



CRIMINAL JUSTICE COMMITTEE MEETING

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

**ACTION
PACKET**

Allan G. Bense
Speaker

Dick Kravitz
Chair

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 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, February 22, 2006 2:26:36PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 253 : Corrections

<input checked="" type="checkbox"/> 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 253--Corrections

Beth Atchison (State Employee) - Information Only

Department of Corrections

2601 Blair Stone Road

Tallahassee Florida 32399

Phone: 850-488-5561

HB 253--Corrections

Mark Lunsford - Information Only

7266 S Sonata Avenue

Homosassa Florida 34446

Phone: 352-302-4372

HB 253--Corrections

Luci Harlow - Information Only

McCoy Elementary, Orange County

5916 Malcross Drive

Orlando Florida 32812

Phone: 407-281-6552

HB 253--Corrections

Al Harlow - Information Only

McCoy Elementary, Orange County

5916 Malcross Drive

Orlando Florida 32812

Phone: 407-281-6552

HB 253--Corrections

Michael Crews (State Employee) - Information Only

FDLE/CJSTC

P.O. Box 1483

Tallahassee Florida 32302

Phone: 410-8611

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 253--Corrections

Sarah Blakely (Lobbyist) - Information Only

Osceola County Board of County Commissioners

1500 Mahan Drive, Suite 200

Tallahassee Florida 32301

Phone: 850-224-4070

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 Section 2. Any probation and parole office that does not
22 comply with the requirements of s. 945.28(2)(a), as amended by
23 this act, on the effective date of this act shall have until
24 August 1, 2006, or the expiration of its current lease,
25 whichever is earlier, to be relocated to a location that
26 complies with s. 945.28(2)(a), as amended by this act.

27 Section 3. Section 943.1301, Florida Statutes, is created
28 to read:

29 943.1301 Certification of county probation officers.--At
30 the discretion of the governing body of a county, the county may
31 require the county's probation officers to be certified by the
32 commission and the department.

33 Section 4. Section 943.10, Florida Statutes, is amended to
34 read:

35 943.10 Definitions; ss. 943.085-943.255.--The following
36 words and phrases as used in ss. 943.085-943.255 are defined as
37 follows:

38 (22) "County probation officer" means a person who is employed
39 full time by a county whose primary responsibility is the
40 supervision and monitoring of offenders within the community.

41 (23) "Part time county probation officer" means a person who is
42 employed less than full time by a county whose primary
43 responsibility is the supervision and monitoring of offenders
44 within the community.

45 Section 5. This act shall take effect July 1, 2006.
46
47

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

49 Remove lines 9-10 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

50 Discretion of the county governing body; providing definitions;
51 providing an effective date.

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COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 585 : Inmate Litigation Costs

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 22, 2006 2:26:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0585

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

2 Representative Hukill offered the following:

3

4 **Amendment (with title amendment)**

5 Remove lines 14-24 and insert:

6 (1) The department shall charge an inmate for the
 7 following and place a lien on the inmate's trust fund account if
 8 the inmate has insufficient funds at the time the charges are
 9 imposed:

10 (a) Costs of duplication of documents and accompanying
 11 evidentiary materials needed to initiate proceedings in judicial
 12 or administrative forums or that must be filed or served in a
 13 pending proceeding. The following costs are authorized:

14 1. Up to 15 cents per one-sided copy for duplicated copies
 15 of not more than 14 inches by 8 1/2 inches; or

16 2. For all other copies, the actual cost of duplication.

17 (b) Postage and any special delivery charges, if required
 18 by law or rule, for mail to courts, attorneys, parties, and
 19 other persons required to be served.

20 (2) The department shall adopt rules pursuant to ss.
 21

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COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 591 : Electronic Monitoring

<input checked="" type="checkbox"/> 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			

Appearances:

HB 591--Electronic Monitoring
Frank Messersmith (Lobbyist) - Proponent
Florida Surety Agents Association
2901 Lake Bradford
Tallahassee Florida
Phone: 576-5858

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 591

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 Ambler offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 648.387, Florida Statutes, to read:

648.387 Primary bail bond agents; duties; electronic monitoring services by licensed bail bond agents.--

(6) (a) A licensed bail bond agent who meets the requirements of s. 907.07 may be a vendor of electronic monitoring services. A licensed bail bond agent may also subcontract for such services with a third-party vendor of the bail bond agent's choice provided the licensed bail bond agent can certify that the equipment and services rendered by such third-party vendor on the bail bond agent's behalf meet the requirements of s. 907.07 for monitoring of a defendant for whom the bail bond agent has provided a criminal surety bail bond. A licensed bail bond agent who meets the requirements of s. 907.07 may additionally register with a governmental entity to provide

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 electronic monitoring services when monitoring has been ordered
23 by a court.

24 (b) A licensed bail bond agent may charge a reasonable,
25 nonrefundable fee for electronic monitoring services from a
26 person who is subject to electronic monitoring. Failure to
27 timely pay such fees constitutes grounds for the agent to remand
28 such person to the court or sheriff. Fees charged by a bail bond
29 agent associated with required electronic monitoring services
30 are not considered part of the bail bond premium and shall be
31 exempt from the provisions of s. 648.33.

32 (c) Records and receipts for electronic monitoring
33 provided by a licensed bail bond agent shall be kept separate
34 and apart from bail bond records.

35 Section 2. Section 907.06, Florida Statutes, is created to
36 read:

37 907.06 Electronic monitoring.--

38 (1) The court may order a defendant who has been charged
39 with a forcible felony, as defined in s. 776.08, or a sex-
40 related offense, or who has been charged with any crime and who
41 has been previously convicted of a forcible felony or sex-
42 related offense, to be released from custody on a surety bond
43 subject to conditions that include, without limitation,
44 electronic monitoring, if electronic monitoring is available in
45 the jurisdiction. For purposes of this section, a sex-related
46 offense includes any of the offenses contained in s.
47 943.0435(1)(a)1.

48 (2) A defendant required to submit to electronic
49 monitoring shall pay a reasonable fee for equipment use and
50 monitoring as an additional condition of pretrial release. The
51 failure of the defendant to timely pay such fees constitutes a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 violation of pretrial release and grounds for the defendant to
53 be remanded to the court or appropriate sheriff or law
54 enforcement agency.

55 (3) Electronic monitoring shall include the provision of
56 services to continuously receive and monitor the electronic
57 signals from the transmitter worn by the defendant so as to be
58 capable of identifying the defendant's geographic position at
59 any time to within 9 meters using Global Positioning Satellite
60 (GPS) technology, subject to the limitations related to the
61 technology and to circumstances of force majeure. Such
62 electronic monitoring services may be undertaken as a primary
63 responsibility by a governmental entity or by a licensed bail
64 bond agent who may provide both bail bond services and have
65 primary responsibility or oversight for electronic monitoring
66 services. A governmental entity or licensed bail bond agent may
67 subcontract to a third-party vendor for electronic monitoring
68 services provided such third-party vendor complies with all
69 provisions of this subsection and s. 907.08, and operates under
70 the direction and control of the governmental entity or licensed
71 bail bond agent with primary responsibility as the vendor for
72 electronic monitoring. A governmental entity that elects to
73 subcontract for electronic monitoring services shall be required
74 to select such third-party vendor through a competitive bidding
75 process.

76 (4) (a) Any person who provides electronic monitoring
77 services shall report forthwith any known violation of the
78 defendant's pretrial release conditions to the appropriate
79 court, sheriff or law enforcement agency, state attorney, and
80 licensed bail bond agent, if any.

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81 (b)1. Notwithstanding paragraph (a), the provision of
82 electronic monitoring services shall not be deemed to constitute
83 an undertaking to protect members of the public from harm
84 occasioned by a monitored person. The sole duty owed by a person
85 who provides electronic monitoring is to give a law enforcement
86 officer, upon request, an indication of the physical location of
87 the monitored person at any point in time.

88 2. A person who provides electronic monitoring is not
89 responsible to other persons for equipment failure or for the
90 criminal acts of a monitored person. A provider of electronic
91 monitoring services cannot control the activities of a monitored
92 person. It is unreasonable for any member of the public to
93 expect that a provider of electronic monitoring services will
94 provide protection against harm occasioned by a monitored
95 person.

96 (5) A defendant who has been released in accordance with
97 this section shall not alter, tamper with, damage, or destroy
98 any electronic monitoring equipment or data recorded by such
99 equipment. A defendant who is notified of a malfunction in the
100 equipment shall immediately cooperate with the vendor in
101 restoring the equipment to proper functioning. A violation of
102 this subsection constitutes a violation of pretrial release and
103 grounds for the defendant to be remanded to the court or
104 appropriate sheriff or law enforcement agency.

105 Section 3. Section 907.07, Florida Statutes, is created to
106 read:

107 907.07 Vendor requirements for provision of electronic
108 monitoring services; vendor registration and certification
109 process.--

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Amendment No. 1

110 (1) This section shall not apply to electronic monitoring
111 provided directly by the state, a county, or a sheriff.

112 (2) The chief judge of each judicial circuit shall
113 maintain a list of all licensed bail bond agents who are
114 eligible vendors of electronic monitoring in the circuit. For a
115 licensed bail bond agent to be an eligible vendor, a licensed
116 bail bond agent must register in accordance with this section as
117 a vendor capable of providing electronic monitoring services as
118 the primary provider or through a subcontractor in that judicial
119 circuit. The chief judge shall place on such list of eligible
120 vendors any licensed bail bond agent in this state who certifies
121 in writing, as part of the vendor registration, that all
122 electronic monitoring equipment and electronic monitoring
123 services shall be operated and maintained in compliance with
124 this section, and who agrees as part of such certification to
125 comply with the terms of this section.

126 (3) Only a governmental entity, or a licensed bail bond
127 agent who is included on a list of eligible vendors under
128 subsection (2), shall be permitted to undertake primary
129 responsibility as a vendor of electronic monitoring services in
130 a judicial circuit of this state.

131 (4) A licensed bail bond agent shall agree to abide by the
132 following minimum terms as a condition of being included on the
133 list of eligible vendors of electronic monitoring in a given
134 judicial circuit of this state:

135 (a) The vendor shall register in writing the name of the
136 vendor, who must be a licensed bail bond agent in this state;
137 the name of an individual employed by the vendor who is to serve
138 as a contact person for the vendor; the address of the vendor;
139 and the telephone number of the contact person.

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140 (b) The vendor must initially certify as part of the
141 registration, and must certify in writing at least annually
142 thereafter on a date set by the chief judge, that all of the
143 electronic monitoring devices used by the vendor and any of the
144 vendor's subcontractors comply with the requirements for
145 privately owned electronic monitoring devices in s. 907.08.

146 (5) A vendor shall promptly notify the chief judge of any
147 changes in the vendor's registration information that is
148 required under this section.

149 (6) Failure to comply with the registration or
150 recertification requirements of this section shall be grounds
151 for removal from any chief judge's list of eligible vendors for
152 electronic monitoring.

153 (7) The chief judge, in his or her discretion, may also
154 remove any registered vendor from the list of eligible vendors
155 if the vendor:

156 (a) Fails to properly monitor any person that the vendor
157 was required to monitor; or

158 (b) Charges a defendant a clearly excessive fee for use
159 and monitoring of electronic monitoring equipment. Such fees
160 shall be considered clearly excessive if the fees charged on a
161 per diem basis are at least twice the average fee charged by
162 other vendors on the eligible vendor list who provide comparable
163 electronic monitoring equipment and services in that judicial
164 circuit.

165 Section 4. Section 907.08, Florida Statutes, is created to
166 read:

167 907.08 Standards for privately owned electronic monitoring
168 devices.--A privately owned electronic monitoring device
169 provided by a vendor must, at a minimum, meet the standards set

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170 forth in this section to be used for electronic monitoring of a
171 person under s. 907.06. A device must:

172 (1) Be a transmitter unit that meets certification
173 standards approved by the Federal Communications Commission.

174 (2) At the court's discretion, either:

175 (a) Emit signal content 24 hours per day that identifies
176 the specific device being worn by the defendant and the
177 defendant's physical location using Global Positioning Satellite
178 (GPS) technology accurate to within 9 meters; or

179 (b) Receive signal content 24 hours per day, determining
180 the defendant's physical location using Global Positioning
181 Satellite (GPS) technology accurate to within 9 meters,
182 recording the defendant's physical locations throughout the day,
183 and being capable of transmitting that record of locations to
184 the vendor at least daily.

185 (3) With respect to a unit affixed to a defendant, possess
186 an internal power source that provides a minimum of 1 year of
187 normal operation without recharging or replacing the power
188 source. The device must emit signal content that indicates its
189 power status and provides the vendor with notification of
190 whether the power source needs to be recharged or replaced.

191 (4) Possess and emit signal content that indicates whether
192 the transmitter has been subjected to tampering or removal.

193 (5) Possess encrypted signal content or another feature
194 designed to discourage duplication.

195 (6) Be of a design that is shock resistant, waterproof,
196 and capable of reliable function under normal atmospheric and
197 environmental conditions.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

198 (7) Be capable of wear and use in a manner that does not
199 pose a safety hazard or unduly restrict the activities of the
200 defendant.

201 (8) Be capable of being attached to the defendant in a
202 manner that readily reveals any efforts to tamper with or remove
203 the transmitter upon visual inspection.

204 (9) Use straps or other mechanisms for attaching the
205 transmitter to the defendant that are either capable of being
206 adjusted to fit a defendant of any size or that are made
207 available in a variety of sizes.

208 Section 5. Section 907.09, Florida Statutes, is created to
209 read:

210 907.09 Offenses related to electronic monitoring
211 devices.--

212 (1) It is illegal for any person to intentionally alter,
213 tamper with, damage, or destroy any electronic monitoring
214 equipment used for monitoring the location of a person pursuant
215 to court order, unless such person is the owner of the equipment
216 or an agent of the owner performing ordinary maintenance and
217 repairs. A person who violates this subsection commits a felony
218 of the third degree, punishable as provided in s. 775.082, s.
219 775.083, or s. 775.084.

220 (2) It is illegal for any person to develop, build,
221 create, possess, or use any device that is intended to mimic,
222 clone, interfere with, or jam the signal of an electronic
223 monitoring device used to monitor the location of a person
224 pursuant to court order. A person who violates this subsection
225 commits a felony of the third degree, punishable as provided in
226 s. 775.082, s. 775.083, or s. 775.084.

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227 (3) A person may not intentionally alter, tamper with,
228 damage, or destroy any data stored or transmitted by any
229 electronic monitoring equipment used for monitoring the location
230 of a person pursuant to court order with the intent to violate
231 such court order or to conceal such a violation. A person who
232 violates this subsection commits a felony of the third degree,
233 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

234 Section 6. Section 944.161, Florida Statutes, is created
235 to read:

236 944.161 Electronic monitoring of inmates within
237 correctional facilities.--

238 (1) The department is authorized and encouraged to employ
239 electronic monitoring of inmates within its custody who are
240 incarcerated within state and private correctional facilities.

241 (a) Electronic monitoring services must have the
242 capability to continuously receive and monitor electronic
243 signals from a transmitter worn by an inmate so as to
244 continuously monitor the inmate in real time and identify the
245 inmate's specific geographic position within the facility at any
246 time. Such transmitters must update in at least 5-second
247 intervals and monitor the inmate's geographical location to
248 within a 10-foot radius of his or her actual location or to
249 within a radius that is equal to the width of a facility's
250 average size sleeping quarters, whichever is lesser, subject to
251 the limitations relating to the state of the art of the
252 technology used and to circumstances of force majeure.

253 (b) Any electronic monitoring system employed shall also
254 provide transmitters to be worn by department employees,
255 employees of private-sector companies contracted to operate
256 correctional facilities, and any visitors to correctional

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257 facilities who are provided access to areas that are designated
258 for authorized personnel only. Such transmitters shall include a
259 panic safety button and must have the capability to continuously
260 receive and monitor electronic signals from a transmitter worn
261 by an employee or visitor so as to continuously monitor
262 employees and visitors in real time and identify their specific
263 geographic positions at any time. Such transmitters must update
264 in at least 5-second intervals and monitor employees and
265 visitors to within a 10-foot radius of their actual location
266 subject to the limitations relating to the state of the art of
267 the technology used and to circumstances of force majeure.

268 (c) Any electronic monitoring system employed shall also
269 have the following technological and functional capabilities:

270 1. Be compatible with a commercially recognized wireless
271 network access standard as designated by the department and have
272 sufficient bandwidth to support additional wireless networking
273 devices in order to increase the capacity for usage of the
274 system by the correctional facility.

275 2. Be capable of issuing an alarm to an internal
276 correctional monitoring station within 3 seconds after receiving
277 a panic alert from an employee or visitor transmitter or within
278 3 seconds after violation of the established parameters for
279 permissible movement of inmates, employees, and visitors within
280 the facility.

281 3.a. Be capable of maintaining a historical storage
282 capacity sufficient to store up to 6 months of complete inmate,
283 employee, and visitor tracking for purposes of follow-up
284 investigations and vendor contract auditing. The system must be
285 capable of recording for such purposes the continuous
286 uninterrupted movement of all monitored individuals, including

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287 those in close proximity to any selected individual, by specific
288 position, not by area or zone. Such historical information must
289 also be capable of being archived by means of electronic data
290 transfer to a permanent storage medium designated as acceptable
291 by the department.

292 b. In addition, data collected from each facility each day
293 shall be electronically transmitted to an offsite central
294 clearinghouse designated by the department where the data shall
295 be maintained in a secure storage location in a permanent
296 storage medium designated as acceptable by the department as a
297 supplemental backup in order to protect the archived data from
298 alteration and to prevent loss due to disaster or other cause.

299 4. With respect to a unit affixed to an inmate, be capable
300 of possessing an internal power source that is field
301 rechargeable or that provides a minimum of 1 year of normal
302 operation without need for recharging or replacing the power
303 source. Batteries used in units must be replaceable by
304 correctional employees. The device must emit signal content that
305 indicates the power status of the transmitter and provides the
306 correctional facility monitoring station with notification of
307 whether the power source needs to be recharged or replaced.

308 5. Possess and emit signal content that indicates whether
309 the transmitter has been subjected to tampering or removal.

310 6. Possess encrypted signal content or another feature
311 designed to discourage duplication.

312 7. Be of a design that is shock resistant, waterproof, and
313 capable of reliable function under normal atmospheric and
314 environmental conditions.

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315 8. Be capable of wear and use in a manner that does not
316 pose a safety hazard or unduly restrict the activities of the
317 inmate.

318 9. Be capable of being attached to the inmate in a manner
319 that readily reveals any efforts to tamper with or remove the
320 transmitter upon visual inspection.

321 10. Either posses straps or other mechanisms for attaching
322 the transmitter to the inmate which are capable of being
323 adjusted to fit an inmate of any size or must be made available
324 in a variety of sizes.

325 11. Be designed and constructed in such a way as to resist
326 tampering with or removal by the inmate.

327 12. Provide a backup power source in the event of a power
328 failure.

329 (2) A person may not intentionally alter, tamper with,
330 damage, or destroy any electronic monitoring equipment used to
331 monitor the location of a person within a correctional facility,
332 unless the person is the owner of the equipment or an agent of
333 the owner performing ordinary maintenance and repairs. A person
334 who violates this subsection commits a felony of the third
335 degree, punishable as provided in s. 775.082, s. 775.083, or s.
336 775.084.

337 (3) A person may not develop, build, create, possess, or
338 use any device that is intended to mimic, clone, interfere with,
339 or jam the signal of an electronic monitoring device used to
340 monitor the location of a person within a correctional facility.
341 A person who violates this subsection commits a felony of the
342 third degree, punishable as provided in s. 775.082, s.
343 775.083, or s. 775.084.

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344 (4) A person may not intentionally alter, tamper with,
345 damage, or destroy any data stored pursuant to subparagraph
346 (1)(c)4. unless done so with written permission from an
347 authorized official of the department or in compliance with a
348 data-retention policy of the department adopted by rule. A
349 person who violates this subsection commits a felony of the
350 third degree, punishable as provided in s. 775.082, s. 775.083,
351 or s. 775.084.

352 (5) The department is authorized to adopt rules pursuant
353 to ss. 120.536(1) and 120.54 to implement the provisions of this
354 section.

355 Section 7. Section 985.4047, Florida Statutes, is created
356 to read:

357 985.4047 Electronic monitoring of juvenile offenders
358 within juvenile facilities.--

359 (1) The department is authorized and encouraged to employ
360 electronic monitoring of juvenile offenders within its custody
361 who are incarcerated within state and private juvenile offender
362 facilities for the purpose or reducing offender on offender
363 violence and reducing employee sexual misconduct as defined in
364 s. 985.4045.

365 (a) Electronic monitoring services must have the
366 capability to continuously receive and monitor electronic
367 signals from a transmitter worn by a juvenile offender so as to
368 continuously monitor an offender in real time and identify at
369 any time the offender's specific geographic position within the
370 facility. Such transmitters must update in at least 5-second
371 intervals and monitor the offender's geographical location to
372 within at least a 10-foot radius of his or her actual location
373 or to within a radius that is equal to the width of a facility's

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374 average size sleeping quarters, whichever is lesser, subject to
375 the limitations relating to the state of the art of the
376 technology used and to circumstances of force majeure.

377 (b) Any electronic monitoring system employed shall also
378 provide transmitters to be worn by department employees,
379 employees of private-sector companies contracted to operate
380 juvenile facilities, and any visitors to juvenile facilities who
381 are provided access to areas that are designated for authorized
382 personnel only. Such transmitters shall include a panic button
383 and must have the capability to continuously receive and monitor
384 electronic signals from a transmitter worn by an employee or
385 visitor so as to continuously monitor employees and visitors in
386 real time and identify their specific geographic positions at
387 any time. Such transmitters must update in at least 5-second
388 intervals and monitor employees and visitors to within a 10-foot
389 radius of their actual location subject to the limitations
390 relating to the state of the art of the technology used and to
391 circumstances of force majeure.

392 (c) Any electronic monitoring system employed shall also:

393 1. Be compatible with a commercially recognized wireless
394 network access standard as designated by the department and have
395 sufficient bandwidth to support additional wireless networking
396 devices in order to increase the capacity for usage of the
397 system by the facility.

398 2. Be capable of issuing an alarm to an internal facility
399 monitoring station within 3 seconds after receiving a panic
400 alert from an employee or visitor transmitter or within 3
401 seconds after violation of the established parameters for
402 permissible movement of offenders, employees, and visitors
403 within the facility.

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404 3.a. Be capable of maintaining a historical storage
405 capacity sufficient to store up to 6 months of complete
406 offender, employee, and visitor tracking for purposes of follow-
407 up investigations and vendor contract auditing. The system must
408 be capable of recording for such purposes the continuous
409 uninterrupted movement of all monitored individuals, including
410 those in close proximity to any selected individual, by specific
411 position, not by area or zone. Such historical information must
412 also be capable of being archived by means of electronic data
413 transfer to a permanent storage medium designated as acceptable
414 by the department.

415 b. In addition, data collected from each facility each day
416 shall be electronically transmitted to an offsite central
417 clearinghouse designated by the department where the data shall
418 be maintained in a secure storage location in a permanent
419 storage medium designated as acceptable by the department as a
420 supplemental backup in order to protect the archived data from
421 alteration and to prevent loss due to disaster or other cause.

422 4. With respect to a unit affixed to an offender, be
423 capable of possessing an internal power source that is field
424 rechargeable or that provides a minimum of 1 year of normal
425 operation without need for recharging or replacing the power
426 source and batteries must be replaceable by facility employees.
427 The device must emit signal content that indicates the power
428 status of the transmitter and provides the facility monitoring
429 station with notification of whether the power source needs to
430 be recharged or replaced.

431 5. Possess and emit signal content that indicates whether
432 the transmitter has been subjected to tampering or removal.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

433 6. Possess encrypted signal content or another feature
434 designed to discourage duplication.

435 7. Be of a design that is shock resistant, waterproof, and
436 capable of reliable function under normal atmospheric and
437 environmental conditions.

438 8. Be capable of wear and use in a manner that does not
439 pose a safety hazard or unduly restrict the activities of the
440 offender.

441 9. Be capable of being attached to the offender in a
442 manner that readily reveals any efforts to tamper with or remove
443 the transmitter upon visual inspection.

444 10. Either possess straps or other mechanisms for
445 attaching the transmitter to the offender which are capable of
446 being adjusted to fit an offender of any size or must be made
447 available in a variety of sizes.

448 11. Be designed and constructed in such a way as to resist
449 tampering with or removal by the offender.

450 12. Provide a backup power source in the event of a power
451 failure.

452 (2) A person may not intentionally alter, tamper with,
453 damage, or destroy any electronic monitoring equipment used to
454 monitor the location of a person within a juvenile facility,
455 unless the person is the owner of the equipment or an agent of
456 the owner performing ordinary maintenance and repairs. A person
457 who violates this subsection commits a felony of the third
458 degree, punishable as provided in s. 775.082, s. 775.083, or s.
459 775.084.

460 (3) A person may not develop, build, create, possess, or
461 use any device that is intended to mimic, clone, interfere with,
462 or jam the signal of an electronic monitoring device used to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

463 monitor the location of a person within a juvenile facility. A
464 person who violates this subsection commits a felony of the
465 third degree, punishable as provided in s. 775.082, s. 775.083,
466 or s. 775.084.

467 (4) A person may not intentionally alter, tamper with,
468 damage, or destroy any data stored pursuant to subparagraph
469 (1)(c)4. unless done so with written permission from an
470 authorized official of the department or in compliance with a
471 data-retention policy of the department adopted by rule. A
472 person who violates this subsection commits a felony of the
473 third degree, punishable as provided in s. 775.082, s. 775.083,
474 or s. 775.084.

475 (5) The department is authorized to adopt rules pursuant
476 to ss. 120.536(1) and 120.54 to implement the provisions of this
477 section.

478 Section 8. This act shall take effect October 1, 2006.

479

480

481

482

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

484 Remove lines 13-51 and insert:

485

486 are exempt from specified premium requirements; creating s.
487 907.06, F.S.; providing for electronic monitoring of persons on
488 pretrial release; requiring the monitored person to pay fees;
489 providing that provision of electronic monitoring equipment and
490 services is not an undertaking to protect members of the public
491 from harm occasioned by a monitored person; prohibiting a person
492 being monitored from tampering with monitoring equipment;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

493 creating s. 907.07, F.S.; requiring the chief judge of each
494 circuit to maintain a list of eligible private vendors for
495 provision of electronic monitoring services; requiring
496 registration of such vendors and certification of electronic
497 monitoring devices; providing grounds for removal from the list;
498 creating s. 907.08, F.S.; providing standards for privately
499 owned electronic monitoring devices; creating s. 907.09, F.S.;
500 providing criminal penalties for tampering with electronic
501 monitoring devices; providing criminal penalties for cloning the
502 signal of an electronic monitoring device; providing criminal
503 penalties for the alteration or destruction of data stored or
504 transmitted by an electronic monitoring device with specified
505 intent; creating ss. 944.161 and 985.4047,

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COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 627 : License Plates

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: 1			

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **HB 627**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" 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) Brummer offered the following:

Amendment (with directory and title amendments)

Remove line(s) 22 and insert:

6 (2) The plate shall be a bright coral color that is easily

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **HB 627**

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 Committee
 2 Representative(s) Brummer offered the following:

Amendment (with directory and title amendments)

Remove line(s) 33-36.

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

Remove line(s) 9-11 and insert:
 providing for the use of such surcharge; providing an effective
 date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **HB 627**

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(s) Brummer offered the following:

Amendment (with directory and title amendments)

Remove line(s) 18-21 and insert:

6 driving privileges are restricted pursuant to 322.271, because
 7 of a conviction relating to driving under the influence in
 8 violation of s. 316.193.

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 651 : Secondhand Dealers

<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 651--Secondhand Dealers
Jack Gee - Proponent
425 NW 6 CT
Deerfield Beach Florida 33442
Phone: 954-557-1227

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 761 : Trespass on the Property of a Certified Domestic Violence Center

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: 6		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

HB 763 : Luring or Enticing a Child

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: 6		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

PCB CRJU 06-04 : Youthful Offenders

Not Considered

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

Workshop

HB 515:

Appearances:

Jack Christian - Proponent
HB 515--Resale of Tickets
Ebay
2145 Hamilton Avenue
San Jose California
Phone:408-376-5145

Nick Iarossi (Lobbyist) - Proponent
HB 515--Resale of Tickets
Stub Hub
101 E. College Avenue/ Suite 303
Tallahassee Florida 32301
Phone:850-222-9075

Wayne Malaney (Lobbyist) - Opponent
HB 515--Resale of Tickets
Florida Facility Managers Association
2846-A Remington Green Circle
Tallahassee Florida 32302
Phone:422-1011

HB 589:

Appearances:

J.R. Kelly (State Employee) - Information Only
HB 589--Resale of Tickets
DACS
2005 Apalachee Parkway
Tallahassee Florida 32310
Phone:850-922-2966

Kerry Samovar - Proponent
HB 589--Resale of Tickets
TicketMaster
8800 Sunset Road
West Hollywood California 90069
Phone:310-360-2354

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

Kim Stone - Proponent

HB 589--Resale of Tickets

Miami Heat and American Airlines Arena

601 Biscayne Blvd.

Miami Florida 33139

Phone: 786-777-1000

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM

Ticket Resale Market

Goal: Free Market System w/Fraud Protection



Current Law

Exception

Seller of travel (ticket broker)

- No \$ restriction on resale.
- Exclusive (closed market) ability to resell tickets.

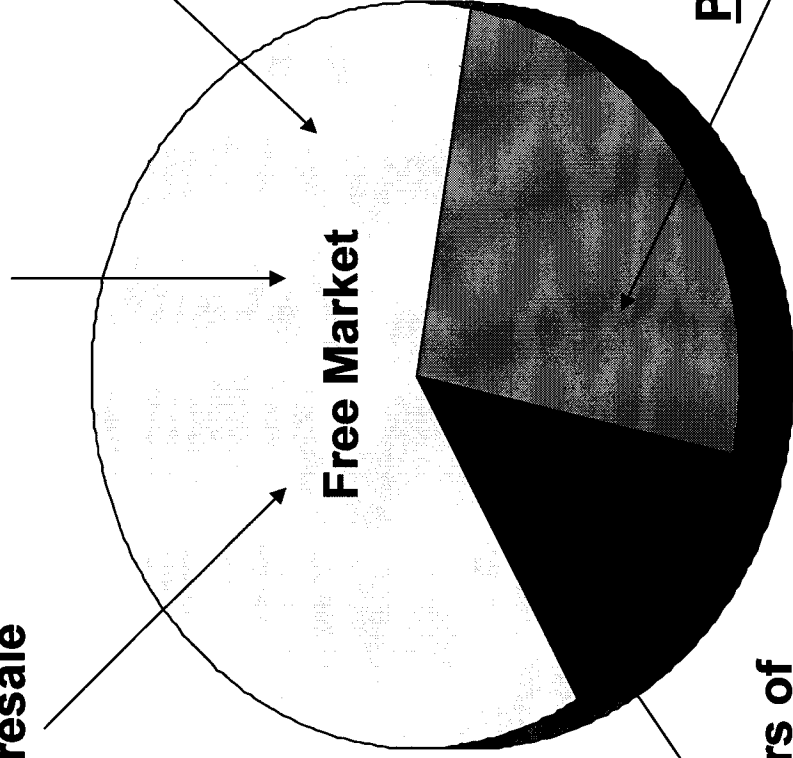


What's Really Happening

•Online resales from outside of Florida. 32 states with no resale restrictions.

•Ticket brokers located outside of Florida.

•Florida residents ignoring the \$1 resale law.



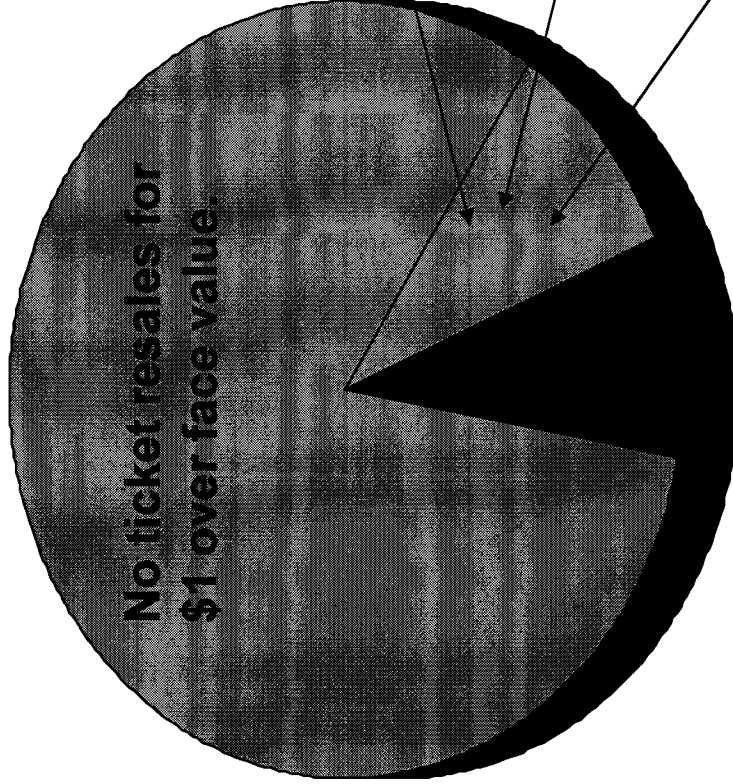
•Licensed sellers of travel (ticket brokers).

People Complying with the Law

•No ticket resales for over \$1 over face value.

Proposal in HB 589

(Ticketmaster Proposal)



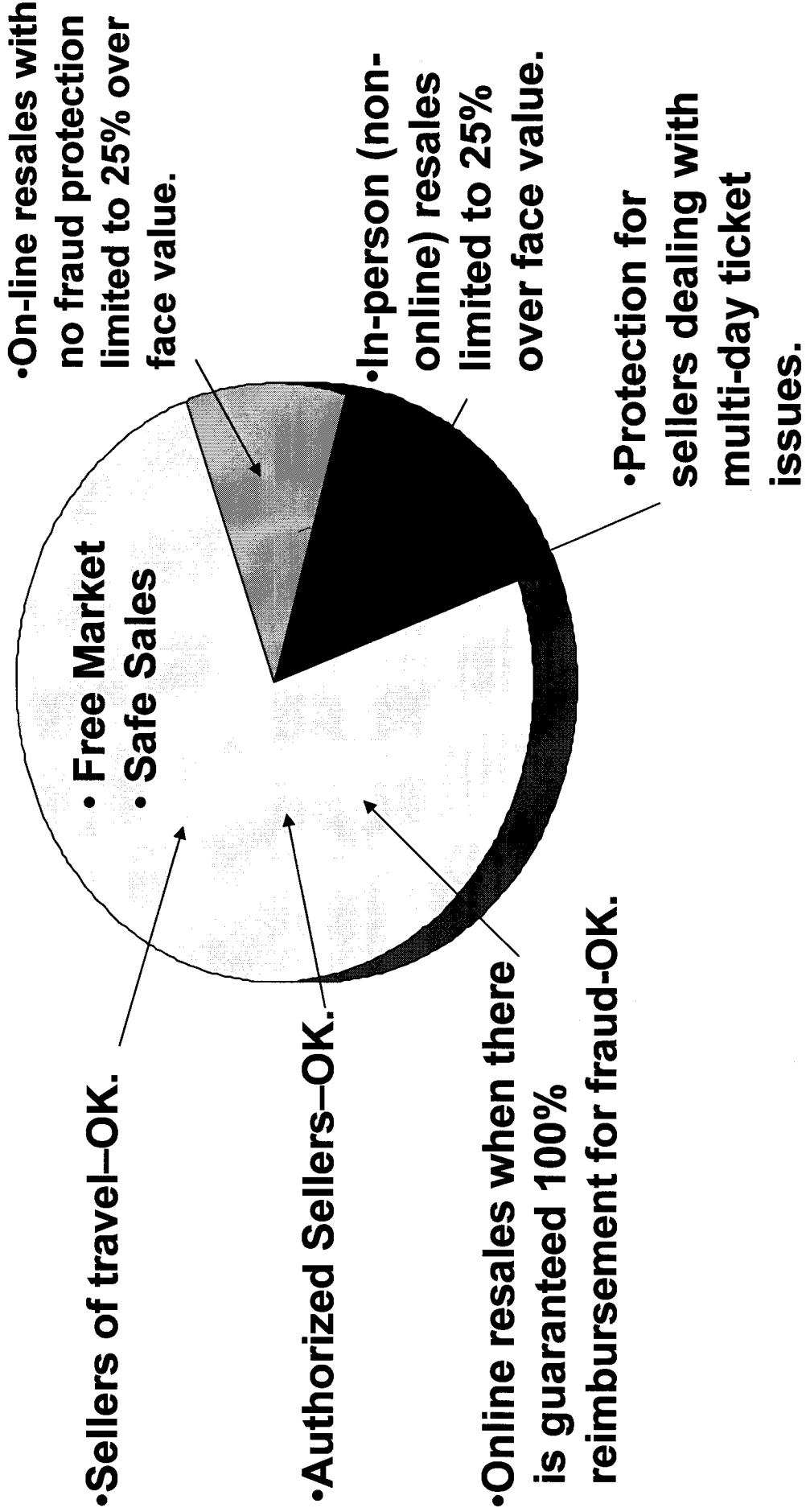
Divided Closed Market

- No \$1 restriction if resale “authorized by sports team.”
- Creates a second “exclusive” closed market.
- Original seller controls resale as well.

Licensed sellers of travel (closed market shrinks).-

Proposal in HB 515

(Stargel Bill)



COMMITTEE MEETING REPORT

Criminal Justice Committee

2/22/2006 10:15:00AM

Location: 404 HOB

Summary:

Criminal Justice Committee

Wednesday February 22, 2006 10:15 am

HB 253	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 515	Workshopped		
HB 585	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 589	Workshopped		
HB 591	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 627	Favorable With Committee Substitute	Yeas: 6	Nays: 1
HB 651	Favorable	Yeas: 6	Nays: 0
HB 761	Favorable	Yeas: 6	Nays: 0
HB 763	Favorable	Yeas: 6	Nays: 0
PCB CRJU 06-04	Not Considered		

Committee meeting was reported out: Wednesday, February 22, 2006 2:26:36PM