was reclassified to a higher felony degree.

Finally, the bill provides that a person sentenced to a mandatory minimum term under this section is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release before serving the minimum sentence.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 114-0

CS/SB 2366 —Aggravated Child Abuse

by Criminal Justice Committee and Senators Fasano and Argenziano

The Committee Substitute for Senate Bill 2366 defines "maliciously" as it is used to modify "punishes" in the aggravated child abuse statute to mean "wrongfully, intentionally, without legal justification or excuse." The CS also specifies that maliciousness may be established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose of the acts was to cause the victim unjustifiable pain or injury.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 33-6; House 119-0

JUVENILE JUSTICE

SB 312 — Department of Juvenile Justice

by Senators Smith and Lynn

The bill amends s. 985.407, F.S., to require the Department of Juvenile Justice to adopt a rule pursuant to ch. 120, F.S., establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs. In other words, this rule provides notice of how the department will adopt policies affecting private juvenile justice providers. A "policy" is defined under the bill as an operational requirement applying to only the specified contracted delinquency service or program. The procedure to provide notice of policy changes will be required to include the following components: public notice, opportunity for public comment, assessment of fiscal impact upon the department and the providers, and the department's response to any comments received.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 39-0; House 117-1

DUI

HB 947 — Blood Alcohol Content/Tests

by Rep. Planas and others (CS/SB 2430 by Criminal Justice Committee and Senator Saunders)

This bill separates the urine testing provisions in the implied consent law for driving under the influence of alcohol or drugs while impaired (DUI--s. 316.1932, F.S.) and boating under the influence of alcohol or drugs while impaired (BUI--s. 327.352, F.S.) from the provisions relating to breath and blood tests to detect the alcoholic content of the blood or breath. The urine testing provisions will be placed in a new subsection of each statute.

Moving the urine testing provisions from the breath and blood testing provisions that must be approved by the Florida Department of Law Enforcement (FDLE) should clarify the Legislature's intent that urine tests do not have to be "approved" by FDLE through administrative rule (contrary to a recent holding by the Second District Court of Appeal in which it construed the statute as requiring approval by FDLE for urine tests). Instead, the current rules of evidence governing the admissibility of scientific evidence will continue to be in place. Additionally, urine tests will still have to be administered in a reasonable manner ensuring the accuracy of the specimen and maintaining the privacy of the suspect.

The bill will also clarify that a law enforcement officer may order a urine test upon a reasonable belief the suspect was driving a vehicle or vessel under the influence of chemical substances or controlled substances.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 111-3

LAW ENFORCEMENT

SB 1648 — FDLE/Blood Collecting

by Criminal Justice Committee

This bill requires that the local sheriff or his or her designee be responsible for the collection of DNA specimens from those offenders who are required to provide a sample and who are not sentenced to incarceration by the court.

The bill also clarifies that approved biological specimens, other than blood, can be provided in the case of juvenile offenders and adult sex offenders currently required to give the specimen. These clarifications make the statute consistent throughout.

This bill substantially amends ss. 943.325 and 948.03, F.S.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 39-0; House 115-0

CS/SB 1650 — Criminal Justice Standards and Training Commission

by Criminal Justice Committee and Senator Smith

This bill amends portions of ch. 943, F.S., relating to certification of law enforcement officers and correctional officers. It authorizes the Criminal Justice Standards and Training Commission (CJSTC) to certify and revoke certification of law enforcement agency in-service training instructors. It also provides that a person may only be temporarily employed or appointed under s. 943.131, F.S., once per law enforcement discipline and for a maximum period of thirty months. A person is allowed 180 days from employment to begin the basic recruit training class and 180 days from completion of basic recruit training to pass the officer certification examination. A person who becomes employed after completion of the basic recruit training class is allowed 180 days from the date of employment to pass the certification examination. Persons employed under a temporary employment authorization are prohibited from transferring to another employer and persons whose certification has been revoked pursuant to s. 943.1395, F.S., are prohibited from being employed under a temporary employment authorization.

The bill specifies that a person cannot exempt the requirement for completion of a basic recruit training program unless he or she has been employed as a sworn law enforcement officer within eight years of submitting the application for exemption.

The bill provides the CJSTC with authority to discipline persons who are temporarily employed or appointed, and requires investigation of offenses and development of disciplinary guidelines and penalties. A person whose certification is revoked is ineligible for employment under a temporary employment authorization. The bill exempts basic recruit training program students from testing for mastery of basic skills that is required of technical-vocational students by s. 1004.91, F.S.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 114-0

CS/CS/SB 1856 — Law Enforcement/Correctional Officer

by Judiciary Committee; Criminal Justice Committee; and Senators Diaz de la Portilla and Argenziano

This bill amends s. 112.532(1), F.S., with regard to the interrogation of law enforcement or correctional officers. The bill limits the total number of interrogating officers asking questions during the interrogation to one officer, unless the officer subject to the interrogation specifically waives the requirement.

The bill also amends s. 112.532(3), F.S., to specifically provide for the right of an officer to file suit against a person who files a false complaint against the officer. However, this subsection is amended to provide that it does not create a separate cause of action against an officer's employing agency for the investigations and processing of a complaint filed under this part.

The bill requires the investigating agency to give the officer a copy of the complete investigative report and supporting documents, upon request, and provide the officer an opportunity to address the findings of the report before the imposition of a disciplinary action consisting of a suspension with loss of pay, demotion or dismissal. However, the contents of the complaint and investigations are to remain confidential until the employing agency makes a final determination to issue a notice of disciplinary action. Additionally, the bill provides that the provisions should not be construed to provide a law enforcement officer with property interest in the position or with an expectation of employment as a sworn officer.

Section 112.533(1), F.S., is amended by the bill to specify that the law enforcement or correctional agency's system for processing complaints is the exclusive means of investigating and making determinations regarding disciplinary actions. The Criminal Justice Standards and Training Commission is not precluded from exercising its authority under this provision of the bill.

The officer who is the subject of the complaint has the right, under s. 112.533(2)(a), F.S., to review the complaint and all statements made by the complainant and witnesses immediately prior to the beginning of the investigative interview. The bill extends the right to review complaints and statements made by the complainant and witnesses against a law enforcement or correctional officer to his or her legal counsel or designated representative, immediately prior to the beginning of an investigative interview whenever the interview relates to the officer's continued fitness for law enforcement or correctional service. The attorney or other representative would also be subject to a misdemeanor prosecution if he or she willfully disclosed information obtained pursuant to the investigation before it becomes available to the public.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 114-0

SB 2488 — Law Enforcement Mutual Aid Agreement

by Senators Dockery and Lynn

This bill clarifies language in s. 23.1225, F.S., which authorizes law enforcement agencies to enter into mutual aid agreements. The bill defines "law enforcement agency" as "any agency or unit of government that has authority to employ or appoint law enforcement officers, as defined in s. 943.10(1), F.S.

A law enforcement agency may enter into a mutual aid agreement through a written agreement executed by the chief executive officer of the agency, who is authorized to contractually bind the agency.

The bill amends s. 282.1095, F.S., to authorize the State Technology Office (STO) to plan, manage, and administer the State Law Enforcement Radio System mutual aid channels and to make the channels available to federal, state, and local agencies for the purpose of public safety and domestic security. The STO is required to act in consultation with the Florida Department of Law Enforcement (FDLE) and the Division of Emergency Management (DEM) within the Department of Community Affairs to administer the mutual aid channels to address the needs of law enforcement agencies and emergency response agencies involved with the system. The STO is furthered required, in conjunction with the FDLE and the DEM to establish policies and procedures which must be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

The STO is authorized to create and implement an interoperability network for enabling interoperability between various radio communications technologies to serve federal, state, and local agencies. The STO must work in conjunction with the FDLE and DEM to administer the interoperability network. The STO may enter into mutual aid agreements, establish the cost of

maintenance and operation of the network, and charge subscribing federal and local law enforcement agencies for access and use of the network. Participating state agencies cannot be charged to use the network. The statewide radio communications system may be enhanced and amended as necessary for implementation. Policies and procedures must be established for inclusion in a comprehensive management plan for network operation.

A board member of the Joint Task Force on State Agency Law Enforcement Communications may, upon notifying the chairman prior to the beginning of a meeting, appoint an alternate to represent the member on the board and to vote on board business in the member's absence.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 116-0

SB 2002 — Law Enforcement Officer Training

by Senators Crist and Lynn

This bill amends s. 943.16, F.S., to require law enforcement officers and correctional officers to remain employed with their agency for a minimum of two years if the agency paid the costs of their basic recruit training program. Officers who voluntarily terminate employment within two years would be required to reimburse their employing agencies for the full cost of tuition and other expenses of the course, and to make a pro-rata reimbursement of wages and benefits earned while enrolled in the basic recruit training program. The reimbursement requirements do not apply to officers who terminate employment and resign their officer certification to take a job for which such certification is not required. The employing agency is permitted to waive reimbursement if the officer terminates employment due to hardship or extenuating circumstances. These requirements are applicable to trainees in basic recruit training classes commencing after July 1, 2003.

The bill authorizes the employing agency to file a civil collection action if it is not reimbursed in accordance with the statute. However, such authorization is contingent upon the agency having given written notification of the two-year obligation to the employee during the employment screening process.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 39-0; House 114-0

VICTIMS AND PUBLIC PROTECTION

CS/CS/SB 144 — Sexual Battery Victims/Services

by Appropriations Committee; Criminal Justice Committee; and Senators Cowin, Fasano, Sebesta, Argenziano, and Crist

This bill creates s. 938.085, F.S., requiring a sentencing court to impose an additional $151 surcharge against offenders who plead guilty or nolo contendere to, or are found guilty of, regardless of adjudication, specified statutes concerning assault, battery, stalking or sexual battery. Collected costs (less a $1 court clerk fee) are to be deposited in the Rape Crisis Program Trust Fund which is created by SB 146. The trust fund is to be used to provide sexual battery recovery services to victims and their families, and the bill defines eight services and programs that meet the definition of "sexual battery recovery services." The bill includes an appropriation of $917,000 from the trust fund to the Department of Health for purposes of implementing the act during Fiscal Year 2003-2004.

The bill also requires that the Department of Health contract with a statewide not-for-profit association whose primary purpose is to represent and provide assistance to rape crisis centers. This association is to receive 95 percent of the Rape Crisis Program Trust Fund. Funds must be allocated and distributed by county, taking into account population and rural characteristics. No more than 15 percent may be used for statewide initiatives and no more than 5 percent may be used for administrative costs.

The Department of Health is required to ensure that funds are properly expended and to provide an annual report to the Legislature. It is also authorized to require an annual audit of expenditures.

If approved by the Governor, these provisions take effect July 1, 2003.
Vote: Senate 40-0; House 113-0

SB 146 — Rape Crisis Program Trust Fund

by Senators Cowin, Argenziano, Wilson, and Crist

Senate Bill 146 creates the Rape Crisis Program Trust Fund for the purpose of providing funds to rape crisis centers for services to victims of sexual assault. The trust fund is established within the Department of Health, which is directed by the bill to establish rules for the distribution of the trust fund moneys to the rape crisis centers. The source of the moneys to be credited to the trust fund are court assessments collected from individuals who plead guilty or nolo contendere to or are found guilty of, regardless of adjudication, specified statutes concerning assault, battery, stalking or sexual battery. The bill provides for the termination of the trust fund on July 1, 2007, and for the statutorily required review prior to the scheduled termination.

If approved by the Governor, these provisions take effect July 1, 2003, if SB 144 (Sexual Battery Victims/Services) also becomes law.
Vote: Senate 40-0; House 113-0

HB 453 — Victim of Sex Offense/Public Record

by Rep. Adams and others (CS/SB 126 by Criminal Justice Committee and Senators Campbell, Lynn, and Argenziano)

This bill amends s. 119.07(3)(f), F.S., to create a public records exemption for any criminal intelligence information or criminal investigative information that is a photograph, videotape, or image of any part of the body of the victim of designated sexual offenses. Such photograph, videotape, or image is confidential and exempt regardless of whether or not it identifies the victim.

The bill provides for retroactive application and future review and repeal on October 2, 2008, unless reviewed and saved from repeal through reenactment.

The bill also provides for a statement of public necessity for the exemption.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 116-0

HB 1019 — Videotaped Statement of Minor/Public Record

by State Administration Committee and others (SB 1026 by Criminal Justice Committee and Senator Lynn)

This bill amends s. 119.07, F.S., and reenacts a public records exemption that makes confidential and exempt from public inspection information contained in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery and other specified sexual offenses, if that information identifies the victim.

The bill designates law enforcement agencies as the custodian of such statements. Only law enforcement agencies and Department of Health child protection teams are responsible for videotaping such minor's statement, but Department of Health child protection teams already have an agency-specific exemption for such minor's videotaped statement.

The bill removes the sentence that requires repeal of the public records exemption as well as superfluous language.

If approved by the Governor, these provisions take effect October 1, 2003.
Vote: Senate 37-0; House 112-0