

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Renner offered the following:

**Amendment (with title amendment)**

Remove lines 3579-3723 and insert:

6 history record that does not result from an indictment,  
 7 information, or other charging document for a forcible felony  
 8 defined in s. 776.08, when:

9 1. An indictment, information, or other charging document  
 10 was not filed or issued in the case giving rise to the criminal  
 11 history record.

12 2. An indictment, information, or other charging document  
 13 was filed in the case giving rise to the criminal history  
 14 record, but was dismissed or nolle prosequi by the state  
 15 attorney or statewide prosecutor, or was dismissed by a court of  
 16 competent jurisdiction. However, a person is not eligible for

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17 automatic sealing under this section if the dismissal was  
18 pursuant to s. 916.145 or s. 985.19.

19 3. A not guilty verdict was rendered by a judge or jury.  
20 However, a person is not eligible for automatic sealing under  
21 this section if the defendant was found not guilty by reason of  
22 insanity.

23 4. A judgment of acquittal was rendered by a judge.

24 (b) There is no limitation on the number of times a person  
25 may obtain an automatic sealing for a criminal history record  
26 described in paragraph (a).

27 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

28 (a) Upon the disposition of a criminal case resulting in a  
29 criminal history record eligible for automatic sealing under  
30 paragraph (2) (a), the clerk of the court shall transmit a  
31 certified copy of the disposition of the criminal history record  
32 to the department, which shall seal the criminal history record  
33 upon receipt of the certified copy.

34 (b) Automatic sealing of a criminal history record does  
35 not require sealing by the court or other criminal justice  
36 agencies, or that such record be surrendered to the court, and  
37 such record shall continue to be maintained by the department  
38 and other criminal justice agencies.

39 (c) Except as provided in this section, automatic sealing  
40 of a criminal history record shall have the same effect, and the

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41 department may disclose such a record in the same manner, as a  
42 record sealed under s. 943.059.

43 Section 48. Paragraph (b) of subsection (1) of section  
44 943.325, Florida Statutes, is amended to read:

45 943.325 DNA database.—

46 (1) LEGISLATIVE INTENT.—

47 (b) The Legislature also finds that upon establishment of  
48 the Florida DNA database, a match between casework evidence DNA  
49 samples from a criminal investigation and DNA samples from a  
50 state or federal DNA database of certain offenders may be used  
51 to find probable cause for the issuance of a warrant for arrest  
52 or to obtain the DNA sample from an offender.

53 Section 49. Effective upon this act becoming a law,  
54 subsections (9) and (10) are added to section 943.6871, Florida  
55 Statutes, to read:

56 943.6871 Criminal justice data transparency.—In order to  
57 facilitate the availability of comparable and uniform criminal  
58 justice data, the department shall:

59 (9) Keep all information received by the department under  
60 s. 900.05 that is exempt and confidential when collected by the  
61 reporting agency exempt and confidential for purposes of this  
62 section and s. 900.05.

63 (10) (a) By October 1, 2019, assist the Criminal and  
64 Juvenile Justice Information Systems Council to develop  
65 specifications for a uniform arrest affidavit to be used by each

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66 state, county, and municipal law enforcement agency to  
67 facilitate complete, accurate, and timely collection and  
68 reporting of data from each criminal offense arrest. The  
69 uniform arrest affidavit shall include, at a minimum:  
70 1. Identification of the arrestee;  
71 2. Details of the arrest, including each charge;  
72 3. Details of each vehicle and item seized at the time of  
73 arrest;  
74 4. Juvenile arrestee information; and  
75 5. Release information.  
76

77 The uniform arrest affidavit specifications shall also include  
78 guidelines for developing a uniform criminal charge and  
79 disposition statute crosswalk table to be used by each law  
80 enforcement agency, state attorney, and jail administrator; and  
81 developing a uniform criminal disposition and sentencing statute  
82 crosswalk table to be used by each clerk of court.

83 (b) By January 1, 2020, subject to appropriation, the  
84 department shall procure a uniform arrest affidavit, a uniform  
85 criminal charge and disposition statute crosswalk table, and a  
86 uniform criminal disposition and sentencing statute crosswalk  
87 table following the specifications developed under paragraph

88 (a). The department shall provide training on use of the  
89 affidavit and crosswalk tables to each state, county, and

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90 municipal law enforcement agency, clerk of court, state  
91 attorney, and jail administrator, as appropriate.

92 (c) By July 1, 2020, each state, county, and municipal law  
93 enforcement agency must use the uniform arrest affidavit; each  
94 state attorney and jail administrator must use the uniform  
95 criminal charge and statute crosswalk table; and each clerk of  
96 court must use the uniform criminal disposition and sentencing  
97 statute crosswalk table.

98 Section 50. Section 944.40, Florida Statutes, is amended  
99 to read:

100 944.40 Escapes; penalty.—Any prisoner confined in, or  
101 released on furlough from, any prison, jail, private  
102 correctional facility, road camp, or other penal institution,  
103 whether operated by the state, a county, or a municipality, or  
104 operated under a contract with the state, a county, or a  
105 municipality, working upon the public roads, or being  
106 transported to or from a place of confinement who escapes or  
107 attempts to escape from such confinement commits a felony of the  
108 second degree, punishable as provided in s. 775.082, s. 775.083,  
109 or s. 775.084. The punishment of imprisonment imposed under this  
110 section shall run consecutive to any former sentence imposed  
111 upon any prisoner.

112 Section 51. Subsection (2) of section 944.47, Florida  
113 Statutes, is amended to read:

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114 944.47 Introduction, removal, or possession of contraband  
115 ~~certain articles unlawful~~; penalty.—

116 (2) (a) A person who violates ~~any provision of~~ this section  
117 as it pertains to an article of contraband described in  
118 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph  
119 (1)(a)6. commits a felony of the third degree, punishable as  
120 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~  
121 ~~all other cases~~, a violation of ~~a provision of~~ this section is  
122 ~~constitutes~~ a felony of the second degree, punishable as  
123 provided in s. 775.082, s. 775.083, or s. 775.084.

124 (b) A violation of this section by an employee, as defined  
125 in s. 944.115(2)(b), who uses or attempts to use the powers,  
126 rights, privileges, duties, or position of his or her employment  
127 in the commission of the violation is ranked one level above the  
128 ranking specified in s. 921.0022 or s. 921.0023 for the offense  
129 committed.

130 Section 52. Section 944.704, Florida Statutes, is amended  
131 to read:

132 944.704 Staff who provide transition assistance; duties.—

133 (1) The department shall provide a transition assistance  
134 specialist at each of the major institutions.

135 (2) The department may increase the number of transition  
136 assistance specialists in proportion to the number of inmates  
137 served at each of the major institutions and may increase the  
138 number of employment specialists per judicial circuit based on

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139 the number of released inmates served under community  
140 supervision in that circuit, subject to appropriations.

141 (3) The transition assistance specialists' ~~whose~~ duties  
142 include, but are not limited to:

143 (a)~~(1)~~ Coordinating delivery of transition assistance  
144 program services at the institution and at the community  
145 correctional centers authorized pursuant to s. 945.091(1)(b).

146 (b)~~(2)~~ Assisting in the development of each inmate's  
147 postrelease plan.

148 (c)~~(3)~~ Obtaining job placement information. Such  
149 information must include identifying any job assignment  
150 credentialing or industry certifications for which the inmate is  
151 eligible.

152 (d)~~(4)~~ Providing a written medical discharge plan and  
153 referral to a county health department.

154 (e)~~(5)~~ For an inmate who is known to be HIV positive,  
155 providing a 30-day supply of all HIV/AIDS-related medication  
156 that the inmate is taking before ~~prior to~~ release, if required  
157 under protocols of the Department of Corrections and treatment  
158 guidelines of the United States Department of Health and Human  
159 Services.

160 (f)~~(6)~~ Facilitating placement in a private transition  
161 housing program, if requested by any eligible inmate. If an  
162 inmate who is nearing his or her date of release requests  
163 placement in a contracted substance abuse transition housing

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164 program, the transition assistance specialist shall inform the  
165 inmate of program availability and assess the inmate's need and  
166 suitability for transition housing assistance. If an inmate is  
167 approved for placement, the specialist shall assist the inmate  
168 and coordinate the release of the inmate with the selected  
169 program. If an inmate requests and is approved for placement in  
170 a contracted faith-based substance abuse transition housing  
171 program, the specialist must consult with the chaplain before  
172 ~~prior to~~ such placement. In selecting inmates who are nearing  
173 their date of release for placement in a faith-based program,  
174 the department shall ensure that an inmate's faith orientation,  
175 or lack thereof, will not be considered in determining admission  
176 to the program and that the program does not attempt to convert  
177 an inmate toward a particular faith or religious preference.

178 (g) ~~(7)~~ Providing a photo identification card to all  
179 inmates prior to their release.

180 (4) ~~The~~ transition assistance specialist may not be a  
181 correctional officer or correctional probation officer as  
182 defined in s. 943.10.

183 Section 53. Section 944.705, Florida Statutes, is amended  
184 to read:

185 944.705 Release orientation program.—

186 (1) The department shall provide participation in a  
187 standardized release orientation program to every eligible  
188 inmate.



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189 (2) The release orientation program instruction must  
190 include, but is not limited to:

- 191 (a) Employment skills.
- 192 (b) Money management skills.
- 193 (c) Personal development and planning.
- 194 (d) Special needs.
- 195 (e) Community reentry concerns.
- 196 (f) Community reentry support.
- 197 (g) Any other appropriate instruction to ensure the  
198 inmate's successful reentry into the community.

199 (3) (a) The department shall establish a toll-free hotline  
200 for the benefit of released inmates. The hotline shall provide  
201 information to released inmates seeking to obtain post-release  
202 referrals for community based reentry services.

203 (b) Before an inmate's release, the department shall  
204 provide the inmate with a comprehensive community reentry  
205 resource directory, which must be organized by county and  
206 include the name, address, telephone number, and a description  
207 of the services offered by each reentry service provider. The  
208 directory must also include the name, address, and telephone  
209 number of existing portals of entry and the toll-free hotline  
210 number required by paragraph (a).

211 (c) The department shall expand the use of a department-  
212 approved risk and needs assessment

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**T I T L E   A M E N D M E N T**

Remove line 264 and insert:  
the DNA database; amending s. 943.6871, 13 F.S.; declaring  
information received by the department from a reporting agency  
that is confidential and exempt upon collection remains  
confidential and exempt; requiring the Criminal and Juvenile  
Justice Information Systems Council to develop specifications  
for a uniform arrest affidavit; providing minimum features of  
the specifications; requiring the council to develop  
specifications for a uniform criminal charge and disposition  
statute crosswalk table and uniform criminal disposition and  
sentencing crosswalk table; requiring the Department of Law  
Enforcement to procure the affidavit and statute crosswalk  
tables by a certain date; requiring law enforcement agencies to  
use the uniform arrest affidavit and other agencies to use the  
statute crosswalk tables by a certain date; amending s. 944.40,  
F.S.; defining escape to include escape while on furlough;  
amending s. 944.47, F.S.; providing