

Justice Council

**Tuesday, April 4, 2006
9:00 AM – 10:00 AM
404 House Office Building**

Council Action

**Allan G. Bense
Speaker**

**Bruce Kyle
Chair**

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Justice Council

Start Date and Time: Tuesday, April 04, 2006 09:00 am
End Date and Time: Tuesday, April 04, 2006 10:00 am
Location: 404 HOB
Duration: 1.00 hrs

Consideration of the following bill(s):

HB 175 CS Drug Court Programs by Adams
HB 187 CS Lawful Testing for Alcohol, Chemical Substances, or Controlled Substances by Porth
HB 221 CS Paternity by Richardson
HB 303 CS Dart-Firing Stun Guns by Kravitz
HB 519 CS Internet Screening in Public Libraries by Kravitz
HB 543 CS Condominiums by Goodlette
HB 673 CS Residential Tenancies by Stargel
HB 919 CS Law Enforcement Investigations by Grant
HB 1029 CS Carrying of Firearms in National Forests by Baxley
HB 1047 CS Parental Relocation with a Child by Stargel
HB 1141 Conveyances of Land by Stargel
HB 1341 Fiduciary Lawyer-Client Privilege by Joyner
HB 1527 CS Parental Notification of Termination of a Minor's Pregnancy by Stargel
HB 7091 Real Property Electronic Recording by Civil Justice Committee
HB 7151 Adoption by Civil Justice Committee
HJR 7165 Obsolete, Erroneous, and Inconsistent Provisions; Preservation of Certain Constitutional Provisions as Statutes by Judiciary Committee
HB 7177 Time Limitations for Criminal Prosecutions by Criminal Justice Committee
HB 7205 Death Penalty by Criminal Justice Committee

NOTICE FINALIZED on 03/31/2006 16:20 by COCHRAN.MARGARET

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bruce Kyle (Chair)	X		
Faye Culp	X		
Carl Domino	X		
Greg Evers	X		
Arthenia Joyner	X		
Dick Kravitz	X		
Marcelo Llorente	X		
Mark Mahon	X		
John Quinones	X		
David Simmons	X		
Irving Slosberg	X		
Totals:	11	0	0

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

Summary:

Justice Council

Tuesday April 04, 2006 09:00 am

HB 175 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 187 CS	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 221 CS	Discussed		
HB 303 CS	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 519 CS	Not Considered		
HB 543 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 673 CS	Favorable	Yeas: 9	Nays: 1
HB 919 CS	Favorable	Yeas: 10	Nays: 0
HB 1029 CS	Favorable	Yeas: 8	Nays: 2
HB 1047 CS	Favorable	Yeas: 10	Nays: 0
HB 1141	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 1341	Not Considered		
HB 1527 CS	Not Considered		
HB 7091	Not Considered		
HB 7151	Not Considered		
HJR 7165	Favorable With Committee Substitute	Yeas: 7	Nays: 3

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 7177 Not Considered

HB 7205 Favorable

Yeas: 9 Nays: 1

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 175 CS : Drug Court Programs

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp			X		
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 175 CS

COUNCIL/COMMITTEE ACTION

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

1
 (A) w/o obj.

1 Council/Committee hearing bill: Justice Council
 2 Representative(s) Adams offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Robert J. Koch
 8 Drug Court Intervention Act."

9 Section 2. Subsection (4) of section 39.001, Florida
 10 Statutes, is amended to read:

11 39.001 Purposes and intent; personnel standards and
 12 screening.--

13 (4) SUBSTANCE ABUSE SERVICES.--

14 (a) The Legislature recognizes that early referral and
 15 comprehensive treatment can help combat substance abuse in
 16 families and that treatment is cost effective.

17 (b) The Legislature establishes the following goals for
 18 the state related to substance abuse treatment services in the
 19 dependency process:

20 1. To ensure the safety of children.

21 2. To prevent and remediate the consequences of substance
 22 abuse on families involved in protective supervision or foster

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 care and reduce substance abuse, including alcohol abuse, for
24 families who are at risk of being involved in protective
25 supervision or foster care.

26 3. To expedite permanency for children and reunify
27 healthy, intact families, when appropriate.

28 4. To support families in recovery.

29 (c) The Legislature finds that children in the care of the
30 state's dependency system need appropriate health care services,
31 that the impact of substance abuse on health indicates the need
32 for health care services to include substance abuse services to
33 children and parents where appropriate, and that it is in the
34 state's best interest that such children be provided the
35 services they need to enable them to become and remain
36 independent of state care. In order to provide these services,
37 the state's dependency system must have the ability to identify
38 and provide appropriate intervention and treatment for children
39 with personal or family-related substance abuse problems.

40 (d) It is the intent of the Legislature to encourage the
41 use of the drug court program model established by s. 397.334
42 and authorize courts to assess children and persons who have
43 custody or are requesting custody of children where good cause
44 is shown to identify and address substance abuse problems as the
45 court deems appropriate at every stage of the dependency
46 process. Participation in treatment, including a treatment-based
47 drug court program, may be required by the court following
48 adjudication. Participation in assessment and treatment prior to
49 adjudication shall be voluntary, except as provided in s.
50 39.407(16).

51 (e) It is therefore the purpose of the Legislature to
52 provide authority for the state to contract with community
53 substance abuse treatment providers for the development and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

54 operation of specialized support and overlay services for the
55 dependency system, which will be fully implemented and used
56 utilized as resources permit.

57 (f) Participation in the treatment-based drug court
58 program does not divest any public or private agency of its
59 responsibility for a child or adult, but is intended to enable
60 these agencies to better meet their needs through shared
61 responsibility and resources.

62 Section 3. Subsection (15) of section 39.407, Florida
63 Statutes, is amended, and subsection (16) is added to that
64 section, to read:

65 39.407 Medical, psychiatric, and psychological examination
66 and treatment of child; physical, ~~or~~ mental, or substance abuse
67 examination of ~~parent or~~ person with or requesting child custody
68 of child.--

69 (15) At any time after the filing of a shelter petition or
70 petition for dependency, when the mental or physical condition,
71 including the blood group, of a parent, caregiver, legal
72 custodian, or other person who has custody or is requesting
73 custody of a child is in controversy, the court may order the
74 person to submit to a physical or mental examination by a
75 qualified professional. The order may be made only upon good
76 cause shown and pursuant to notice and procedures as set forth
77 by the Florida Rules of Juvenile Procedure.

78 (16) At any time after a shelter petition or petition for
79 dependency is filed, the court may order a person who has
80 custody or is requesting custody of the child to submit to a
81 substance abuse assessment or evaluation. The assessment or
82 evaluation must be administered by a qualified professional, as
83 defined in s. 397.311. The order may be made only upon good
84 cause shown. This subsection does not authorize placement of a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

85 child with a person seeking custody, other than the parent or
86 legal custodian, who requires substance abuse treatment.

87 Section 4. Subsection (9) is added to section 39.507,
88 Florida Statutes, to read:

89 39.507 Adjudicatory hearings; orders of adjudication.--

90 (9) After an adjudication of dependency, or a finding of
91 dependency where adjudication is withheld, the court may order a
92 person who has custody or is requesting custody of the child to
93 submit to a substance abuse assessment or evaluation. The
94 assessment or evaluation must be administered by a qualified
95 professional, as defined in s. 397.311. The court may also
96 require such person to participate in and comply with treatment
97 and services identified as necessary, including, when
98 appropriate and available, participation in and compliance with
99 a treatment-based drug court program established under s.
100 397.334. In addition to supervision by the department, the
101 court, including the treatment-based drug court program, may
102 oversee the progress and compliance with treatment by a person
103 who has custody or is requesting custody of the child. The court
104 may impose appropriate available sanctions for noncompliance
105 upon a person who has custody or is requesting custody of the
106 child or make a finding of noncompliance for consideration in
107 determining whether an alternative placement of the child is in
108 the child's best interests. Any order entered under this
109 subsection may be made only upon good cause shown. This
110 subsection does not authorize placement of a child with a person
111 seeking custody, other than the parent or legal custodian, who
112 requires substance abuse treatment.

113 Section 5. Paragraph (b) of subsection (1) of section
114 39.521, Florida Statutes, is amended to read:

115 39.521 Disposition hearings; powers of disposition.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

16 (1) A disposition hearing shall be conducted by the court,
117 if the court finds that the facts alleged in the petition for
118 dependency were proven in the adjudicatory hearing, or if the
119 parents or legal custodians have consented to the finding of
120 dependency or admitted the allegations in the petition, have
121 failed to appear for the arraignment hearing after proper
122 notice, or have not been located despite a diligent search
123 having been conducted.

124 (b) When any child is adjudicated by a court to be
125 dependent, the court having jurisdiction of the child has the
126 power by order to:

127 1. Require the parent and, when appropriate, the legal
128 custodian and the child, to participate in treatment and
129 services identified as necessary. The court may require the
130 person who has custody or who is requesting custody of the child
131 to submit to a substance abuse assessment or evaluation. The
132 assessment or evaluation must be administered by a qualified
133 professional, as defined in s. 397.311. The court may also
134 require such person to participate in and comply with treatment
135 and services identified as necessary, including, when
136 appropriate and available, participation in and compliance with
137 a treatment-based drug court program established under s.
138 397.334. In addition to supervision by the department, the
139 court, including the treatment-based drug court program, may
140 oversee the progress and compliance with treatment by a person
141 who has custody or is requesting custody of the child. The court
142 may impose appropriate available sanctions for noncompliance
143 upon a person who has custody or is requesting custody of the
144 child or make a finding of noncompliance for consideration in
145 determining whether an alternative placement of the child is in
146 the child's best interests. Any order entered under this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

147 subparagraph may be made only upon good cause shown. This
148 subparagraph does not authorize placement of a child with a
149 person seeking custody of the child, other than the child's
150 parent or legal custodian, who requires substance abuse
151 treatment.

152 2. Require, if the court deems necessary, the parties to
153 participate in dependency mediation.

154 3. Require placement of the child either under the
155 protective supervision of an authorized agent of the department
156 in the home of one or both of the child's parents or in the home
157 of a relative of the child or another adult approved by the
158 court, or in the custody of the department. Protective
159 supervision continues until the court terminates it or until the
160 child reaches the age of 18, whichever date is first. Protective
161 supervision shall be terminated by the court whenever the court
162 determines that permanency has been achieved for the child,
163 whether with a parent, another relative, or a legal custodian,
164 and that protective supervision is no longer needed. The
165 termination of supervision may be with or without retaining
166 jurisdiction, at the court's discretion, and shall in either
167 case be considered a permanency option for the child. The order
168 terminating supervision by the department shall set forth the
169 powers of the custodian of the child and shall include the
170 powers ordinarily granted to a guardian of the person of a minor
171 unless otherwise specified. Upon the court's termination of
172 supervision by the department, no further judicial reviews are
173 required, so long as permanency has been established for the
174 child.

175 Section 6. Section 397.334, Florida Statutes, is amended
176 to read:

177 397.334 Treatment-based drug court programs.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

178 (1) Each county may fund a treatment-based drug court
179 program under which persons in the justice system assessed with
180 a substance abuse problem will be processed in such a manner as
181 to appropriately address the severity of the identified
182 substance abuse problem through treatment services plans
183 tailored to the individual needs of the participant. It is the
184 intent of the Legislature to encourage the Department of
185 Corrections, the Department of Children and Family Services, the
186 Department of Juvenile Justice, the Department of Health, the
187 Department of Law Enforcement, the Department of Education, and
188 such ~~other~~ agencies, local governments, law enforcement
189 agencies, ~~and~~ other interested public or private sources, and
190 individuals to support the creation and establishment of these
191 problem-solving court programs. Participation in the treatment-
192 based drug court programs does not divest any public or private
193 agency of its responsibility for a child or adult, but enables
194 ~~allows~~ these agencies to better meet their needs through shared
195 responsibility and resources.

196 (2) Entry into any pretrial treatment-based drug court
197 program shall be voluntary. When s. 948.08(6)(a)1 or 2 do not
198 apply, the court may order an individual to enter into a
199 pretrial treatment-based drug court program only upon written
200 agreement by the individual, which shall include a statement
201 that the individual understands the requirements of the program
202 and the potential sanctions for noncompliance.

203 (3)(2) The treatment-based drug court programs shall
204 include therapeutic jurisprudence principles and adhere to the
205 following 10 key components, recognized by the Drug Courts
206 Program Office of the Office of Justice Programs of the United
207 States Department of Justice and adopted by the Florida Supreme
208 Court Treatment-Based Drug Court Steering Committee:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

209 (a) Drug court programs integrate alcohol and other drug
210 treatment services with justice system case processing.

211 (b) Using a nonadversarial approach, prosecution and
212 defense counsel promote public safety while protecting
213 participants' due process rights.

214 (c) Eligible participants are identified early and
215 promptly placed in the drug court program.

216 (d) Drug court programs provide access to a continuum of
217 alcohol, drug, and other related treatment and rehabilitation
218 services.

219 (e) Abstinence is monitored by frequent testing for
220 alcohol and other drugs.

221 (f) A coordinated strategy governs drug court program
222 responses to participants' compliance..

223 (g) Ongoing judicial interaction with each drug court
224 program participant is essential.

225 (h) Monitoring and evaluation measure the achievement of
226 program goals and gauge program effectiveness.

227 (i) Continuing interdisciplinary education promotes
228 effective drug court program planning, implementation, and
229 operations.

230 (j) Forging partnerships among drug court programs, public
231 agencies, and community-based organizations generates local
232 support and enhances drug court program effectiveness.

233 (4)(3) Treatment-based drug court programs may include
234 pretrial intervention programs as provided in ss. 948.08,
235 948.16, and 985.306, treatment-based drug court programs
236 authorized in chapter 39, postadjudicatory programs, and
237 reviewing the status of compliance or noncompliance of sentenced
238 offenders through a treatment-based drug court program. While
239 enrolled in a treatment-based drug court program, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

40 participant is subject to a coordinated strategy developed by a
241 drug court team under s. 397.334(3). The coordinated strategy
242 may include a protocol of sanctions that may be imposed upon the
243 participant for noncompliance with program rules. The protocol
244 of sanctions may include, but is not limited to, placement in a
245 substance abuse treatment program offered by a licensed service
246 provider as defined in s. 397.311 or in a jail-based treatment
247 program or serving a period of secure detention under Ch 985 if
248 a child, or a period of incarceration within the time limits
249 established for contempt of court if an adult. The coordinated
250 strategy must be provided in writing to the participant before
251 the participant agrees to enter into a treatment-based drug
252 court program.

253 (5) Contingent upon an annual appropriation by the
254 Legislature, each judicial circuit shall establish, at a
255 minimum, one coordinator position for the treatment-based drug
256 court program within the state courts system to coordinate the
257 responsibilities of the participating agencies and service
258 providers. Each coordinator shall provide direct support to the
259 treatment-based drug court program by providing coordination
260 between the multidisciplinary team and the judiciary, providing
261 case management, monitoring compliance of the participants in
262 the treatment-based drug court program with court requirements,
263 and providing program evaluation and accountability.

264 (6)-(4)(a) The Florida Association of Drug Court Program
265 Professionals is created. The membership of the association may
266 consist of treatment-based drug court program practitioners who
267 comprise the multidisciplinary treatment-based drug court
268 program team, including, but not limited to, judges, state
269 attorneys, defense counsel, treatment-based drug court program
270 coordinators, probation officers, law enforcement officers,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

271 community representatives, members of the academic community,
272 and treatment professionals. Membership in the association shall
273 be voluntary.

274 (b) The association shall annually elect a chair whose
275 duty is to solicit recommendations from members on issues
276 relating to the expansion, operation, and institutionalization
277 of treatment-based drug court programs. The chair is responsible
278 for providing on or before October 1 of each year the
279 association's recommendations and an annual report to the
280 appropriate Supreme Court ~~Treatment Based Drug Court Steering~~
281 committee or to the appropriate personnel of the Office of the
282 State Courts Administrator, ~~and shall submit a report each year,~~
283 ~~on or before October 1, to the steering committee.~~

284 ~~(7)(5)~~ If a county chooses to fund a treatment-based drug
285 court program, the county must secure funding from sources other
286 than the state for those costs not otherwise assumed by the
287 state pursuant to s. 29.004. However, this does not preclude
288 counties from using treatment and other service dollars provided
289 through state executive branch agencies. Counties may provide,
290 by interlocal agreement, for the collective funding of these
291 programs.

292 (8) The chief judge of each judicial circuit may appoint
293 an advisory committee for the treatment-based drug court
294 program. The committee shall be composed of the chief judge, or
295 his or her designee, who shall serve as chair; the judge of the
296 treatment-based drug court program, if not otherwise designated
297 by the chief judge as his or her designee; the state attorney,
298 or his or her designee; the public defender, or his or her
299 designee; the treatment-based drug court program coordinators;
300 community representatives; treatment representatives; and any
301 other persons the chair finds are appropriate.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Section 7. Paragraphs (b) and (e) of subsection (5) of section 910.035, Florida Statutes, are amended to read:

910.035 Transfer from county for plea and sentence.--

(5) Any person eligible for participation in a drug court treatment program pursuant to s. 948.08(6) may be eligible to have the case transferred to a county other than that in which the charge arose if the drug court program agrees and if the following conditions are met:

(b) If approval for transfer is received from all parties, the trial court shall accept a plea of nolo contendere and enter a transfer order directing the clerk to transfer the case to the county which has accepted the defendant into its drug court program.

(e) Upon successful completion of the drug court program, the jurisdiction to which the case has been transferred shall dispose of the case pursuant to s. 948.08(6). If the defendant does not complete the drug court program successfully, the jurisdiction to which the case has been transferred shall dispose of the case within the guidelines of the Criminal Punishment Code ~~case shall be prosecuted as determined by the state attorneys of the sending and receiving counties.~~

Section 8. Subsections (6), (7), and (8) of section 948.08, Florida Statutes, are amended to read:

948.08 Pretrial intervention program.--

(6)(a) Notwithstanding any provision of this section, a person who is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud; who has not been charged with a crime involving violence, including, but not limited to,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

333 murder, sexual battery, robbery, carjacking, home-invasion
334 robbery, or any other crime involving violence; and who has not
335 previously been convicted of a felony nor been admitted to a
336 felony pretrial program referred to in this section is eligible
337 for voluntary admission into a pretrial substance abuse
338 education and treatment intervention program, including a
339 treatment-based drug court program established pursuant to s.
340 397.334, approved by the chief judge of the circuit, for a
341 period of not less than 1 year in duration, upon motion of
342 either party or the court's own motion, except:

343 1. If a defendant was previously offered admission to a
344 pretrial substance abuse education and treatment intervention
345 program at any time prior to trial and the defendant rejected
346 that offer on the record, then the court or the state attorney
347 may deny the defendant's admission to such a program.

348 2. if the state attorney believes that the facts and
349 circumstances of the case suggest the defendant's involvement in
350 the dealing and selling of controlled substances, the court
351 shall hold a preadmission hearing. If the state attorney
352 establishes, by a preponderance of the evidence at such hearing,
353 that the defendant was involved in the dealing or selling of
354 controlled substances, the court shall deny the defendant's
355 admission into a pretrial intervention program.

356 (b) While enrolled in a pretrial intervention program
357 authorized by this subsection, the participant is subject to a
358 coordinated strategy developed by a drug court team under s.
359 397.334(3). The coordinated strategy may include a protocol of
360 sanctions that may be imposed upon the participant for
361 noncompliance with program rules. The protocol of sanctions may
362 include, but is not limited to, placement in a substance abuse
363 treatment program offered by a licensed service provider as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

54 defined in s. 397.311 or in a jail-based treatment program or
365 serving a period of incarceration within the time limits
366 established for contempt of court. The coordinated strategy must
367 be provided in writing to the participant before the participant
368 agrees to enter into a pretrial treatment-based drug court
369 program or other pretrial intervention program. Any person whose
370 charges are dismissed after successful completion of the
371 treatment-based drug court program, if otherwise eligible, may
372 have his or her arrest record and plea of nolo contendere to the
373 dismissed charges expunged under s. 943.0585.

374 ~~(c)(b)~~ At the end of the pretrial intervention period, the
375 court shall consider the recommendation of the administrator
376 pursuant to subsection (5) and the recommendation of the state
377 attorney as to disposition of the pending charges. The court
378 shall determine, by written finding, whether the defendant has
379 successfully completed the pretrial intervention program.

380 ~~(e)1.~~ Notwithstanding the coordinated strategy developed by
381 a drug court team pursuant to s. 397.334(3), if the court finds
382 that the defendant has not successfully completed the pretrial
383 intervention program, the court may order the person to continue
384 in education and treatment, which may include substance abuse
385 treatment programs offered by licensed service providers as
386 defined in s. 397.311 or jail-based treatment programs, or order
387 that the charges revert to normal channels for prosecution.

388 2. The court shall dismiss the charges upon a finding that
389 the defendant has successfully completed the pretrial
390 intervention program.

391 (d) Any entity, whether public or private, providing a
392 pretrial substance abuse education and treatment intervention
393 program under this subsection must contract with the county or
394 appropriate governmental entity, and the terms of the contract

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

395 must include, but need not be limited to, the requirements
396 established for private entities under s. 948.15(3).

397 ~~(7) The chief judge in each circuit may appoint an~~
398 ~~advisory committee for the pretrial intervention program~~
399 ~~composed of the chief judge or his or her designee, who shall~~
400 ~~serve as chair; the state attorney, the public defender, and the~~
401 ~~program administrator, or their designees; and such other~~
402 ~~persons as the chair deems appropriate. The advisory committee~~
403 ~~may not designate any defendant eligible for a pretrial~~
404 ~~intervention program for any offense that is not listed under~~
405 ~~paragraph (6) (a) without the state attorney's recommendation and~~
406 ~~approval. The committee may also include persons representing~~
407 ~~any other agencies to which persons released to the pretrial~~
408 ~~intervention program may be referred.~~

409 (7)+8+ The department may contract for the services and
410 facilities necessary to operate pretrial intervention programs.

411 Section 9. Section 948.16, Florida Statutes, is amended to
412 read:

413 948.16 Misdemeanor pretrial substance abuse education and
414 treatment intervention program.--

415 (1) (a) A person who is charged with a misdemeanor for
416 possession of a controlled substance or drug paraphernalia under
417 chapter 893, and who has not previously been convicted of a
418 felony nor been admitted to a pretrial program, is eligible for
419 voluntary admission into a misdemeanor pretrial substance abuse
420 education and treatment intervention program, including a
421 treatment-based drug court program established pursuant to s.
422 397.334, approved by the chief judge of the circuit, for a
423 period based on the program requirements and the treatment plan
424 for the offender, upon motion of either party or the court's own
425 motion, except, if the state attorney believes the facts and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

26 circumstances of the case suggest the defendant is involved in
427 dealing and selling controlled substances, the court shall hold
428 a preadmission hearing. If the state attorney establishes, by a
429 preponderance of the evidence at such hearing, that the
430 defendant was involved in dealing or selling controlled
431 substances, the court shall deny the defendant's admission into
432 the pretrial intervention program.

433 (b) While enrolled in a pretrial intervention program
434 authorized by this section, the participant is subject to a
435 coordinated strategy developed by a drug court team under s.
436 397.334(3). The coordinated strategy may include a protocol of
437 sanctions that may be imposed upon the participant for
438 noncompliance with program rules. The protocol of sanctions may
439 include, but is not limited to, placement in a substance abuse
440 treatment program offered by a licensed service provider as
441 defined in s. 397.311 or in a jail-based treatment program or
442 servng a period of incarceration within the time limits
443 established for contempt of court. The coordinated strategy must
444 be provided in writing to the participant before the participant
445 agrees to enter into a pretrial treatment-based drug court
446 program or other pretrial intervention program. Any person whose
447 charges are dismissed after successful completion of the
448 treatment-based drug court program, if otherwise eligible, may
449 have his or her arrest record and plea of nolo contendere to the
450 dismissed charges expunged under s. 943.0585.

451 (2) At the end of the pretrial intervention period, the
452 court shall consider the recommendation of the treatment program
453 and the recommendation of the state attorney as to disposition
454 of the pending charges. The court shall determine, by written
455 finding, whether the defendant successfully completed the
56 pretrial intervention program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

457 ~~(a)~~ Notwithstanding the coordinated strategy developed by
458 a drug court team pursuant to s. 397.334(3), if the court finds
459 that the defendant has not successfully completed the pretrial
460 intervention program, the court may order the person to continue
461 in education and treatment or return the charges to the criminal
462 docket for prosecution.

463 ~~(b)~~ The court shall dismiss the charges upon finding that
464 the defendant has successfully completed the pretrial
465 intervention program.

466 (3) Any public or private entity providing a pretrial
467 substance abuse education and treatment program under this
468 section shall contract with the county or appropriate
469 governmental entity. The terms of the contract shall include,
470 but not be limited to, the requirements established for private
471 entities under s. 948.15(3).

472 Section 10. Section 985.306, Florida Statutes, is amended
473 to read:

474 985.306 Delinquency pretrial intervention program.--

475 (1) ~~(a)~~ Notwithstanding any provision of law to the
476 contrary, a child who is charged ~~under chapter 893~~ with a felony
477 of the second or third degree for purchase or possession of a
478 controlled substance under chapter 893; tampering with evidence;
479 solicitation for purchase of a controlled substance; or
480 obtaining a prescription by fraud, and who has not previously
481 been adjudicated for a felony ~~nor been admitted to a delinquency~~
482 ~~pretrial intervention program under this section,~~ is eligible
483 for voluntary admission into a delinquency pretrial substance
484 abuse education and treatment intervention program, including a
485 treatment-based drug court program established pursuant to s.
486 397.334, approved by the chief judge or alternative sanctions
487 coordinator of the circuit to the extent that funded programs

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

38 are available, for a period based on the program requirements
489 and the treatment services that are suitable for the offender of
490 not less than 1 year in duration, upon motion of either party or
491 the court's own motion. However, if the state attorney believes
492 that the facts and circumstances of the case suggest the child's
493 involvement in the dealing and selling of controlled substances,
494 the court shall hold a preadmission hearing. If the state
495 attorney establishes by a preponderance of the evidence at such
496 hearing that the child was involved in the dealing and selling
497 of controlled substances, the court shall deny the child's
498 admission into a delinquency pretrial intervention program.

499 (2) While enrolled in a delinquency pretrial intervention
500 program authorized by this section, a child is subject to a
501 coordinated strategy developed by a drug court team under s.
502 397.334(3). The coordinated strategy may include a protocol of
503 sanctions that may be imposed upon the child for noncompliance
504 with program rules. The protocol of sanctions may include, but
505 is not limited to, placement in a substance abuse treatment
506 program offered by a licensed service provider as defined in s.
507 397.311 or serving a period of secure detention under this
508 chapter. The coordinated strategy must be provided in writing to
509 the child before the child agrees to enter the pretrial
510 treatment-based drug court program or other pretrial
511 intervention program. Any child whose charges are dismissed
512 after successful completion of the treatment-based drug court
513 program, if otherwise eligible, may have his or her arrest
514 record and plea of nolo contendere to the dismissed charges
515 expunged under s. 943.0585.

516 (3) ~~(b)~~ At the end of the delinquency pretrial intervention
517 period, the court shall consider the recommendation of the state
518 attorney and the program administrator as to disposition of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

519 pending charges. The court shall determine, by written finding,
520 whether the child has successfully completed the delinquency
521 pretrial intervention program.

522 ~~(e)~~1. Notwithstanding the coordinated strategy developed
523 by a drug court team pursuant to s. 397.334(3), if the court
524 finds that the child has not successfully completed the
525 delinquency pretrial intervention program, the court may order
526 the child to continue in an education, treatment, or urine
527 monitoring program if resources and funding are available or
528 order that the charges revert to normal channels for
529 prosecution.

530 2. The court may dismiss the charges upon a finding that
531 the child has successfully completed the delinquency pretrial
532 intervention program.

533 ~~(4)(d)~~ Any entity, whether public or private, providing
534 pretrial substance abuse education, treatment intervention, and
535 a urine monitoring program under this section must contract with
536 the county or appropriate governmental entity, and the terms of
537 the contract must include, but need not be limited to, the
538 requirements established for private entities under s.
539 948.15(3). It is the intent of the Legislature that public or
540 private entities providing substance abuse education and
541 treatment intervention programs involve the active participation
542 of parents, schools, churches, businesses, law enforcement
543 agencies, and the department or its contract providers.

544 ~~(2) The chief judge in each circuit may appoint an~~
545 ~~advisory committee for the delinquency pretrial intervention~~
546 ~~program composed of the chief judge or designee, who shall serve~~
547 ~~as chair; the state attorney, the public defender, and the~~
548 ~~program administrator, or their designees; and such other~~
549 ~~persons as the chair deems appropriate. The committee may also~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

~~include persons representing any other agencies to which
children released to the delinquency pretrial intervention
program may be referred.~~

Section 11. This act shall take effect upon becoming a
law.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to drug court programs; providing a short title;
amending s. 39.001, F.S.; providing additional legislative
purposes and intent with respect to the treatment of substance
abuse, including the use of the drug court program model;
authorizing the court to require certain persons to undergo
treatment following adjudication; amending s. 39.407, F.S.;
authorizing the court to order specified persons to submit to a
substance abuse assessment or evaluation upon a showing of good
cause in connection with a shelter petition or petition for
dependency; amending ss. 39.507 and 39.521, F.S.; authorizing
the court to order specified persons to submit to a substance
abuse assessment as part of an adjudicatory order or pursuant to
a disposition hearing; requiring a showing of good cause;
authorizing the court to require participation in a treatment-
based drug court program; authorizing the court to impose
sanctions for noncompliance; amending s. 397.334, F.S.; revising
legislative intent with respect to treatment-based drug court
programs to reflect participation by community support agencies,
the Department of Education, and other individuals; including
postadjudicatory programs as part of treatment-based drug court
programs; providing requirements and sanctions, including

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

581 treatment by specified licensed service providers, jail-based
582 treatment, secure detention, or incarceration, for the
583 coordinated strategy developed by the drug court team to
584 encourage participant compliance; requiring each judicial
585 circuit to establish a position for a coordinator of the
586 treatment-based drug court program, subject to annual
587 appropriation by the Legislature; authorizing the chief judge of
588 each judicial circuit to appoint an advisory committee for the
589 treatment-based drug court program; providing for membership of
590 the committee; revising language with respect to an annual
591 report; amending s. 910.035, F.S.; revising language with
592 respect to conditions for the transfer of a case in the drug
593 court treatment program to a county other than that in which the
594 charge arose; amending ss. 948.08, 948.16, and 985.306, F.S.,
595 relating to felony, misdemeanor, and delinquency pretrial
596 substance abuse education and treatment intervention programs;
597 providing for application of the coordinated strategy developed
598 by the drug court team; removing provisions authorizing
599 appointment of an advisory committee, to conform to changes made
600 by the act; providing an effective date.

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 187 CS : Lawful Testing for Alcohol, Chemical Substances, or Controlled Substances

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Lawful Testing for Alcohol, Chemical Substances or Controlled Substances

Nancy Daniels (State Employee) - Opponent

Public Defender , 2nd Judicial Circuit

301 S. Monroe St.

Tallahassee FL 32301

Phone: 850-606-1010

License Plates/DUI

Lee G. Cohen (State Employee) - Proponent

Asst. State Attorney

201 SE 6th St., Rm 730

Ft. Lauderdale FL 33301

Phone: 954-831-8446

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 187 CS**

COUNCIL/COMMITTEE ACTION

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

(A) w/o obj.

1 Council/Committee hearing bill: Justice Council
 2 Representative Porth offered the following:

Amendment (with directory and title amendments)

Remove lines 341-635 and insert:

6 Section 2. Section 316.1939, Florida Statutes, is amended
7 to read:

8 316.1939 Refusal to submit to testing; penalties.--

9 (1) Any person who has refused to submit to a chemical or
 10 physical test of his or her breath, blood, or urine, as
 11 described in s. 316.1932, ~~and whose driving privilege was~~
 12 ~~previously suspended for a prior refusal to submit to a lawful~~
 13 ~~test of his or her breath, urine, or blood, and:~~

14 (a) Who the arresting law enforcement officer had probable
 15 cause to believe was driving or in actual physical control of a
 16 motor vehicle in this state while under the influence of
 17 alcoholic beverages, chemical substances, or controlled
 18 substances;

19 (b) Who was placed under lawful arrest for a violation of
 20 s. 316.193 unless such test was requested pursuant to s.
 21 316.1932(1)(c);

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 (c) Who was informed that, if he or she refused to submit
23 to such test, his or her privilege to operate a motor vehicle
24 would be suspended for a period of 1 year or, in the case of a
25 second or subsequent refusal, for a period of 18 months;

26 (d) Who was informed that a refusal to submit to a lawful
27 test of his or her breath, urine, or blood, ~~if his or her~~
28 ~~driving privilege has been previously suspended for a prior~~
29 ~~refusal to submit to a lawful test of his or her breath, urine,~~
30 ~~or blood,~~ is a misdemeanor; and

31 (e) Who, after having been so informed, refused to submit
32 to any such test when requested to do so by a law enforcement
33 officer or correctional officer,

34
35 commits the offense of refusal to submit to testing. If such
36 person's driving privilege was previously suspended for a prior
37 refusal to submit to a lawful test of his or her breath, urine,
38 or blood, such offense is a misdemeanor of the first degree,
39 punishable and is subject to punishment as provided in s.
40 775.082 or s. 775.083. If such person's driving privilege was
41 not previously suspended for a prior refusal to submit to a
42 lawful test of his or her breath, urine, or blood, such offense
43 shall be punished by imprisonment for not more than 6 months and
44 if adjudicated guilty, by a fine of up to \$500.

45 (2) The disposition of any administrative proceeding that
46 relates to the suspension of a person's driving privilege does
47 not affect a criminal action under this section.

48 (3) The disposition of a criminal action under this
49 section does not affect any administrative proceeding that
50 relates to the suspension of a person's driving privilege. The
51 department's records showing that a person's license has been

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

2 previously suspended for a prior refusal to submit to a lawful
53 test of his or her breath, urine, or blood shall be admissible
54 and shall create a rebuttable presumption of such suspension.

55 Section 3. Paragraphs (a), (c), and (e) of subsection (1)
56 of section 327.352, Florida Statutes, are amended to read:

57 327.352 Tests for alcohol, chemical substances, or
58 controlled substances; implied consent; refusal.--

59 (1)(a)1. The Legislature declares that the operation of a
60 vessel is a privilege that must be exercised in a reasonable
61 manner. In order to protect the public health and safety, it is
62 essential that a lawful and effective means of reducing the
63 incidence of boating while impaired or intoxicated be
64 established. Therefore, any person who accepts the privilege
65 extended by the laws of this state of operating a vessel within
66 this state is, by so operating such vessel, deemed to have given
67 his or her consent to submit to an approved chemical test or
68 physical test including, but not limited to, an infrared light
69 test of his or her breath for the purpose of determining the
70 alcoholic content of his or her blood or breath if the person is
71 lawfully arrested for any offense allegedly committed while the
72 person was operating a vessel while under the influence of
73 alcoholic beverages. The chemical or physical breath test must
74 be incidental to a lawful arrest and administered at the request
75 of a law enforcement officer who has reasonable cause to believe
76 such person was operating the vessel within this state while
77 under the influence of alcoholic beverages. The administration
78 of a breath test does not preclude the administration of another
79 type of test. The person shall be told that his or her failure
80 to submit to any lawful test of his or her breath will result in
81 a civil penalty of \$500, and shall also be told that if he or

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

82 she refuses to submit to a lawful test of his or her breath and
83 ~~he or she has been previously fined for refusal to submit to any~~
84 ~~lawful test of his or her breath, urine, or blood,~~ he or she
85 commits a misdemeanor in addition to any other penalties. The
86 refusal to submit to a chemical or physical breath test upon the
87 request of a law enforcement officer as provided in this section
88 is admissible into evidence in any criminal proceeding.

89 2. Any person who accepts the privilege extended by the
90 laws of this state of operating a vessel within this state is,
91 by so operating such vessel, deemed to have given his or her
92 consent to submit to a urine test for the purpose of detecting
93 the presence of chemical substances as set forth in s. 877.111
94 or controlled substances if the person is lawfully arrested for
95 any offense allegedly committed while the person was operating a
96 vessel while under the influence of chemical substances or
97 controlled substances. The urine test must be incidental to a
98 lawful arrest and administered at a detention facility or any
99 other facility, mobile or otherwise, which is equipped to
100 administer such tests at the request of a law enforcement
101 officer who has reasonable cause to believe such person was
102 operating a vessel within this state while under the influence
103 of chemical substances or controlled substances. The urine test
104 shall be administered at a detention facility or any other
105 facility, mobile or otherwise, which is equipped to administer
106 such test in a reasonable manner that will ensure the accuracy
107 of the specimen and maintain the privacy of the individual
108 involved. The administration of a urine test does not preclude
109 the administration of another type of test. The person shall be
110 told that his or her failure to submit to any lawful test of his
111 or her urine will result in a civil penalty of \$500~~7~~ and shall

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

2 also be told that if he or she refuses to submit to a lawful
113 test of his or her urine ~~and he or she has been previously fined~~
114 ~~for refusal to submit to any lawful test of his or her breath,~~
115 ~~urine, or blood,~~ he or she commits a misdemeanor in addition to
116 any other penalties. The refusal to submit to a urine test upon
117 the request of a law enforcement officer as provided in this
118 section is admissible into evidence in any criminal proceeding.

119 (c) Any person who accepts the privilege extended by the
120 laws of this state of operating a vessel within this state is,
121 by operating such vessel, deemed to have given his or her
122 consent to submit to an approved blood test for the purpose of
123 determining the alcoholic content of the blood or a blood test
124 for the purpose of determining the presence of chemical
125 substances or controlled substances as provided in this section
126 if there is reasonable cause to believe the person was operating
27 a vessel while under the influence of alcoholic beverages or
128 chemical or controlled substances and the person appears for
129 treatment at a hospital, clinic, or other medical facility and
130 the administration of a breath or urine test is impractical or
131 impossible. As used in this paragraph, the term "other medical
132 facility" includes an ambulance or other medical emergency
133 vehicle. The blood test shall be performed in a reasonable
134 manner. Any person who is incapable of refusal by reason of
135 unconsciousness or other mental or physical condition is deemed
136 not to have withdrawn his or her consent to such test. Any
137 person who is capable of refusal shall be told that his or her
138 failure to submit to such a blood test will result in a civil
139 penalty of \$500 and that a refusal to submit to a lawful test of
140 his or her blood, ~~if he or she has previously been fined for~~
141 ~~refusal to submit to any lawful test of his or her breath,~~

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

142 ~~urine, or blood,~~ is a misdemeanor. The refusal to submit to a
143 blood test upon the request of a law enforcement officer shall
144 be admissible in evidence in any criminal proceeding.

145 (e)1. The tests determining the weight of alcohol in the
146 defendant's blood or breath shall be administered at the request
147 of a law enforcement officer substantially in accordance with
148 rules of the Department of Law Enforcement. However, the failure
149 of a law enforcement officer to request the withdrawal of blood
150 does not affect the admissibility of a test of blood withdrawn
151 for medical purposes.

152 2. Only a physician, certified paramedic, registered
153 nurse, licensed practical nurse, other personnel authorized by a
154 hospital to draw blood, or duly licensed clinical laboratory
155 director, supervisor, technologist, or technician, acting at the
156 request of a law enforcement officer, may withdraw blood for the
157 purpose of determining its alcoholic content or the presence of
158 chemical substances or controlled substances therein. However,
159 the failure of a law enforcement officer to request the
160 withdrawal of blood does not affect the admissibility of a test
161 of blood withdrawn for medical purposes.

162 3. The person tested may, at his or her own expense, have
163 a physician, registered nurse, other personnel authorized by a
164 hospital to draw blood, or duly licensed clinical laboratory
165 director, supervisor, technologist, or technician, or other
166 person of his or her own choosing administer an independent test
167 in addition to the test administered at the direction of the law
168 enforcement officer for the purpose of determining the amount of
169 alcohol in the person's blood or breath or the presence of
170 chemical substances or controlled substances at the time
171 alleged, as shown by chemical analysis of his or her blood or

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

172 urine, or by chemical or physical test of his or her breath. The
173 failure or inability to obtain an independent test by a person
174 does not preclude the admissibility in evidence of the test
175 taken at the direction of the law enforcement officer. The law
176 enforcement officer shall not interfere with the person's
177 opportunity to obtain the independent test and shall provide the
178 person with timely telephone access to secure the test, but the
179 burden is on the person to arrange and secure the test at the
180 person's own expense.

181 4. Upon the request of the person tested, full information
182 concerning the results of the test taken at the direction of the
183 law enforcement officer shall be made available to the person or
184 his or her attorney. Full information is limited to the
185 following:

186 a. The type of test administered and the procedures
187 followed.

188 b. The time of the collection of the blood or breath
189 sample analyzed.

190 c. The numerical results of the test indicating the
191 alcohol content of the blood and breath.

192 d. The type and status of any permit issued by the
193 Department of Law Enforcement which was held by the person who
194 performed the test.

195 e. If the test was administered by means of a breath
196 testing instrument, the date of performance of the most recent
197 required maintenance of such instrument.

198
199 Full information does not include manuals, schematics, or
200 software of the instrument used to test the person or any other
201 material that is not in the actual possession of the state.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

202 Additionally, full information does not include information in
203 the possession of the manufacturer of the test instrument.

204 5. A hospital, clinical laboratory, medical clinic, or
205 similar medical institution or physician, certified paramedic,
206 registered nurse, licensed practical nurse, other personnel
207 authorized by a hospital to draw blood, or duly licensed
208 clinical laboratory director, supervisor, technologist, or
209 technician, or other person assisting a law enforcement officer
210 does not incur any civil or criminal liability as a result of
211 the withdrawal or analysis of a blood or urine specimen, or the
212 chemical or physical test of a person's breath pursuant to
213 accepted medical standards when requested by a law enforcement
214 officer, regardless of whether or not the subject resisted
215 administration of the test.

216 Section 4. Section 327.359, Florida Statutes, is amended
217 to read:

218 327.359 Refusal to submit to testing; penalties.--Any
219 person who has refused to submit to a chemical or physical test
220 of his or her breath, blood, or urine, as described in s.
221 327.352, ~~and who has been previously fined for refusal to submit~~
222 ~~to a lawful test of his or her breath, urine, or blood, and:~~

223 (1) Who the arresting law enforcement officer had probable
224 cause to believe was operating or in actual physical control of
225 a vessel in this state while under the influence of alcoholic
226 beverages, chemical substances, or controlled substances;

227 (2) Who was placed under lawful arrest for a violation of
228 s. 327.35 unless such test was requested pursuant to s.
229 327.352(1)(c);

230 (3) Who was informed that if he or she refused to submit
231 to such test he or she is subject to a fine of \$500;

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

32 (4) Who was informed that a refusal to submit to a lawful
233 test of his or her breath, urine, or blood, ~~if he or she has~~
234 ~~been previously fined for refusal to submit to a lawful test of~~
235 ~~his or her breath, urine, or blood,~~ is a misdemeanor; and

236 (5) Who, after having been so informed, refused to submit
237 to any such test when requested to do so by a law enforcement
238 officer or correctional officer,

239
240 commits the offense of refusal to submit to testing. If such
241 person has been previously fined for a prior refusal to submit
242 to a lawful test of his or her breath, urine, or blood, such
243 offense is a misdemeanor of the first degree, punishable and is
244 subject to punishment as provided in s. 775.082 or s. 775.083.
245 If such person has not previously been fined for a prior refusal
246 to submit to a lawful test of his or her breath, urine, or
247 blood, such offense shall be punished by imprisonment for not
248 more than 6 months and if adjudicated guilty, by a fine of up to
249 \$500.

250 Section 5. This act shall take effect October 1, 2006.

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

252 Remove lines 15-43 and insert:

253 chemical substances or controlled substances; amending s.
254 316.1939, F.S.; removing prior suspension as a condition for the
255 commission of a misdemeanor by refusal to submit to a lawful
256 test of breath, urine, or blood; amending s. 327.352, F.S.;
257 revising provisions to notify a person that refusal to submit to
258 a lawful test of the person's breath, urine, or blood is a
259 misdemeanor, to conform to changes made by the act; limiting
260 information to be made available to a person tested to determine
261 the amount of alcohol in the person's blood or breath or the

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

262 presence of chemical substances or controlled substances;
263 amending s. 327.359, F.S.; removing prior suspension as a
264 condition for the commission of a misdemeanor by refusal to
265 submit to a lawful test of breath, urine, or blood; providing an
266 effective date.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 2 (for drafter's use only)

Bill No. HB 187 CS

COUNCIL/COMMITTEE ACTION

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

2
WJD

1 Council/Committee hearing bill: Justice Council
2 Representative(s) Kyle offered the following:

3
4 **Amendment to Amendment (1) by Representative Porth**

5 Remove line(s) 43 & 44 and insert:

6 is a misdemeanor of the second degree, punishable as provided in
7 s. 775.082 or s. 777.083.
8
9

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 3 (for drafter's use only)

Bill No. **HB 187 CS**

COUNCIL/COMMITTEE ACTION

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

3
W/D

1 Council/Committee hearing bill: Justice Council
2 Representative(s) Kyle offered the following:

3
4 **Amendment to Amendment (1) by Representative Porth**
5 Remove line(s) 247-249 and insert:
6 blood, such offense is a misdemeanor of the second degree,
7 punishable as provided in s. 775.082 or s. 775.083.



Spoke

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 187 Date 4/4/2006

Name HONORABLE NANCY DANIELS

Title PUBLIC DEFENDER, 2ND JUDICIAL CIRCUIT

Address 301 S. Monroe St. Tallahassee

City TALLAHASSEE State / Zip FL 32301

Phone Number 850-606-1010

Representing FL. PUBLIC DEFENDER ASSOC., INC

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: _____

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear



Spoke

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 187 Date 4/4/06
 Name Lee G. Cohen
 Title Assistant State Attorney
 Address 201 SE 6th St., Rm 730
 City Ft. Lauderdale State/Zip FL 33301
 Phone Number 954-831-8446
 Representing State Attorney's Office

Lobbyist (registered) Yes No
 State Employee Yes No

I wish to speak: Proponent
 *I have been requested to speak: Opponent
 Information

Subject matter: DUI - Refusal to Submit to Testing
 Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.
 Appearing at request of Chair
 Approved by _____ Chair



Waive/Supp.

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 187 Date 4-4-06

Name DAVID FOLSON

Title LIEUTENANT

Address TALLAHASSEE POLICE DEPARTMENT

City TALLAHASSEE State /Zip _____

Phone Number _____

Representing FLORIDA POLICE CHIEFS ASSOC

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak:

Proponent

*I have been requested to speak:

Opponent

Information

Subject matter: ALCOHOL TESTING

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee/Subcommittee
Copy - Person requested to appear



Waive

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 187 Date 4/4/06

Name WILLIAM S. SCHORFIELD

Title MGR OF ENGINEERING CMI, INC

Address 316 E. NINTH ST.

City DUNSBORO State / Zip KY 42303

Phone Number 270-685-6534

Representing CMI, INC

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: SOURCE CODE - FULL INFORMATION

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee
 Copy - Person requested to appear



Waive

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. HB 187 Date 4/4/06

Name PHIL SMITH

Title ASSISTANT STATE ATTORNEY

Address 301 SOUTH MENREE ST, 4th FLOOR
FLA

City TALLAHASSEE State/Zip 32399

Phone Number 850 - 606 - 6002

Representing STATE ATTORNEY SECOND CIRCUIT / FPAA

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: FULL INFORMATION ASPECT
OF DUI BILL

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear



Waive

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. HB 187 Date 4-4-06

Name Shirley L. Bates

Title Assistant State Attorney

Address 301 South Monroe St

City Tallahassee FL State / Zip 32399

Phone Number 850-606-6064

Representing State Attorney Second Circuit / FPAA

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: Full Information Aspect of DLB Bill

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee
 Copy - Person requested to appear

Waive



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. HB 187 Date 4-4-2006

Name Matt Puckett

Title Lobbyist

Address 300 East Brevard St.

City Tallahassee State/Zip FL 32301

Phone Number 222-3329

Representing Florida Police Benevolent Association

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: lawful testing for Alcohol

Council/Committee: Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear



Waive

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. HB 187 Date _____

Name Joey Dabson

Title Sheriff Baker Co

Address 56 W 2nd St

City Macedonia State/Zip FL

Phone Number _____

Representing _____

Lobbyist (registered) YES NO

State Employee YES NO

I wish to speak: Proponent

* I have been requested to speak Opponent

Information

Subject matter: HB 187 DUT

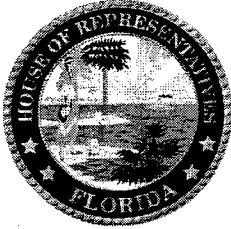
Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee/Subcommittee
 Copy - Person requested to appear



W/S

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 187 Date 4-4-06

Name ^{JEFF} Jeff Davisy

Title Shoeb

Address 1 Milk Blvd

City INVERNESS State/Zip FL 32650

Phone Number 352-726-4484

Representing M Shoeb Association

Lobbyist (registered) YES NO

State Employee YES NO

I wish to speak: Proponent

* I have been requested to speak Opponent

Information

Subject matter: Dm

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee/Subcommittee
 Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 221 CS : Paternity

Discussed

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

No



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. HB 221 Date April 4, 2006

Name Fred Dudley

Title Attorney

Address 106 E. College Ave., Suite 1200

City Tallahassee State / Zip FL 32301

Phone Number 521-8013

Representing FAMILY LAW SECTION, THE FLORIDA BAR

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: PATERNITY DETERMINATION

Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Committee/Subcommittee
Copy - Person requested to appear

ND



COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 221 Date 4-4-06

Name Rob McNeely

Title _____

Address 2898-6 Mahan Dr.

City Tallahassee State /Zip 32308

Phone Number 656-7780

Representing Family Law Section, The Florida Bar

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak:

Proponent

*I have been requested to speak:

Opponent

Information

Subject matter: Paternity Determination

Council/Committee/Subcommittee: Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee/Subcommittee
Copy - Person requested to appear

NO



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 221 Date 4/4/06

Name Teresa Rhames

Title _____

Address 3620 Old Federal Rd

City Quincy State / Zip Fl. 32351

Phone Number 875 4752

Representing Richardson

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak:

*I have been requested to speak:

Proponent

Opponent

Information

Subject matter: Paternity

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear



W8

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 221 Date 4/4/06

Name Tony Winbush

Title _____

Address ~~115~~ 115 ERNEST ST.

City Quincy Fla State / Zip 32351

Phone Number (850) 875-1169

Representing Richardson

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: Paternity

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear



No

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 221 Date 4/4/06

Name Shawn Hopkins

Title Associate for Social Concerns

Address 201 W. Park Ave.

City Tallahassee State/Zip FL 32303

Phone Number 222-3803

Representing FL - Catholic Conference

Lobbyist (registered) Yes No

State Employee Yes No

*Rep. Quinones
Amendment to
HB 221*

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: Paternity

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear



no

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. HB221 Date 4/4/06

Name Ann Perko

Title Attorney

Address Florida Legal Services 2425 Torreya Dr

City Tallahassee State /Zip _____

Phone Number _____

Representing Florida Legal Services

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak:

*I have been requested to speak:

Proponent

Opponent

Information

In favor of Quinones amendment

Subject matter: _____

Council/Committee: Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 303 CS : Dart-Firing Stun Guns

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Dart-Firing Stun Guns

Larry Spalding (Lobbyist) - Information Only

American Civil Liberties Union

314 W. Jefferson St.

Tallahassee FL 32301

Phone: 850-425-1050

Dart-Firing Stun Guns

David Folsom (Lobbyist) - Proponent

FL Police Chiefs Assn.

Tallahassee Police Dept.

Tallahassee FL

Phone: 850-891-4261

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No.0303

COUNCIL/COMMITTEE ACTION

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

1
Ⓜ w/o obj.

1 Council/Committee hearing bill: Justice Council
2 Representatives Kravitz offered the following:

3
4 **Amendment (with title amendments)**

5 Remove lines 101-105 and insert:

6 (3) The basic skills course required for certification as a
7 law enforcement officer must include instruction on the use of
8 dart-firing stun guns. The portion of the basic skills course on
9 the use of dart-firing stun guns must be a minimum of 4 hours'
10 duration.

11 (4) Law enforcement, correctional, and correctional
12 probation officers who have not received the dart-firing stun
13 gun training described in subsection (3) and who are authorized
14 by his or her employing or appointing agency to carry a dart-
15 firing stun gun subsequent to the effective date of this act
16 shall complete, prior to issuance and use of a dart-firing stun
17 gun, either the 4-hour dart-firing stun gun training described
18 in subsection (3) or an equivalent training course provided by
19 the officer's employing or appointing agency in accordance with
20 the Criminal Justice Standards and Training Commission standards
21 outlined in subsection (2).

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22
23
24
25
26
27
28
29
30

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

Remove line 23 and insert:

The basic skills course required for certain certifications;
requiring certain officers who have not received dart-firing
stun gun training and who are authorized to carry dart-firing
stun guns to receive training;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No.0303

COUNCIL/COMMITTEE ACTION

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

2
(A) w/o obj.

1 Council/Committee hearing bill: Justice Council

2 Representatives Kravitz offered the following:

3

4 **Amendment**

5 Remove line 34 and insert:

6 device having one or more with a tethered darts that are capable

000000



Spoke

COUNCIL/COMMITTEE/SUBCOMMITTEE
APPEARANCE RECORD

Bill No. 303 Date 4.4.06
Name LARRY SPALDING
Title Legislative Staff Counsel
Address 314 West Jefferson
City Tallahassee State /Zip 32301
Phone Number 850.425.1050
Representing American Civil Liberties Union

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent
*I have been requested to speak: Opponent
Information

Subject matter: LASERS

Council/Committee/Subcommittee: Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.
Appearing at request of Chair
Approved by _____ Chair

Copies to:
Original - Council/Committee/Subcommittee
Copy - Person requested to appear



Spoke

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 303 Date 4-4-06

Name DAVID FOLSOM

Title LIEUTENANT

Address TALLAHASSEE POLICE DEPARTMENT

City TALLAHASSEE FL State /Zip _____

Phone Number 850-891-4261

Representing FLORIDA POLICE CHIEFS ASSOCIATION

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak:

Proponent

*I have been requested to speak:

Opponent

Information

Subject matter: DART F.R.I.N.G. STON LONS

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee/Subcommittee
Copy - Person requested to appear



W/S

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. HB 303 Date _____

Name Joey Dobson

Title Sheriff - Baker County

Address 56 W 2nd St.

City Macklemey State/Zip FL 32063

Phone Number _____

Representing _____

Lobbyist (registered) YES NO

State Employee YES NO

I wish to speak: Proponent

* I have been requested to speak Opponent

Information

Subject matter: HB 303 Dart Firing Stun Gun

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee/Subcommittee
 Copy - Person requested to appear



WIS

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 303 Date 4-4-06

Name ^{JEFF} Jeff Dawsey

Title Shearff

Address 1 Milk Blvd

City INVERNO State/Zip FL 3265

Phone Number 352-726-4488

Representing FL Sheriff Association

Lobbyist (registered) YES NO

State Employee YES NO

I wish to speak:	<input type="checkbox"/>	Proponent	<input checked="" type="checkbox"/>
* I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>
		Information	<input type="checkbox"/>

Subject matter: H.B. 303 - DART Firing STun
QWA

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 -Original - Council/Committee/Subcommittee
 -Copy - Person requested to appear

W/S



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. HB 303 Date 4-April-06

Name David Murrell

Title Executive Director

Address 300 E. Broadway St.

City Tallahassee State/Zip FL/32301

Phone Number 850-222-3329

Representing Florida Police Benevolent Association

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: Dart Firing Stun Guns

Council/Committee: House Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 519 CS : Internet Screening in Public Libraries

Not Considered

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 543 CS : Condominiums

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp			X		
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 0543 CS

COUNCIL/COMMITTEE ACTION

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

1
Ⓐ w/o obj.

1 Council/Committee hearing bill: Justice Council
2 Representative(s) Goodlette offered the following:

3
4 **Amendment**

5 Remove line(s) 33 and insert:

6 circumstances that may create economic waste, areas of
7 disrepair,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 0543 CS

COUNCIL/COMMITTEE ACTION

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

2
(A) w/o obj.

1 Council/Committee hearing bill: Justice Council
 2 Representative(s) Goodlette offered the following:

Amendment

Remove line(s) 78 and insert:

(4) JURISDICTION FOR PLAN-OF-TERMINATION REVIEW.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 0543 CS

COUNCIL/COMMITTEE ACTION

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

3
 (A) w/o obj

1 Council/Committee hearing bill: Justice Council
 2 Representative(s) Goodlette offered the following:

Amendment

5 Remove line(s) 156-166 and insert:

6 hearing following notice to such persons as the court directs.

7 Lienholders shall be given notice of the petition and shall have
 8 the right to propose persons for the consideration by the court
 9 as receiver.

10 (b) The receiver shall have all powers given to the board
 11 pursuant to the declaration, bylaws, and subsection (7), and any
 12 other powers that are necessary to conclude the affairs of the
 13 association and are set forth in the order of appointment. The
 14 appointment of the receiver is subject to the bonding
 15 requirements of such order. The order shall also provide for the
 16 payment of a reasonable fee to the receiver from the sources
 17 identified in the order, which may include rents, profits,
 18 incomes, maintenance fees, or special assessments collected from
 19 the condominium property.

20 (9) REPORTS AND REPLACEMENT OF RECEIVER.--

21 (a) The association, receiver or termination trustee shall
 22 prepare reports each quarter following the approval of the plan

Amendment No. 3 (for drafter's use only)

23 of termination setting forth the status and progress of the
24 termination, costs and fees incurred, the date the termination
25 is expected to be completed and the current financial condition
26 of the association, receivership or trusteeship and provide
27 copies of the report by regular mail to the unit owners and
28 lienors at the mailing address provided to the association by
29 the unit owners and the lienors.

30 (b) The unit owners of the association in termination may
31 recall or remove members of the board of administration with or
32 without cause at any time as provided in s. 718.112(2)(j).

33 (c) The lienors of an association in termination
34 representing at least fifty percent of the outstanding amount of
35 liens may petition the court for the appointment of a
36 termination trustee which shall be granted upon good cause
37 shown.

38

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 0543 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

4
A w/o obj.

1 Council/Committee hearing bill: Justice Council
2 Representative(s) Goodlette offered the following:

Amendment

5 Remove line(s) 280-369 and insert:

6 is pursuant to a plan of termination under subsection (2),
7 subsection (3) or subsection (4), the unit owners' rights and
8 title as tenants in common in undivided interests in the
9 condominium property vest in the termination trustee when the
10 plan is recorded or at a later date specified in the plan. The
11 unit owners thereafter become the beneficiaries of the proceeds
12 realized from the plan of termination. The termination trustee
13 may deal with the condominium property or any interest therein
14 if the plan confers on the trustee the authority to protect,
15 conserve, manage, sell, or dispose of the condominium property.
16 The trustee, on behalf of the unit owners, may contract for the
17 sale of real property, but the contract is not binding on the
18 unit owners until the plan is approved pursuant to subsection
19 (2), subsection (3) or subsection (4).

20 (15) NOTICE.--

21 (a) Within 30 days after a plan of termination has been
22 recorded, the termination trustee shall deliver by certified

Amendment No. 4 (for drafter's use only)

23 mail, return receipt requested, notice to all unit owners,
24 lienors of the condominium property, and lienors of all units at
25 their last known addresses that a plan of termination has been
26 recorded. The notice shall include the book and page number of
27 the public records in which the plan was recorded, notice that a
28 copy of the plan shall be furnished upon written request, and
29 notice that the unit owner or lienor has the right to contest
30 the fairness of the plan.

31 (b) The trustee, within 90 days after the effective date
32 of the plan, shall provide to the division a certified copy of
33 the recorded plan, the date the plan was recorded, and the
34 county, book, and page number of the public records in which the
35 plan was recorded.

36 (16) RIGHT TO CONTEST.--A unit owner or lienor may contest
37 a plan of termination by initiating a summary procedure pursuant
38 to s. 51.011 within 90 days after the date the plan is recorded.
39 A unit owner or lienor who does not contest the plan within such
40 90-day period is barred from asserting or prosecuting a claim
41 against the association, the termination trustee, any unit
42 owner, or any successor in interest to the condominium property.
43 In an action contesting a plan of termination, the person
44 contesting the plan has the burden of pleading and proving that
45 the apportionment of the proceeds from the sale among the unit
46 owners was not fair and reasonable. The apportionment of sale
47 proceeds is presumed fair and reasonable if it was determined
48 pursuant to the methods prescribed in subsection (12). The court
49 shall adjudge the rights and interests of the parties and order
50 the plan of termination to be implemented if it is fair and
51 reasonable. If the court determines that the plan of
52 termination is not fair and reasonable, the court may void the
53 plan or may modify the plan to apportion the proceeds in a fair

Amendment No. 4 (for drafter's use only)

54 and reasonable manner as required by this section based upon the
55 proceedings and order the modified plan of termination to be
56 implemented. In such action, the prevailing party may recover
57 reasonable attorney's fees and costs.

58 (17) DISTRIBUTION.--

59 (a) Following termination of the condominium, the
60 condominium property, association property, common surplus, and
61 other assets of the association shall be held by the termination
62 trustee, as trustee for unit owners and holders of liens on the
63 units, in their order of priority.

64 (b) Not less than 30 days prior to the first distribution,
65 the termination trustee shall deliver by certified mail, return
66 receipt requested, a notice of the estimated distribution to all
67 unit owners, lienors of the condominium property, and lienors of
68 each unit at their last known addresses stating a good-faith
69 estimate of the amount of the distributions to each class and
70 the procedures and deadline for notifying the termination
71 trustee of any objections to the amount. The deadline must be at
72 least 15 days after the date the notice was mailed. The notice
73 may be sent with or after the notice required by subsection
74 (15). If a unit owner or lienor files a timely objection with
75 the termination trustee, the trustee does not have to distribute
76 the funds and property allocated to the respective unit owner or
77 lienor until the trustee has had a reasonable time to determine
78 the validity of the adverse claim. In the alternative, the
79 trustee may interplead the unit owner, lienor, and any other
80 person claiming an interest in the unit and deposit the funds
81 allocated to the unit in the court registry, at which time the
82 condominium property, association property, common surplus, and
83 other assets of the association are free of all claims and liens
84 of the parties to the suit. In an interpleader action, the

Amendment No. 4 (for drafter's use only)

85 trustee and prevailing party may recover reasonable attorney's
86 fees and costs and court costs.

87 (c) The proceeds of any sale of condominium property or
88 association property and any remaining condominium property or
89 association property, common surplus, and other assets shall be
90 distributed in the following priority:

91 1. To pay the reasonable termination trustee's fees and
92 costs, accounting fees and costs.

93 2. To lienholders of liens recorded prior to the recording
94 of the declaration.

95 3. To purchase money lienholders on units to the extent
96 necessary to satisfy their liens.

97

Waive in Supp



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. H 543 Date 4-4-06

Name Pete Dunbar

Title _____

Address 215 S. Monroe

City Tallahassee State /Zip 32301

Phone Number 222 - 3533

Representing Real Property Section of Fl. Bar

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: Condominium Termination

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 673 CS : Residential Tenancies

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg		X			
Bruce Kyle (Chair)	X				
Total Yeas: 9		Total Nays: 1			

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

W/S



COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 673 Date 4/
 Name Kerey Carpenter
 Title _____
 Address 1551 Sandspur Rd.
 City Maitland State /Zip FL
 Phone Number 407-741-8534
 Representing CED

Lobbyist (registered) Yes No
 State Employee Yes No

I wish to speak: Proponent
 *I have been requested to speak: Opponent
 Information

Subject matter: _____

Council/Committee/Subcommittee: Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee/Subcommittee
 Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 919 CS : Law Enforcement Investigations

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

Waive



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 919 Date 4/4/2006

Name Richard Ramos

Title Policy Director

Address The Capitol-PL01

City Tallahassee State / Zip FL 32399

Phone Number 245-0140

Representing Office of the Attorney General

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: False Information to law enforcement

Council/Committee: Justice

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear

Waive



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 919 Date 4/4/06
 Name Robert Wheeler
 Title Assistant Attorney General
 Address PL-01, The Capitol
 City Tallahassee State/Zip FL
 Phone Number (850) 414-3300
 Representing Office of the Attorney General

Lobbyist (registered) Yes No
 State Employee Yes No

I wish to speak: Proponent
 *I have been requested to speak: Opponent
 Information

Subject matter: False Information Bill

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee
 Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

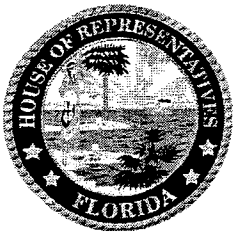
HB 1029 CS : Carrying of Firearms in National Forests

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner		X			
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg		X			
Bruce Kyle (Chair)	X				
Total Yeas: 8		Total Nays: 2			

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

TESTIFY LAST PLEASE



W/S

COUNCIL/COMMITTEE/SUBCOMMITTEE
APPEARANCE RECORD

Bill No. HB-1029 Date 4-4-06

Name MARION HAMMER

Title _____

Address P.O. Box 1387

City TALLAHASSEE State/Zip FL 32302

Phone Number 222-9518

Representing NRA and UNIFIED SPORTSMEN OF FLORIDA

Lobbyist (registered) YES NO

State Employee YES NO

I wish to speak: Proponent

* I have been requested to speak Opponent

Information

Subject matter: FIREARMS - NATIONAL FORESTS

Council/Committee/Subcommittee: Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.
Appearing at request of Chair
Approved by _____ Chair

Copies to:
Original - Council/Committee/Subcommittee
Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 1047 CS : Parental Relocation with a Child

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
	Total Yeas: 10	Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

W/S



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. HB 1047 Date 4-4-06

Name Rob McNeely

Title _____

Address 2898-6 Mahan Dr.

City Tallahassee State/Zip 32308

Phone Number 656-7780

Representing Family Law Section - The Florida Bar

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: Parental Relocation

Council/Committee: Justice

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear



W/S

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. HB 1047 Date April 4, 2006

Name Fred Dudley

Title Attorney

Address 106 E. College Ave., Suite 1200

City Tallahassee State / Zip FL 32301

Phone Number 521-8013

Representing FAMILY LAW SECTION OF THE FLORIDA BAR

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: PARENTAL RELOCATION

Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Committee/Subcommittee
Copy - Person requested to appear



W/S

COMMITTEE APPEARANCE RECORD

Bill No. 1047 Date 4/4/06
 Name Carl W. Willis
 Address P.O. Box 8150
 City Lakeland State/Zip FL 33802
 Phone Number 863 687 8811
 Representing Florida Baptist Children's Home

Lobbyist (registered) Yes No
 State Employee Yes No

I wish to speak: Proponent
 *I have been requested to speak: Opponent
 Information

Subject matter: Relocation of child

 Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies:
 Original - Committee
 Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 1141 : Conveyances of Land

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner	X				
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 1141**

COUNCIL/COMMITTEE ACTION

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

1
ⓐ w/o obj.

1 Council/Committee hearing bill: Justice Council

2 Representative(s) Stargel offered the following:

3

4 **Amendment (with directory and title amendments)**

5 Remove line 54 and insert:

6 that incorporates the provisions of this section into the

7

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. HB 1141

COUNCIL/COMMITTEE ACTION

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

2
 (A) w/o obj.

1 Council/Committee hearing bill: Justice Council
 2 Representative(s) Stargel offered the following:

Amendment (with title amendment)

Insert between line(s) 118-119:

Section 2. Section 694.17, Florida Statutes, is created to read:

694.17 Validation of conveyances to custodian or trustee of an individual retirement account or qualified plan.--All conveyances, deeds, mortgages, lease assignments or other recorded instruments transferring an interest in real property in this state to a custodian or trustee, that were recorded before the effective date of s. 689.072 but would be within the scope of s. 689.072 if recorded after that date, are hereby ratified, confirmed and validated in all respects and shall be deemed to have vested such interest in the custodian or trustee without reversion or impairment, as if such instruments had been recorded after that date, and s. 689.09 shall not apply to any such instruments regardless of when recorded.

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

Remove line(s) 17 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

2

23 providing for liberal construction; creating s. 694.17, F.S.;

24 providing that conveyances to a custodian or trustee prior to

25 the effective date of this act are valid notwithstanding the

26 statute of uses; providing an effective



W/S

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 1141 Date 4-4-06

Name Mattha Edenfeld

Title _____

Address PO BOX 10095

City Tallahassee State / Zip FL 32302

Phone Number 850-222-3533

Representing The Real Property Probate & Trust Law Section of the Florida Bar

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: Support The Bill

Council/Committee: Justice Council

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 1341 : Fiduciary Lawyer-Client Privilege

Not Considered

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 1527 CS : Parental Notification of Termination of a Minor's Pregnancy

Not Considered

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 7091 : Real Property Electronic Recording

Not Considered

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 7151 : Adoption

Not Considered

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HJR 7165 : Obsolete, Erroneous, and Inconsistent Provisions; Preservation of Certain Constitutional Provisions as Statutes

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp		X			
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner		X			
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg		X			
Bruce Kyle (Chair)	X				
Total Yeas: 7		Total Nays: 3			

Appearances:

Overview of Judicial Qualifications Commission Review of Judicial Misconduct and Ethical Violations
John Knight (Lobbyist) - Opponent
FMA
Tallahassee FL

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1
A w/o obj.

1 Council/Committee hearing bill: JUSTICE
2 Representative Simmons offered the following:

3
4 **Amendment (with ballot statement and title amendments)**

5 Remove lines 2994-3035 and insert:

6
7 SECTION 7. State University System.

8 (a) PURPOSES. In order to achieve excellence through
9 teaching students, advancing research and providing public
10 service for the benefit of Florida's citizens, their communities
11 and economies, the people hereby establish a system of
12 governance for the state university system of Florida.

13 (b) STATE UNIVERSITY SYSTEM. There shall be a single
14 state university system comprised of all public universities. A
15 board of trustees shall administer each public university and a
16 board of governors shall govern the state university system.

17 (c) LOCAL BOARDS OF TRUSTEES. Each local constituent
18 university shall be administered by a board of trustees
19 consisting of thirteen members dedicated to the purposes of the
20 state university system. The board of governors shall establish
21 the powers and duties of the boards of trustees. Each board of
22 trustees shall consist of six citizen members appointed by the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 governor and five citizen members appointed by the board of
24 governors. The appointed members shall be confirmed by the
25 senate and serve staggered terms of five years as provided by
26 law. The chair of the faculty senate, or the equivalent, and the
27 president of the student body of the university shall also be
28 members.

29 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors
30 shall be a body corporate consisting of seventeen members. The
31 board shall operate, regulate, control, and be fully responsible
32 for the management of the whole university system. These
33 responsibilities shall include, but not be limited to, defining
34 the distinctive mission of each constituent university and its
35 articulation with free public schools and community colleges,
36 ensuring the well-planned coordination and operation of the
37 system, and avoiding wasteful duplication of facilities or
38 programs. The board's management shall be subject to the powers
39 of the legislature to appropriate for the expenditure of funds,
40 and the board shall account for such expenditures as provided by
41 law. The governor shall appoint to the board fourteen citizens
42 dedicated to the purposes of the state university system. The
43 appointed members shall be confirmed by the senate and serve
44 staggered terms of seven years as provided by law. The
45 commissioner of education, the chair of the advisory council of
46 faculty senates, or the equivalent, and the president of the
47 Florida student association, or the equivalent, shall also be
48 members of the board.

49
50 ===== B A L L O T S T A T E M E N T A M E N D M E N T =====

51 Remove lines 4522-4524

52
53

Amendment No. 1

54
55
56
57
58
59

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

Remove lines 13-16 and insert:

provide for its codification as a statute; to repeal

Amendment No. 2

Bill No. HJR 7165

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

2
Ⓐ w/o obj.

1 Council/Committee hearing bill: JUSTICE
 2 Representative Simmons offered the following:
 3

Amendment

Remove lines 4377-4381 and insert:

- 7 3. Article X, section 21.
- 8 4. Article X, section 24.
- 9 5. Article X, section 25.
- 10 6. Article X, section 26.

11
12

Spoke



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. HJR 7165 Date _____

Name John Knight

Title General Counsel

Address _____

City _____ State /Zip _____

Phone Number _____

Representing FMA

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: _____

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.
Appearing at request of Chair
Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 7177 : Time Limitations for Criminal Prosecutions

Not Considered

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

COUNCIL MEETING REPORT

Justice Council

4/4/2006 9:00:00AM

Location: 404 HOB

HB 7205 : Death Penalty

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Faye Culp	X				
Carl Domino	X				
Greg Evers			X		
Arthenia Joyner		X			
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 9		Total Nays: 1			

Appearances:

Death Penalty

Nancy A. Daniels (State Employee) - Opponent

FL Public Defender Assoc.

Leon County Courthouse, 301 S. Monroe

Tallahassee FL 32301

Phone: 850-606-1010

Committee meeting was reported out: Tuesday, April 04, 2006 12:01:56PM

Spoke



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 7205 Date 4/4/2006

Name HONORABLE NANCY DANIELS

Title PUBLIC DEFENDER, 2ND JUDICIAL CIR.

Address Leon County Courthouse, 301 S Monroe

City TALLAHASSEE State / Zip FL 32307

Phone Number 850-606-1010

Representing FL. PUBLIC DEFENDER ASSOC, INC.

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent

*I have been requested to speak: Opponent

Information

Subject matter: RULE REPEAL

Council/Committee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee
Copy - Person requested to appear