



Criminal Justice Subcommittee

Tuesday March 22nd, 2011

8:30 AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**Dennis Baxley
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

Summary:

Criminal Justice Subcommittee

Tuesday March 22, 2011 08:30 am

HB 75	Favorable With Committee Substitute	Yeas: 11	Nays: 0
CS/HB 283	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 443	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 563	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 575	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 917	Favorable With Committee Substitute	Yeas: 12	Nays: 0
HB 997	Favorable	Yeas: 12	Nays: 0
HB 1039	Favorable	Yeas: 13	Nays: 0
HB 1233	Favorable	Yeas: 12	Nays: 0
HB 4159	Favorable	Yeas: 13	Nays: 0
PCB CRJS 11-01	Favorable	Yeas: 13	Nays: 0
PCB CRJS 11-02	Favorable	Yeas: 14	Nays: 0
PCB CRJS 11-03	Favorable	Yeas: 13	Nays: 1
PCB CRJS 11-04	Favorable	Yeas: 13	Nays: 0
PCB CRJS 11-05	Favorable	Yeas: 14	Nays: 0
PCB CRJS 11-06	Favorable	Yeas: 14	Nays: 0
PCB CRJS 11-07	Favorable	Yeas: 14	Nays: 0
PCB CRJS 11-08	Favorable	Yeas: 14	Nays: 0
PCB CRJS 11-09	Favorable	Yeas: 14	Nays: 0
PCB CRJS 11-10	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-11 Favorable

Yeas: 13 Nays: 1

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dennis Baxley (Chair)	X		
Dwight Bullard		X	
Daphne Campbell	X		
Richard Glorioso	X		
James Grant	X		
Gayle Harrell	X		
John Julien	X		
Charles McBurney	X		
W. Keith Perry	X		
Ray Pilon	X		
Ari Porth	X		
Perry Thurston, Jr.	X		
John Tobia	X		
Carlos Trujillo	X		
Charles Van Zant	X		
Totals:	14	1	0

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 75 : Sexting

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell			X		
John Julien	X				
Charles McBurney	X				
W. Keith Perry			X		
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia			X		
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

FAV
3/22/11.

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Abruzzo offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Sexting; prohibited acts; penalties.—

8 (1) A minor commits the offense of sexting if he or she
9 knowingly:

10 (a) Uses a computer, or any other device capable of
11 electronic data transmission or distribution, to transmit or
12 distribute to another minor any photograph or video of himself
13 or herself which depicts nudity, as defined in s. 847.001(9),
14 and is harmful to minors, as defined in s. 847.001(6).

15 (b) Possesses a photograph or video that was transmitted or
16 distributed by another minor as described in paragraph (a).

17 (2) (a) The transmission or distribution of multiple
18 photographs or videos is a single offense if the photographs or

Amendment No. 1

19 videos were transmitted or distributed within the same 24-hour
20 period.

21 (b) The possession of multiple photographs or videos that
22 were transmitted or distributed by a minor is a single offense
23 if the photographs or videos were transmitted or distributed by
24 the minor in the same 24-hour period.

25 (3) A minor who violates subsection (1):

26 (a) Commits a noncriminal violation for a first violation,
27 punishable by 8 hours of community service or, if ordered by the
28 court in lieu of community service, a \$60 fine. The court may
29 also order the minor to participate in suitable training or
30 instruction in lieu of, or in addition to, community service or
31 a fine.

32 (b) Commits a misdemeanor of the second degree for a
33 violation that occurs after being found to have committed a
34 noncriminal violation for sexting, punishable as provided in s.
35 775.082 or s. 775.083.

36 (c) Commits a misdemeanor of the first degree for a
37 violation that occurs after being found to have committed a
38 misdemeanor of the second degree for sexting, punishable as
39 provided in s. 775.082 or s. 775.083.

40 (d) Commits a felony of the third degree for a violation
41 that occurs after being found to have committed a misdemeanor of
42 the first degree for sexting, punishable as provided in s.
43 775.082, s. 775.083, or s. 775.084.

44 (4) This section does not prohibit the prosecution of a
45 minor for a violation of any law of this state if the photograph
46 or video that depicts nudity also includes the depiction of

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47 sexual conduct or sexual excitement, and does not prohibit the
48 prosecution of a minor for stalking under s. 784.048.

49 (5) As used in this section, the term "found to have
50 committed" means a determination of guilt that is the result of
51 a plea or trial, or a finding of delinquency that is the result
52 of a plea or an adjudicatory hearing, regardless of whether
53 adjudication is withheld.

54 Section 2. This act shall take effect October 1, 2011.

55

56

57

58

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

59

Remove the entire title and insert:

60

An act relating to the offense of sexting; providing that a
61 minor commits the offense of sexting if he or she knowingly
62 uses a computer, or any other device capable of electronic data
63 transmission or distribution, to transmit or distribute to
64 another minor any photograph or video of himself or herself
65 which depicts nudity and is harmful to minors or possesses such
66 photograph or video; providing noncriminal and criminal
67 penalties; providing that the transmission, distribution, or
68 possession of multiple photographs or videos is a single
69 offense if the transmission occurs within a 24-hour period;
70 providing that the act does not prohibit prosecution of a minor
71 for conduct relating to material that includes the depiction of
72 sexual conduct or sexual excitement or for stalking; defining
73 the term "found to have committed"; providing an effective
74 date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

CS/HB 283 : Seaport Security

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry			X		
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Kandil, Darrel (General Public) - Waive In Support
Corporal, Hillsborough County Sheriff's Office & Florida Shore Association
2008 E. 8th Ave.
Tampa FL 33605
Phone: (813)728-2423

Rubin, Michael (Lobbyist) - Waive In Support
Vice President, Florida Ports Council
502 E Jefferson St
Tallahassee FL 32301
Phone: (850)222-8028

Bishop III, Barney (Lobbyist) - Waive In Support
President and CEO, Associated Industries of Florida
516 N Adams St
Tallahassee FL 32301
Phone: (850)224-7173

Cassini, Marty (Lobbyist) - Waive In Support
JM Family Enterprises, Inc.
1815 Cordoba Rd. Suite 203
Fort Lauderdale FL 33316
Phone: (850)895-5325

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Criminal Justice Subcommittee

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Location: 404 HOB

Tucker, Ken (Lobbyist) (State Employee) - Proponent
Assistant Commissioner, Florida Department Of Law Enforcement
P.O Box 1489
Tallahassee FL
Phone: (850)410-7001

Blakely, Ward (Lobbyist) - Waive In Support
Jacksonville Port Authority
115 E. Park Ave.
Tallahassee FL 32206
Phone: (850)681-6400

Babington, Adam (Lobbyist) - Waive In Support
Vice President of Government Affairs. Florida Chamber of Commerce
136 S Bronough St
Tallahassee FL 32301
Phone: (850)521-1200

Ericks, David (Lobbyist) - Waive In Support
JM Family Enterprises, Inc
205 S. Adams St.
Tallahassee FL 32301
Phone: (850)224-0880

Pinsky, Richard (Lobbyist) - Waive In Support
Port of Palm Beach
106 E. College Ave. Suite 1200
Tallahassee FL 32301
Phone: (561)202-0990

Sansom, Jerry (Lobbyist) - Waive In Support
Director, Port Canaveral
P.O Box 98
Cocoa Beach FL 32923
Phone: (321)777-8130

Mica, David (Lobbyist) - Waive In Support
Florida Petroleum Council
215 S Monroe St Ste 800
Tallahassee FL 32301
Phone: (850)561-6300

Labrador, Edward (Lobbyist) - Waive In Support
Legislative Counsel, Broward County and Port Everglades
115 S Andrews Ave. Suite 427
Ft Lauderdale FL 33301
Phone: (954)357-7575

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

FAV
3/22/11

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Young offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 580 and 581, insert:

7 Section 6. Subsection (4) of section 310.002, Florida
8 Statutes, is amended to read:

9 310.002 Definitions.—As used in this chapter, except where
10 the context clearly indicates otherwise:

11 (4) "Port" means any place in the state into which vessels
12 enter or depart and includes, without limitation, Fernandina,
13 Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port
14 Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key
15 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port
16 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,
17 Carrabelle, Panama City, Port St. Joe, and Pensacola.

18
19

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 283 (2011)

Amendment No. 1

20 Section 7. Subsection (1) of section 311.09, Florida
21 Statutes, is amended to read:

22 311.09 Florida Seaport Transportation and Economic
23 Development Council.—

24 (1) The Florida Seaport Transportation and Economic
25 Development Council is created within the Department of
26 Transportation. The council consists of the following 17
27 members: the port director, or the port director's designee, of
28 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
29 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
30 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
31 West, and Fernandina; the secretary of the Department of
32 Transportation or his or her designee; the director of the
33 Office of Tourism, Trade, and Economic Development or his or her
34 designee; and the secretary of the Department of Community
35 Affairs or his or her designee.

36 Section 8. Paragraph (c) of subsection (1) of section
37 374.976, Florida Statutes, is amended to read:

38 374.976 Authority to address impacts of waterway
39 development projects.—

40 (1) Each inland navigation district is empowered and
41 authorized to undertake programs intended to alleviate the
42 problems associated with its waterway or waterways, including,
43 but not limited to, the following:

44 (c) The district is authorized to aid and cooperate with
45 the Federal Government; state; member counties; nonmember
46 counties that contain any part of the intracoastal waterway
47 within their boundaries; navigation districts; the seaports of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 283 (2011)

Amendment No. 1

48 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm
49 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,
50 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and
51 Fernandina; and local governments within the district in
52 planning and carrying out public navigation, local and regional
53 anchorage management, beach renourishment, public recreation,
54 inlet management, environmental education, and boating safety
55 projects, directly related to the waterways. The district is
56 also authorized to enter into cooperative agreements with the
57 United States Army Corps of Engineers, state, and member
58 counties, and to covenant in any such cooperative agreement to
59 pay part of the costs of acquisition, planning, development,
60 construction, reconstruction, extension, improvement, operation,
61 and maintenance of such projects.

62 Section 9. Paragraph (b) of subsection (9) of section
63 403.021, Florida Statutes, is amended to read:

64 403.021 Legislative declaration; public policy.—

65 (9)

66 (b) The provisions of paragraph (a) apply only to the port
67 waters, dredged-material management sites, port harbors,
68 navigation channels, turning basins, and harbor berths used for
69 deepwater commercial navigation in the ports of Jacksonville,
70 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
71 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
72 Petersburg, Pensacola, Fernandina, and Key West.

73 Section 10. Paragraph (b) of subsection (26) of section
74 403.061, Florida Statutes, is amended to read:

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75 403.061 Department; powers and duties.—The department
76 shall have the power and the duty to control and prohibit
77 pollution of air and water in accordance with the law and rules
78 adopted and promulgated by it and, for this purpose, to:

79 (26)

80 (b) The provisions of paragraph (a) apply only to the port
81 waters, spoil disposal sites, port harbors, navigation channels,
82 turning basins, and harbor berths used for deepwater commercial
83 navigation in the ports of Jacksonville, Tampa, Port Everglades,
84 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port
85 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,
86 Florida Power Corporation's Crystal River Canal, Boca Grande,
87 Green Cove Springs, and Pensacola.

88

89 The department shall implement such programs in conjunction with
90 its other powers and duties and shall place special emphasis on
91 reducing and eliminating contamination that presents a threat to
92 humans, animals or plants, or to the environment.

93 Section 11. Subsection (3) of section 403.813, Florida
94 Statutes, is amended to read:

95 403.813 Permits issued at district centers; exceptions.—

96 (3) For maintenance dredging conducted under this section
97 by the seaports of Jacksonville, Port Canaveral, Port Citrus,
98 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
99 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
100 West, and Fernandina or by inland navigation districts:

101 (a) A mixing zone for turbidity is granted within a 150-
102 meter radius from the point of dredging while dredging is

Amendment No. 1

103 ongoing, except that the mixing zone may not extend into areas
104 supporting wetland communities, submerged aquatic vegetation, or
105 hardbottom communities.

106 (b) The discharge of the return water from the site used
107 for the disposal of dredged material shall be allowed only if
108 such discharge does not result in a violation of water quality
109 standards in the receiving waters. The return-water discharge
110 into receiving waters shall be granted a mixing zone for
111 turbidity within a 150-meter radius from the point of discharge
112 during and immediately after the dredging, except that the
113 mixing zone may not extend into areas supporting wetland
114 communities, submerged aquatic vegetation, or hardbottom
115 communities.

116 (c) The state may not exact a charge for material that
117 this subsection allows a public port or an inland navigation
118 district to remove.

119 (d) The use of flocculants at the site used for disposal
120 of the dredged material is allowed if the use, including
121 supporting documentation, is coordinated in advance with the
122 department and the department has determined that the use is not
123 harmful to water resources.

124 (e) This subsection does not prohibit maintenance dredging
125 of areas where the loss of original design function and
126 constructed configuration has been caused by a storm event,
127 provided that the dredging is performed as soon as practical
128 after the storm event. Maintenance dredging that commences
129 within 3 years after the storm event shall be presumed to
130 satisfy this provision. If more than 3 years are needed to

Amendment No. 1

131 commence the maintenance dredging after the storm event, a
132 request for a specific time extension to perform the maintenance
133 dredging shall be submitted to the department, prior to the end
134 of the 3-year period, accompanied by a statement, including
135 supporting documentation, demonstrating that contractors are not
136 available or that additional time is needed to obtain
137 authorization for the maintenance dredging from the United
138 States Army Corps of Engineers.

139 Section 12. Subsection (3) of section 403.816, Florida
140 Statutes, is amended to read:

141 403.816 Permits for maintenance dredging of deepwater
142 ports and beach restoration projects.—

143 (3) The provisions of this section relating to ports apply
144 only to the port waters, spoil disposal sites, port harbors,
145 navigation channels, turning basins, and harbor berths used for
146 deepwater commercial navigation in the ports of Jacksonville,
147 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
148 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
149 Petersburg, Port Bartow, Florida Power Corporation's Crystal
150 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

151

152

153

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

154

Remove line 33 and insert:

155

Security Standards Advisory Council; amending s. 310.002, F.S.;

156

redefining the term "port" to include Port Citrus; amending s.

157

311.09, F.S.; including a representative of Port Citrus as a

158

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 283 (2011)

Amendment No. 1

159 member of the Florida Seaport Transportation and Economic
160 Development Council; amending s. 374.976, F.S.; conforming
161 provisions to include Port Citrus in provisions relating to the
162 authority of inland navigation districts; amending s. 403.021,
163 F.S.; conforming provisions to include Port Citrus in
164 legislative declarations relating to environmental control;
165 amending s. 403.061, F.S.; conforming provisions to include Port
166 Citrus in provisions relating to powers of the Department of
167 Environmental Protection; amending s. 403.813, F.S.; conforming
168 provisions to include Port Citrus in provisions relating to
169 permits issued at Department of Environmental Protection
170 district centers; amending s. 403.816, F.S.; conforming
171 provisions to include Port Citrus in provisions relating to
172 certain maintenance projects at deepwater ports and beach
173 restoration projects; providing an

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 283 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

FAY
3/22/11

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Young offered the following:

4
5 **Amendment**

6 Remove lines 244-250 and insert:

7 (b) A seaport may not charge a fee for the administration
8 or production of any access control credential that requires or
9 is associated with a fingerprint-based background check, in
10 addition to the fee for the federal TWIC. Beginning July 1,
11 2013, a seaport may not charge a fee for a seaport-specific
12 access credential issued in addition to the federal TWIC, except
13 under the following circumstances:

14 1. The individual seeking to gain secured access is a new
15 hire as defined under 33 C.F.R. s. 105; or

16 2. The individual has lost or misplaced his or her federal
17 TWIC. and execute

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 443 : Electronic Filing and Receipt of Court Documents

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia			X		
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Shore, Richard B. "Chips" (General Public) - Proponent
Clerk of Circuit Court and Comptroller
1115 Manatee Ave. W
Bradenton FL 34203
Phone: (941)730-7500

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

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COMMITTEE/SUBCOMMITTEE ACTION

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

*FAV
3/22/11*

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Boyd offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 27.341, Florida Statutes, is created to
8 read:

9 27.341 Electronic filing and receipt of court documents.-

10 (1) (a) Each office of the state attorney shall
 11 electronically file court documents with the clerk of the court
 12 and receive court documents from the clerk of the court. It is
 13 the expectation of the Legislature that the electronic filing
 14 and receipt of court documents will reduce costs for the office
 15 of the state attorney, the clerk of the court, and the
 16 judiciary; will increase timeliness in the processing of cases;
 17 and will provide the judiciary and the clerk of the court with
 18 case-related information to allow for improved judicial case
 19 management.

Amendment No. 1

20 (b) As used in this section, the term "court documents"
21 includes, but is not limited to, pleadings, motions, briefs, and
22 their respective attachments, orders, judgments, opinions,
23 decrees, and transcripts.

24 (2) It is further the expectation of the Legislature that
25 each office of the state attorney consult with the office of the
26 public defender for the same circuit served by the office of the
27 state attorney, the clerks of court for the circuit, the Florida
28 Court Technology Commission, and any authority that governs the
29 operation of a statewide portal for the electronic filing and
30 receipt of court documents.

31 (3) The Florida Prosecuting Attorneys Association shall
32 file a report with the President of the Senate and the Speaker
33 of the House of Representatives by March 1, 2012, describing the
34 progress that each office of the state attorney has made to use
35 the Florida Courts E-Portal or, if the case type is not approved
36 for the Florida Courts E-Portal, separate clerks' offices
37 portals for purposes of electronic filing and documenting
38 receipt of court documents. For any office of the state attorney
39 that has not fully implemented an electronic filing and receipt
40 system by March 1, 2012, the report must also include a
41 description of the additional activities that are needed to
42 complete the system for that office and the projected time
43 necessary to complete the additional activities.

44 Section 2. Section 27.5112, Florida Statutes, is created
45 to read:

46 27.5112 Electronic filing and receipt of court documents.—

47 (1) (a) Each office of the public defender shall

Amendment No. 1

48 electronically file court documents with the clerk of the court
49 and receive court documents from the clerk of the court. It is
50 the expectation of the Legislature that the electronic filing
51 and receipt of court documents will reduce costs for the office
52 of the public defender, the clerk of the court, and the
53 judiciary; will increase timeliness in the processing of cases;
54 and will provide the judiciary and the clerk of the court with
55 case-related information to allow for improved judicial case
56 management.

57 (b) As used in this section, the term "court documents"
58 includes, but is not limited to, pleadings, motions, briefs, and
59 their respective attachments, orders, judgments, opinions,
60 decrees, and transcripts.

61 (2) It is further the expectation of the Legislature that,
62 in developing the capability and implementing the process, each
63 office of the public defender consult with the office of the
64 state attorney for the same circuit served by the office of the
65 public defender, the clerks of court for the circuit, the
66 Florida Court Technology Commission, and any authority that
67 governs the operation of a statewide portal for the electronic
68 filing and receipt of court documents.

69 (3) The Florida Public Defender Association shall file a
70 report with the President of the Senate and the Speaker of the
71 House of Representatives by March 1, 2012, describing the
72 progress that each office of the public defender has made to use
73 the Florida Courts E-Portal or, if the case type is not approved
74 for the Florida Courts E-Portal, separate clerks' offices
75 portals for purposes of electronic filing and documenting

Amendment No. 1

76 receipt of court documents. For any office of the public
77 defender that has not fully implemented an electronic filing and
78 receipt system by March 1, 2012, the report must also include a
79 description of the additional activities that are needed to
80 complete the system for that office and the projected time
81 necessary to complete the additional activities.

82 Section 3. This act shall take effect July 1, 2011.

83
84 -----
85 **T I T L E A M E N D M E N T**

86 Remove the entire title and insert:

87 A bill to be entitled

88 An act relating to electronic filing and receipt of court
89 documents; creating ss. 27.341 and 27.5112, F.S.;
90 requiring each state attorney and public defender to
91 electronically file court documents with the clerk of the
92 court and receive court documents from the clerk of the
93 court; defining the term "court documents"; providing
94 legislative expectations that the state attorneys and
95 public defenders consult with specified entities;
96 requiring the Florida Prosecuting Attorneys Association
97 and the Florida Public Defender Association report to the
98 President of the Senate and the Speaker of the House of
99 Representatives by a specified date on the progress made
100 to use the Florida Courts E-Portal system or the clerks'
101 offices portals to electronically file and receive court
102 documents; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 563 : Injunctions for Protection against Domestic Violence, Repeat Violence, Sexual Violence, or Dating Violence

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Baggett, Fred (Lobbyist) - Proponent
Florida Association of Court Clerks
101 E. College Ave.
Tallahassee FL 32312
Phone: (850)423-8512

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 563 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

FAV
3/22/11

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Jones offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (8) of section
8 741.30, Florida Statutes, is amended to read:

9 741.30 Domestic violence; injunction; powers and duties of
10 court and clerk; petition; notice and hearing; temporary
11 injunction; issuance of injunction; statewide verification
12 system; enforcement.—

13 (8)

14 (c)1. Within 24 hours after the court issues an injunction
15 for protection against domestic violence or changes, continues,
16 extends, or vacates an injunction for protection against
17 domestic violence, the clerk of the court must forward a
18 certified copy of the injunction for service to the sheriff with

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 563 (2011)

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19 jurisdiction over the residence of the petitioner. The
20 injunction must be served in accordance with this subsection.

21 2. Within 24 hours after service of process of an
22 injunction for protection against domestic violence upon a
23 respondent, the law enforcement officer must forward the written
24 proof of service of process to the sheriff with jurisdiction
25 over the residence of the petitioner.

26 3. Within 24 hours after the sheriff receives a certified
27 copy of the injunction for protection against domestic violence,
28 the sheriff must make information relating to the injunction
29 available to other law enforcement agencies by electronically
30 transmitting such information to the department.

31 4. Within 24 hours after the sheriff or other law
32 enforcement officer has made service upon the respondent and the
33 sheriff has been so notified, the sheriff must make information
34 relating to the service available to other law enforcement
35 agencies by electronically transmitting such information to the
36 department.

37 5. Subject to available funding, the Florida Association
38 of Court Clerks and Comptrollers shall develop an automated
39 process by which a petitioner may request notification of
40 service of the injunction for protection against domestic
41 violence and other court actions related to the injunction for
42 protection. The automated notice shall be made within 12 hours
43 after the sheriff or other law enforcement officer serves the
44 injunction upon the respondent. The notification must include,
45 at a minimum, the date, time, and location where the injunction
46 for protection against domestic violence was served. The

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47 Florida Association of Court Clerks and Comptrollers shall apply
48 for any available grants to fund the development of the
49 automated process.

50 ~~6.5.~~ Within 24 hours after an injunction for protection
51 against domestic violence is vacated, terminated, or otherwise
52 rendered no longer effective by ruling of the court, the clerk
53 of the court must notify the sheriff receiving original
54 notification of the injunction as provided in subparagraph 2.
55 That agency shall, within 24 hours after receiving such
56 notification from the clerk of the court, notify the department
57 of such action of the court.

58 Section 2. Paragraph (c) of subsection (8) of section
59 784.046, Florida Statutes, is amended to read:

60 784.046 Action by victim of repeat violence, sexual
61 violence, or dating violence for protective injunction; dating
62 violence investigations, notice to victims, and reporting;
63 pretrial release violations.—

64 (8)

65 (c)1. Within 24 hours after the court issues an injunction
66 for protection against repeat violence, sexual violence, or
67 dating violence or changes or vacates an injunction for
68 protection against repeat violence, sexual violence, or dating
69 violence, the clerk of the court must forward a copy of the
70 injunction to the sheriff with jurisdiction over the residence
71 of the petitioner.

72 2. Within 24 hours after service of process of an
73 injunction for protection against repeat violence, sexual
74 violence, or dating violence upon a respondent, the law

COMMITTEE/SUBCOMMITTEE AMENDMENT

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75 enforcement officer must forward the written proof of service of
76 process to the sheriff with jurisdiction over the residence of
77 the petitioner.

78 3. Within 24 hours after the sheriff receives a certified
79 copy of the injunction for protection against repeat violence,
80 sexual violence, or dating violence, the sheriff must make
81 information relating to the injunction available to other law
82 enforcement agencies by electronically transmitting such
83 information to the department.

84 4. Within 24 hours after the sheriff or other law
85 enforcement officer has made service upon the respondent and the
86 sheriff has been so notified, the sheriff must make information
87 relating to the service available to other law enforcement
88 agencies by electronically transmitting such information to the
89 department.

90 5. Subject to available funding, the Florida Association
91 of Court Clerks and Comptrollers shall develop an automated
92 process by which a petitioner may request notification of
93 service of the injunction for protection against repeat
94 violence, sexual violence, or dating violence and other court
95 actions related to the injunction for protection. The automated
96 notice shall be made within 12 hours after the sheriff or other
97 law enforcement officer serves the injunction upon the
98 respondent. The notification must include, at a minimum, the
99 date, time, and location where the injunction for protection
100 against repeat violence, sexual violence, or dating violence was
101 served. The Florida Association of Court Clerks and

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102 Comptrollers shall apply for any available grants to fund the
103 development of the automated process.

104 ~~6.5.~~ Within 24 hours after an injunction for protection
105 against repeat violence, sexual violence, or dating violence is
106 lifted, terminated, or otherwise rendered no longer effective by
107 ruling of the court, the clerk of the court must notify the
108 sheriff or local law enforcement agency receiving original
109 notification of the injunction as provided in subparagraph 2.
110 That agency shall, within 24 hours after receiving such
111 notification from the clerk of the court, notify the department
112 of such action of the court.

113 Section 3. This act shall take effect July 1, 2011.
114

115 -----
116 **T I T L E A M E N D M E N T**

117 Remove the entire title and insert:
118 An act relating to injunctions for protection against domestic
119 violence, repeat violence, sexual violence, or dating violence;
120 amending ss. 741.30 and 784.046, F.S.; subject to available
121 funding, directing the Florida Association of Court Clerks and
122 Comptrollers to develop an automated process by which a
123 petitioner for an injunction for protection may request
124 notification of service of the injunction or notice of other
125 court actions related to the injunction; requiring that notice
126 be given to the petitioner within a specified time; providing
127 for the content of the notice; requiring the Florida Association
128 of Court Clerks and Comptrollers to apply for grants to fund the
129 automated process; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 575 : Pretrial Proceedings

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Banks, Forrest (General Public) - Waive In Support
Council Member, Fort Myers
1334 Jambalaya Ln.
Fort Myers FL 33901
Phone: (239)321-7005

Baker, Douglas (General Public) - Information Only
Chief of Police, City of Fort Myers
2210 Widman Way
Fort Myers FL 33901
Phone: (239)321-7727

Henderson Jr., Randall (Lobbyist) - Information Only
Mayor, City of Fort Myers
1314 Shadow Ln.
Fort Myers FL 33901
Phone: (239)850-8333

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 575 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

FAN
3/22/11

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Caldwell offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Officer Andrew Widman
8 Act."

9 Section 2. Subsection (1) of section 948.06, Florida
10 Statutes, is amended to read:

11 948.06 Violation of probation or community control;
12 revocation; modification; continuance; failure to pay
13 restitution or cost of supervision.—

14 (1)(a) Whenever within the period of probation or
15 community control there are reasonable grounds to believe that a
16 probationer or offender in community control has violated his or
17 her probation or community control in a material respect, any
18 law enforcement officer who is aware of the probationary or
19 community control status of the probationer or offender in

Amendment No. 1

20 community control or any parole or probation supervisor may
21 arrest or request any county or municipal law enforcement
22 officer to arrest such probationer or offender without warrant
23 wherever found and return him or her to the court granting such
24 probation or community control.

25 (b) Any committing trial court judge may issue a warrant,
26 upon the facts being made known to him or her by affidavit of
27 one having knowledge of such facts, for the arrest of the
28 probationer or offender, returnable forthwith before the court
29 granting such probation or community control. In lieu of issuing
30 a warrant for arrest, the committing trial court judge may issue
31 a notice to appear if the probationer or offender in community
32 control has never been convicted of committing, and is not
33 currently alleged to have committed, a qualifying offense as
34 defined in this section.

35 (c) If a circuit court judge finds reasonable grounds to
36 believe that a probationer or an offender has violated his or
37 her probation or community control in a material respect by
38 committing a new violation of law, the judge may issue a warrant
39 for the arrest of the person.

40 (d)1. At a first appearance hearing for an offender who
41 has been arrested for violating his or her probation or
42 community control in a material respect by committing a new
43 violation of law the court:

44 a. Shall inform the person of the violation.

45 b. May order the person to be taken before the court that
46 granted the probation or community control if the person admits
47 the violation.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 575 (2011)

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48 2. If the probationer or offender does not admit the
49 violation at the first appearance hearing, the court:

50 a. May commit the probationer or offender or may release
51 the person with or without bail to await further hearing,
52 notwithstanding s. 907.041, relating to pretrial detention and
53 release; or

54 b. May order the probationer or offender to be brought
55 before the court that granted the probation or community
56 control.

57 3. In determining whether to require or set the amount of
58 bail, and notwithstanding s. 907.041, relating to pretrial
59 detention and release, the court may consider whether the
60 probationer or offender is more likely than not to receive a
61 prison sanction for the violation.

62
63 This paragraph does not apply to a probationer or offender on
64 community control who is subject to the hearing requirements
65 under subsection (4) or paragraph (8) (e).

66 (e)-(e) Any parole or probation supervisor, any officer
67 authorized to serve criminal process, or any peace officer of
68 this state is authorized to serve and execute such warrant. Any
69 parole or probation supervisor is authorized to serve such
70 notice to appear.

71 (f)-(d) Upon the filing of an affidavit alleging a
72 violation of probation or community control and following
73 issuance of a warrant under s. 901.02, a warrantless arrest
74 under this section, or a notice to appear under this section,
75 the probationary period is tolled until the court enters a

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76 ruling on the violation. Notwithstanding the tolling of
77 probation, the court shall retain jurisdiction over the offender
78 for any violation of the conditions of probation or community
79 control that is alleged to have occurred during the tolling
80 period. The probation officer is permitted to continue to
81 supervise any offender who remains available to the officer for
82 supervision until the supervision expires pursuant to the order
83 of probation or community control or until the court revokes or
84 terminates the probation or community control, whichever comes
85 first.

86 ~~(g)(e)~~ The chief judge of each judicial circuit may direct
87 the department to use a notification letter of a technical
88 violation in appropriate cases in lieu of a violation report,
89 affidavit, and warrant when the alleged violation is not a new
90 felony or misdemeanor offense. Such direction must be in writing
91 and must specify the types of specific violations which are to
92 be reported by a notification letter of a technical violation,
93 any exceptions to those violations, and the required process for
94 submission. At the direction of the chief judge, the department
95 shall send the notification letter of a technical violation to
96 the court.

97 ~~(h)(f)~~ The court may allow the department to file an
98 affidavit, notification letter, violation report, or other
99 report under this section by facsimile or electronic submission.

100 Section 3. This act shall take effect October 1, 2011.

101
102 -----
103 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 575 (2011)

Amendment No. 1

104 Remove the entire title and insert:
105 An act relating to violations of probation or community control;
106 creating the "Officer Andrew Widman Act"; amending s. 948.06,
107 F.S.; authorizing a circuit court judge, after making a certain
108 finding, to issue a warrant for the arrest of a probationer or
109 offender who has violated the terms of probation or community
110 control; requiring that the court inform the probationer or
111 offender of the violation; authorizing the court to commit or
112 release the probationer or offender under certain circumstances;
113 authorizing the court, in determining whether to require or set
114 the amount of bail, to consider the likelihood that the person
115 will be imprisoned for the violation of probation or community
116 control; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 917 : Sentencing of Inmates

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant			X		
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo			X		
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Benham, Lauren (General Public) - Waive In Support
American Civil Liberties Union Florida
8770 Dunblane Ct.
Tallahassee FL 32312

Trammell, Robert (Lobbyist) (State Employee) - Waive In Support
General Counsel, Florida Public Defender Association, Inc
PO Box 1799
Tallahassee FL 32302
Phone: (850)510-2187

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*FAV
3/22/11.*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Porth offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Nonviolent offender reentry program.—

8 (1) As used in this section, the term:

9 (a) "Department" means the Department of Corrections.

10 (b) "Nonviolent offender" means an offender who has:

11 1. Been convicted of a third-degree felony offense that is
12 not a forcible felony as defined in s. 776.08, Florida Statutes;

13 and

14 2. Not been convicted of any offense that requires a
15 person to register as a sexual offender pursuant to s. 943.0435,
16 Florida Statutes.

17 (2) (a) The department shall develop and administer a
18 reentry program for nonviolent offenders. The reentry program
19 must include prison-based substance abuse treatment, general

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20 education development and adult basic education courses,
21 vocational training, training in decisionmaking and personal
22 development, and other rehabilitation programs.

23 (b) The reentry program is intended to divert nonviolent
24 offenders from long periods of incarceration when a reduced
25 period of incarceration followed by participation in intensive
26 substance abuse treatment and rehabilitative programming could
27 produce the same deterrent effect, rehabilitate the offender,
28 and reduce recidivism.

29 (c) The nonviolent offender shall serve at least 120 days
30 in the reentry program. The offender may not count any portion
31 of his or her sentence served before placement in the reentry
32 program as progress toward program completion.

33 (d) A reentry program may be operated in a secure area in
34 or adjacent to an adult institution.

35 (3) (a) Upon receiving a potential reentry program
36 participant, the department shall screen the nonviolent offender
37 for eligibility criteria to participate in the reentry program.
38 In order to participate, a nonviolent offender must have served
39 at least one-half of his or her original sentence and must have
40 been identified as having a need for substance abuse treatment.
41 When screening a nonviolent offender, the department shall
42 consider the offender's criminal history and the possible
43 rehabilitative benefits that substance abuse treatment,
44 educational programming, vocational training, and other
45 rehabilitative programming might have on the offender.

46 (b)1. If a nonviolent offender meets the eligibility
47 criteria and space is available in the reentry program, the

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48 department shall request the sentencing court to approve the
49 offender's participation in the reentry program.

50 2. This section does not create or confer any right to any
51 nonviolent offender to placement in the re-entry program or any
52 right to placement or early release under supervision of any
53 type. No nonviolent offender shall have a cause of action
54 against the department, a court, or the state attorney related
55 to the re-entry program.

56 (c)1. The department shall notify the state attorney that
57 the offender is being considered for placement in the reentry
58 program. The notice must explain to the state attorney that a
59 proposed reduced period of incarceration, followed by
60 participation in substance abuse treatment and other
61 rehabilitative programming, could produce the same deterrent
62 effect otherwise expected from a lengthy incarceration.

63 2. The notice must also state that the state attorney may
64 notify the sentencing court in writing of any objection the
65 state attorney might have if the nonviolent offender is placed
66 in the reentry program. The state attorney must notify the
67 sentencing court of his or her objections within 14 days after
68 receiving the notice.

69 (d) The sentencing court shall notify the department in
70 writing of the court's decision to approve or disapprove the
71 requested placement of the nonviolent offender no later than 28
72 days after the court receives the department's request to place
73 the offender in the reentry program. Failure to notify the
74 department of the court's decision within the 28-day period

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75 constitutes approval to place the offender into the reentry
76 program.

77 (4) After the nonviolent offender is admitted into the
78 reentry program, he or she shall undergo a full substance abuse
79 assessment to determine his or her substance abuse treatment
80 needs. The offender shall also have an educational assessment,
81 which shall be accomplished using the Test of Adult Basic
82 Education or any other testing instrument approved by the
83 Department of Education. Each offender who has not obtained a
84 high school diploma shall be enrolled in an adult education
85 program designed to aid the offender in improving his or her
86 academic skills and earn a high school diploma. Further
87 assessments of the offender's vocational skills and future
88 career education shall be provided to the offender as needed. A
89 periodic reevaluation shall be made in order to assess the
90 progress of each offender.

91 (5) (a) If a nonviolent offender in the reentry program
92 becomes unmanageable, the department may revoke the offender's
93 gain-time and place the offender in disciplinary confinement in
94 accordance with department rule. Except as provided in paragraph
95 (b), the offender shall be readmitted to the reentry program
96 after completing the ordered discipline. Any period of time
97 during which the offender is unable to participate in the
98 reentry program shall be excluded from the specified time
99 requirements in the reentry program.

100 (b) The department may terminate an offender from the
101 reentry program if:

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- 102 1. The offender commits or threatens to commit a violent
103 act;
- 104 2. The department determines that the offender is unable
105 to participate in the reentry program due to the offender's
106 medical condition;
- 107 3. The offender's sentence is modified or expires;
- 108 4. The department reassigns the offender's classification
109 status; or
- 110 5. The department determines that removing the offender
111 from the reentry program is in the best interest of the offender
112 or the security of the institution.
- 113 (6) (a) The department shall submit a report to the court
114 at least 30 days before the nonviolent offender is scheduled to
115 complete the reentry program. The report must describe the
116 offender's performance in the reentry program. If the
117 performance is satisfactory, the court shall issue an order
118 modifying the sentence imposed and place the offender on drug
119 offender probation subject to the offender's successful
120 completion of the remainder of the reentry program. The term of
121 drug offender probation may include placement in a community
122 residential or nonresidential substance abuse treatment facility
123 under the jurisdiction of the department or the Department of
124 Children and Family Services or any public or private entity
125 providing such services. If the nonviolent offender violates the
126 conditions of drug offender probation, the court may revoke
127 probation and impose any sentence that it might have originally
128 imposed.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 917 (2011)

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129 (b) If an offender being released pursuant to paragraph
130 (a) intends to reside in a county that has established a
131 postadjudicatory drug court program as described in s. 397.334,
132 Florida Statutes, the sentencing court may require the offender
133 to successfully complete the postadjudicatory drug court program
134 as a condition of drug offender probation. The original
135 sentencing court shall relinquish jurisdiction of the offender's
136 case to the postadjudicatory drug court program until the
137 offender is no longer active in the program, the case is
138 returned to the sentencing court due to the offender's
139 termination from the program for failure to comply with the
140 terms thereof, or the offender's sentence is completed. If
141 transferred to a postadjudicatory drug court program, the
142 offender shall comply with all conditions and orders of the
143 program.

144 (7) The department shall implement the reentry program to
145 the fullest extent feasible within available resources.

146 (8) The department shall submit an annual report to the
147 Governor, the President of the Senate, and the Speaker of the
148 House of Representatives detailing the extent of implementation
149 of the reentry program and outlining future goals and any
150 recommendation the department has for future legislative action.

151 (9) The department may enter into performance-based
152 contracts with qualified individuals, agencies, or corporations
153 for the provision of any or all of the services for the reentry
154 program.

155 (10) A nonviolent offender in the reentry program is
156 subject to rules of conduct established by the department and

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157 may have sanctions imposed, including loss of privileges,
158 restrictions, disciplinary confinement, alteration of release
159 plans, or other program modifications in keeping with the nature
160 and gravity of the program violation. Administrative or
161 protective confinement, as necessary, may be imposed.

162 (11) The department may establish a system of incentives
163 within the reentry program which the department may use to
164 promote participation in rehabilitative programs and the orderly
165 operation of institutions and facilities.

166 (12) The department shall develop a system for tracking
167 recidivism, including, but not limited to, rearrests and
168 recommitment of nonviolent offenders who successfully complete
169 the reentry program, and shall report the recidivism rate in its
170 annual report of the program.

171 (13) The department shall adopt rules pursuant to ss.
172 120.536(1) and 120.54, Florida Statutes, to administer the
173 reentry program.

174 Section 2. This act shall take effect October 1, 2011.

175

176

177

178 **T I T L E A M E N D M E N T**

179 Remove the entire title and insert:

180 An act relating to the sentencing of inmates; defining the terms
181 "department" and "nonviolent offender"; directing the Department
182 of Corrections to develop and administer a reentry program for
183 nonviolent offenders which is intended to divert nonviolent
184 offenders from long periods of incarceration; requiring that the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 917 (2011)

Amendment No. 1

185 | program include intensive substance abuse treatment and
186 | rehabilitative programming; providing for the minimum length of
187 | service in the program; providing that any portion of a sentence
188 | before placement in the program does not count as progress
189 | toward program completion; specifying eligibility criteria for a
190 | nonviolent offender to be placed into the reentry program;
191 | directing the department to notify the nonviolent offender's
192 | sentencing court to obtain approval before the nonviolent
193 | offender is placed into the reentry program; requiring the
194 | department to notify the state attorney; authorizing the state
195 | attorney to file objections to placing the offender into the
196 | reentry program within a specified period; requiring the
197 | sentencing court to notify the department of the court's
198 | decision to approve or disapprove the requested placement within
199 | a specified period; providing that failure of the court to
200 | timely notify the department of the court's decision constitutes
201 | approval by the requested placement; requiring the nonviolent
202 | offender to undergo an education assessment and a full substance
203 | abuse assessment if admitted into the reentry program; requiring
204 | the offender to be enrolled in an adult education program in
205 | specified circumstances; requiring that assessments of
206 | vocational skills and future career education be provided to the
207 | offender; requiring that certain reevaluation be made
208 | periodically; providing that the nonviolent offender is subject
209 | to the disciplinary rules of the department; specifying the
210 | reasons for which the offender may be terminated from the
211 | reentry program; requiring that the department submit a report
212 | to the sentencing court at least 30 days before the nonviolent

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 917 (2011)

Amendment No. 1

213 offender is scheduled to complete the reentry program; setting
214 forth the issues to be addressed in the report; requiring the
215 sentencing court to issue an order modifying the sentence
216 imposed and place the nonviolent offender on drug offender
217 probation if the nonviolent offender's performance is
218 satisfactory; authorizing the court to revoke probation and
219 impose the original sentence in specified circumstances;
220 authorizing the court to require the offender to complete a
221 postadjudicatory drug court program in specified circumstances;
222 directing the department to implement the reentry program using
223 available resources; requiring the department to submit an
224 annual report to the Governor and Legislature detailing the
225 extent of implementation of the reentry program and outlining
226 future goals and recommendations; authorizing the department to
227 enter into contracts with qualified individuals, agencies, or
228 corporations for services for the reentry program; authorizing
229 the department to impose administrative or protective
230 confinement as necessary; authorizing the department to
231 establish a system of incentives within the reentry program
232 which the department may use to promote participation in
233 rehabilitative programs and the orderly operation of
234 institutions and facilities; directing the department to develop
235 a system for tracking recidivism, including, but not limited to,
236 rearrests and recommitment of nonviolent offenders who
237 successfully complete the reentry program, and to report on
238 recidivism in its annual report of the program; directing the
239 department to adopt rules; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 997 : Juvenile Civil Citations

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant				X	
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo			X		
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Trammell, Robert (Lobbyist) (State Employee) - Waive In Support
General Counsel, Florida Public Defender Association, Inc
PO Box 1799
Tallahassee FL 32302
Phone: (850)510-2187

Walters, Wansley (Lobbyist) (State Employee) - Proponent
Secretary, Department of Juvenile Justice
2737 Centerview Dr.
Tallahassee FL 32399
Phone: (850)413-7313

Hernandez, Rick (General Public) - Proponent
Lieutenant, Hillsborough County Sheriff's Office and Florida Shore Association
2008 E. 8th Ave.
Tampa FL 33601
Phone: (813)247-0975

Bishop III, Barney (Lobbyist) - Proponent
President and CEO, Associated Industries of Florida
516 N Adams St
Tallahassee FL 32301
Phone: (850)224-7173

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 1039 : Controlled Substances

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry			X		
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Bondi, Pam (General Public) - Proponent
Attorney General
401 N. Monroe
Tallahassee FL 32301
Phone: (850) 245-0184

McKeithen, Frank (General Public) - Proponent
Sheriff, Bay County
Hwy 77
Panama City FL 32401

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 1233 : Juvenile Justice

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant				X	
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo			X		
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Walters, Wansley (Lobbyist) (State Employee) - Waive In Support
Secretary, Department of Juvenile Justice
2737 Centerview Dr.
Tallahassee FL 32399
Phone: (850)410-1902

Trammell, Robert (Lobbyist) (State Employee) - Waive In Support
General Counsel, Florida Public Defender's Association, Inc
PO Box 1799
Tallahassee FL 32302
Phone: (850)510-2187

Myers, Cathy (Lobbyist) - Waive In Support
Executive Director, Florida Juvenile Justice Association
1107 Hays St
Tallahassee FL 32301
Phone: (850)294-9960

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

HB 4159 : State Attorneys

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant				X	
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Hofheinz, Monica (Lobbyist) (State Employee) - Waive In Support
Assistant State Attorney, Florida Prosecuting Attorney Association
201 SE Sixth St Ste 655
Ft Lauderdale FL 33301
Phone: (954)831-8543

King, Brad (State Employee) - Waive In Support
State Attorney 5th Circuit
110 NW 1st Ave. Suite 5000
Ocala FL 34480
Phone: (352)671-5914

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-01 : Prison Diversion Program

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia			X		
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-02 : Seat Requirements

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-03 : Failing to Assist Officers at Polls

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia		X			
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-04 : Cotton or Leaf Tobacco

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant			X		
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-05 : County Operated Boot Camp Programs

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-06 : Levying War Against People of the State

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-07 : Adulterated Syrup

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-08 : Lavatories

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-09 : Unlawful Use of Insignia

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-10 : Water Hyacinths

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/22/2011 8:30:00AM

Location: 404 HOB

PCB CRJS 11-11 : Correctional Policy Advisory Council

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell	X				
Richard Glorioso	X				
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.		X			
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Committee meeting was reported out: Tuesday, March 22, 2011 3:40:19PM