



---

# Judiciary Committee

February 20, 2014

12:00 PM

404 HOB

Action Packet

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

**Location:** Sumner Hall (404 HOB)

### Summary:

#### Judiciary Committee

Thursday February 20, 2014 12:00 pm

CS/HB 73	Favorable	Yeas: 17	Nays: 0
CS/HB 89	Favorable With Committee Substitute	Yeas: 15	Nays: 2
Amendment 323439	Withdrawn		
Amendment 819963	Withdrawn		
Amendment 651305	Adopted	Yeas: 17	Nays: 0
Amendment 414477	Withdrawn		
HB 123	Favorable	Yeas: 16	Nays: 1
HB 161	Favorable	Yeas: 16	Nays: 1
HB 171	Favorable	Yeas: 15	Nays: 1
HB 427	Favorable	Yeas: 17	Nays: 0
CS/HB 445	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 798015	Adopted Without Objection		
HB 463	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 965361	Adopted Without Objection		
HB 7003	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 807149	Adopted Without Objection		

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dennis Baxley (Chair)	X		
Daphne Campbell	X		
Dwight Dudley	X		
Heather Fitzenhagen	X		
Matt Gaetz	X		
Bill Hager			X
Dave Kerner	X		
Charles McBurney	X		
Kionne McGhee	X		
Larry Metz	X		
Jared Moskowitz	X		
Kathleen Passidomo	X		
Ray Pilon	X		
Daniel Raulerson	X		
Kenneth Roberson	X		
Elaine Schwartz	X		
Ross Spano	X		
Charlie Stone	X		
<b>Totals:</b>	<b>17</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

CS/HB 73 : Sexual Offenders

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### Appearances:

CS/HB 73

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

CS/HB 73

Book, Ron (Lobbyist) - Waive In Support

Lauren's Kids

104 W. Jefferson

Tallahassee FL 32301

Phone: 850-224-3427

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

**Location:** Sumner Hall (404 HOB)

**CS/HB 89 : Threatened Use of Force**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee		X			
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz		X			
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 2</b>			

**CS/HB 89 Amendments**

**Amendment 323439**

*Withdrawn*

**Amendment 819963**

*Withdrawn*

**Amendment 651305**

*Adopted*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

CS/HB 89 : Threatened Use of Force (continued)

### Amendment 651305

Adopted

Jared Moskowitz	X
Kathleen Passidomo	X
Ray Pilon	X
Daniel Raulerson	X
Kenneth Roberson	X
Elaine Schwartz	X
Ross Spano	X
Charlie Stone	X
Dennis Baxley (Chair)	X
<b>Total Yays: 17</b>	<b>Total Nays: 0</b>

### Amendment 414477

Withdrawn

### Appearances:

CS/HB 89

Bustle, Electra (Lobbyist) - Waive In Support

Florida Sheriffs Association

2617 Mahan Dr

Tallahassee FL 32308

Phone: 850)671-4401

CS/HB 89

Scott, Stacy (State Employee) (General Public) - Waive In Support

Florida Public Defender Association, Inc

35 North Main Street

Gainesville Florida 32601

Phone: 352.338.7370

CS/HB 89

Jacobs, Buddy (Lobbyist) - Waive In Support

General Counsel FL Prosecuting Attorneys Association

961687 Gateway Blvd.

Ferner dina Beach FL 32034

Phone: 904-261-3693

CS/HB 89

Newburn, Greg (General Public) - 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: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

**Location:** Sumner Hall (404 HOB)

**CS/HB 89 : Threatened Use of Force (continued)**

**Appearances: (continued)**

CS/HB 89

Browning, Kristopher (Lobbyist) - Waive In Support

Florida Smart Justice Alliance

204 S Monroe St Ste 201

Tallahassee FL 32301

Phone: 850)907-3436

CS/HB 89

Chamizo, Jorge (Lobbyist) - Waive In Support

Florida Association of Criminal Defense Lawyers

PO Box 1528

Tallahassee FL 32302

Phone: (850)681-0024

CS/HB 89

Friday, Eric (General Public) - Proponent

Florida Carry

541 E Monroe St

Jacksonville FL 32202

Phone: 904-553-2264

CS/HB 89

Hammer, Marion (Lobbyist) - Proponent

NRA and Unified Sportsmen of Florida

P.O Box 1387

Tallahassee FL 32302

Phone: 850-222-9518

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM



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	_____	

*Withdrawn  
2.20.14*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Combee offered the following:

**Amendment (with title amendment)**

Between lines 50 and 51, insert:

Section 2. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 775.087, Florida Statutes, is amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for:

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;





## Amendment No. 1

- 18 e. Arson;
- 19 ~~f. Aggravated assault;~~
- 20 f. ~~g.~~ Aggravated battery;
- 21 g. ~~h.~~ Kidnapping;
- 22 h. ~~i.~~ Escape;
- 23 i. ~~j.~~ Aircraft piracy;
- 24 j. ~~k.~~ Aggravated child abuse;
- 25 k. ~~l.~~ Aggravated abuse of an elderly person or disabled
- 26 adult;
- 27 l. ~~m.~~ Unlawful throwing, placing, or discharging of a
- 28 destructive device or bomb;
- 29 m. ~~n.~~ Carjacking;
- 30 n. ~~o.~~ Home-invasion robbery;
- 31 o. ~~p.~~ Aggravated stalking;
- 32 p. ~~q.~~ Trafficking in cannabis, trafficking in cocaine,
- 33 capital importation of cocaine, trafficking in illegal drugs,
- 34 capital importation of illegal drugs, trafficking in
- 35 phencyclidine, capital importation of phencyclidine, trafficking
- 36 in methaqualone, capital importation of methaqualone,
- 37 trafficking in amphetamine, capital importation of amphetamine,
- 38 trafficking in flunitrazepam, trafficking in gamma-
- 39 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 40 trafficking in Phenethylamines, or other violation of s.
- 41 893.135(1); or
- 42 q. ~~r.~~ Possession of a firearm by a felon
- 43



Amendment No. 1

44 and during the commission of the offense, such person actually  
45 possessed a "firearm" or "destructive device" as those terms are  
46 defined in s. 790.001, shall be sentenced to a minimum term of  
47 imprisonment of 10 years, except that a person who is convicted  
48 for ~~aggravated assault~~, possession of a firearm by a felon, or  
49 burglary of a conveyance shall be sentenced to a minimum term of  
50 imprisonment of 3 years if such person possessed a "firearm" or  
51 "destructive device" during the commission of the offense.  
52 However, if an offender who is convicted of the offense of  
53 possession of a firearm by a felon has a previous conviction of  
54 committing or attempting to commit a felony listed in s.  
55 775.084(1)(b)1. and actually possessed a firearm or destructive  
56 device during the commission of the prior felony, the offender  
57 shall be sentenced to a minimum term of imprisonment of 10  
58 years.

59 2. Any person who is convicted of a felony or an attempt  
60 to commit a felony listed in sub-subparagraphs (a)1.a.-~~p.g.~~,  
61 regardless of whether the use of a weapon is an element of the  
62 felony, and during the course of the commission of the felony  
63 such person discharged a "firearm" or "destructive device" as  
64 defined in s. 790.001 shall be sentenced to a minimum term of  
65 imprisonment of 20 years.

66 3. Any person who is convicted of a felony or an attempt  
67 to commit a felony listed in sub-subparagraphs (a)1.a.-~~p.g.~~,  
68 regardless of whether the use of a weapon is an element of the  
69 felony, and during the course of the commission of the felony



Amendment No. 1

70 such person discharged a "firearm" or "destructive device" as  
71 defined in s. 790.001 and, as the result of the discharge, death  
72 or great bodily harm was inflicted upon any person, the  
73 convicted person shall be sentenced to a minimum term of  
74 imprisonment of not less than 25 years and not more than a term  
75 of imprisonment of life in prison.

76 (3)(a)1. Any person who is convicted of a felony or an  
77 attempt to commit a felony, regardless of whether the use of a  
78 firearm is an element of the felony, and the conviction was for:

- 79 a. Murder;
- 80 b. Sexual battery;
- 81 c. Robbery;
- 82 d. Burglary;
- 83 e. Arson;
- 84 ~~f. Aggravated assault;~~
- 85 f. ~~g.~~ Aggravated battery;
- 86 g. ~~h.~~ Kidnapping;
- 87 h. ~~i.~~ Escape;
- 88 i. ~~j.~~ Sale, manufacture, delivery, or intent to sell,  
89 manufacture, or deliver any controlled substance;
- 90 j. ~~k.~~ Aircraft piracy;
- 91 k. ~~l.~~ Aggravated child abuse;
- 92 l. ~~m.~~ Aggravated abuse of an elderly person or disabled  
93 adult;
- 94 m. ~~n.~~ Unlawful throwing, placing, or discharging of a  
95 destructive device or bomb;



Amendment No. 1

96        n. ~~o.~~ Carjacking;  
97        o. ~~p.~~ Home-invasion robbery;  
98        p. ~~q.~~ Aggravated stalking; or  
99        q. ~~r.~~ Trafficking in cannabis, trafficking in cocaine,  
100 capital importation of cocaine, trafficking in illegal drugs,  
101 capital importation of illegal drugs, trafficking in  
102 phencyclidine, capital importation of phencyclidine, trafficking  
103 in methaqualone, capital importation of methaqualone,  
104 trafficking in amphetamine, capital importation of amphetamine,  
105 trafficking in flunitrazepam, trafficking in gamma-  
106 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
107 trafficking in Phenethylamines, or other violation of s.  
108 893.135(1);

109  
110 and during the commission of the offense, such person possessed  
111 a semiautomatic firearm and its high-capacity detachable box  
112 magazine or a machine gun as defined in s. 790.001, shall be  
113 sentenced to a minimum term of imprisonment of 15 years.

114        2. Any person who is convicted of a felony or an attempt  
115 to commit a felony listed in subparagraph (a)1., regardless of  
116 whether the use of a weapon is an element of the felony, and  
117 during the course of the commission of the felony such person  
118 discharged a semiautomatic firearm and its high-capacity box  
119 magazine or a "machine gun" as defined in s. 790.001 shall be  
120 sentenced to a minimum term of imprisonment of 20 years.



Amendment No. 1

121 3. Any person who is convicted of a felony or an attempt  
122 to commit a felony listed in subparagraph (a)1., regardless of  
123 whether the use of a weapon is an element of the felony, and  
124 during the course of the commission of the felony such person  
125 discharged a semiautomatic firearm and its high-capacity box  
126 magazine or a "machine gun" as defined in s. 790.001 and, as the  
127 result of the discharge, death or great bodily harm was  
128 inflicted upon any person, the convicted person shall be  
129 sentenced to a minimum term of imprisonment of not less than 25  
130 years and not more than a term of imprisonment of life in  
131 prison.

132

133

134

135

136

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

137

Remove line 3 and insert:

138

providing legislative findings and intent; amending s. 775.087,

139

F.S.; removing aggravated assault from the list of offenses that

140

qualify for certain minimum mandatory sentences; amending s.

141



Amendment No. 1s

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	_____	

*Withdrawn  
2.20.14*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Fitzenhagen offered the following:

3  
 4 **Substitute Amendment for Amendment (323439) by**  
 5 **Representative Combee (with title amendment)**

6 Between lines 50 and 51, insert:

7 Section 2. Subsection (6) is added to section 775.087,  
 8 Florida Statutes, to read:

9 775.087 Possession or use of weapon; aggravated battery;  
 10 felony reclassification; minimum sentence.-

11 (6) Notwithstanding subsections (2) and (3), when  
 12 sentencing a defendant convicted of a violation of s. 784.021,  
 13 the court must sentence the defendant pursuant to s. 775.082, s.  
 14 775.083, or 775.084, if the court makes written findings that:

15 (a) The defendant did not act in furtherance of any other  
 16 forcible felony;



Amendment No. 1s

17        (b) The defendant committed the offense with the intent to  
18 defend themself or others from bodily harm; and

19        (c) A minimum mandatory sentence required under this  
20 section is not necessary to protect the public.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

-----

**T I T L E   A M E N D M E N T**

Remove line 4 and insert:

775.087, F.S.; requiring a judge to deviate from a minimum  
mandatory sentence for aggravated assault if the court makes  
certain findings; amending s. 776.012, F.S.; applying provisions  
relating to the use



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	_____	

*Adopted  
2.20.14*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Combee offered the following:

**Amendment (with title amendment)**

Between lines 188 and 189, insert:

Section 8. Section 776.09, Florida Statutes, is created to read:

776.09 Notwithstanding the eligibility requirements pursuant to s. 943.0585(2), a person who has an information, indictment, or other charging document either not filed or dismissed by the state attorney, or dismissed by the court because it was found that the person acted in lawful self-defense pursuant to the provisions related to the justifiable use of force in ch. 776, is eligible to apply for and receive a certificate of eligibility for expunction under s. 943.0585. This section does not confer any right to the expunction of a criminal history record, and any request for expunction of a





Amendment No. 2

18 criminal history record may be denied at the discretion of the  
19 court.

20 Section 9. Subsection (5) of section 943.0585, Florida  
21 Statutes, is renumbered as subsection (6), respectively, and  
22 subsection (5) is added to that section, to read:

23 943.0585 Court-ordered expunction of criminal history  
24 records.—The courts of this state have jurisdiction over their  
25 own procedures, including the maintenance, expunction, and  
26 correction of judicial records containing criminal history  
27 information to the extent such procedures are not inconsistent  
28 with the conditions, responsibilities, and duties established by  
29 this section. Any court of competent jurisdiction may order a  
30 criminal justice agency to expunge the criminal history record  
31 of a minor or an adult who complies with the requirements of  
32 this section. The court shall not order a criminal justice  
33 agency to expunge a criminal history record until the person  
34 seeking to expunge a criminal history record has applied for and  
35 received a certificate of eligibility for expunction pursuant to  
36 subsection (2). A criminal history record that relates to a  
37 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
38 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
39 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
40 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
41 any violation specified as a predicate offense for registration  
42 as a sexual predator pursuant to s. 775.21, without regard to  
43 whether that offense alone is sufficient to require such



Amendment No. 2

44 registration, or for registration as a sexual offender pursuant  
45 to s. 943.0435, may not be expunged, without regard to whether  
46 adjudication was withheld, if the defendant was found guilty of  
47 or pled guilty or nolo contendere to the offense, or if the  
48 defendant, as a minor, was found to have committed, or pled  
49 guilty or nolo contendere to committing, the offense as a  
50 delinquent act. The court may only order expunction of a  
51 criminal history record pertaining to one arrest or one incident  
52 of alleged criminal activity, except as provided in this  
53 section. The court may, at its sole discretion, order the  
54 expunction of a criminal history record pertaining to more than  
55 one arrest if the additional arrests directly relate to the  
56 original arrest. If the court intends to order the expunction of  
57 records pertaining to such additional arrests, such intent must  
58 be specified in the order. A criminal justice agency may not  
59 expunge any record pertaining to such additional arrests if the  
60 order to expunge does not articulate the intention of the court  
61 to expunge a record pertaining to more than one arrest. This  
62 section does not prevent the court from ordering the expunction  
63 of only a portion of a criminal history record pertaining to one  
64 arrest or one incident of alleged criminal activity.  
65 Notwithstanding any law to the contrary, a criminal justice  
66 agency may comply with laws, court orders, and official requests  
67 of other jurisdictions relating to expunction, correction, or  
68 confidential handling of criminal history records or information  
69 derived therefrom. This section does not confer any right to the



Amendment No. 2

70 expunction of any criminal history record, and any request for  
71 expunction of a criminal history record may be denied at the  
72 sole discretion of the court.

73 (5) Notwithstanding the eligibility requirements pursuant  
74 to s. 943.0585(2), a person who has an information, indictment,  
75 or other charging document either not filed or dismissed by the  
76 state attorney, or dismissed by the court because it was found  
77 that the person acted in lawful self-defense pursuant to the  
78 provisions related to the justifiable use of force in ch. 776,  
79 is eligible to apply for and receive a certificate of  
80 eligibility for expunction under s. 943.0585. This subsection  
81 does not confer any right to the expunction of a criminal  
82 history record, and any request for expunction of a criminal  
83 history record may be denied at the discretion of the court.

84

85

86

87

88

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

89

Remove line 22 and insert:

90

officer; creating s. 776.09, F.S.; providing that a person is

91

eligible to apply for and receive a certificate of eligibility

92

for expunction, notwithstanding the eligibility requirements, if

93

the charging document in the case is not filed or is dismissed

94

because it is found that the person acted in lawful self-defense

95

pursuant to the provisions related to the justifiable use of



Amendment No. 2

96 force in ch. 776; amending s. 943.0585, F.S.; providing that a  
97 person is eligible to apply for and receive a certificate of  
98 eligibility for expunction, notwithstanding the eligibility  
99 requirements, if the charging document in the case is not filed  
100 or is dismissed because it is found that the person acted in  
101 lawful self-defense pursuant to the provisions related to the  
102 justifiable use of force in ch. 776; providing an effective  
103 date.

104



Amendment No. 3

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 \_\_\_\_\_

*Withdrawn  
2.20.14*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Combee offered the following:

**Amendment (with title amendment)**

Between lines 50 and 51, insert:

6 Section 2. Subsection (6) is added to section 775.087,  
 7 Florida Statutes, to read:

8 775.087 Possession or use of weapon; aggravated battery;  
 9 felony reclassification; minimum sentence.-

10 (6) Notwithstanding subsections (2) and (3), when  
 11 sentencing a defendant convicted of a violation of s. 784.021,  
 12 the court may sentence the defendant pursuant to s. 775.082, s.  
 13 775.083, or 775.084, if the court makes written findings that:

14 (a) The defendant did not act in furtherance of any other  
 15 forcible felony;

16 (b) The defendant committed the offense with the intent to  
 17 defend themselves or others from bodily harm; and



Amendment No. 3

18           (c) A minimum mandatory sentence required under this  
19 section is not necessary to protect the public.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

-----

**T I T L E   A M E N D M E N T**

Remove line 4 and insert:

775.087, F.S.; authorizing a judge to deviate from a minimum  
mandatory sentence for aggravated assault if the court makes  
certain findings; amending s. 776.012, F.S.; applying provisions  
relating to the use

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

### HB 123 : Fees and Costs in Guardianship Proceedings

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell		X			
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 1</b>			

### Appearances:

HB 123

Abramovici, Lidya (General Public) - Opponent  
Americans Against Abusive Probate Guardianships  
19355 Turnberry Way, #63  
Aventura FL 33180  
Phone: 305-457-0701

HB 123

Sarhan, Robert (General Public) - Information Only  
MD  
22795 SW 212 Ave  
Miami FL 33170  
Phone: 305-338-6160

HB 123

Stone, Barbara (General Public) - Information Only  
101 N Ocean Dr  
Hollywood FL 33019  
Phone: 212-994-5482

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

### HB 161 : Indecent Exposure

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz		X			
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 1</b>			

### Appearances:

HB 161

Pitts, Brian (General Public) - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM



# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

**Location:** Sumner Hall (404 HOB)

**HB 171 : Public Assistance Fraud**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee		X			
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 1</b>			

### Appearances:

HB 171

Pitts, Brian (General Public) - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

HB 171

McFaddin, Logan (Lobbyist) (State Employee) - Waive In Support

Department of Financial Services

LL-25, The Capitol

Tallahassee FL 32399

Phone: (850) 413-2890

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

### HB 427 : Traveling Across County Lines to Commit Felony Offenses

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 427

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

**Location:** Sumner Hall (404 HOB)

### CS/HB 445 : Time Limitations

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### CS/HB 445 Amendments

#### Amendment 798015

*Adopted Without Objection*

### Appearances:

CS/HB 445

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM



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 \_\_\_\_\_

*Adopted without  
objection  
2/20/14*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Nuñez offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

6 Section 1. Subsection (9) of section 95.11, Florida  
 7 Statutes, is amended to read:

8 95.11 Limitations other than for the recovery of real  
 9 property.—Actions other than for recovery of real property shall  
 10 be commenced as follows:

11 (9) SEXUAL BATTERY OFFENSES ON VICTIMS UNDER AGE 16.—

12 (a) An action related to an act constituting a violation  
 13 of s. 794.011 involving a victim who was under the age of 16 at  
 14 the time of the act may be commenced at any time. This  
 15 subsection applies to any such action other than one which would  
 16 have been time barred on or before July 1, 2010.



Amendment No. 1

17        (b) An action related to an act constituting a violation  
18 of s. 800.04(4) or (5) involving a victim who was under the age  
19 of 16 at the time of the act may be commenced at any time,  
20 unless, at the time of the offense, the offender is less than 18  
21 years of age and is no more than 4 years older than the victim.  
22 This subsection applies to any such action other than one that  
23 would have been time barred on or before October 1, 2014.

24        Section 2. Subsection (18) is added to section 775.15,  
25 Florida Statutes, to read:

26        775.15 Time limitations; general time limitations;  
27 exceptions.--

28        (18) If the offense is a violation of s. 800.04(4) or (5)  
29 and the victim was under 16 years of age at the time the offense  
30 was committed, a prosecution of the offense may be commenced at  
31 any time, unless, at the time of the offense, the offender is  
32 less than 18 years of age and is no more than 4 years older than  
33 the victim. This subsection applies to an offense that is not  
34 otherwise barred from prosecution on or before October 1, 2014.

35        Section 3. This act shall take effect October 1, 2014.

36  
37  
38  
39  
40  
41

-----

**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:



Amendment No. 1

42 | An act relating to time limitations; amending ss. 95.11 and  
43 | 775.15, F.S.; eliminating statutes of limitations on the  
44 | commencement of civil or criminal actions relating to specified  
45 | lewd and lascivious offenses if the victim was under 16 at the  
46 | time of the offense; providing an exception; providing  
47 | applicability; providing an effective date.  
48 |

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

### HB 463 : Background Screening

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### HB 463 Amendments

#### Amendment 965361

Adopted Without Objection

### Appearances:

HB 463

McKinlay, Aleisa (Lobbyist) (State Employee) - Waive In Support  
Director, Vocational Rehab, Department of Education  
4070 Esplanade Way  
Tallahassee FL 32399  
Phone: 850-245-3399

HB 463

Koch, Karen (Lobbyist) - Waive In Support  
Florida Council for Behavioral Healthcare, Inc  
316 E Park Ave  
Tallahassee FL  
Phone: 850)224-6048

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM



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	_____	

*Adopted without  
objection  
2:20:14*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Reed offered the following:

3  
4 **Amendment (with title amendment)**  
5 Remove everything after the enacting clause and insert:

6  
7 Section 1. Subsection (4) of section 322.142, Florida  
8 Statutes, is amended to read:

9 322.142 Color photographic or digital imaged licenses.—

10 (4) The department may maintain a film negative or print  
11 file. The department shall maintain a record of the digital  
12 image and signature of the licensees, together with other data  
13 required by the department for identification and retrieval.  
14 Reproductions from the file or digital record are exempt from  
15 the provisions of s. 119.07(1) and may ~~shall~~ be made and issued  
16 only:

17 (a) For departmental administrative purposes;





Amendment No. 1

- 18 (b) For the issuance of duplicate licenses;
- 19 (c) In response to law enforcement agency requests;
- 20 (d) To the Department of Business and Professional  
21 Regulation and the Department of Health pursuant to an  
22 interagency agreement for the purpose of accessing digital  
23 images for reproduction of licenses issued by the Department of  
24 Business and Professional Regulation or the Department of  
25 Health;
- 26 (e) To the Department of State pursuant to an interagency  
27 agreement to facilitate determinations of eligibility of voter  
28 registration applicants and registered voters in accordance with  
29 ss. 98.045 and 98.075;
- 30 (f) To the Department of Revenue pursuant to an  
31 interagency agreement for use in establishing paternity and  
32 establishing, modifying, or enforcing support obligations in  
33 Title IV-D cases;
- 34 (g) To the Department of Children and Families pursuant to  
35 an interagency agreement to conduct protective investigations  
36 under part III of chapter 39 and chapter 415;
- 37 (h) To the Department of Children and Families pursuant to  
38 an interagency agreement specifying the number of employees in  
39 each of that department's regions to be granted access to the  
40 records for use as verification of identity to expedite the  
41 determination of eligibility for public assistance and for use  
42 in public assistance fraud investigations;



Amendment No. 1

43        (i) To the Agency for Health Care Administration pursuant  
44 to an interagency agreement for the purpose of authorized  
45 agencies verifying photographs in the Care Provider Background  
46 Screening Clearinghouse authorized under s. 435.12;

47        (j)-(i) To the Department of Financial Services pursuant to  
48 an interagency agreement to facilitate the location of owners of  
49 unclaimed property, the validation of unclaimed property claims,  
50 and the identification of fraudulent or false claims;

51        (k)-(j) To district medical examiners pursuant to an  
52 interagency agreement for the purpose of identifying a deceased  
53 individual, determining cause of death, and notifying next of  
54 kin of any investigations, including autopsies and other  
55 laboratory examinations, authorized in s. 406.11; or

56        (l)-(k) To the following persons for the purpose of  
57 identifying a person as part of the official work of a court:

- 58            1. A justice or judge of this state;
- 59            2. An employee of the state courts system who works in a  
60 position that is designated in writing for access by the Chief  
61 Justice of the Supreme Court or a chief judge of a district or  
62 circuit court, or by his or her designee; or
- 63            3. A government employee who performs functions on behalf  
64 of the state courts system in a position that is designated in  
65 writing for access by the Chief Justice or a chief judge, or by  
66 his or her designee.

67        Section 2. Subsections (1) and (8) of section 408.806,  
68 Florida Statutes, are amended to read:



Amendment No. 1

69 408.806 License application process.-

70 (1) An application for licensure must be made to the  
71 agency on forms furnished by the agency, submitted under oath or  
72 attestation, and accompanied by the appropriate fee in order to  
73 be accepted and considered timely. The application must contain  
74 information required by authorizing statutes and applicable  
75 rules and must include:

76 (a) The name, address, and social security number, or  
77 individual taxpayer identification number if a social security  
78 number cannot legally be obtained, of:

- 79 1. The applicant;
- 80 2. The administrator or a similarly titled person who is  
81 responsible for the day-to-day operation of the provider;
- 82 3. The financial officer or similarly titled person who is  
83 responsible for the financial operation of the licensee or  
84 provider; and
- 85 4. Each controlling interest if the applicant or  
86 controlling interest is an individual.

87 (b) The name, address, and federal employer identification  
88 number or taxpayer identification number of the applicant and  
89 each controlling interest if the applicant or controlling  
90 interest is not an individual.

91 (c) The name by which the provider is to be known.

92 (d) The total number of beds or capacity requested, as  
93 applicable.



Amendment No. 1

94 (e) The name of the person or persons under whose  
95 management or supervision the provider will operate and the name  
96 of the administrator, if required.

97 (f) If the applicant offers continuing care agreements as  
98 defined in chapter 651, proof shall be furnished that the  
99 applicant has obtained a certificate of authority as required  
100 for operation under chapter 651.

101 (g) Other information, including satisfactory inspection  
102 results, that the agency finds necessary to determine the  
103 ability of the applicant to carry out its responsibilities under  
104 this part, authorizing statutes, and applicable rules.

105 (h) An attestation affidavit, under penalty of perjury, as  
106 required in s. 435.05(3), stating compliance with the provisions  
107 of this section and chapter 435.

108 (8) The agency may establish procedures for the electronic  
109 notification and submission of required information, including,  
110 but not limited to:

111 (a) Licensure applications.

112 (b) Required signatures.

113 (c) Payment of fees.

114 (d) Notarization or attestation of applications.

115

116 Requirements for electronic submission of any documents required  
117 by this part or authorizing statutes may be established by rule.

118 As an alternative to sending documents as required by



Amendment No. 1

119 authorizing statutes, the agency may provide electronic access  
120 to information or documents.

121 Section 3. Subsections (2) and (4) of section 408.809,  
122 Florida Statutes, are amended to read:

123 408.809 Background screening; prohibited offenses.—

124 (2) Every 5 years following his or her licensure,  
125 employment, or entry into a contract in a capacity that under  
126 subsection (1) would require level 2 background screening under  
127 chapter 435, each such person must submit to level 2 background  
128 rescreening as a condition of retaining such license or  
129 continuing in such employment or contractual status. For any  
130 such rescreening, the agency shall request the Department of Law  
131 Enforcement to forward the person's fingerprints to the Federal  
132 Bureau of Investigation for a national criminal history record  
133 check unless the person's fingerprints are enrolled in the  
134 Federal Bureau of Investigation's national retained print arrest  
135 notification program. If the fingerprints of such a person are  
136 not retained by the Department of Law Enforcement under s.  
137 943.05(2)(g) and (h), the person must submit fingerprints  
138 electronically file a complete set of fingerprints with the  
139 agency and the agency shall forward the fingerprints to the  
140 Department of Law Enforcement for state processing, and the  
141 Department of Law Enforcement shall forward the fingerprints to  
142 the Federal Bureau of Investigation for a national criminal  
143 history record check. The fingerprints shall ~~may~~ be retained by  
144 the Department of Law Enforcement under s. 943.05(2)(g) and (h)

965361 - h0463-strike.docx

Published On: 2/19/2014 5:36:11 PM



Amendment No. 1

145 and enrolled in the national retained print arrest notification  
146 program when the Department of Law Enforcement begins  
147 participation in the program. The cost of the state and national  
148 criminal history records checks required by level 2 screening  
149 may be borne by the licensee or the person fingerprinted. Until  
150 a specified agency is fully implemented ~~the person's background~~  
151 ~~screening results are retained~~ in the clearinghouse created  
152 under s. 435.12, the agency may accept as satisfying the  
153 requirements of this section proof of compliance with level 2  
154 screening standards submitted within the previous 5 years to  
155 meet any provider or professional licensure requirements of the  
156 agency, the Department of Health, the Department of Elderly  
157 Affairs, the Agency for Persons with Disabilities, the  
158 Department of Children and Families ~~Family Services~~, or the  
159 Department of Financial Services for an applicant for a  
160 certificate of authority or provisional certificate of authority  
161 to operate a continuing care retirement community under chapter  
162 651, provided that:

163 (a) The screening standards and disqualifying offenses for  
164 the prior screening are equivalent to those specified in s.  
165 435.04 and this section;

166 (b) The person subject to screening has not had a break in  
167 service from a position that requires level 2 screening for more  
168 than 90 days; and



Amendment No. 1

169 (c) Such proof is accompanied, under penalty of perjury,  
170 by an attestation affidavit of compliance with ~~the provisions of~~  
171 chapter 435 and this section using forms provided by the agency.

172 (4) In addition to the offenses listed in s. 435.04, all  
173 persons required to undergo background screening pursuant to  
174 this part or authorizing statutes must not have an arrest  
175 awaiting final disposition for, must not have been found guilty  
176 of, regardless of adjudication, or entered a plea of nolo  
177 contendere or guilty to, and must not have been adjudicated  
178 delinquent and the record not have been sealed or expunged for  
179 any of the following offenses or any similar offense of another  
180 jurisdiction:

181 (a) Any authorizing statutes, if the offense was a felony.

182 (b) This chapter, if the offense was a felony.

183 (c) Section 409.920, relating to Medicaid provider fraud.

184 (d) Section 409.9201, relating to Medicaid fraud.

185 (e) Section 741.28, relating to domestic violence.

186 (f) Section 777.04, relating to attempts, solicitation,  
187 and conspiracy to commit an offense listed in this subsection.

188 (g) ~~(f)~~ Section 817.034, relating to fraudulent acts  
189 through mail, wire, radio, electromagnetic, photoelectronic, or  
190 photooptical systems.

191 (h) ~~(g)~~ Section 817.234, relating to false and fraudulent  
192 insurance claims.



Amendment No. 1

193        (i) Section 817.481, relating to obtaining goods by using  
194 a false or expired credit card or other credit device, if the  
195 offense was a felony.

196        (j) Section 817.50, relating to fraudulently obtaining  
197 goods or services from a health care provider.

198        (k)~~(h)~~ Section 817.505, relating to patient brokering.

199        (l)~~(i)~~ Section 817.568, relating to criminal use of  
200 personal identification information.

201        (m)~~(j)~~ Section 817.60, relating to obtaining a credit card  
202 through fraudulent means.

203        (n)~~(k)~~ Section 817.61, relating to fraudulent use of  
204 credit cards, if the offense was a felony.

205        (o)~~(l)~~ Section 831.01, relating to forgery.

206        (p)~~(m)~~ Section 831.02, relating to uttering forged  
207 instruments.

208        (q)~~(n)~~ Section 831.07, relating to forging bank bills,  
209 checks, drafts, or promissory notes.

210        (r)~~(o)~~ Section 831.09, relating to uttering forged bank  
211 bills, checks, drafts, or promissory notes.

212        (s)~~(p)~~ Section 831.30, relating to fraud in obtaining  
213 medicinal drugs.

214        (t)~~(q)~~ Section 831.31, relating to the sale, manufacture,  
215 delivery, or possession with the intent to sell, manufacture, or  
216 deliver any counterfeit controlled substance, if the offense was  
217 a felony.





Amendment No. 1

218       (u) Section 895.03, relating to racketeering and  
219 collection of unlawful debts.

220       (v) Section 896.101, relating to the Florida Money  
221 Laundrying Act.

222       Section 4. Subsection (5) is added to section 413.208,  
223 Florida Statutes, to read:

224       413.208 Service providers; quality assurance; fitness for  
225 responsibilities; background screening.—

226       (5) The background screening requirements of this section  
227 apply only to registrations entered into or renewed with the  
228 division after the Care Provider Background Screening  
229 Clearinghouse becomes operational and retains the background  
230 screening results in the clearinghouse under s. 435.12.

231       Section 5. Section 7 of chapter 2012-73, Laws of Florida,  
232 is repealed.

233       Section 6. Paragraph (e) of subsection (1) of section  
234 435.04, Florida Statutes, is amended, present paragraphs (d)  
235 through (yy) of subsection (2) are redesignated as paragraphs  
236 (e) through (zz), respectively, and a new paragraph (d) is added  
237 to that subsection, to read:

238       435.04 Level 2 screening standards.—

239       (1)

240       (e) Vendors who submit fingerprints on behalf of employers  
241 must:

242       1. Meet the requirements of s. 943.053; and



Amendment No. 1

243           2. Have the ability to communicate electronically with the  
244 state agency accepting screening results from the Department of  
245 Law Enforcement and provide the applicant's full first name,  
246 middle initial, and last name; social security number or  
247 individual taxpayer identification number; date of birth;  
248 mailing address; sex; and race ~~a photograph of the applicant~~  
249 ~~taken at the time the fingerprints are submitted.~~

250           (2) The security background investigations under this  
251 section must ensure that no persons subject to the provisions of  
252 this section have been arrested for and are awaiting final  
253 disposition of, have been found guilty of, regardless of  
254 adjudication, or entered a plea of nolo contendere or guilty to,  
255 or have been adjudicated delinquent and the record has not been  
256 sealed or expunged for, any offense prohibited under any of the  
257 following provisions of state law or similar law of another  
258 jurisdiction:

259           (d) Section 777.04, relating to attempts, solicitation,  
260 and conspiracy to commit an offense listed in this subsection.

261           Section 7. Subsection (3) of section 435.05, Florida  
262 Statutes, is amended to read:

263           435.05 Requirements for covered employees and employers.-  
264 Except as otherwise provided by law, the following requirements  
265 apply to covered employees and employers:

266           (3) Each employer licensed or registered with an agency  
267 must conduct level 2 background screening and must submit to the  
268 agency annually or at the time of license renewal, under penalty



Amendment No. 1

269 of perjury, a signed attestation affidavit attesting to  
270 compliance with the provisions of this chapter.

271 Section 8. Subsections (1) and (2) of section 435.07,  
272 Florida Statutes, are amended to read:

273 435.07 Exemptions from disqualification.—Unless otherwise  
274 provided by law, the provisions of this section apply to  
275 exemptions from disqualification for disqualifying offenses  
276 revealed pursuant to background screenings required under this  
277 chapter, regardless of whether those disqualifying offenses are  
278 listed in this chapter or other laws.

279 (1) (a) The head of the appropriate agency may grant to any  
280 employee otherwise disqualified from employment an exemption  
281 from disqualification for:

282 1. (a) Felonies for which at least 3 years have elapsed  
283 since the applicant for the exemption has completed or been  
284 lawfully released from confinement, supervision, or nonmonetary  
285 condition imposed by the court ~~sanction~~ for the disqualifying  
286 felony;

287 2. (b) Misdemeanors prohibited under any of the statutes  
288 cited in this chapter or under similar statutes of other  
289 jurisdictions for which the applicant for the exemption has  
290 completed or been lawfully released from confinement,  
291 supervision, or nonmonetary condition imposed by the court  
292 ~~sanction~~;

293 3. (c) Offenses that were felonies when committed but that  
294 are now misdemeanors and for which the applicant for the



Amendment No. 1

295 exemption has completed or been lawfully released from  
296 confinement, supervision, or nonmonetary condition imposed by  
297 the court sanction; or

298 4.(d) Findings of delinquency. For offenses that would be  
299 felonies if committed by an adult and the record has not been  
300 sealed or expunged, the exemption may not be granted until at  
301 least 3 years have elapsed since the applicant for the exemption  
302 has completed or been lawfully released from confinement,  
303 supervision, or nonmonetary condition imposed by the court  
304 sanction for the disqualifying offense.

305 (b) A person applying for an exemption who was ordered to  
306 pay any amount for any fee, fine, fund, lien, civil judgment,  
307 application, costs of prosecution, trust, or restitution as part  
308 of the judgment and sentence for any disqualifying felony or  
309 misdemeanor must have paid the court-ordered amount in full  
310 before being eligible for the exemption.

311

312 For the purposes of this subsection, the term "felonies" means  
313 both felonies prohibited under any of the statutes cited in this  
314 chapter or under similar statutes of other jurisdictions.

315 (2) Persons employed, or applicants for employment, by  
316 treatment providers who treat adolescents 13 years of age and  
317 older who are disqualified from employment solely because of  
318 crimes under s. 817.563, s. 893.13, or s. 893.147 may be  
319 exempted from disqualification from employment pursuant to this



Amendment No. 1

320 chapter without application of the waiting period in  
321 subparagraph (1)(a) ~~paragraph (1)(a)~~.

322 Section 9. Subsection (2) of section 435.12, Florida  
323 Statutes, is amended to read:

324 435.12 Care Provider Background Screening Clearinghouse.—

325 (2)(a) To ensure that the information in the clearinghouse  
326 is current, the fingerprints of an employee required to be  
327 screened by a specified agency and included in the clearinghouse  
328 must be:

329 1. Retained by the Department of Law Enforcement pursuant  
330 to s. 943.05(2)(g) and (h) and (3), and the Department of Law  
331 Enforcement must report the results of searching those  
332 fingerprints against state incoming arrest fingerprint  
333 submissions to the Agency for Health Care Administration for  
334 inclusion in the clearinghouse.

335 2. Retained by the Federal Bureau of Investigation in the  
336 national retained print arrest notification program as soon as  
337 the Department of Law Enforcement begins participation in such  
338 program. Arrest prints will be searched against retained prints  
339 at the Federal Bureau of Investigation and notification of  
340 arrests will be forwarded to the Department of Law Enforcement  
341 and reported to the Agency for Health Care Administration for  
342 inclusion in the clearinghouse.

343 3.2. Resubmitted for a Federal Bureau of Investigation  
344 national criminal history check every 5 years until such time as



Amendment No. 1

345 the fingerprints are retained by the Federal Bureau of  
346 Investigation.

347 ~~4.3-~~ Subject to retention on a 5-year renewal basis with  
348 fees collected at the time of initial submission or resubmission  
349 of fingerprints.

350 5. Submitted with a photograph of the person taken at the  
351 time the fingerprints are submitted.

352 (b) Until such time as the fingerprints are enrolled in  
353 the national retained print arrest notification program ~~retained~~  
354 at the Federal Bureau of Investigation, an employee with a break  
355 in service of more than 90 days from a position that requires  
356 screening by a specified agency must submit to a national  
357 screening if the person returns to a position that requires  
358 screening by a specified agency.

359 (c) An employer of persons subject to screening by a  
360 specified agency must register with the clearinghouse and  
361 maintain the employment status of all employees within the  
362 clearinghouse. Initial employment status and any changes in  
363 status must be reported within 10 business days.

364 (d) An employer must register with and initiate all  
365 criminal history checks through the clearinghouse before  
366 referring an employee or potential employee for electronic  
367 fingerprint submission to the Department of Law Enforcement. The  
368 registration must include the employee's full first name, middle  
369 initial, and last name; social security number; date of birth;  
370 mailing address; sex; and race. Individuals, persons,



Amendment No. 1

371 applicants, and controlling interests that cannot legally obtain  
372 a social security number must provide an individual taxpayer  
373 identification number.

374 Section 10. This act shall take effect July 1, 2014.

375

376

377 -----

378

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

379

Remove everything before the enacting clause and insert:

380

An act relating to background screening; amending s.

381

322.142, F.S.; authorizing the Department of Highway Safety and

382

Motor Vehicles to share reproductions of driver license images

383

with the Department of Health and the Agency for Health Care

384

Administration for specified purposes; amending s. 408.806,

385

F.S.; revising the requirements for licensure; revising a

386

provision requiring an affidavit; amending s. 408.809, F.S.;

387

exempting a person whose fingerprints are already enrolled in a

388

certain Federal Bureau of Investigation program from the

389

requirement that such fingerprints be forwarded to the bureau;

390

requiring certain persons to submit their fingerprints

391

electronically; requiring the Department of Law Enforcement to

392

retain fingerprints when the department begins participation in

393

a certain program; revising requirements for proof of compliance

394

with level 2 screening standards; revising terminology; adding

395

additional disqualifying offenses to background screening

396

requirements; amending s. 413.208, F.S.; providing applicability



Amendment No. 1

397 for background screening requirements for certain registrants;  
398 repealing s. 7 of chapter 2012-73, Laws of Florida, relating to  
399 background screening requirements; amending s. 435.04, F.S.;  
400 revising information to be required for vendors submitting  
401 employee fingerprints; adding an additional disqualifying  
402 offense to background screening requirements; amending s.  
403 435.05, F.S.; revising a provision requiring the annual  
404 submission of an affidavit; amending s. 435.07, F.S.; revising  
405 criteria for an exemption from disqualification for an employee  
406 under certain conditions; amending s. 435.12, F.S.; requiring  
407 the fingerprints of an employee required to be screened by a  
408 specified agency and included in the clearinghouse also to be  
409 retained in the national retained print arrest notification  
410 program at a specified time; requiring simultaneous submission  
411 of a photographic image and electronic fingerprints to the Care  
412 Provider Background Screening Clearinghouse; requiring an  
413 employer to follow certain criminal history check procedures and  
414 include specified information regarding referral and  
415 registration of an employee for electronic fingerprinting with  
416 the clearinghouse; providing an effective date.



# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

Location: Sumner Hall (404 HOB)

### HB 7003 : Court System

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### HB 7003 Amendments

#### Amendment 807149

Adopted Without Objection

### Appearances:

HB 7003

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

HB 7003

Stargel, John (State Employee) - Waive In Support

Conference of Circuit Judges

2626 Collins Avenue

Lakeland FL

Phone: 863-534-4910

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

2/20/2014 12:00:00PM

**Location:** Sumner Hall (404 HOB)

**HB 7003 : Court System (continued)**

**Appearances: (continued)**

HB 7003

Dunbar, Peter (Lobbyist) - Waive In Support

Conference of Circuit Judges of Florida

1351 NW 12th St

Miami FL 33125

Phone: (850)222-3533

Committee meeting was reported out: Thursday, February 20, 2014 4:38:42PM



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 \_\_\_\_\_

*Adopted without  
objection  
2-20-14*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Metz offered the following:

3  
 4 **Amendment (with title amendment)**

5 Remove lines 70-187 and insert:

6 (2) The second circuit is composed of Franklin Leon,  
 7 Gadsden, Jefferson, Leon, Liberty, and Wakulla, ~~Liberty, and~~  
 8 ~~Franklin~~ Counties.

9 (3) The third circuit is composed of Columbia, Dixie,  
 10 Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties.

11 (4) The fourth circuit is composed of Clay, Duval, and  
 12 Nassau Counties.

13 (5) The fifth circuit is composed of Citrus, Hernando,  
 14 Lake, Marion, and Sumter Counties. ~~Two of the circuit judges~~  
 15 ~~authorized for the fifth circuit shall reside in either Citrus,~~  
 16 ~~Hernando, or Sumter County, and neither of such two judges shall~~  
 17 ~~reside in the same county.~~



Amendment No. 1

18 (6) The sixth circuit is composed of Pasco and Pinellas  
19 Counties.

20 (7) The seventh circuit is composed of Flagler, Putnam,  
21 St. Johns, and Volusia Counties. ~~One judge shall reside in~~  
22 ~~Flagler County; two judges shall reside in Putnam County; two~~  
23 ~~judges shall reside in St. Johns County; and three judges shall~~  
24 ~~reside in Volusia County. There shall be no residency~~  
25 ~~requirement for any other judges in the circuit.~~

26 (8) The eighth circuit is composed of Alachua, Baker,  
27 Bradford, Gilchrist, Levy, and Union Counties.

28 (9) The ninth circuit is composed of Orange and Osceola  
29 Counties.

30 (10) The tenth circuit is composed of Hardee, Highlands,  
31 and Polk Counties.

32 (11) The eleventh circuit is composed of Miami-Dade  
33 County.

34 (12) The twelfth circuit is composed of Desoto, Manatee,  
35 and Sarasota, ~~and DeSoto~~ Counties.

36 (13) The thirteenth circuit is composed of Hillsborough  
37 County.

38 (14) The fourteenth circuit is composed of Bay, Calhoun,  
39 Gulf, Holmes, Jackson, and Washington Counties.

40 (15) The fifteenth circuit is composed of Palm Beach  
41 County.

42 (16) The sixteenth circuit is composed of Monroe County.  
43 ~~One judge in the circuit shall reside in the middle or upper~~



Amendment No. 1

44 ~~Keys. There shall be no residency requirement for any other~~  
45 ~~judge in the circuit.~~

46 (17) The seventeenth circuit is composed of Broward  
47 County.

48 (18) The eighteenth circuit is composed of Brevard and  
49 Seminole Counties.

50 (19) The nineteenth circuit is composed of Indian River,  
51 Martin, Okeechobee, and St. Lucie Counties.

52 (20) The twentieth circuit is composed of Charlotte,  
53 Collier, Glades, Hendry, and Lee Counties.

54 (21) Notwithstanding subsections (1)-(20), the territorial  
55 jurisdiction of a circuit court may be expanded as provided for  
56 in s. 910.03(3).

57

58 The judicial nominating commission of each circuit, in  
59 submitting nominations for any vacancy in a judgeship, and the  
60 Governor, in filling any vacancy for a judgeship, shall consider  
61 whether the existing judges within the circuit, together with  
62 potential nominees or appointees, reflect the geographic  
63 distribution of the population within the circuit, the  
64 geographic distribution of the caseload within the circuit, the  
65 racial and ethnic diversity of the population within the  
66 circuit, and the geographic distribution of the racial and  
67 ethnic minority population within the circuit.

68 Section 8. Section 26.51, Florida Statutes, is repealed.



Amendment No. 1

69 Section 9. Section 26.55, Florida Statutes, is amended to  
70 read:

71 26.55 Conference of Circuit Judges of Florida; duties and  
72 reports.—

73 (1) There is created and established the Conference of  
74 Circuit Judges of Florida. The conference consists ~~shall consist~~  
75 of the active and retired circuit judges of the several judicial  
76 circuits of the state, excluding retired judges practicing law.

77 (2) The conference shall annually elect a chair. The  
78 chair, ~~whose duty it shall be to~~ call all meetings and ~~to~~  
79 appoint committees to effectuate the purposes of the conference.  
80 ~~It is declared to be an official function of each circuit judge~~  
81 ~~to attend the meetings of the conference. It is also an official~~  
82 ~~function of each circuit judge to participate in the activity of~~  
83 ~~each committee to the membership of which such judge is~~  
84 ~~appointed.~~

85 (3) ~~(a) It is declared to be the responsibility of The~~  
86 ~~conference~~ shall operate according to the Rules of Judicial  
87 Administration adopted by the Supreme Court. The  
88 responsibilities of the conference include ~~to:~~

89 (a)1. Considering and making ~~Consider and make~~  
90 recommendations concerning the betterment of the judicial system  
91 of the state and its various parts;

92 (b)2. Considering and making ~~Consider and make~~  
93 recommendations concerning the improvement of rules and methods  
94 of procedure and practice in the several courts; ~~and~~



Amendment No. 1

95           ~~(c)3. Reporting Report to the Supreme Court its such~~  
96           ~~findings and recommendations under this subsection; and as the~~  
97           ~~conference may have with reference thereto.~~

98           ~~(d)(b) Providing Not less than 60 days before the~~  
99           ~~convening of the regular session of the Legislature with, the~~  
100           ~~chair of the conference shall report to the President of the~~  
101           ~~Senate and the Speaker of the House such recommendations as the~~  
102           ~~conference may have concerning defects in the laws of this state~~  
103           ~~and such amendments or additional legislation as the conference~~  
104           ~~may deem necessary regarding the administration of justice.~~

105           Section 10. Section 27.55, Florida Statutes, is repealed.

106           Section 11. Section 29.23, Florida Statutes, is created to  
107           read:

108           29.23 Salaries of certain positions in the judicial  
109           branch.—

110           (1) The salaries of justices, judges of the district  
111           courts of appeal, circuit judges, and county judges shall be  
112           fixed annually in the General Appropriations Act.

113           (2) The clerk and the marshal of the Supreme Court, and  
114           the clerk and the marshal of a district court of appeal, shall  
115           be paid an annual salary to be determined in accordance with s.  
116           25.382(3).

117           Section 12. Sections 35.12, 35.13, 35.19, and 35.21,  
118           Florida Statutes, are repealed.

119           Section 13. Subsection (1) of section 35.22, Florida  
120           Statutes, is amended to read:



Amendment No. 1

121 35.22 Clerk of district court; ~~appointment~~; compensation;  
122 assistants; filing fees; teleconferencing.-

123 ~~(1) Each district court of appeal shall appoint a clerk~~  
124 ~~who shall be paid an annual salary to be determined in~~  
125 ~~accordance with s. 25.382.~~

126 ~~(1)(2)~~ The clerk may ~~is authorized to~~ employ such deputies  
127 and clerical assistants as may be necessary. Their number and  
128 compensation shall be approved by the court, and paid from the  
129 annual appropriation for the district courts of appeal.

130 ~~(2)(3)(a)~~ The clerk, upon the filing of a certified copy  
131 of a notice of appeal or petition, shall charge and collect a  
132 filing fee of \$300 for each case docketed, and service charges  
133 as provided in s. 28.24 for copying, certifying or furnishing  
134 opinions, records, papers or other instruments and for other  
135 services. The state ~~of Florida~~ or its agencies, when appearing  
136 as appellant or petitioner, is exempt from the filing fee  
137 required in this subsection. ~~From each attorney appearance pro~~  
138 ~~hae vice,~~ The clerk shall collect from each attorney appearance  
139 pro hac vice a fee of \$100 for deposit as provided in this  
140 section.

141 (b) Upon the filing of a notice of cross-appeal, or a  
142 notice of joinder or motion to intervene as an appellant, cross-  
143 appellant, or petitioner, the clerk shall charge and collect a  
144 filing fee of \$295. The clerk shall remit the fee to the  
145 Department of Revenue for deposit into the General Revenue Fund.





Amendment No. 1

146 The state and its agencies are exempt from the filing fee  
147 required by this paragraph.

148 ~~(3)(4)~~ The opinions of the district court of appeal may  
149 ~~shall~~ not be recorded, but the original as filed shall be  
150 preserved with the record in each case.

151 ~~(4)(5)~~ The clerk may ~~is authorized~~ immediately, after a  
152 case is disposed of, ~~to~~ supply the judge who tried the case and  
153 from whose order, judgment, or decree, appeal or other review is  
154 taken, a copy of all opinions, orders, or judgments filed in  
155 such case. Copies of opinions, orders, and decrees shall be  
156 furnished in all cases to each attorney of record and for  
157 publication in Florida reports to the authorized publisher  
158 without charge, and copies furnished to other law book  
159 publishers at one-half the regular statutory fee.

160 ~~(5)(6)~~ The clerk of each district court of appeal shall ~~is~~  
161 ~~required to~~ deposit all fees collected in the State Treasury to  
162 the credit of the General Revenue Fund, except that \$50 of each  
163 \$300 filing fee collected shall be deposited into the State  
164 Courts Revenue Trust Fund to fund court operations as authorized  
165 in the General Appropriations Act. The clerk shall retain an  
166 accounting of each such remittance.

167 ~~(6)(7)~~ The clerk of the district court of appeal may ~~is~~  
168 ~~authorized to~~ collect a fee from the parties to an appeal  
169 reflecting the actual cost of conducting the proceeding through  
170 teleconferencing if ~~where~~ the parties have requested that an  
171 oral argument or mediation be conducted through



Amendment No. 1

172 teleconferencing. The fee collected for this purpose shall be  
173 used to offset the expenses associated with scheduling the  
174 teleconference and shall be deposited in the State Courts  
175 Revenue Trust Fund.

176

177

178

179

-----

180

**T I T L E   A M E N D M E N T**

181

Remove lines 25-26 and insert:

182

s. 27.55, F.S., relating to certain

183