



CRIMINAL JUSTICE COMMITTEE MEETING

**Wednesday, February 8, 2006
10:45 a.m. - 11:45 a.m.
404 House Office Building**

ACTION PACKET

Allan G. Bense
Speaker

Dick Kravitz
Chair

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

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:	7	0	1

Committee meeting was reported out: Wednesday, February 08, 2006 12:24:26PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

Location: 404 HOB

HB 45 CS : False or Misleading Electronic Mail

Favorable

	<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: 7		Total Nays: 0			

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COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

Location: 404 HOB

HB 61 CS : Postsentencing Testing of DNA Evidence

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: 7		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2006 12:24:26PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

Location: 404 HOB

HB 283 : Correctional Probation Officers

<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			

Appearances:

HB 283--Correctional Probation Officers

Gil Fortner (Lobbyist) (State Employee) - Proponent

FL PBA

300 E. Brevard Street

Tallahassee Florida 32301

Phone: 850-830-2722

Committee meeting was reported out: Wednesday, February 08, 2006 12:24:26PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

Location: 404 HOB

HB 325 : Commission on Capital Cases

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: 6	Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2006 12:24:26PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 325

COUNCIL/COMMITTEE ACTION

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WITHDRAWN	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

ADOPTED

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 27.7001, Florida Statutes, is amended to read:

27.7001 Legislative intent and findings.--It is the intent of the Legislature to create part IV of this chapter, consisting of ss. 27.7001-27.711, inclusive, to provide for the collateral representation of any person convicted and sentenced to death in this state, so that collateral legal proceedings to challenge any Florida capital conviction and sentence may be commenced in a timely manner and so as to assure the people of this state that the judgments of its courts may be regarded with the finality to which they are entitled in the interests of justice. It is the further intent of the Legislature that collateral representation shall not include representation during retrials, resentencings, proceedings commenced under chapter 940, or civil litigation. The Legislature further finds that not all capital collateral cases are extraordinary or unusual.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

23 Section 2. Paragraph (d) is added to subsection (2) of
24 section 27.709, Florida Statutes, to read:

25 27.709 Commission on Capital Cases.--

26 (2)

27 (d) The commission may sponsor programs of continuing
28 legal education which are devoted specifically to capital cases
29 and shall undertake any project recommended or approved by the
30 commission members.

31 Section 3. Section 27.710, Florida Statutes, is amended to
32 read:

33 27.710 Registry of attorneys applying to represent
34 persons in postconviction capital collateral proceedings;
35 certification of minimum requirements; appointment by trial
36 court.--

37 (1) The executive director of the Commission on Capital
38 Cases shall compile and maintain a statewide registry of
39 attorneys in private practice who have certified that they meet
40 the ~~minimum~~ requirements of this section and s. 27.704(2), who
41 are available for appointment by the court under this section to
42 represent persons convicted and sentenced to death in this state
43 in postconviction collateral proceedings, ~~and who have attended~~
44 ~~within the last year a continuing legal education program of at~~
45 ~~least 10 hours' duration devoted specifically to the defense of~~
46 ~~capital cases, if available. Continuing legal education programs~~
47 ~~meeting the requirements of this rule offered by The Florida Bar~~
48 ~~or another recognized provider and approved for continuing legal~~
49 ~~education credit by The Florida Bar shall satisfy this~~
50 ~~requirement. The failure to comply with this requirement may be~~
51 ~~cause for removal from the list until the requirement is~~
52 fulfilled. To ensure that sufficient attorneys are available for
53 appointment by the court, when the number of attorneys on the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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54 registry falls below 50, the executive director shall notify the
55 chief judge of each circuit by letter and request the chief
56 judge to promptly submit the names of at least three private
57 attorneys who regularly practice criminal law in that circuit
58 and who appear to meet the minimum requirements to represent
59 persons in postconviction capital collateral proceedings. The
60 executive director shall send an application to each attorney
61 identified by the chief judge so that the attorney may register
62 for appointment as counsel in postconviction capital collateral
63 proceedings. As necessary, the executive director may also
64 advertise in legal publications and other appropriate media for
65 qualified attorneys interested in registering for appointment as
66 counsel in postconviction capital collateral proceedings. Not
67 later than September 1 of each year, and as necessary
68 thereafter, the executive director shall provide to the Chief
69 Justice of the Supreme Court, the chief judge and state attorney
70 in each judicial circuit, and the Attorney General a current
71 copy of its registry of attorneys who are available for
72 appointment as counsel in postconviction capital collateral
73 proceedings. The registry must be indexed by judicial circuit
74 and must contain the requisite information submitted by the
75 applicants in accordance with this section.

76 (2) (a) To be eligible for court appointment as counsel in
77 postconviction capital collateral proceedings, an attorney must
78 certify on an application provided by the executive director
79 that he or she is a member in good standing of The Florida Bar
80 and:

81 1. Is an active practitioner who has at least 5 years'
82 experience in the practice of criminal law, is familiar with the
83 production of evidence and the use of expert witnesses,
84 including psychiatric and forensic evidence, and has

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

85 demonstrated the proficiency necessary for representation in
86 capital cases, including the investigation and presentation of
87 mitigation evidence;

88 2. Has attended a minimum of 12 hours of continuing legal
89 education programs within the previous 2 years which were
90 devoted to the defense of capital cases and offered by The
91 Florida Bar or another recognized provider of continuing legal
92 education courses; and

93 3.a. Has tried at least nine state or federal jury trials
94 to completion, two of which must have been capital cases and:

95 (I) Three of which must have been murder trials;

96 (II) One of which must have been a murder trial and five
97 of which must have been other felony trials; or

98 (III) One of which must have included a postconviction
99 evidentiary hearing and five of which must have been other
100 felony trials; or

101 b. Has appealed one capital conviction and appealed:

102 (I) At least three felony convictions, one of which must
103 have been a murder;

104 (II) At least three felony convictions and participated
105 in one capital postconviction evidentiary hearing; or

106 (III) At least six felony convictions, two of which must
107 have been murders.

108 (b) If the trial court finds that exceptional
109 circumstances exist requiring appointment of an attorney who
110 does not meet the criteria set forth in paragraph (a), the trial
111 court shall enter a written order specifying the exceptional
112 circumstances requiring appointment of the attorney and explicit
113 findings that the attorney chosen will provide competent
114 representation in accordance with the intent of this section.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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115 (c) A failure to comply with any criterion set forth in
116 paragraph (a) may be cause to remove the attorney from the
117 registry until the criterion is satisfied.

118 (d) Satisfaction of the criterion may be proven by
119 submitting a written certification to the commission. The
120 certification is complete upon submission of the application by
121 electronic mail without a signature ~~satisfies the minimum~~
122 requirements for private counsel set forth in s. 27.704(2).

123 ~~(3) An attorney who applies for registration and court~~
124 ~~appointment as counsel in postconviction capital collateral~~
125 ~~proceedings must certify that he or she is counsel of record in~~
126 ~~not more than four such proceedings and, if appointed to~~
127 ~~represent a person in postconviction capital collateral~~
128 ~~proceedings, shall continue the such representation under the~~
129 ~~terms and conditions set forth in s. 27.711 until the sentence~~
130 ~~is reversed, reduced, or carried out or unless permitted to~~
131 ~~withdraw from representation by the trial court. The court may~~
132 ~~not permit an attorney to withdraw from representation without a~~
133 ~~finding of sufficient good cause. The court may impose~~
134 ~~appropriate sanctions if it finds that an attorney has shown bad~~
135 ~~faith with respect to continuing to represent a defendant in a~~
136 ~~postconviction capital collateral proceeding. This section does~~
137 ~~not preclude the court from reassigning a case to a capital~~
138 ~~collateral regional counsel following discontinuation of~~
139 ~~representation if a conflict of interest no longer exists with~~
140 ~~respect to the case.~~

141 (4) (a) Each private attorney who is appointed by the
142 court to represent a capital defendant must enter into a
143 contract with the Chief Financial Officer. If the appointed
144 attorney fails to execute the contract within 30 days after the
145 date the contract is mailed to the attorney, the executive

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146 director of the Commission on Capital Cases shall notify the
147 trial court and shall remove the attorney from the registry
148 list. The Chief Financial Officer shall develop the form of the
149 contract, function as contract manager, and enforce performance
150 of the terms and conditions of the contract. By signing such
151 contract, the attorney certifies that he or she intends to
152 continue the representation under the terms and conditions set
153 forth in the contract until the sentence is reversed, reduced,
154 or carried out or until released by order of the trial court.

155 (b) Each private attorney appointed by a court to
156 represent a capital defendant shall submit a report each quarter
157 to the commission in the format designated by the commission. If
158 the attorney does not submit the report within 30 days after the
159 end of the quarter, the executive director shall remove the
160 attorney from the registry and the court may impose a fine or
161 remove the attorney from the case.

162 (5) (a) Upon the motion of the capital collateral regional
163 counsel to withdraw pursuant to s. 924.056(1) (a); or

164 (b) Upon notification by the state attorney or the
165 Attorney General that:

166 1. Thirty days have elapsed since appointment of the
167 capital collateral regional counsel and no entry of appearance
168 has been filed under ~~pursuant to~~ s. 924.056; or

169 2. A person under sentence of death who was previously
170 represented by private counsel is currently unrepresented in a
171 postconviction capital collateral proceeding,

172
173 the executive director shall immediately notify the trial court
174 that imposed the sentence of death that the court must
175 immediately appoint an attorney, selected from the current
176 registry, to represent the ~~such~~ person in collateral actions

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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177 challenging the legality of the judgment and sentence in the
178 appropriate state and federal courts. If the attorney appointed
179 to represent a person under a sentence of death does not wish to
180 continue representing the person in federal proceedings, the
181 attorney must make reasonable efforts to assist the person in
182 finding an attorney who meets the federal criteria to represent
183 the person in any federal proceedings. The court shall have the
184 authority to strike a notice of appearance filed by a Capital
185 Collateral Regional Counsel, if the court finds the notice was
186 not filed in good faith and may so notify the executive director
187 that the client is no longer represented by the Office of
188 Capital Collateral Regional Counsel. In making an assignment,
189 the court shall give priority to attorneys whose experience and
190 abilities in criminal law, especially in capital proceedings,
191 are known by the court to be commensurate with the
192 responsibility of representing a person sentenced to death. The
193 trial court must issue an order of appointment which contains
194 specific findings that the appointed counsel meets the statutory
195 requirements and has the high ethical standards necessary to
196 represent a person sentenced to death.

197 (6) More than one attorney may not be appointed and
198 compensated at any one time under s. 27.711 to represent a
199 person in postconviction capital collateral proceedings.
200 However, an attorney appointed under this section may designate
201 another attorney to assist him or her if the designated attorney
202 meets the qualifications of this section.

203 Section 4. Subsections (3), (4), (7), and (9) of section
204 27.711, Florida Statutes, are amended, and subsection (15) is
205 added to that section, to read:

206 27.711 Terms and conditions of appointment of attorneys
207 as counsel in postconviction capital collateral proceedings.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

208 (3) An attorney appointed to represent a capital
209 defendant is entitled to payment of the fees set forth in this
210 section only upon full performance by the attorney of the duties
211 specified in this section and approval of payment by the trial
212 court, and the submission of a payment request by the attorney,
213 subject to the availability of sufficient funding specifically
214 appropriated for this purpose. An attorney may not be
215 compensated under this section for work performed by the
216 attorney before July 1, 2003, while employed by the northern
217 regional office of the capital collateral counsel. The Chief
218 Financial Officer shall notify the executive director and the
219 court if it appears that sufficient funding has not been
220 specifically appropriated for this purpose to pay any fees which
221 may be incurred. The attorney shall maintain appropriate
222 documentation, including a current and detailed hourly
223 accounting of time spent representing the capital defendant. The
224 fee and payment schedule in this section is the exclusive means
225 of compensating a court-appointed attorney who represents a
226 capital defendant. When appropriate, a court-appointed attorney
227 must seek further compensation from the Federal Government, as
228 provided in 18 U.S.C. s. 3006A or other federal law, in habeas
229 corpus litigation in the federal courts. An attorney appointed
230 under s. 27.710, or appointed by the court to replace a capital
231 collateral regional counsel staff attorney or capital collateral
232 regional counsel contract attorney, who incurs costs for
233 representing capital defendants on a pro bono basis shall be
234 paid from registry funds by the Chief Financial Officer. These
235 payments must be approved by the trial court before payment.

236 (4) Upon approval by the trial court, an attorney
237 appointed to represent a capital defendant under s. 27.710 is

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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238 entitled to payment of the following fees by the Chief Financial
239 Officer:

240 (a) Regardless of the stage of postconviction capital
241 collateral proceedings, the attorney is entitled to \$100 per
242 hour, up to a maximum of \$2,500, after accepting appointment and
243 filing a notice of appearance.

244 (b) The attorney is entitled to \$100 per hour, up to a
245 maximum of \$20,000, after timely filing in the trial court the
246 capital defendant's complete original motion for postconviction
247 relief under the Florida Rules of Criminal Procedure. The motion
248 must raise all issues to be addressed by the trial court.
249 However, an attorney is entitled to fees under this paragraph if
250 the court schedules a hearing on a matter that makes the filing
251 of the original motion for postconviction relief unnecessary or
252 if the court otherwise disposes of the case.

253 (c) The attorney is entitled to \$100 per hour, up to a
254 maximum of \$20,000, after the final hearing on trial court
255 ~~issues a final order granting or denying~~ the capital defendant's
256 motion for postconviction relief.

257 (d) The attorney is entitled to \$100 per hour, up to a
258 maximum of \$20,000, after timely filing in the Supreme Court the
259 capital defendant's brief or briefs that address the trial
260 court's final order granting or denying the capital defendant's
261 motion for postconviction relief and the state petition for writ
262 of habeas corpus.

263 (e) The attorney is entitled to \$100 per hour, up to a
264 maximum of \$10,000, after the trial court issues an order,
265 following ~~pursuant to~~ a remand from the Supreme Court, which
266 directs the trial court to hold further proceedings on the
267 capital defendant's motion for postconviction relief.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

268 (f) The attorney is entitled to \$100 per hour, up to a
269 maximum of \$4,000, after the appeal of the trial court's denial
270 of the capital defendant's motion for postconviction relief and
271 the capital defendant's state petition for writ of habeas corpus
272 become final in the Supreme Court.

273 (g) At the conclusion of the capital defendant's
274 postconviction capital collateral proceedings in state court,
275 the attorney is entitled to \$100 per hour, up to a maximum of
276 \$2,500, for the preparation of the initial federal pleading
277 ~~after filing a petition for writ of certiorari in the Supreme~~
278 ~~Court of the United States.~~

279 (h) If, at any time, a death warrant is issued, the
280 attorney is entitled to \$100 per hour, up to a maximum of
281 \$5,000. This payment shall be full compensation for attorney's
282 fees and costs for representing the capital defendant throughout
283 the proceedings before the state courts of Florida.

284
285 The hours billed by a contracting attorney under this
286 subsection may include time devoted to representation of the
287 defendant by another attorney who is qualified under s. 27.710
288 and who has been designated by the contracting attorney to
289 assist him or her.

290 (7) Each registry An attorney who is representing at
291 least one capital defendant ~~actively representing a capital~~
292 ~~defendant~~ is entitled to a maximum of \$500 per fiscal year for
293 tuition and expenses for continuing legal education that
294 pertains to the representation of capital defendants, regardless
295 of the total number of capital defendants the attorney is
296 representing. Upon approval by the trial court, the attorney is
297 entitled to payment by the Chief Financial Officer for expenses
298 for such tuition and continuing legal education.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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299 (9) An attorney may not represent more than 7 inmates
300 ~~five defendants~~ in capital postconviction litigation at any one
301 time. The 7-inmate-representation limit includes capital
302 postconviction cases proceeding under contract with the capital
303 collateral regional counsel, inmates represented pro bono, and
304 inmates privately retaining the attorney. An attorney may not be
305 appointed to additional capital postconviction cases until the
306 attorney's representation total falls below the 7-case limit.

307 (15) If a trial court judge intends to award attorney
308 fees in excess of those outlined in this section, the judge must
309 include written findings of fact that specifically state the
310 extraordinary nature of the expenditures of the time, energy,
311 and talents of the attorney in the case which are not ordinarily
312 expended in other capital collateral cases.

313 Section 5. This act shall take effect July 1, 2006.

314
315
316 ===== T I T L E A M E N D M E N T =====

317 Remove the entire title and insert:

318 A bill to be entitled

319 An act relating to the Commission on Capital Cases; amending s.

320 27.7001, F.S.; providing legislative findings; amending s.

321 27.709, F.S.; authorizing the Commission on Capital Cases to

322 sponsor continuing legal education programs devoted specifically

323 to capital cases; amending s. 27.710, F.S.; specifying criteria

324 that a private attorney must satisfy in order to be eligible to

325 be appointed as counsel in a postconviction capital collateral

326 proceeding; providing that a judge may appoint an attorney who

327 does not meet the appointment criteria if exceptional

328 circumstances exist; providing that an attorney may be removed

329 from the capital collateral registry if the attorney does not

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

330 meet the criteria; directing the executive director of the
331 commission to remove an attorney from the registry if the
332 attorney fails to timely file an executed contract; requiring a
333 private attorney appointed by a court to represent a capital
334 defendant to submit a report each quarter to the commission;
335 requiring that the executive director remove an attorney from
336 the registry if the attorney does not submit the report within a
337 specified time; requiring that an attorney make reasonable
338 efforts to assist the person under a sentence of death in
339 finding an attorney under certain circumstances; amending s.
340 27.711, F.S.; requiring that costs incurred during pro bono
341 representation of a capital defendant be paid to the attorney;
342 providing that an attorney who is listed on the registry and
343 representing at least one capital defendant is entitled to
344 tuition and expenses for continuing legal education courses;
345 providing that an attorney may represent no more than 7 inmates
346 in capital postconviction cases at any one time; requiring that,
347 if a trial court judge intends to award attorney's fees in
348 excess of those set by law, the judge must include written
349 findings of fact specifically stating the extraordinary nature
350 of the expenditures of the time, energy, and talents of the
351 attorney in the case which are not ordinarily expended in other
352 capital collateral cases; providing an effective date.

353

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

Location: 404 HOB

HB 349 : Theft of Property

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: 5		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2006 12:24:26PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 349

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) Brandenburg offered the following:

Amendment (with directory and title amendments)

Remove everything after the enacting clause and insert:

6 Section 1. Section 812.13, Florida Statutes, is amended to
7 read:

8 812.13 Robbery.--

9 (1) "Robbery" means the taking of money or other property
 10 that ~~which~~ may be the subject of larceny from the person or
 11 custody of another, with intent to either permanently or
 12 temporarily deprive the person or the owner of the money or
 13 other property, when in the course of the taking there is the
 14 use of force, violence, assault, or putting in fear.

15 (2) (a) If in the course of committing the robbery the
 16 offender carried a firearm or other deadly weapon, then the
 17 robbery is a felony of the first degree, punishable by
 18 imprisonment for a term of years not exceeding life imprisonment
 19 or as provided in s. 775.082, s. 775.083, or s. 775.084.

20 (b) If in the course of committing the robbery the
 21 offender carried a weapon, or threatened to use a weapon or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 firearm, then the robbery is a felony of the first degree,
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

24 (c) If in the course of committing the robbery the
25 offender carried no firearm, deadly weapon, or other weapon, or
26 did not threaten to use any weapon or firearm, then the robbery
27 is a felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 (3)(a) An act shall be deemed "in the course of committing
30 the robbery" if it occurs in an attempt to commit robbery or in
31 flight after the attempt or commission.

32 (b) An act shall be deemed "in the course of the taking"
33 if it occurs before ~~either prior to~~, contemporaneous with, or
34 after ~~subsequent to~~ the taking of the property and if it and the
35 act of taking constitute a continuous series of acts or events.

36 Section 2. For the purpose of incorporating the amendment
37 made by this act to section 812.13, Florida Statutes, in
38 references thereto, paragraphs (f), (h), and (i) of subsection
39 (3) of section 921.0022, Florida Statutes, are reenacted to
40 read:

41 921.0022 Criminal Punishment Code; offense severity
42 ranking chart.--

43 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

44
45
46
47

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

(f) LEVEL 6

48

316.193 (2) (b) 3rd Felony DUI, 4th or subsequent conviction.

49

499.0051 (3) 2nd Forgery of pedigree papers.

50

499.0051 (4) 2nd Purchase or receipt of legend drug from unauthorized person.

51

499.0051 (5) 2nd Sale of legend drug to unauthorized person.

52

775.0875 (1) 3rd Taking firearm from law enforcement officer.

53

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

54

784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

55	784.041	3rd	Felony battery.
56	784.048 (3)	3rd	Aggravated stalking; credible threat.
57	784.048 (5)	3rd	Aggravated stalking of person under 16.
58	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
59	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
60	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
61	784.081 (2)	2nd	Aggravated assault on specified official or employee.
62	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

63			detainee.
	784.083(2)	2nd	Aggravated assault on code inspector.
64			
	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
65			
	790.115(2) (d)	2nd	Discharging firearm or weapon on school property.
66			
	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
67			
	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
68			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

69	794.011(8)(a)	3rd	or vehicles. Solicitation of minor to participate in sexual activity by custodial adult.
70	794.05(1)	2nd	Unlawful sexual activity with specified minor.
71	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
72	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
73	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
74	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

75	812.014 (2) (b) 1.	2nd	no assault or battery.
76	812.015 (9)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
77	812.13 (2) (c)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
78	817.034 (4) (a) 1.	1st	Robbery, no firearm or other weapon (strong-arm robbery).
79	817.4821 (5)	2nd	Communications fraud, value greater than \$50,000.
80			Possess cloning paraphernalia with intent to create cloned cellular telephones.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

81	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
82	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
83	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
84	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
85	827.03(1)	3rd	Abuse of a child.
86	827.03(3)(c)	3rd	Neglect of a child.
87	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

88	836.05	2nd	Threats; extortion.
	836.10	2nd	Written threats to kill or do bodily injury.
89			
	843.12	3rd	Aids or assists person to escape.
90			
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
91			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
92			
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

93	944.40	2nd	Escapes.
94	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
95	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
96	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
97		(h) LEVEL 8	
98	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
99	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
100	327.35(3)(c)3.	2nd	Vessel BUI

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

101			manslaughter.
	499.0051(7)	1st	Forgery of prescription or legend drug labels.
102			
	499.0052	1st	Trafficking in contraband legend drugs.
103			
	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
104			
	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
105			
	655.50(10)(b)2.	2nd	Failure to report financial transactions

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

			totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
106	777.03(2)(a)	1st	Accessory after the fact, capital felony.
107	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
108	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

782.04(3).

109

782.071(1)(b) 1st Committing vehicular homicide and failing to render aid or give information.

110

782.072(2) 1st Committing vessel homicide and failing to render aid or give information.

111

790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

112

794.011(5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

113

800.04(4) 2nd Lewd or lascivious battery.

114

806.01(1) 1st Maliciously damage

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

			dwelling or structure by fire or explosive, believing person in structure.
115	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
116	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
117	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
118	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
119	812.13 (2) (b)	1st	Robbery with a weapon.
120	812.135 (2) (c)	1st	Home-invasion robbery, no firearm,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

121			deadly weapon, or other weapon.
121	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
122	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
123	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
124	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
125	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
126			

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

127	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
128	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
129	860.16	1st	Aircraft piracy.
130	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
131	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

			in s. 893.03(1)(a) or (b).
132	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
133	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
134	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
135	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
136	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
137	893.135	1st	Trafficking in
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

138	(1) (f) 1.b.		amphetamine, more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
139	(1) (g) 1.b.		
	893.135	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
140	(1) (h) 1.b.		
	893.135	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
141	(1) (j) 1.b.		
	893.135	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
142	(1) (k) 2.b.		
	895.03(1)	1st	Use or invest proceeds derived from pattern of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

143	895.03 (2)	1st	racketeering activity.
144	895.03 (3)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
145	896.101 (5) (b)	2nd	Conduct or participate in any enterprise through pattern of racketeering activity.
146	896.104 (4) (a) 2.	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
			Structuring transactions to evade reporting or registration

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

requirements,
financial
transactions
totaling or
exceeding \$20,000
but less than
\$100,000.

147

(i) LEVEL 9

148

316.193
(3) (c) 3.b.

1st

DUI manslaughter;
failing to render
aid or give
information.

149

327.35 (3) (c) 3.b.

1st

BUI manslaughter;
failing to render
aid or give
information.

150

499.00535

1st

Sale or purchase of
contraband legend
drugs resulting in
great bodily harm.

151

560.123 (8) (b) 3.

1st

Failure to report
currency or payment
instruments totaling
or exceeding
\$100,000 by money

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

152

560.125(5)(c) 1st

transmitter.

Money transmitter
business by
unauthorized person,
currency, or payment
instruments totaling
or exceeding
\$100,000.

153

655.50(10)(b)3. 1st

Failure to report
financial
transactions
totaling or
exceeding \$100,000
by financial
institution.

154

775.0844 1st

Aggravated white
collar crime.

155

782.04(1) 1st

Attempt, conspire,
or solicit to commit
premeditated
murder.

156

782.04(3) 1st, PBL

robbery, burglary,
and other specified
felonies.

157

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

158	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
159	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
160	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
161	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
162	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

163	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
164	790.161	1st	Attempted capital destructive device offense.
165	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
166	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

167			less than 12 years.
	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
168			
	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
169			
	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
170			
	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
171			
	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
172			
	812.135(2)(b)	1st	Home-invasion

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

173			robbery with weapon.
817.568(7)	2nd, PBL		Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
174			
827.03(2)	1st		Aggravated child abuse.
175			
847.0145(1)	1st		Selling, or otherwise transferring custody or control, of a minor.
176			
847.0145(2)	1st		Purchasing, or otherwise obtaining custody or control, of a minor.
177			
859.01	1st		Poisoning or introducing bacteria,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

			radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
178	893.135	1st	Attempted capital trafficking offense.
179	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
180	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
181	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
182	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
183			

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

184	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
185	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
186	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
187	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
188	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
189	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

registration
requirements,
financial
transactions
totaling or
exceeding \$100,000.

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Section 3. This act shall take effect October 1, 2006.

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

Delete the entire title:
and insert:

A bill to be entitled
An act relating to theft of property; amending s. 812.13, F.S.;
providing that if an offender threatens to use a weapon or
firearm during the course of a robbery, the offender commits a
felony of the first degree; providing for penalties; reenacting
s. 921.0022(3), (f), (h), and (i), F.S., relating to the offense
severity ranking chart of the Criminal Punishment Code, to
incorporate the amendment to s. 812.13, F.S., in references
thereto; providing an effective date.

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COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

Location: 404 HOB

HB 469 : Human Trafficking

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: 7		Total Nays: 0			

Appearances:

HB 469--Human Trafficking
Terry Loonan (State Employee) - Proponent
426 W. Jefferson Street
Tallahassee Florida 32301
Phone: 850-644-4550

HB 469--Human Trafficking
Anna Rodriquez - Proponent
2014 Santa Barbara Blvd.
Naples Florida 34116
Phone: 239-774-4300

HB 469--Human Trafficking
William Rule - Proponent
Collier County
3301 E. Tamiami Trl
Naples Florida 34116
Phone: 239-793-9326

Committee meeting was reported out: Wednesday, February 08, 2006 12:24:26PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 469

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	<u>Y</u>	(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) Gannon offered the following:

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

5 Between lines 85 and 86 insert:

6 4. Fraud or coercion.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 469

COUNCIL/COMMITTEE ACTION

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

ADOPTED

1 Council/Committee hearing bill: Criminal Justice

2 Representative(s) Gannon offered the following:

3

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

5 Remove line(s) 89-92 and insert:

6 (3)+2 Any person who knowingly engages in human trafficking
7 with the intent that the trafficked person engage in forced
8 labor or services or who knowingly benefits financially or
9 receives anything of value from human trafficking when the
10 trafficked person engages in forced labor or services commits a
11 felony of the second degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 469

COUNCIL/COMMITTEE ACTION

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

ADOPTED

1 Council/Committee hearing bill: Criminal Justice

2 Representative(s) Gannon offered the following:

3

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

5 Between lines 164 and 165 insert:

6 Section 2. Subsection (1) of section 772.102, Florida
7 Statutes, is amended to read:

8 772.102 Definitions.--As used in this chapter, the term:

9 (1) "Criminal activity" means to commit, to attempt to
10 commit, to conspire to commit, or to solicit, coerce, or
11 intimidate another person to commit:

12 (a) Any crime that ~~which~~ is chargeable by indictment or
13 information under the following provisions:

14 1. Section 210.18, relating to evasion of payment of
15 cigarette taxes.

16 2. Section 414.39, relating to public assistance fraud.

17 3. Section 440.105 or s. 440.106, relating to workers'
18 compensation.

19 4. Part IV of chapter 501, relating to telemarketing.

20 5. Chapter 517, relating to securities transactions.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

- 21 6. Section 550.235, s. 550.3551, or s. 550.3605, relating
22 to dogracing and horseracing.
- 23 7. Chapter 550, relating to jai alai frontons.
- 24 8. Chapter 552, relating to the manufacture, distribution,
25 and use of explosives.
- 26 9. Chapter 562, relating to beverage law enforcement.
- 27 10. Section 624.401, relating to transacting insurance
28 without a certificate of authority, s. 624.437(4)(c)1., relating
29 to operating an unauthorized multiple-employer welfare
30 arrangement, or s. 626.902(1)(b), relating to representing or
31 aiding an unauthorized insurer.
- 32 11. Chapter 687, relating to interest and usurious
33 practices.
- 34 12. Section 721.08, s. 721.09, or s. 721.13, relating to
35 real estate timeshare plans.
- 36 13. Chapter 782, relating to homicide.
- 37 14. Chapter 784, relating to assault and battery.
- 38 15. Chapter 787, relating to kidnapping or human
39 trafficking.
- 40 16. Chapter 790, relating to weapons and firearms.
- 41 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or
42 s. 796.07, relating to prostitution or sex trafficking.
- 43 18. Chapter 806, relating to arson.
- 44 19. Section 810.02(2)(c), relating to specified burglary
45 of a dwelling or structure.
- 46 20. Chapter 812, relating to theft, robbery, and related
47 crimes.
- 48 21. Chapter 815, relating to computer-related crimes.
- 49 22. Chapter 817, relating to fraudulent practices, false
50 pretenses, fraud generally, and credit card crimes.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

- 51 23. Section 827.071, relating to commercial sexual
52 exploitation of children.
- 53 24. Chapter 831, relating to forgery and counterfeiting.
- 54 25. Chapter 832, relating to issuance of worthless checks
55 and drafts.
- 56 26. Section 836.05, relating to extortion.
- 57 27. Chapter 837, relating to perjury.
- 58 28. Chapter 838, relating to bribery and misuse of public
59 office.
- 60 29. Chapter 843, relating to obstruction of justice.
- 61 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
62 s. 847.07, relating to obscene literature and profanity.
- 63 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
64 849.25, relating to gambling.
- 65 32. Chapter 893, relating to drug abuse prevention and
66 control.
- 67 33. Section 914.22 or s. 914.23, relating to witnesses,
68 victims, or informants.
- 69 34. Section 918.12 or s. 918.13, relating to tampering
70 with jurors and evidence.
- 71 (b) Any conduct which is subject to indictment or
72 information as a criminal offense and listed in 18 U.S.C. s.
73 1961(1) (A), (B), (C), or (D).
- 74 Section 3. Section 772.104, Florida Statutes, is amended
75 to read:
- 76 772.104 Civil cause of action.--Any person who proves by
77 clear and convincing evidence that he or she has been injured by
78 reason of any violation of the provisions of s. 772.103 shall
79 have a cause of action for threefold the actual damages
80 sustained and, in any such action, is entitled to minimum

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

81 damages in the amount of \$200, and reasonable attorney's fees
82 and court costs in the trial and appellate courts. If the
83 violation related to sex trafficking, the injured person shall
84 have a cause of action for threefold the amount of profit gained
85 from the sex trafficking. In no event shall punitive damages be
86 awarded under this section. The defendant shall be entitled to
87 recover reasonable attorney's fees and court costs in the trial
88 and appellate courts upon a finding that the claimant raised a
89 claim which was without substantial fact or legal support. In
90 awarding attorney's fees and costs under this section, the court
91 shall not consider the ability of the opposing party to pay such
92 fees and costs. Nothing under this section shall be interpreted
93 as limiting any right to recover attorney's fees or costs
94 provided under other provisions of law.

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COMMITTEE MEETING REPORT

Criminal Justice Committee

2/8/2006 10:45:00AM

Location: 404 HOB

Summary:

Criminal Justice Committee

Wednesday February 08, 2006 10:45 am

HB 45 CS	Favorable	Yeas: 7	Nays: 0
HB 61 CS	Favorable	Yeas: 7	Nays: 0
HB 283	Favorable	Yeas: 6	Nays: 0
HB 325	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 349	Favorable With Committee Substitute	Yeas: 5	Nays: 0
HB 469	Favorable With Committee Substitute	Yeas: 7	Nays: 0

Committee meeting was reported out: Wednesday, February 08, 2006 12:24:26PM

