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**CRIMINAL JUSTICE  
COMMITTEE  
MEETING**

**Wednesday, January 11, 2006  
11:15 a.m. – 11:45 a.m.  
(404 HOB)**

**ACTION PACKET**

Allan G. Bense  
Speaker

Dick Kravitz  
Chair

Wilbert "Tee" Holloway  
Vice Chair



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **HB 93**

COUNCIL/COMMITTEE ACTION

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WITHDRAWN	—	(Y/N)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

**ADOPTED**

\_\_\_\_\_

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

**Amendment**

5 On line 64 after the period insert: Paragraph (a) does not  
 6 apply to the owner of the automated external defibrillator or  
 7 the owner's agent.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **HB 93**

COUNCIL/COMMITTEE ACTION

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WITHDRAWN	—	(Y/N)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

**ADOPTED**

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

**Amendment**

Remove line(s) 65 through 84 .

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

Remove line(s) 13 through 16 and insert:  
 defibrillator; requiring the Department of Health to

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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WITHDRAWN  (Y/N)  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 Kravitz offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (15) of section 790.001, Florida Statutes, is amended to read:

790.001 Definitions.--As used in this chapter, except where the context otherwise requires:

(15) "Dart-firing Remote ~~stun gun~~" means any nonlethal device having one or more with a tethered darts that are capable of delivering an electrical current range not to exceed 16 feet and which shall utilize an identification and tracking system which, upon use, disperses coded material traceable to the purchaser through records kept by the manufacturer on all remote stun guns and all individual cartridges sold which information shall be made available to any law enforcement agency upon request.

Section 2. Subsections (4) and (5) of section 790.01, Florida Statutes, are amended to read:

790.01 Carrying concealed weapons.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 (4) It is not a violation of this section for a person to  
24 carry for purposes of lawful self-defense, in a concealed  
25 manner:

26 (a) A self-defense chemical spray.

27 (b) A nonlethal stun gun or dart-firing ~~remote~~ stun gun or  
28 other nonlethal electric weapon or device that ~~which does not~~  
29 ~~fire a dart or projectile~~ and is designed solely for defensive  
30 purposes.

31 (5) This section does not preclude any prosecution for the  
32 use of an electric weapon or device, a dart-firing ~~or remote~~  
33 ~~stun gun~~, or a self-defense chemical spray during the commission  
34 of any criminal offense under s. 790.07, s. 790.10, s. 790.23,  
35 or s. 790.235, or for any other criminal offense.

36 Section 3. Section 790.053, Florida Statutes, is amended  
37 to read:

38 790.053 Open carrying of weapons.--

39 (1) Except as otherwise provided by law and in subsection  
40 (2), it is unlawful for any person to openly carry on or about  
41 his or her person any firearm or electric weapon or device.

42 (2) A person may openly carry, for purposes of lawful  
43 self-defense:

44 (a) A self-defense chemical spray.

45 (b) A nonlethal stun gun or dart-firing ~~remote~~ stun gun or  
46 other nonlethal electric weapon or device that ~~which does not~~  
47 ~~fire a dart or projectile~~ and is designed solely for defensive  
48 purposes.

49 (3) Any person violating this section commits a  
50 misdemeanor of the second degree, punishable as provided in s.  
51 775.082 or s. 775.083.

52 Section 4. Section 790.054, Florida Statutes, is amended  
53 to read:



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54 790.054 Prohibited use of self-defense weapon or device  
55 against law enforcement officer; penalties.--A person who  
56 knowingly and willfully uses a self-defense chemical spray, ~~or~~ a  
57 nonlethal stun gun or other nonlethal electric weapon or device,  
58 or a dart-firing remote stun gun against a law enforcement  
59 officer engaged in the performance of his or her duties commits  
60 a felony of the third degree, punishable as provided in s.  
61 775.082, s. 775.083, or s. 775.084.

62 Section 5. Section 943.1717, Florida Statutes, is created  
63 to read:

64 943.1717 Use of dart-firing stun guns.--

65 (1) A decision by a law enforcement officer, correctional  
66 officer, or correctional probation officer to use a dart-firing  
67 stun gun must involve an arrest or a custodial situation during  
68 which the person who is the subject of the arrest or custody  
69 escalates resistance to the officer from passive physical  
70 resistance to active physical resistance and the person:

71 (a) Has the apparent ability to physically threaten the  
72 officer or others; or

73 (b) Is preparing or attempting to flee or escape.

74 (2) The Criminal Justice Standards and Training Commission  
75 shall establish standards for instructing law enforcement,  
76 correctional, and correctional probation officers in the use of  
77 dart-firing stun guns. The instructional standards must include  
78 the effect that a dart-firing stun gun may have on a person.

79 (3) Each basic-skills course required for certification as  
80 a law enforcement, correctional, or correctional probation  
81 officer must include instruction on the use of dart-firing stun  
82 guns. The portion of the basic-skills course on the use of stun  
83 guns must be a minimum of 4 hours' duration.

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84       (4) After completing the basic-skills course, each law  
85 enforcement, correctional, and correctional probation officer  
86 who is authorized by his or her agency to use a dart-firing stun  
87 gun must complete an annual training course on the use of dart-  
88 firing stun guns. The annual training course on the use of dart-  
89 firing stun guns must be a minimum of 1 hour duration.

90       Section 6. This act shall take effect upon becoming a law.

91  
92       ===== T I T L E   A M E N D M E N T =====

93       Remove the entire title and insert:

94  
95                       A bill to be entitled

96       An act relating to dart-firing stun guns; amending s.  
97       790.001, F.S.; defining the term "dart-firing stun gun"  
98       for purposes of ch. 790, F.S., relating to weapons and  
99       firearms; deleting the definition of the term "remote stun  
100       gun"; amending ss. 790.01 and 790.053, F.S., relating to  
101       the carrying of concealed weapons and the open carrying of  
102       weapons; conforming provisions to the change in the  
103       definition made by the act to authorize the carrying of a  
104       dart-firing stun gun for purposes of lawful self-defense;  
105       amending s. 790.054, F.S.; providing that it is a third-  
106       degree felony to use a dart-firing stun gun against an on-  
107       duty law enforcement officer; creating s. 943.1717, F.S.;  
108       providing circumstances during which law enforcement,  
109       correctional, and correctional probation officers may  
110       employ a dart-firing stun gun; requiring the Criminal  
111       Justice Standards and Training Commission to establish  
112       standards for instruction in the use of dart-firing stun  
113       guns; requiring that a minimum number of hours in such  
114       training be included in the basic-skills course required

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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115 | for certification; requiring annual training for certain  
116 | officers; providing an effective date.  
117 |  
118 |



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 327

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**

~~ADOPTED~~

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

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

Between lines 98 and 99 insert:

(6) REGISTRATION.--

(e) If the sexual predator is not in the custody or  
 control of, or under the supervision of, the Department of  
 Corrections, or is not in the custody of a private correctional  
 facility, and establishes or maintains a residence in the state,  
 the sexual predator shall register in person at ~~an office of the~~  
~~department, or at the sheriff's office~~ in the county in which  
 the predator establishes or maintains a residence, within 48  
 hours after establishing permanent or temporary residence in  
 this state. Any change in the sexual predator's permanent or  
 temporary residence or name, after the sexual predator registers  
 in person at ~~an office of the department or at the sheriff's~~  
 office, shall be accomplished in the manner provided in  
 paragraphs (g), (i), and (j). When ~~If~~ a sexual predator  
 registers with the sheriff's office, the sheriff shall take a  
 photograph and a set of fingerprints of the predator and forward

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 the photographs and fingerprints to the department, along with  
23 the information that the predator is required to provide  
24 pursuant to this section.

25 (g)1. Each time a sexual predator's driver's license or  
26 identification card is subject to renewal, and, without regard  
27 to the status of the predator's driver's license or  
28 identification card, within 48 hours after any change of the  
29 predator's residence or change in the predator's name by reason  
30 of marriage or other legal process, the predator shall report in  
31 person to a driver's license office and shall be subject to the  
32 requirements specified in paragraph (f). The Department of  
33 Highway Safety and Motor Vehicles shall forward to the  
34 department and to the Department of Corrections all photographs  
35 and information provided by sexual predators. Notwithstanding  
36 the restrictions set forth in s. 322.142, the Department of  
37 Highway Safety and Motor Vehicles is authorized to release a  
38 reproduction of a color-photograph or digital-image license to  
39 the Department of Law Enforcement for purposes of public  
40 notification of sexual predators as provided in this section.

41 2. A sexual predator who vacates a permanent residence and  
42 fails to establish or maintain another permanent or temporary  
43 residence shall, within 48 hours after vacating the permanent  
44 residence, report in person to ~~the department~~ or the sheriff's  
45 office of the county in which he or she is located. The sexual  
46 predator shall specify the date upon which he or she intends to  
47 or did vacate such residence. The sexual predator must provide  
48 or update all of the registration information required under  
49 paragraph (a). The sexual predator must provide an address for  
50 the residence or other location that he or she is or will be

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

51 occupying during the time in which he or she fails to establish  
52 or maintain a permanent or temporary residence.

53 3. A sexual predator who remains at a permanent residence  
54 after reporting his or her intent to vacate such residence  
55 shall, within 48 hours after the date upon which the predator  
56 indicated he or she would or did vacate such residence, report  
57 in person to the agency to which he or she reported pursuant to  
58 subparagraph 2. for the purpose of reporting his or her address  
59 at such residence. If the sheriff receives the report, the  
60 sheriff shall promptly convey the information to the department.  
61 An offender who makes a report as required under subparagraph 2.  
62 but fails to make a report as required under this subparagraph  
63 commits a felony of the second degree, punishable as provided in  
64 s. 775.082, s. 775.083, or s. 775.084.

65 (h) ~~If the sexual predator registers at an office of the~~  
66 ~~department,~~ the department must notify the sheriff and the state  
67 attorney of the county and, if applicable, the police chief of  
68 the municipality, where the sexual predator maintains a  
69 residence ~~within 48 hours after the sexual predator registers~~  
70 ~~with the department.~~

71 (i) A sexual predator who intends to establish residence  
72 in another state or jurisdiction other than the State of Florida  
73 shall report in person to the sheriff of the county of current  
74 residence ~~or the department~~ within 48 hours before the date he  
75 or she intends to leave this state to establish residence in  
76 another state or jurisdiction. The sexual predator must provide  
77 to the sheriff ~~or department~~ the address, municipality, county,  
78 and state of intended residence. The sheriff shall promptly  
79 provide to the department the information received from the  
80 sexual predator. The department shall notify the statewide law

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

81 enforcement agency, or a comparable agency, in the intended  
82 state or jurisdiction of residence of the sexual predator's  
83 intended residence. The failure of a sexual predator to provide  
84 his or her intended place of residence is punishable as provided  
85 in subsection (10).

86 (j) A sexual predator who indicates his or her intent to  
87 reside in another state or jurisdiction other than the State of  
88 Florida and later decides to remain in this state shall, within  
89 48 hours after the date upon which the sexual predator indicated  
90 he or she would leave this state, report in person to the  
91 sheriff ~~or the department, whichever agency is the agency to~~  
92 which the sexual predator reported the intended change of  
93 residence, and report ~~of~~ his or her intent to remain in this  
94 state. If the sheriff is notified by the sexual predator that he  
95 or she intends to remain in this state, the sheriff shall  
96 promptly report this information to the department. A sexual  
97 predator who reports his or her intent to reside in another  
98 state or jurisdiction, but who remains in this state without  
99 reporting to the sheriff ~~or the department~~ in the manner  
100 required by this paragraph, commits a felony of the second  
101 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
102 775.084.

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

105 Remove line(s) 24 and insert:

106 and (b) of subsection (4), paragraph (d) of subsection (5),  
107 paragraphs (e), (g), (h), (i) and (j) of subsection (6), and

108

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

110 Remove line(s) 6 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

111 predator determination; removing language allowing sexual  
112 predator to register at department; amending s. 775.261, F.S.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 327

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) Porth offered the following:

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

Remove line(s) 193-209 and insert:

(2) A sexual offender shall:

(a) Report in person at ~~an office of the department, or at~~  
 the sheriff's office in the county in which the offender  
 establishes or maintains a permanent or temporary residence,  
 within 48 hours after establishing permanent or temporary  
 residence in this state or within 48 hours after being released  
 from the custody, control, or supervision of the Department of  
 Corrections or from the custody of a private correctional  
 facility. Any change in the sexual offender's permanent or  
 temporary residence or name, after the sexual offender reports  
 in person at ~~an office of the department or at the sheriff's~~  
 office, shall be accomplished in the manner provided in  
 subsections (4), (7), and (8).

(b) Provide his or her name, date of birth, social  
 security number, race, sex, height, weight, hair and eye color,  
 tattoos or other identifying marks, occupation and place of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 employment, address of permanent or legal residence or address  
23 of any current temporary residence, within the state and out of  
24 state, including a rural route address and a post office box,  
25 date and place of each conviction, and a brief description of  
26 the crime or crimes committed by the offender. A post office box  
27 shall not be provided in lieu of a physical residential address.

28 1. If the sexual offender's place of residence is a motor  
29 vehicle, trailer, mobile home, or manufactured home, as defined  
30 in chapter 320, the sexual offender shall also provide to the  
31 department written notice of the vehicle identification number;  
32 the license tag number; the registration number; and a  
33 description, including color scheme, of the motor vehicle,  
34 trailer, mobile home, or manufactured home. If the sexual  
35 offender's place of residence is a vessel, live-aboard vessel,  
36 or houseboat, as defined in chapter 327, the sexual offender  
37 shall also provide to the department written notice of the hull  
38 identification number; the manufacturer's serial number; the  
39 name of the vessel, live-aboard vessel, or houseboat; the  
40 registration number; and a description, including color scheme,  
41 of the vessel, live-aboard vessel, or houseboat.

42 2. If the sexual offender is enrolled, employed, or  
43 carrying on a vocation at an institution of higher education in  
44 this state, the sexual offender shall also provide to the  
45 department the name, address, and county of each institution,  
46 including each campus attended, and the sexual offender's  
47 enrollment or employment status. Each change in enrollment or  
48 employment status shall be reported in person at ~~an office of~~  
49 ~~the department, or at~~ the sheriff's office, within 48 hours  
50 after any change in status. The sheriff shall promptly notify

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

51 each institution of the sexual offender's presence and any  
52 change in the sexual offender's enrollment or employment status.

53  
54 When ~~If~~ a sexual offender reports at the sheriff's office, the  
55 sheriff shall take a photograph and a set of fingerprints of the  
56 offender and forward the photographs and fingerprints to the  
57 department, along with the information provided by the sexual  
58 offender. The sheriff shall promptly provide to the department  
59 the information received from the sexual offender.

60 (4) (a) Each time a sexual offender's driver's license or  
61 identification card is subject to renewal, and, without regard  
62 to the status of the offender's ~~predator's~~ driver's license or  
63 identification card, within 48 hours after any change in the  
64 offender's permanent or temporary residence or change in the  
65 offender's name by reason of marriage or other legal process,  
66 the offender shall report in person to a driver's license  
67 office, and shall be subject to the requirements specified in  
68 subsection (3). The Department of Highway Safety and Motor  
69 Vehicles shall forward to the department all photographs and  
70 information provided by sexual offenders. Notwithstanding the  
71 restrictions set forth in s. 322.142, the Department of Highway  
72 Safety and Motor Vehicles is authorized to release a  
73 reproduction of a color-photograph or digital-image license to  
74 the Department of Law Enforcement for purposes of public  
75 notification of sexual offenders as provided in ss. 943.043,  
76 943.0435, and 944.606.

77 (b) A sexual offender who vacates a permanent residence  
78 and fails to establish or maintain another permanent or  
79 temporary residence shall, within 48 hours after vacating the  
80 permanent residence, report in person to the ~~department or the~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

81 | sheriff's office of the county in which he or she is located.  
82 | The sexual offender shall specify the date upon which he or she  
83 | intends to or did vacate such residence. The sexual offender  
84 | must provide or update all of the registration information  
85 | required under paragraph (2)(b). The sexual offender must  
86 | provide an address for the residence or other location that he  
87 | or she is or will be occupying during the time in which he or  
88 | she fails to establish or maintain a permanent or temporary  
89 | residence.

90 |       (c) A sexual offender who remains at a permanent residence  
91 | after reporting his or her intent to vacate such residence  
92 | shall, within 48 hours after the date upon which the offender  
93 | indicated he or she would or did vacate such residence, report  
94 | in person to the agency to which he or she reported pursuant to  
95 | paragraph (b) for the purpose of reporting his or her address at  
96 | such residence. When ~~if~~ the sheriff receives the report, the  
97 | sheriff shall promptly convey the information to the department.  
98 | An offender who makes a report as required under paragraph (b)  
99 | but fails to make a report as required under this paragraph  
100 | commits a felony of the second degree, punishable as provided in  
101 | s. 775.082, s. 775.083, or s. 775.084.

102 |       (7) A sexual offender who intends to establish residence  
103 | in another state or jurisdiction other than the State of Florida  
104 | shall report in person to the sheriff of the county of current  
105 | residence ~~or the department~~ within 48 hours before the date he  
106 | or she intends to leave this state to establish residence in  
107 | another state or jurisdiction. The notification must include the  
108 | address, municipality, county, and state of intended residence.  
109 | The sheriff shall promptly provide to the department the  
110 | information received from the sexual offender. The department

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

111 shall notify the statewide law enforcement agency, or a  
112 comparable agency, in the intended state or jurisdiction of  
113 residence of the sexual offender's intended residence. The  
114 failure of a sexual offender to provide his or her intended  
115 place of residence is punishable as provided in subsection (9).

116 (8) A sexual offender who indicates his or her intent to  
117 reside in another state or jurisdiction other than the State of  
118 Florida and later decides to remain in this state shall, within  
119 48 hours after the date upon which the sexual offender indicated  
120 he or she would leave this state, report in person to the  
121 ~~sheriff or department, whichever agency is the agency to which~~  
122 ~~the sexual offender reported the intended change of residence,~~  
123 ~~and report of his or her intent to remain in this state. If the~~  
124 ~~sheriff is notified by the sexual offender that he or she~~  
125 ~~intends to remain in this state,~~ The sheriff shall promptly  
126 report this information to the department. A sexual offender who  
127 reports his or her intent to reside in another state or  
128 jurisdiction but who remains in this state without reporting to  
129 the sheriff ~~or the department~~ in the manner required by this  
130 subsection commits a felony of the second degree, punishable as  
131 provided in s. 775.082, s. 775.083, or s. 775.084.

132

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

134 Remove line(s) 137 and insert:  
135 Subsection (2), subsection (4), subsection (7), subsection (8)  
136 and paragraph (c) of subsection

137

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

139 Remove line(s) 9 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

140 requirements; amending s. 943.0435, F.S.; removing language  
141 permitting sexual offender to register at department office;  
142 revising

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