

Justice Appropriations Subcommittee

Action Packet

February 19, 2014 1:00 p.m. – 3:00 p.m. Morris Hall

Will Weatherford Speaker Charles McBurney Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Justice Appropriations Subcommittee

Start Date and Time:	Wednesday, February 19, 2014 01:00 pm	
End Date and Time:	Wednesday, February 19, 2014 03:00 pm	
Location:	Morris Hall (17 HOB)	
Duration:	2.00 hrs	

Consideration of the following bill(s):

HB 53 Inmate Reentry by Stone, Baxley CS/HB 99 Controlled Substances by Criminal Justice Subcommittee, Edwards, Hood CS/HB 139 Athletic Coaches for Youth Athletic Teams by Criminal Justice Subcommittee, Jones, S. HB 627 Service of Process by Pilon

Pursuant to rule, 7.12, the filing deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Tuesday, February 18, 2014.

By request of the chair, all committee members are asked to have amendments to bills on the agenda submitted by 6:00 p.m., Tuesday, February 18, 2014

NOTICE FINALIZED on 02/12/2014 16:17 by CTR

Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

Justice Appropriations Subcommittee

Wednesday February 19, 2014 01:00 pm

HB 53	Favorable With Comm	iittee Substitute	Yeas:	13	Nays:	0
	Amendment 738753 Amendment 1	Adopted				
	Amendment 300517 Amendment 2	Adopted				
	Amendment 496899 Amendment 3	Adopted				
CS/HB	99 Favorable		Yeas:	12	Nays:	0
	Amendment 011947 Amendment to	Withdrawn Amendment 1				
	Amendment 697359 Amendment 1	Withdrawn				
CS/HB	139 Favorable		Yeas:	13	Nays:	0
HB 627	7 Favorable		Yeas:	12	Nays:	0

COMMITTEE MEETING REPORT Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	Present	Absent	Excused
Charles McBurney (Chair)	X		
W. Travis Cummings	X		
Manny Diaz, Jr.	×		
Dave Kerner	x		
Mike La Rosa	x		
Debbie Mayfield	x		
Larry Metz	x		
Jared Moskowitz	x		
Ray Pilon	x		
Darryl Rouson	х		
Elaine Schwartz	x		
Irving Slosberg	×		
Charles Van Zant	Х		
Totals:	13	0	0

Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB)

HB 53 : Inmate Reentry

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee	Absentee
		And the second second second		Yea	Nay
W. Travis Cummings	X				
Manny Diaz, Jr.	Х				
Dave Kerner	Х				
Mike La Rosa	Х				
Debbie Mayfield	Х				
Larry Metz	х				
Jared Moskowitz	Х				
Ray Pilon	Х				
Darryl Rouson	Х				
Elaine Schwartz	х				
Irving Slosberg	х				
Charles Van Zant	X				
Charles McBurney (Chair)	Х				
	Total Yeas: 13	Total Nays: 0)		

HB 53 Amendments

Amendment 738753



Amendment 300517

X Adopted

Amendment 496899

X Adopted

Appearances:

HB 53

Bishop, Barney (Lobbyist) - Waive In Support Florida Smart Justice Alliance 204 S Monroe St Ste 201 Tallahassee FL 32301 Phone: 850-907-3436

HB 53

Dillinger, Honorable Bob (State Employee) - Waive In Support Public Defender, 6th Judicial Circuit 14250 49 St North Clearwater FL 33762 Phone: 727-464-6865

Committee meeting was reported out: Wednesday, February 19, 2014 4:29:06PM

Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB)

HB 53 : Inmate Reentry (continued)

Appearances: (continued)

HB 53

DeBeaugrine, Jim (Lobbyist) - Waive In Support Christian Prison Ministries 215 S Monroe Street Tallahassee FL 32301 Phone: 850-222-3533

HB 53

Pitts, Brian - Proponent Justice-2-Jesus 1119 Newton Ave. S. St. Petersburg FL 33705 Phone: (727) 897-9291

HB 53

Gran, Jill (Lobbyist) - Waive In Support Florida Alcohol & Drug Abuse Association, Inc 2868 Mahan Dr Ste 3 Tallahassee FL 32308 Phone: 850-878-2196

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 53 (2014)

Amendment No. 01

COMMITTEE/SUBCOMMITTE	E ACTION
ADOPTED	(Y) N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	(Y/N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Justice Appropriations 1 Subcommittee 2 3

Representative Stone offered the following:

Amendment

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Remove lines 27-58 and insert:

414.0252(7), to an inmate receiving a card issued pursuant to s. 7

944.605(7), or, if necessary, to an inmate receiving a 8

replacement card if the department determines he or she has a 9

valid driver license or state identification card. 10

Section 2. Subsection (3) of section 382.0255, Florida 11 Statutes, is amended to read: 12

382.0255 Fees.-13

(3) Fees shall be established by rule. However, until 14 rules are adopted, the fees assessed pursuant to this section 15 shall be the minimum fees cited. The fees established by rule 16 must be sufficient to meet the cost of providing the service. 17

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 53 (2014)

Amendment No. 01

All fees shall be paid by the person requesting the record, are 18 due and payable at the time services are requested, and are 19 nonrefundable, except that, when a search is conducted and no 20 vital record is found, any fees paid for additional certified 21 copies shall be refunded. The department may waive all or part 22 of the fees required under this section for any government 23 entity. The department shall waive all fees required under this 24 section for a certified copy of a birth certificate issued for 25 purposes of an inmate acquiring a state identification card 26 before release pursuant to s. 944.605(7). 27 Section 3. Subsection (7) is added to section 944.605, 28 Florida Statutes, to read: 29 944.605 Inmate release; notification; identification 30 31 card.-32 (7) (a) The department, working in conjunction with the Department of Health and the Department of Highway Safety and 33 Motor Vehicles, shall provide every Florida-born inmate with a 34 certified copy of their birth certificate and a state 35 identification card before his or her release upon expiration of 36 37 the inmate's sentence. Paragraph (a) does not apply to inmates who: 38 (b)

39 <u>1. The department determines have a valid driver license</u> 40 <u>or state identification card, except that the department shall</u> 41 <u>provide these inmates with a replacement state identification</u> 42 card or replacement driver license if necessary.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 53 (2014)

Amendment No. 02

COMMITTEE/SUBCOMMI	TTEE ACTION
ADOPTED	(Y) N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	(Y/N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Justice Appropriations

Subcommittee

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Representative Rouson offered the following:

Amendment

Remove lines 80-82

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Justice Appropriations

Bill No. HB 53 (2014)

Amendment No. 3

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ADOPTED AS AMENDED ADOPTED W/O OBJECTION	$- \frac{(Y/N)}{(Y/N)}$
ADOPTED W/O OBJECTION	(V/N)
	- (1/14)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

2 Subcommittee

3 Representative McBurney offered the following:

Amendment (with title amendment)

Between lines 112 and 113, insert:

Section 5. For fiscal year 2014-2015 the sum of \$796,720 in 7 recurring funds is appropriated from the General Revenue Fund to 8 the Department of Corrections for the implementation of this 9 act. From such funds, the Department of Corrections shall 10 reimburse the Department of Highway Safety and Motor Vehicles 11 for the cost of the State Identification Cards and shall 12 reimburse the Department of Health for birth certificates for 13 inmates born in-state. The Department of Corrections may also 14 expend funds for birth certificates for inmates born out-of-15 state. There is also appropriated to the Department of Highway 16 Safety and Motor Vehicles for fiscal year 2014-2015 the sum of 17

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 53 (2014)

Amendment No. 3

18	\$221,276 in recurring funds and \$243,782 in nonrecurring funds
19	from the Highway Safety Operating Trust Fund for the purpose of
20	purchasing, equipping, and operating mobile licensing vehicles
21	whose primary responsibility shall be to issue identification
22	and licensing credentials to inmates before their release from
23	the custody of the Department of Corrections. The Department of
24	Health and the Department of Highway Safety and Motor Vehicles
25	may request a budget amendment pursuant to ch. 216, if
26	additional trust fund authority is required for the
27	implementation of this act.
28	
29	
30	
31	
32	TITLE AMENDMENT
33	Remove line 16 and insert:
34	appropriation; providing an effective date.
35	
22	
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Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB) CS/HB 99 : Controlled Substances

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
W. Travis Cummings	х				
Manny Diaz, Jr.	Х				
Dave Kerner	Х				
Mike La Rosa	Х				
Debbie Mayfield	Х				
Larry Metz	X				
Jared Moskowitz			х		
Ray Pilon	Х				
Darryl Rouson	Х				
Elaine Schwartz	Х				
Irving Slosberg	Х				
Charles Van Zant	Х				
Charles McBurney (Chair)	Х				
	Total Yeas: 12	Total Nays: 0			

CS/HB 99 Amendments

Amendment 011947

X Withdrawn

Amendment 697359

X Withdrawn

Appearances:

CS/HB 99 Rayborn Silver, Keri (Lobbyist) - Waive In Support Florida Sheriffs Association PO Box 1565 Tallahassee FL 32302 Phone: 850-524-2394

CS/HB 99 Dillinger, Honorable Bob (State Employee) - Waive In Support Florida Public Defender Association, Inc 14250 49th Street North Clearwater Florida Phone: 727.464.6516

Committee meeting was reported out: Wednesday, February 19, 2014 4:29:06PM

Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 99 : Controlled Substances (continued)

Appearances: (continued)

CS/HB 99 Pitts, Brian - Waive In Support Justice-2-Jesus 1119 Newton Ave. S. St. Petersburg FL 33705 Phone: (727) 897-9291

CS/HB 99

DeBeaugrine, Jim (Lobbyist) - Waive In Support Christian Prison Ministries 215 S Monroe Street Tallahassee Florida 32301 Phone: 850-222-3533

CS/HB 99

Bishop, Barney (Lobbyist) - Waive In Support Florida Smart Justice Alliance 204 S Monroe St Ste 201 Tallahassee FL 32301 Phone: 850-907-3436

Hofheinz, Monica (Lobbyist) (State Employee) - Waive In Support State Attorney Mike Satz & FL Prosecutors 201 SE Sixth St Ste 655 Ft Lauderdale FL 33301 Phone: (954)831-8543

CS/HB 99

Gran, Jill (Lobbyist) - Waive In Support Florida Alcohol and Drug Abuse Association 2868 Mahan Dr Tallahassee FL 32308 Phone: (850)878-2196

CS/HB 99

Newburn, Greg - Waive In Support Florida Project Director, Families Against Mandatory Minimums P O Box 142933 Gainesville FL 32614 Phone: 352-682-2542

Committee meeting was reported out: Wednesday, February 19, 2014 4:29:06PM

	⊂011947<∈	COMMITTEE/SUBCOMMITTEE AMENDMENT
X	Amendment No. la	Bill No. CS/HB 99 (2014)
		$\begin{array}{c} \underline{\text{ACTION}} \\ (Y/N) \\ (Y/N) \\ (Y/N) \\ (Y/N) \\ (Y/N) \\ (Y/N) \end{array}$
1 2 3 4 5	Subcommittee Representative Van Zant offe	
6	Remove line 125 of the	(697359) by Representative
7		Control Health, Second Max, A Microbiological Mathematics &
9	<u>4. If a person has one</u> <u>the prior 18 months for</u>	e or more prior convictions within
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	1	Page 1 of 1

Bill No. CS/HB 99 (2014)

Amendment No. 1

	COMMITTEE/SUBCOMMITTEE ACTION		
	ADOPTED (Y/N)		
	ADOPTED AS AMENDED (Y/N) WITHOWAND		
	ADOPTED AS AMENDED (Y/N) Withdrawn ADOPTED W/O OBJECTION (Y/N) 2/19/14		
	FAILED TO ADOPT (Y/N) 2/14/14		
	WITHDRAWN (Y/N)		
	OTHER		
1	Committee/Subcommittee hearing bill: Justice Appropriations		
2	Subcommittee		
3	Representative Van Zant offered the following:		
4			
5	Amendment (with title amendment)		
6	Remove lines 40-180 and insert:		
7	775.083, or s. 775.084. If the quantity involved in the current		
8	charge or, if the defendant has prior convictions under this		
9	subparagraph, that amount plus the accumulated total of the		
10	amounts involved in such prior convictions:		
11	a. Is 4 grams or more, but less than 14 grams, such person		
12	shall be sentenced to a mandatory minimum term of imprisonment		
13	of 3 years, and the defendant shall be ordered to pay a fine of		
14	\$50,000.		
15	b. Is 14 grams or more, but less than 28 grams, such		
16	person shall be sentenced to a mandatory minimum term of		
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Bill No. CS/HB 99

(2014)

Amendment No. 1

17 imprisonment of 15 years, and the defendant shall be ordered to 18 pay a fine of \$100,000.

19 c. Is 28 grams or more, but less than 30 kilograms, such 20 person shall be sentenced to a mandatory minimum term of 21 imprisonment of 25 calendar years and <u>shall be ordered to</u> pay a 22 fine of \$500,000.

23 2. A person who knowingly sells, purchases, manufactures, 24 delivers, or brings into this state, or who is knowingly in 25 actual or constructive possession, of 14 grams or more of 26 hydrocodone, or 14 grams or more of any mixture containing any 27 such substance, commits a felony of the first degree, which 28 felony shall be known as "trafficking in hydrocodone," 29 punishable as provided in s. 775.082, s. 775.083, or s. 775.084. 30 If the quantity involved in the current charge or, if the 31 defendant has prior convictions under this subparagraph, that 32 amount plus the accumulated total of the amounts involved in such prior convictions: 33

34 <u>a. Is 14 grams or more, but less than 28 grams, such</u> 35 <u>person shall be sentenced to a mandatory minimum term of</u> 36 <u>imprisonment of 3 years and shall be ordered to pay a fine of</u> 37 <u>\$50,000.</u>

38 <u>b. Is 28 grams or more, but less than 50 grams, such</u> 39 <u>person shall be sentenced to a mandatory minimum term of</u> 40 <u>imprisonment of 7 years and shall be ordered to pay a fine of</u> 41 \$100,000.

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Bill No. CS/HB 99 (2014)

Amendment No. 1

42	c. Is 50 grams or more, but less than 200 grams, such
43	person shall be sentenced to a mandatory minimum term of
44	imprisonment of 15 years and shall be ordered to pay a fine of
45	\$500,000.
46	d. Is 200 grams or more, but less than 30 kilograms, such
47	person shall be sentenced to a mandatory minimum term of
48	imprisonment of 25 years and shall be ordered to pay a fine of
49	\$750,000.
50	e. Is 30 kilograms or more, such person shall be punished
51	by life imprisonment and is ineligible for any form of
52	discretionary early release except pardon, executive clemency,
53	or conditional medical release under s. 947.149. However, if the
54	court determines that, in addition to committing any act
55	specified in this paragraph:
56	(I) The person intentionally killed an individual or
57	counseled, commanded, induced, procured, or caused the
58	intentional killing of an individual and such killing was the
59	result; or
60	(II) The person's conduct in committing that act led to a
61	natural, though not inevitable, lethal result,
62	
63	such person commits the capital felony of trafficking in
64	hydrocodone, punishable as provided in ss. 775.082 and 921.142.
65	A person sentenced under this sub-subparagraph shall also be
66	sentenced to pay the maximum fine provided under this
67	subparagraph.
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Bill No. CS/HB 99 (2014)

Amendment No. 1

68	f A person who knowingly brings into this state 60
	f. A person who knowingly brings into this state 60
69	kilograms or more and who knows that the probable result of such
70	importation would be the death of a person, commits capital
71	importation of hydrocodone, a capital felony punishable as
72	provided in ss. 775.082 and 921.142. A person sentenced for a
73	capital felony under this sub-subparagraph shall also be
74	sentenced to pay the maximum fine provided under this
75	subparagraph.
76	3. A person who knowingly sells, purchases, manufactures,
77	delivers, or brings into this state, or who is knowingly in
78	actual or constructive possession of, 7 grams or more of
79	oxycodone, or 7 grams or more of any mixture containing any such
80	substance, commits a felony of the first degree, which felony
81	shall be known as "trafficking in oxycodone," punishable as
82	provided in s. 775.082, s. 775.083, or s. 775.084. If the
83	quantity involved:
84	a. Is 7 grams or more, but less than 14 grams, such person
85	shall be sentenced to a mandatory minimum term of imprisonment
86	of 3 years and shall be ordered to pay a fine of \$50,000.
87	b. Is 14 grams or more, but less than 25 grams, such
88	person shall be sentenced to a mandatory minimum term of
89	imprisonment of 7 years and shall be ordered to pay a fine of
90	\$100,000.
91	c. Is 25 grams or more, but less than 100 grams, such
92	person shall be sentenced to a mandatory minimum term of

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⊂697359]∈ COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 99 (2014) Amendment No. 1 imprisonment of 15 years and shall be ordered to pay a fine of 93 94 \$500,000. d. Is 100 grams or more, but less than 30 kilograms, such 95 person shall be sentenced to a mandatory minimum term of 96 97 imprisonment of 25 years and shall be ordered to pay a fine of 98 \$750,000. 99 e. Is 30 kilograms or more, such person shall be punished 100 by life imprisonment and is ineligible for any form of discretionary early release except pardon, executive clemency, 101 102 or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act 103 104 specified in this paragraph: 105 (I) The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the 106 107 intentional killing of an individual and such killing was the 108 result; or (II) The person's conduct in committing that act led to a 109 natural, though not inevitable, lethal result, 110 111 112 such person commits the capital felony of trafficking in oxycodone, punishable as provided in ss. 775.082 and 921.142. A 113 person sentenced under this sub-subparagraph shall also be 114 sentenced to pay the maximum fine provided under this 115 116 subparagraph. f. A person who knowingly brings into this state 60 117 kilograms or more and who knows that the probable result of such 118 697359 - h0099-line40 Van Zantl.docx Published On: 2/19/2014 2:40:48 PM

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Bill No. CS/HB 99 (2014)

Amendment No. 1

importation would be the death of a person, commits capital importation of oxycodone, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this sub-subparagraph shall also be sentenced to pay the maximum fine provided under this subparagraph.

4. If a person has one or more prior convictions for 125 possessing, selling, purchasing, manufacturing, or delivering 126 127 into this state hydrocodone or oxycodone, the judge presiding 128 over the current offense shall add the quantities involved in the previous convictions to the quantity involved in the current 129 offense and, if the total amount exceeds the thresholds 130 contained in subparagraph 2. or subparagraph 3., respectively, 131 the person shall be sentenced in accordance with that respective 132 subparagraph. 133

5. A 2. Any person who knowingly sells, purchases, 134 135 manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms 136 or more of any morphine, opium, oxycodone, hydrocodone, 137 138 hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 139 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or 140 more of any mixture containing any such substance, commits the 141 first degree felony of trafficking in illegal drugs. A person 142 who has been convicted of the first degree felony of trafficking 143 in illegal drugs under this subparagraph shall be punished by 144

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Bill No. CS/HB 99 (2014)

Amendment No. 1

145 life imprisonment and is ineligible for any form of 146 discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the 147 court determines that, in addition to committing any act 148 149 specified in this paragraph: a. The person intentionally killed an individual or 150 counseled, commanded, induced, procured, or caused the 151 intentional killing of an individual and such killing was the 152 result; or 153 154 b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result, 155 156 such person commits the capital felony of trafficking in illegal 157 drugs, punishable as provided in ss. 775.082 and 921.142. A Any 158 person sentenced for a capital felony under this paragraph shall 159 also be sentenced to pay the maximum fine provided under 160 subparagraph 1. 161 6. A 3. Any person who knowingly brings into this state 162 163 164 _____ TITLE AMENDMENT 165 Between lines 8 and 9, insert: 166 providing for the adding together of quantities involved in 167 prior convictions for purposes of calculating sentence; 168 697359 - h0099-line40 Van Zantl.docx

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Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 139 : Athletic Coaches for Youth Athletic Teams

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
W. Travis Cummings	х				
Manny Diaz, Jr.	Х				
Dave Kerner	x				
Mike La Rosa	х				
Debbie Mayfield	Х				
Larry Metz	Х				
Jared Moskowitz	Х				
Ray Pilon	Х				
Darryl Rouson	Х				
Elaine Schwartz	Х				
Irving Slosberg	Х				
Charles Van Zant	Х				
Charles McBurney (Chair)	Х				
	Total Yeas: 13	Total Nays: 0			

Appearances:

HB 139 Haas, Mindy - Waive In Support Florida PTA

HB 139

Pitts, Brian - Waive In Support Justice-2-Jesus 1119 Newton Ave. S. St. Petersburg FL 33705 Phone: (727) 897-9291

COMMITTEE MEETING REPORT Justice Appropriations Subcommittee

2/19/2014 1:00:00PM

Location: Morris Hall (17 HOB)

HB 627 : Service of Process

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
W. Travis Cummings	Х			100	Nay
Manny Diaz, Jr.	Х				
Dave Kerner	Х				
Mike La Rosa	Х				
Debbie Mayfield	Х				
Larry Metz	х				
Jared Moskowitz			Х		
Ray Pilon	x				
Darryl Rouson	х				
Elaine Schwartz	х				
Irving Slosberg	x				
Charles Van Zant	Х				
Charles McBurney (Chair)	Х				
	Total Yeas: 12	Total Nays: ()		

Appearances:

HB 627

Canabal, J.C. (Lobbyist) - Waive In Support Florida Association of Professional Process Services 108 E. Jefferson Street Tallahassee Florida Phone: 954-624-2114

HB 627

Rayborn Silver, Keri (Lobbyist) - Waive In Support Florida Sheriffs Association PO Box 1565 Tallahassee FL 32302 Phone: 850-524-2394

Committee meeting was reported out: Wednesday, February 19, 2014 4:29:06PM