



**CRIMINAL JUSTICE
COMMITTEE MEETING**

**Wednesday, March 22, 2006
10:15 a.m. - 12:00 noon
404 House Office Building**

**ACTION
PACKET**

Allan G. Bense
Speaker

Dick Kravitz
Chair

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dick Kravitz (Chair)	X		
Sandra Adams	X		
Bruce Antone	X		
Adam Hasner	X		
Wilbert Holloway	X		
Marcelo Llorente	X		
Ari Porth	X		
Everett Rice	X		
Totals:	8	0	0

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 367 : Accessories to a Crime

	Yea	Nay	No Vote	Absentee	
				Yea	Nay
<input checked="" type="checkbox"/> Favorable					
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente	X				
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 583 : Correctional and Law Enforcement Officer Discipline

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Lorente	X				
Ari Porth	X				
Everett Rice		X			
Dick Kravitz (Chair)	X				
Total Yeas: 7		Total Nays: 1			

Appearances:

HB 583--Correctional and Law Enforcement Officer Discipline

David Murrell (Lobbyist) - Opponent

Florida Police Benevolent Association

300 E. Brevard Street

Tallahassee Florida 32301

Phone: 850-222-3329

HB 583--Correctional and Law Enforcement Officer Discipline

Paul Siresi - Opponent

Florida Police Chiefs

Tampa Airport

Tampa Florida

HB 583--Correctional and Law Enforcement Officer Discipline

Kevin Beary - Opponent

Florida Sheriff's

2500 W Colonial Drive

Orlando Florida

Phone: 407-254-7000

HB 583--Correctional and Law Enforcement Officer Discipline

Ernie George - Proponent

Law Enforcement

300 E. Brevard Street

Tallahassee Florida

Phone: 800-733-3722

HB 583--Correctional and Law Enforcement Officer Discipline

Nelson Cuba - Proponent

Jacksonville F.O.P. / Law Enforcement

5530 Beach Blvd

Jacksonville Florida 32207

Phone: 904-398-7010

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0583

COUNCIL/COMMITTEE ACTION

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

ADOPTED

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

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 112.533, Florida
7 Statutes, is amended to read:

8 112.533 Receipt and processing of complaints.--

9 (1) Every law enforcement agency and correctional agency
10 shall establish and put into operation a system for the receipt,
11 investigation, and determination of complaints received by such
12 agency from any person, which shall be the procedure for
13 investigating a complaint against a law enforcement and
14 correctional officer and for determining whether to proceed with
15 disciplinary action or to file disciplinary charges,
16 notwithstanding any other law or ordinance to the contrary.

17 When law enforcement or correctional agency personnel assigned
18 the responsibility of investigating the complaint prepare an
19 investigative report or summary, regardless of form, the person
20 preparing the report shall, at the time the report is completed:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 (a) Verify pursuant to s. 92.525 that the contents of the
22 report are true and accurate based upon the person's information
23 and belief.

24 (b) Include the following statement, sworn and subscribed
25 to pursuant to s. 92.525,:

26 "I, the undersigned, do hereby swear, under penalty of
27 perjury, that, to the best of my personal knowledge, information
28 and belief, I have not knowingly or willfully deprived, or
29 allowed another to deprive, the subject of the investigation of
30 any of the rights contained in Fla. Stat. s. 112.532 and s.
31 112.533."

32 The verifications listed in by paragraph (a) and (b) shall be
33 completed prior to the determination as to whether to proceed
34 with disciplinary action or to file disciplinary charges. This
35 subsection does not preclude the Criminal Justice Standards and
36 Training Commission from exercising its authority under chapter
37 943.

38 Section 2. This act shall take effect upon becoming a law.

39

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

41 Remove lines 4-7 and insert:

42 certain investigative reports to include a statement relating to
43 compliance with s. 112.532, F.S., and be verified;

000000

COUNCIL/COMMITTEE ACTION

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

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

3
 4 **Amendment to Amendment (1) by Representative Rice (with**
 5 **directory and title amendments)**

6 Between lines 37 and 38 insert:

7 (2) (a) A complaint filed against a law enforcement officer
 8 or correctional officer with a law enforcement agency or
 9 correctional agency and all information obtained pursuant to the
 10 investigation by the agency of such complaint shall be
 11 confidential and exempt from the provisions of s. 119.07(1)
 12 until the investigation ceases to be active, or until the agency
 13 head or the agency head's designee provides written notice to
 14 the officer who is the subject of the complaint, either
 15 personally or by mail, that the agency has either:

- 16 1. Concluded the investigation with a finding not to
 17 proceed with disciplinary action or to file charges; or
 18 2. Concluded the investigation with a finding to proceed
 19 with disciplinary action or to file charges.

20
 21 Notwithstanding the foregoing provisions, the officer who is the
 22 subject of the complaint, along with legal counsel or any other
 23 representative of his or her choice, may review the complaint

Amendment No. 1a

24 and all statements regardless of form made by the complainant
25 and witnesses immediately prior to the beginning of the
26 investigative interview. All statements, regardless of form,
27 provided by a law enforcement officer or correctional officer
28 during the course of a complaint investigation of that officer
29 shall be made under oath pursuant to s. 92.525. Knowingly false
30 statements given by a law enforcement officer or correctional
31 officer under investigation shall subject the law enforcement
32 officer or correctional officer to prosecution for perjury,
33 dismissal from employment, and revocation of certification by
34 the Criminal Justice Standards and Training Commission. If a
35 witness to a complaint is incarcerated in a correctional
36 facility and may be under the supervision of, or have contact
37 with, the officer under investigation, only the names and
38 written statements of the complainant and nonincarcerated
39 witnesses may be reviewed by the officer under investigation
40 immediately prior to the beginning of the investigative
41 interview.

42
43 ===== D I R E C T O R Y A M E N D M E N T =====

44 Remove lines 6-7 and insert:

45 Section 1. Subsection (1) and paragraph (a) of subsection (2)
46 of section 112.533, Florida Statutes, are amended to read:

47
48 ===== T I T L E A M E N D M E N T =====

49 Remove lines 4-7 and insert:

50 certain investigative reports to include a statement relating to
51 compliance with s. 112.532, F.S., and be verified; requiring
52 certain officers to make statements under oath; providing
53 sanctions;

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 613 : Police Pursuits of Fleeing Vehicles

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente	X				
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

HB 613--Police Pursuits of Fleeing Vehicles by Antone

Kevin Beary - Opponent

Florida Sheriff's Association

2500 W Colonial Drive

Orlando Florida

Phone: 407-254-7000

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

ADOPTED



Council/Committee/Subcommittee on
Criminal Justice

Date 3-22-06

Action

A/WO

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. 1

Bill No. 613

(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on Criminal Justice

by forth

offered the following amendment:

Amendment

on page 1-3, line(s) remove everything after the enacting clause and insert :

Section 2. (1) By July 1, 2007, each local law enforcement agency shall adopt a written police pursuit policy governing the conduct of law enforcement officers who are pursuing a vehicle that is fleeing from a law enforcement officer.

The local law enforcement agency is encouraged to consider comments from the public when adopting the policy.

Each local law enforcement agency shall certify every four years according to the Criminal Justice Standards & Training Commission that it has adopted a written policy.

H-62 (Revised, 2005)

Copy to Council/Committee Administrative Assistant

Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 0613

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 Council/Committee hearing bill: Criminal Justice Committee
 2 Representative(s) Antone offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. (1) By July 1, 2007, each local law
 7 enforcement agency shall adopt a police pursuit policy governing
 8 the conduct of law enforcement officers who are pursuing a
 9 vehicle that is fleeing from a law enforcement officer. The
 10 local law enforcement agency is encouraged to consider comments
 11 from the public when adopting the policy. The police pursuit
 12 policy shall, at a minimum, contain the following components:

13 (a) A statement describing that the philosophy of the
 14 model policy is that the safety of persons affected by a vehicle
 15 pursuit is of primary importance. It must also balance the risks
 16 of a vehicle pursuit to the public and law enforcement officers
 17 with the consequences of the failure to pursue such vehicle.

18 (b) The factors to consider before initiating or
 19 terminating a vehicle pursuit and the standards for determining
 20 whether to initiate or terminate a vehicle pursuit.

21 (c) The procedures, tactics, and technologies used during
 22 vehicle pursuits.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

23 (d) The responsibilities of the pursuing officers, the
24 officers supervising the pursuit, the dispatcher, and air
25 support personnel.

26 (e) The procedures governing interjurisdictional pursuits.

27 (f) The procedures governing the care of any person
28 injured during the pursuit.

29 (g) The contents of pursuit reports.

30 (h) The procedures used to evaluate each pursuit.

31 (2) Each state and local law enforcement agency must:

32 (a) Establish a written policy governing the conduct of
33 the agency's law enforcement officers who pursue a fleeing
34 vehicle. The policy may include the use of any technology which
35 is available for pursuit vehicles.

36 (b) Annually, certify to the Department of Highway Safety
37 and Motor Vehicles that it has adopted a written policy.

38 (3) The Department of Highway Safety and Motor Vehicles
39 shall assist, when assistance is required, each state and local
40 law enforcement agency in developing and implementing pursuit
41 policies.

42 (4) (a) By July 1, 2007, each local law enforcement agency
43 shall prepare learning objectives for instructing law
44 enforcement officers in emergency vehicle operations and in the
45 conduct of vehicle pursuits.

46 (b) A person who has not received the training required by
47 this section may not take any examination for licensure as a law
48 enforcement officer on or after July 1, 2007.

49 (5) Each state and local law enforcement agency shall
50 provide in-service training in emergency vehicle operations and
51 in the conduct of vehicle pursuits to all law enforcement
52 officers, who are employed by the agency and may be involved in
53 a vehicle pursuit, based on the officer's responsibilities. The

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

54 training shall comply with learning objectives approved by the
55 local law enforcement agency.

56 (6) Each local law enforcement agency shall develop a
57 document management system that properly documents all police
58 pursuits by that agency when the pursuit leads to death or
59 bodily injury of any person or to severe property damage. The
60 documentation shall include the date and time of the pursuit,
61 the name of the city and county, the number of officers
62 involved, the reason for the pursuit, and the charges against
63 the person being pursued. Each local law enforcement agency
64 shall develop a form for documenting pursuits which must be
65 completed in its entirety.

66 Section 2. This act shall take effect July 1, 2006.

67
68
69 ===== T I T L E A M E N D M E N T =====

70 Remove the entire title and insert:

71 A bill to be entitled

72 An act relating to law enforcement agencies; requiring
73 local law enforcement agencies to adopt a police pursuit
74 policy governing the pursuit of fleeing vehicles by law
75 enforcement officers; providing for content of the policy;
76 requiring state and local law enforcement agencies to
77 establish a written policy governing the conduct of the
78 agency's law enforcement officers who pursue a fleeing
79 vehicle and to certify the policy to the Department of
80 Highway Safety and Motor Vehicles; directing the
81 department to assist in developing and implementing
82 pursuit policies; requiring each local law enforcement
83 agency to prepare learning objectives for instructing
84 officers in emergency vehicle operations and vehicle

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

85 pursuits; requiring persons to complete specified training
86 prior to examination for licensure as a law enforcement
87 officer; requiring state and local law enforcement
88 agencies to provide certain in-service training in
89 emergency vehicle operations and vehicle pursuits;
90 requiring each local law enforcement agency to develop a
91 document management system to document pursuits under
92 certain circumstances; providing for information to be
93 documented in the system; requiring local law enforcement
94 agencies to develop a form for documenting pursuits;
95 requiring the form to be complete in its entirety;
96 providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 613

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Criminal Justice

2 Representative Antone offered the following:

3
4 **Substitute Amendment for Amendment (613-Antone-01) by**
5 **Representative Antone (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. (1) By July 1, 2007, each local law
8 enforcement agency shall adopt a written police pursuit policy
9 governing the conduct of law enforcement officers who are
10 pursuing a vehicle that is fleeing from a law enforcement
11 officer. The local law enforcement agency is encouraged to
12 consider comments from the public when adopting the policy.
13 Each local law enforcement agency shall certify annually to the
14 Criminal Justice Standards and Training Commission that it has
15 adopted written policy. The police pursuit policy shall, at a
16 minimum, contain the following components:

17 (a) A statement describing that the philosophy of the
18 model policy is that the safety of citizens affected by a
19 vehicle pursuit is of primary importance. It must also balance
20 the risks of a vehicle pursuit to the public and law enforcement
21 officers with the consequences of the failure to pursue such
22 vehicle.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

23 (b) The factors to consider before initiating or
24 terminating a vehicle pursuit and the standards for determining
25 whether to initiate or terminate a vehicle pursuit.

26 (c) The procedures, tactics, and technologies used during
27 vehicle pursuits.

28 (d) The responsibilities of the pursuing officers, the
29 officers supervising the pursuit, the dispatcher, and air
30 support personnel.

31 (e) The procedures governing interjurisdictional pursuits.

32 (f) The procedures governing the care of any person
33 injured during the pursuit.

34 (g) The contents of pursuit reports.

35 (h) The procedures used to evaluate each pursuit.

36 (2) The Department of Highway Safety and Motor Vehicles
37 shall assist, when assistance is required, each local law
38 enforcement agency in developing and implementing pursuit
39 policies.

40 (3) (a) By July 1, 2007, each local law enforcement agency
41 shall prepare learning objectives for instructing law
42 enforcement officers in emergency vehicle operations and in the
43 conduct of vehicle pursuits.

44 (b) A person who has not received the training required by
45 this section may not take any examination for licensure as a law
46 enforcement officer on or after Sept. 1, 2007.

47 (4) Each local law enforcement agency shall provide in-
48 service training in emergency vehicle operations and in the
49 conduct of vehicle pursuits to all law enforcement officers
50 every four years, who are employed by the agency and may be
51 involved in a vehicle pursuit, based on the officer's
52 responsibilities. The training shall comply with learning
53 objectives approved by the local law enforcement agency.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

54 (5) Each local law enforcement agency shall develop a
55 document management system that properly documents all police
56 pursuits by that agency when the pursuit leads to death or
57 bodily injury of any person or to severe property damage. The
58 documentation shall include the date and time of the pursuit,
59 the name of the city and county, the number of officers
60 involved, the reason for the pursuit, and the charges against
61 the person being pursued. Each local law enforcement agency
62 shall develop a form for documenting pursuits which must be
63 completed in its entirety.

64 Section 2. This act shall take effect July 1, 2006.

65
66
67 ===== T I T L E A M E N D M E N T =====

68 Remove the entire title and insert:

69 A bill to be entitled

70 An act relating to law enforcement agencies; requiring
71 local law enforcement agencies to adopt a police pursuit
72 policy governing the pursuit of fleeing vehicles by law
73 enforcement officers; providing for content of the policy;
74 requiring local law enforcement agencies to establish a
75 written policy governing the conduct of the agency's law
76 enforcement officers who pursue a fleeing vehicle and to
77 certify the policy to the Department of Highway Safety and
78 Motor Vehicles; directing the department to assist in
79 developing and implementing pursuit policies; requiring
80 each local law enforcement agency to prepare learning
81 objectives for instructing officers in emergency vehicle
82 operations and vehicle pursuits; requiring persons to
83 complete specified training prior to examination for
84 licensure as a law enforcement officer; requiring local

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

85 law enforcement agencies to provide certain in-service
86 training in emergency vehicle operations and vehicle
87 pursuits; requiring each local law enforcement agency to
88 develop a document management system to document pursuits
89 under certain circumstances; providing for information to
90 be documented in the system; requiring local law
91 enforcement agencies to develop a form for documenting
92 pursuits; requiring the form to be complete in its
93 entirety; providing an effective date.

94
95
96

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1Sa (for drafter's use only)

Bill No. 613

COUNCIL/COMMITTEE ACTION

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

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

3
4 **Amendment to Substitute Amendment (613-Antone-1S) by**
5 **Representative Antone**

6 Remove line(s) 44-46

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 681 : Electronic Recording of Custodial Interrogations

Temporarily Deferred

Appearances:

HB 681--Electronic Recording of Custodial Interrogations by Holloway

Willie Meggs (State Employee) - Opponent

State Attorney's Office
301 S. Monroe Street
Tallahassee Florida 32301
Phone: 850-606-6000

HB 681--Electronic Recording of Custodial Interrogations by Holloway

Robert L. Crowder - Opponent

Florida Sheriff's Association
800 S E Monterey Road
Stuart Florida 34994
Phone: 772-220-7000

HB 681--Electronic Recording of Custodial Interrogations by Holloway

Frank Messersmith (Lobbyist) - Opponent

Florida Sheriff's Association
2901 Lake Bradford
Tallahassee Florida
Phone: 850-576-5858

HB 681--Electronic Recording of Custodial Interrogations by Holloway

Paul Siresi - Opponent

Florida Police Chiefs
Tampa Airport
Tampa Florida

HB 681--Electronic Recording of Custodial Interrogations by Holloway

Buddy Jacobs - Opponent

State Attorney
General Counsel Fla. Pros. Attys. Association- State Attorneys
Fernandina Beach Florida 32034
Phone: 904-261-3693

HB 681--Electronic Recording of Custodial Interrogations by Holloway

Chris Helinger (State Employee) - Proponent

14250 49th St. N
Clearwater Florida 33710

HB 681--Electronic Recording of Custodial Interrogations by Holloway

William R. Wade - Opponent

Florida Association of Criminal Defense Attorneys
6794 Caroline Street
Milton Florida 32570
Phone: 850-623-0003

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 681--Electronic Recording of Custodial Interrogations by Holloway

Robert Wesley (State Employee) - Opponent

Florida Public Defender's Association

435 N Orange Avenue

Orlando Florida 32803

Phone: 407-836-4806

HB 681--Electronic Recording of Custodial Interrogations by Holloway

David Fussell - Opponent

Florida Association of Criminal Defense Attorneys

636 West Yale Street

Orlando Florida 32804

Phone: 407-472-0686

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 ===== D I R E C T O R Y A M E N D M E N T =====

23 Remove line 16 and insert:

24

25 Section 1. Custodial interrogations in cases involving
26 capital felonies; recording.-

27

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

29 On line 3 after the word "interrogations;" insert:
30 in cases involving capital felonies;

31

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 919 : Law Enforcement Investigations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente	X				
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0919

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED		(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

ADOPTED

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

Amendment

5 Remove everything after the enacting clause and insert:
 6 Section 1. Section 837.055, Florida Statutes, is created
 7 to read:

8 837.055 False information to law enforcement during
 9 investigation.--Whoever knowingly and willfully gives false
 10 information to a law enforcement officer who is conducting a
 11 missing person investigation or felony criminal investigation
 12 with the intent to mislead the officer or impede the
 13 investigation commits a misdemeanor of the first degree,
 14 punishable as provided in s. 775.082 or s. 775.083.

15 Section 2. This act shall take effect October 1, 2006.

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COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 1193 : Driving Under the Influence

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente	X				
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **HB 1193**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED		(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

ADOPTED

1 Council/Committee hearing bill: Criminal Justice

2 Representative(s) Kottkamp offered the following:

3

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

5 Remove line(s) 59-60 and insert:

6 caused or contributed to causing damage to the person or
 7 property of another, serious bodily injury to another, or death
 8 to another human being or unborn quick

9

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

11 Remove line(s) 5 and insert:

12 controlled substance and causes damage to property or person,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **HB 1193**

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

ADOPTED

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

Amendment (with directory and title amendments)

Remove line(s) 91 and insert:

death or great bodily harm to a human being.

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

Remove line(s) 15 and insert:

or great bodily harm to another human being; providing an

000000

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 1271 : Division of Alcoholic Beverages and Tobacco

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente	X				
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

HB 1271--Division of Alcoholic Beverages and Tobacco by Cannon

Mitchell Rubin (Lobbyist) - Opponent

Florida Beer Wholesalers Association

215 S. Monroe Street #340

Tallahassee Florida 32301

Phone: 850-224-2337

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1271

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	—	

ADOPTED

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

Amendment

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (9) of section 20.165, Florida
 7 Statutes, is amended to read:

8 20.165 Department of Business and Professional
 9 Regulation.--There is created a Department of Business and
 10 Professional Regulation.

11 (9) (a) All employees authorized by the Division of
 12 Alcoholic Beverages and Tobacco shall have access to, and shall
 13 have the right to inspect, premises licensed by the division, to
 14 collect taxes and remit them to the officers entitled to them,
 15 and to examine the books and records of all licensees. The
 16 authorized employees shall require of each licensee strict
 17 compliance with the laws of this state relating to the
 18 transaction of such business.

19 (b) Each employee serving as a law enforcement officer for
 20 the division must meet the qualifications for employment or
 21 appointment as a law enforcement officer set forth under s.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 943.13 and must be certified as a law enforcement officer by the
23 Department of Law Enforcement under of chapter 943. Upon
24 certification, each law enforcement officer is subject to and
25 has the same authority as provided for law enforcement officers
26 generally in chapter 901 and has statewide jurisdiction. Each
27 officer also has arrest authority as provided for state law
28 enforcement officers in s. 901.15. Each officer possesses the
29 full law enforcement powers granted to other peace officers of
30 this state, including the authority to make arrests, carry
31 firearms, serve court process, and seize contraband and the
32 proceeds of illegal activities. All employees certified under
33 chapter 943 as law enforcement officers shall have the primary
34 responsibility felony arrest powers under s. 901.15(10) and
35 shall have all the powers of deputy sheriffs to:

36 1. Investigate, enforce, and prosecute, throughout the
37 state, violations and violators of:

38 1.a. parts I and II of chapter 210; part VII of chapter
39 559; and chapters 561-569; and the rules adopted promulgated
40 thereunder, as well as other state laws that which the division,
41 all state law enforcement officers, or beverage enforcement
42 agents are specifically authorized to enforce.

43 2.b. All other state laws, provided that the employee
44 exercises the powers of a deputy sheriff, only after
45 consultation or and in coordination with the appropriate local
46 sheriff's office, and only if the violation could result in an
47 administrative proceeding against a license or permit issued by
48 the division.

49 2. Enforce all criminal laws of the state within specified
50 jurisdictions when the division is a party to a written mutual
51 aid agreement with a state agency, sheriff, or municipal police

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 department, or when the division participates in the Florida
53 Mutual Aid Plan during a declared state emergency.

54 Section 2. This act shall take effect July 1, 2006.

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COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 1291 : Weapons

<input checked="" type="checkbox"/>	<i>Favorable With Committee Substitute</i>				
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente	X				
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1291

COUNCIL/COMMITTEE ACTION

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

ADOPTED

1 Council/Committee hearing bill: Criminal Justice Committee

2 Representative Poppell offered the following:

3

4 **Amendment**

5 Remove lines 20-32 and insert:

6 other deadly weapon except a firearm or a common pocketknife,
7 plastic knife, or blunt-bladed table knife.

8 Section 2. Subsection (1) and paragraphs (a) and (b) of
9 subsection (2) of section 790.115, Florida Statutes, are amended
10 to read:

11 790.115 Possessing or discharging weapons or firearms at a
12 school-sponsored event or on school property prohibited;
13 penalties; exceptions.--

14 (1) A person who exhibits any sword, sword cane, firearm,
15 electric weapon or device, destructive device, or other weapon
16 as defined in s. 790.001(13), including a razor blade, box
17 cutter, or ~~knife,~~ common pocketknife,

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COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

HB 1325 : Controlled Substances

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente	X				
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 1325

COUNCIL/COMMITTEE ACTION

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

ADOPTED

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

Amendment (with directory and title amendments)

Remove line(s) 51-63.

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

Remove line(s) 6-7 and insert:
 substance crimes; amending s. 893.13, F.S.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 1325

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 _____

ADOPTED

1 Council/Committee hearing bill: Criminal Justice

2 Representative(s) Culp offered the following:

3

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

5 Remove line(s) 48 and insert:

6 of manufacturing, processing, disposing of, or storing,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 1325

COUNCIL/COMMITTEE ACTION

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

ADOPTED

1 Council/Committee hearing bill: Criminal Justice

2 Representative(s) Culp offered the following:

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

5 Remove line(s) 134-147 and insert:

6 21. Manufacturing any substances in violation of chapter
7 893; and

8 22.21. Attempting or conspiring to commit any such crime.

9 (1) The Legislature finds that a person who manufactures
10 any substance in violation of chapter 893 poses a threat of harm
11 to the community and that the factual circumstances of such a
12 crime indicate a disregard for the safety of the community. If
13 the court finds that there is a substantial probability that a
14 defendant charged with manufacturing any substances in violation
15 of chapter 893 committed such a crime, there are no conditions
16 of release reasonably sufficient to protect the community from
17 the risk of physical harm to persons and therefore the court
18 shall order pretrial detention.

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COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

PCB CRJU 06-07 : Death Penalty/Mental Retardation

Not Considered

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

PCB CRJU 06-08 : Sexual Offenders

	<input checked="" type="checkbox"/> Favorable					
		Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams		X				
Bruce Antone		X				
Adam Hasner				X		
Wilbert Holloway		X				
Marcelo Llorente				X		
Ari Porth		X				
Everett Rice		X				
Dick Kravitz (Chair)		X				
		Total Yeas: 6	Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

PCB CRJU 06-09 : Statute of Limitations in Criminal Cases

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Bruce Antone	X				
Adam Hasner	X				
Wilbert Holloway	X				
Marcelo Llorente			X		
Ari Porth	X				
Everett Rice	X				
Dick Kravitz (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

PCB CRJU 06-09

COUNCIL/COMMITTEE ACTION

ADOPTED

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (15) of section 775.15, Florida
 7 Statutes is amended to read, and subsection (16) of section
 8 775.15, Florida Statutes, is created to read:

9 775.15 Time limitations; general time limitations;
 10 exceptions.--

11 (15)(a) In addition to the time periods prescribed in this
 12 section, a prosecution for any of the following offenses may be
 13 commenced within 1 year after the date on which the identity of
 14 the accused is established, or should have been established by
 15 the exercise of due diligence, through the analysis of
 16 deoxyribonucleic acid (DNA) evidence, if a sufficient portion of
 17 the evidence collected at the time of the original investigation
 18 and tested for DNA is preserved and available for testing by the
 19 accused:

20 1. An offense of sexual battery under chapter 794.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 2. A lewd or lascivious offense under s. 800.04 or s.
22 825.1025.

23 (b) This subsection applies to any offense that is not
24 otherwise barred from prosecution between on or after July 1,
25 2004, and June 30, 2006.

26 (16) (a) In addition to the time periods prescribed in
27 this section, a prosecution for any of the following offenses
28 may be commenced at any time after the date on which the
29 identity of the accused is established, or should have been
30 established by the exercise of due diligence, through the
31 analysis of deoxyribonucleic acid (DNA) evidence, if a
32 sufficient portion of the evidence collected at the time of the
33 original investigation and tested for DNA is preserved and
34 available for testing by the accused:

35 1. An offense of sexual battery under chapter 794.

36 2. a lewd or lascivious offense under s. 800.04 or s.
37 825.1025.

38 3. Aggravated battery or any felony battery offense under
39 chapter 784.

40 4. Kidnapping under s. 787.01 or false imprisonment under
41 s. 787.02.

42 5. A burglary offense under s. 810.02.

43 6. A robbery offense under s. 812.13, s. 812.131, or s.
44 812.135.

45 7. Carjacking under s. 812.133.

46 8. Aggravated child abuse under s. 827.03.

47 (b) This subsection applies to any offense that is not
48 otherwise barred from prosecution on or after July 1, 2006.

49 Section 2. This act shall take effect July 1, 2006.
50

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

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

Remove lines 5-6 and insert:

otherwise barred by law, may be commenced at any time after the
date on which the identity of the accused is

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COMMITTEE MEETING REPORT

Criminal Justice Committee

3/22/2006 10:15:00AM

Location: 404 HOB

Summary:

Criminal Justice Committee

Wednesday March 22, 2006 10:15 am

HB 367	Favorable	Yeas: 8 Nays: 0
HB 583	Favorable With Committee Substitute	Yeas: 7 Nays: 1
HB 613	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 681	Temporarily Deferred	
HB 919	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1193	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1271	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1291	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1325	Favorable With Committee Substitute	Yeas: 8 Nays: 0
PCB CRJU 06-07	Not Considered	
PCB CRJU 06-08	Favorable	Yeas: 6 Nays: 0
PCB CRJU 06-09	Favorable With Amendments (1)	Yeas: 7 Nays: 0

Committee meeting was reported out: Wednesday, March 22, 2006 2:20:52PM