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# **Criminal Justice Subcommittee**

**February 12, 2014**

**9:00 AM**

**404 HOB**

**Action Packet**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

### Summary:

#### Criminal Justice Subcommittee

*Wednesday February 12, 2014 09:00 am*

HB 39	Favorable With Committee Substitute Amendment 347159	Adopted Without Objection	Yeas: 13	Nays: 0
HB 59	Favorable With Committee Substitute Amendment 944487	Adopted Without Objection	Yeas: 9	Nays: 4
HB 209	Favorable		Yeas: 12	Nays: 1
HB 265	Favorable With Committee Substitute Amendment 664059	Adopted Without Objection	Yeas: 13	Nays: 0
HB 485	Favorable With Committee Substitute Amendment 890537	Adopted Without Objection	Yeas: 12	Nays: 1
HB 641	Favorable With Committee Substitute Amendment 037923	Adopted Without Objection	Yeas: 11	Nays: 0
HB 643	Favorable With Committee Substitute Amendment 749693	Adopted Without Objection	Yeas: 12	Nays: 0
HB 697	Favorable With Committee Substitute Amendment 769643	Adopted Without Objection	Yeas: 13	Nays: 0

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Gaetz (Chair)	X		
Randolph Bracy	X		
Michael Clelland	X		
Dane Eagle	X		
James Grant	X		
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Dave Kerner	X		
Kionne McGhee	X		
Ray Pilon	X		
Irving Slosberg	X		
Charles Van Zant	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

### HB 39 : Juries in Criminal Trials

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### HB 39 Amendments

#### Amendment 347159

Adopted Without Objection

### Appearances:

HB 39

Daniels, Nancy (State Employee) - Proponent  
Public Defender, 2nd circuit  
Leon County Courthouse 301 S Monroe Street  
Tallahassee FL 32301  
Phone: 850-606-1010

HB 39

Jacobs, Buddy (Lobbyist) - Opponent  
General Counsel FL Prosecuting Attorneys Association  
961687 Gateway Blvd.  
Fernerdina Beach FL 32034  
Phone: 904-261-3693

HB 39

Smith, Alisa (State Employee) (General Public) - Proponent  
Dr. / Assoc. Prof.  
401 West Kennedy Blvd., Box Q  
Tampa FL 33606  
Phone: 813-253-3333

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

**HB 39 : Juries in Criminal Trials (continued)**

**Appearances: (continued)**

HB 39

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: Wednesday, February 12, 2014 3:03:45PM



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  
2/12/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Bracy offered the following:

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

6 Remove line 12 and insert:

7 jury to try all capital and life felony cases, and six persons  
8 shall

9

10

11

12

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13

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

14

Remove line 4 and insert:

15 a life felony case be made up of 12 persons; providing an

16

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

### HB 59 : Offenses Against Unborn Children

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland		X			
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee		X			
Ray Pilon	X				
Irving Slosberg		X			
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 4</b>			

### HB 59 Amendments

#### Amendment 944487

Adopted Without Objection

### Appearances:

Colson, Melissa (General Public) - Waive In Support  
Florida Right To Life  
Tallahassee FL

HB 59

Lee, Remea (General Public) - Waive In Support  
Offenses Against Unborn Victims  
16824 Livingston Ave.  
Lutz FL

HB 59

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

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM



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  
2/12/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Ahern offered the following:

4  
5 **Amendment**

6 Remove line 211 and insert:

7

775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew <u>driver</u> <del>driver's</del> license or identification card; other registration violations.
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8  
9



# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 209 : Carrying Concealed Weapon or Concealed Firearm

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee		X			
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 1</b>			

### Appearances:

HB 209

Hammer, Marion (Lobbyist) - Proponent

NRA and Unified Sportsmen of Florida

P.O Box 1387

Tallahassee FL 32302

Phone: 850-222-9518

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

### HB 265 : Criminal Record Information

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### HB 265 Amendments

#### Amendment 664059

Adopted Without Objection

### Appearances:

HB 265

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

HB 265

Chamizo, Jorge (Lobbyist) - Waive In Support

Florida Association of Criminal Defense Lawyers

PO Box 1528

Tallahassee FL 32302

Phone: (850)681-0024

HB 265

Bustle, Electra (Lobbyist) - Proponent

Palm Beach County Sheriffs Office

120 S Monroe St

Tallahassee FL 32301

Phone: 850-671-4401

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM



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  
2/12/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Trujillo offered the following:

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

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsection (12) is added to section 951.23,  
8 Florida Statutes, to read:

9 951.23 County and municipal detention facilities;  
10 definitions; administration; standards and requirements.—

11 (12) ARREST BOOKING PHOTOGRAPHS

12 (a) A county or municipal detention facility may not  
13 electronically publish or disseminate an arrest booking  
14 photograph of any arrestee who is charged with but not yet  
15 convicted of a criminal offense. This paragraph does not apply  
16 to the electronic publication or dissemination of arrest booking  
17 photographs between criminal justice agencies.



Amendment No. 1

18 (b) For purposes of this subsection:

19 1. "Arrest booking photograph" means any photograph of an  
20 arrestee taken for the purpose of recording the arrestee's image  
21 as part of the arrest and booking process.

22 2. "Criminal justice agency" has the same meaning as  
23 provided in s. 943.045, and includes county and municipal  
24 detention facilities.

25 (c) Nothing in this subsection shall be construed to  
26 restrict public access to records as provided by s. 119.07.

27 Section 2. This act shall take effect October 1, 2014.

28  
29  
30 -----  
31 **T I T L E A M E N D M E N T**

32 Remove everything before the enacting clause and insert:  
33 An act relating to arrest booking photographs; amending s.  
34 951.23, F.S.; prohibiting a county or municipal detention  
35 facility from electronically publishing or disseminating arrest  
36 booking photographs of certain arrestees; providing an  
37 exception; providing definitions; providing an effective date.  
38

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

### HB 485 : Sexual Misconduct with Students by Authority Figures

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant		X			
Matt Gaetz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 1</b>			

### HB 485 Amendments

#### Amendment 890537

Adopted Without Objection

### Appearances:

HB 485

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

HB 485

Girard, Simone (General Public) - Proponent  
Armwood High School Student  
302 Savannah Oaks Pl  
Seffner FL 33584  
Phone: 813-684-6399

HB 485

Brooks, Taylor (General Public) - Proponent  
Armwood High School Student  
6810 Bloomfield Place  
Seffner FL 33584  
Phone: 813-415-4844

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

**HB 485 : Sexual Misconduct with Students by Authority Figures (continued)**

**Appearances: (continued)**

HB 485

Chinowth, Elyse (General Public) - Proponent  
Armwood High School Student  
2114 Redleaf Dr.  
Seffner FL 33510  
Phone: 813-758-3212

HB 485

Hunter, Malikia (General Public) - Proponent  
Student / Armwood High School  
11031 Lakewood Pointe Dr., Apt. 102  
Seffner FL 33584  
Phone: 813-562-6959

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM



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  
2/12/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Raburn offered the following:

**Amendment**

Remove lines 17-40 and insert:

775.0862 Sexual offenses against students by authority figures; reclassification.-

(1) For purposes of this section, the term:

(a) "Authority figure" means a person over the age of 18 employed by, volunteering at, or under contract with a school.

(b) "School" has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), early learning programs, a public school as described in s. 402.3025(1), the Florida School for the Deaf and



Amendment No. 1

17 | the Blind, the Florida Virtual School as established under s.  
18 | 1002.37, and a K-8 Virtual School as established under s.  
19 | 1002.415, but does not include facilities dedicated exclusively  
20 | to the education of adults.

21 | (c) "Student" means a person under the age of 18 who is  
22 | enrolled at a school.

23 | (2) The felony degree of a violation of an offense listed  
24 | in s. 943.0435(1)(a)1.a, shall be, unless the offense is a  
25 | violation of s. 794.011(4)(g) or s. 810.145(8)(a)2.,  
26 | reclassified as provided in this section if the offense is  
27 | committed by an authority figure of a school against a student  
28 | of the school.

29



# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

### HB 641 : Computer Crimes

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner			X		
Kionne McGhee				X	
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### HB 641 Amendments

#### Amendment 037923

Adopted Without Objection

### Appearances:

HB 641

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

HB 641

Calhoun, Dale (Lobbyist) - Waive In Support  
Florida Natural Gas Association  
214 S. Monroe St.  
Tallahassee FL 32301  
Phone: (850) 681-0496

Committee meeting was reported out: Wednesday, February 12, 2014 3:03:45PM



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  
2/12/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative La Rosa offered the following:

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

6 Remove lines 122-274 and insert:

7 (3)~~(a)~~ Data, programs, or supporting documentation which  
8 is a trade secret as defined in s. 812.081 which resides or  
9 exists internal or external to a computer, computer system, or  
10 computer network which is held by an agency as defined in  
11 chapter 119 is confidential and exempt from the provisions of s.  
12 119.07(1) and s. 24(a), Art. I of the State Constitution.

13 (4)~~(b)~~ A person who ~~Whoever~~ willfully, knowingly, and  
14 without authorization discloses or takes data, programs, or  
15 supporting documentation that ~~which~~ is a trade secret as defined  
16 in s. 812.081 or is confidential as provided by law residing or  
17 existing internal or external to a computer, computer system, or



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18 computer network, or electronic device commits an offense  
19 against intellectual property.

20 (5)-(4)(a) Except as otherwise provided in this subsection,  
21 an offense against intellectual property is a felony of the  
22 third degree, punishable as provided in s. 775.082, s. 775.083,  
23 or s. 775.084.

24 (b) If the offense is committed for the purpose of  
25 devising or executing any scheme or artifice to defraud or to  
26 obtain any property, ~~then the person commits~~ offender is guilty  
27 ~~of~~ a felony of the second degree, punishable as provided in s.  
28 775.082, s. 775.083, or s. 775.084.

29 Section 4. Section 815.06, Florida Statutes, is amended to  
30 read:

31 815.06 Offenses against ~~computer~~ users of computer  
32 networks and electronic devices.-

33 (1) As used in this section, the term "person" means:

34 (a) An individual;

35 (b) A partnership, corporation, association, or other  
36 entity doing business in this state, or an officer, agent, or  
37 employee of such an entity; or

38 (c) An officer, employee, or agent of the state or a  
39 county, municipality, special district, or other political  
40 subdivision whether executive, judicial, or legislative,  
41 including, but not limited to, a department, division, bureau,  
42 commission, authority, district, or agency thereof.

43 (2) A person commits an offense against users of computer



Amendment No. 1

44 networks or electronic devices if he or she ~~Whoever~~ willfully,  
45 knowingly, and without authorization:

46 (a) Accesses or causes to be accessed any computer,  
47 computer system, ~~or~~ computer network, or electronic device with  
48 knowledge that such access is unauthorized;

49 (b) Disrupts or denies or causes the denial of the ability  
50 to transmit data ~~computer system services~~ to or from an  
51 authorized user of a ~~such~~ computer system or computer network  
52 services, which, in whole or in part, is owned by, under  
53 contract to, or operated for, on behalf of, or in conjunction  
54 with another;

55 (c) Destroys, takes, injures, or damages equipment or  
56 supplies used or intended to be used in a computer, computer  
57 system, ~~or~~ computer network, or electronic device;

58 (d) Destroys, injures, or damages any computer, computer  
59 system, ~~or~~ computer network, or electronic device; ~~or~~

60 (e) Introduces any computer contaminant into any computer,  
61 computer system, ~~or~~ computer network, or electronic device; or

62 (f) Engages in audio or video surveillance of an  
63 individual without that individual's knowledge by accessing any  
64 inherent feature or component of a computer, computer system,  
65 computer network, or electronic device, including accessing the  
66 data or information of a computer, computer system, computer  
67 network, or electronic device that is stored by a third party  
68 ~~commits an offense against computer users.~~

69 (3)-(2)(a) Except as provided in paragraphs (b) and (c), a



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70 person who ~~whoever~~ violates subsection (2) ~~(1)~~ commits a felony  
71 of the third degree, punishable as provided in s. 775.082, s.  
72 775.083, or s. 775.084.

73 (b) A person commits a felony of the second degree,  
74 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
75 if he or she ~~Whoever~~ violates subsection (2) ~~(1)~~ and:

76 1. Damages a computer, computer equipment or supplies,  
77 ~~computer supplies,~~ a computer system, or a computer network, and  
78 the ~~monetary~~ damage or loss ~~incurred as a result of the~~  
79 ~~violation~~ is at least \$5,000 or greater;

80 2. Commits the offense for the purpose of devising or  
81 executing any scheme or artifice to defraud or obtain property;  
82 ~~or~~

83 3. Interrupts or impairs a governmental operation or  
84 public communication, transportation, or supply of water, gas,  
85 or other public service; or

86 4. Intentionally interrupts the transmittal of data to or  
87 from, or gains unauthorized access to, a computer, computer  
88 system, computer network, or electronic device belonging to any  
89 mode of public or private transit, as defined in s. 341.031,  
90 ~~commits a felony of the second degree, punishable as provided in~~  
91 ~~s. 775.082, s. 775.083, or s. 775.084.~~

92 (c) A person who ~~Whoever~~ violates subsection (2) ~~(1)~~ and  
93 ~~the violation endangers human life~~ commits a felony of the first  
94 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
95 775.084, if the violation:



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96 1. Endangers human life; or

97 2. Disrupts a computer, computer system, computer network,  
98 or electronic device that affects medical equipment used in the  
99 direct administration of medical care or treatment to a person.

100 ~~(4)(3)~~ A person who ~~Whoever~~ willfully, knowingly, and  
101 without authorization modifies equipment or supplies used or  
102 intended to be used in a computer, computer system, ~~or~~ computer  
103 network, or electronic device commits a misdemeanor of the first  
104 degree, punishable as provided in s. 775.082 or s. 775.083.

105 ~~(5)(4)~~(a) In addition to any other civil remedy available,  
106 the owner or lessee of the computer, computer system, computer  
107 network, computer program, computer equipment or supplies,  
108 electronic device, computer supplies, or computer data may bring  
109 a civil action against a any person convicted under this section  
110 for compensatory damages.

111 (b) In an any action brought under this subsection, the  
112 court may award reasonable attorney ~~attorney's~~ fees to the  
113 prevailing party.

114 ~~(6)(5)~~ A Any computer, computer system, computer network,  
115 computer software, ~~or~~ computer data, or electronic device owned  
116 by a defendant which is used during the commission of a any  
117 violation of this section or a any computer or electronic device  
118 owned by the defendant which is used as a repository for the  
119 storage of software or data obtained in violation of this  
120 section is subject to forfeiture as provided under ss. 932.701-  
121 932.704.



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122 (7)-(6) This section does not apply to a any person who:

123 (a) accesses his or her employer's computer system,  
124 computer network, computer program, ~~or~~ computer data, or  
125 electronic device when acting within the scope of his or her  
126 lawful employment; or

127 (b) Has acted pursuant to a search warrant or to an  
128 exception to a search warrant authorized by law or when acting  
129 within the scope of his or her lawful employment.

130 (8)-(7) For purposes of bringing a civil or criminal action  
131 under this section, a person who causes, by any means, the  
132 access to a computer, computer system, ~~or~~ computer network, or  
133 electronic device in one jurisdiction from another jurisdiction  
134 is deemed to have personally accessed the computer, computer  
135 system, ~~or~~ computer network, or electronic device in both  
136 jurisdictions.

137 Section 5. Section 815.061, Florida Statutes, is created  
138 to read:

139 815.061 Offenses against public utilities.-

140 (1) As used in this section, the term "public utility"  
141 includes each public utility and electric utility as those terms  
142 are defined in s. 366.02; each utility as defined in s. 367.021;  
143 each natural gas transmission company as defined in s. 368.103;  
144 each person, corporation, partnership, association, public  
145 agency, municipality, cooperative, gas district, or other legal  
146 entity and their lessees, trustees, or receivers, now or  
147 hereafter owning, operating, managing, or controlling gas



Amendment No. 1

148 transmission or distribution facilities or any other facility  
149 supplying or storing natural or manufactured gas or liquefied  
150 gas with air admixture or any similar gaseous substances by  
151 pipeline to or for the public within this state; and any  
152 separate legal entity created under s. 163.01 and composed of  
153 any of the entities described in this subsection for the purpose  
154 of providing utility services in this state, including wholesale  
155 power and electric transmission services.

156 (2) A person may not willfully, knowingly, and without  
157 authorization:

158 (a) Gain access to a computer, computer system, computer  
159 network, or electronic device owned, operated, or used by a  
160 public utility while knowing that such access is unauthorized.

161 (b) Physically tamper with, insert software into, or  
162 otherwise transmit commands or electronic communications to a  
163 computer, computer system, computer network, or electronic  
164 device which cause a disruption in any service delivered by a  
165 public utility.

166 (3) (a) A person who violates paragraph (2) (a) commits a  
167 felony of the third degree, punishable as provided in s.  
168 775.082, s. 775.083, or s. 775.084.

169 (b) A person who violates paragraph (2) (b) commits a  
170 felony of the second degree, punishable as provided in s.  
171 775.082, s. 775.083, or s. 775.084.

172





Amendment No. 1

173 Section 6. Paragraphs (a) and (c) of subsection (3) of  
174 section 921.0022, Florida Statutes, are amended to read:

175 921.0022 Criminal Punishment Code; offense severity  
176 ranking chart.—

177 (3) OFFENSE SEVERITY RANKING CHART

178 (a) LEVEL 1

179

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or

180

181

182

183

184



Amendment No. 1

185			identification number plate.
186	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
187	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
188	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
189	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
190	322.212(5)(a)	3rd	False application for driver's license or identification card.
	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.



Amendment No. 1

191

414.39(3)(a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

192

443.071(1) 3rd False statement or representation to obtain or increase reemployment assistance benefits.

193

509.151(1) 3rd Defraud an innkeeper, food or lodging value greater than \$300.

194

517.302(1) 3rd Violation of the Florida Securities and Investor Protection Act.

195

562.27(1) 3rd Possess still or still apparatus.

196

713.69 3rd Tenant removes property upon which lien has accrued, value more than \$50.

197



## Amendment No. 1

198 812.014(3)(c) 3rd Petit theft (3rd conviction);  
theft of any property not  
specified in subsection (2).

199 812.081(2) 3rd Unlawfully makes or causes to  
be made a reproduction of a  
trade secret.

200 815.04 (5) ~~(4)~~ (a) 3rd Offense against intellectual  
property (i.e., computer  
programs, data).

201 817.52(2) 3rd Hiring with intent to defraud,  
motor vehicle services.

202 817.569(2) 3rd Use of public record or public  
records information to  
facilitate commission of a  
felony.

203 826.01 3rd Bigamy.

204 828.122(3) 3rd Fighting or baiting animals.

831.04(1) 3rd Any erasure, alteration, etc.,  
of any replacement deed, map,



Amendment No. 1

205			plat, or other document listed in s. 92.28.
	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
206			
	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
207			
	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
208			
	838.15(2)	3rd	Commercial bribe receiving.
209			
	838.16	3rd	Commercial bribery.
210			
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
211			
	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material

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Amendment No. 1

(2nd conviction).

212

849.01 3rd Keeping gambling house.

213

849.09(1)(a)-(d) 3rd Lottery; set up, promote, etc.,  
or assist therein, conduct or  
advertise drawing for prizes,  
or dispose of property or money  
by means of lottery.

214

849.23 3rd Gambling-related machines;  
"common offender" as to  
property rights.

215

849.25(2) 3rd Engaging in bookmaking.

216

860.08 3rd Interfere with a railroad  
signal.

217

860.13(1)(a) 3rd Operate aircraft while under  
the influence.

218

893.13(2)(a)2. 3rd Purchase of cannabis.

219

893.13(6)(a) 3rd Possession of cannabis (more  
than 20 grams).



Amendment No. 1

220

934.03 (1) (a) 3rd Intercepts, or procures any  
other person to intercept, any  
wire or oral communication.

221

222 (c) LEVEL 3

223

Florida Statute	Felony Degree	Description
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224

119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
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225

316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
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226

316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
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227

316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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228

319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification
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Amendment No. 1

229 number plate removed.

230 319.33(1)(a) 3rd Alter or forge any certificate  
of title to a motor vehicle or  
mobile home.

231 319.33(1)(c) 3rd Procure or pass title on stolen  
vehicle.

232 319.33(4) 3rd With intent to defraud,  
possess, sell, etc., a blank,  
forged, or unlawfully obtained  
title or registration.

233 327.35(2)(b) 3rd Felony BUI.

234 328.05(2) 3rd Possess, sell, or counterfeit  
fictitious, stolen, or  
fraudulent titles or bills of  
sale of vessels.

235 328.07(4) 3rd Manufacture, exchange, or  
possess vessel with counterfeit  
or wrong ID number.

376.302(5) 3rd Fraud related to reimbursement





Amendment No. 1

236 for cleanup expenses under the  
Inland Protection Trust Fund.

379.2431 3rd Taking, disturbing, mutilating,  
(1) (e) 5. destroying, causing to be  
destroyed, transferring,  
selling, offering to sell,  
molesting, or harassing marine  
turtles, marine turtle eggs, or  
marine turtle nests in  
violation of the Marine Turtle  
Protection Act.

237 379.2431 3rd Soliciting to commit or  
(1) (e) 6. conspiring to commit a  
violation of the Marine Turtle  
Protection Act.

238 400.9935 (4) 3rd Operating a clinic without a  
license or filing false license  
application or other required  
information.

239 440.1051 (3) 3rd False report of workers'  
compensation fraud or  
retaliation for making such a



Amendment No. 1

240			report.
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
241			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
242			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
243			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
244			
	697.08	3rd	Equity skimming.
245			
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
246			
	796.05(1)	3rd	Live on earnings of a prostitute.



Amendment No. 1

247	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
248	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
249	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
250	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
251	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
252	815.04 <del>(5)</del> (4) (b)	2nd	Computer offense devised to defraud or obtain property.
253	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud



Amendment No. 1

254 Act), property valued at less  
than \$20,000.

255 817.233 3rd Burning to defraud insurer.

256 817.234 3rd Unlawful solicitation of  
(8) (b) - (c) persons involved in motor  
vehicle accidents.

257 817.234 (11) (a) 3rd Insurance fraud; property value  
less than \$20,000.

258 817.236 3rd Filing a false motor vehicle  
insurance application.

259 817.2361 3rd Creating, marketing, or  
presenting a false or  
fraudulent motor vehicle  
insurance card.

260 817.413 (2) 3rd Sale of used goods as new.

261 817.505 (4) 3rd Patient brokering.

828.12 (2) 3rd Tortures any animal with intent  
to inflict intense pain,



Amendment No. 1

262			serious physical injury, or death.
831.28 (2) (a)	3rd		Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
263			
831.29	2nd		Possession of instruments for counterfeiting drivers' licenses or identification cards.
264			
838.021 (3) (b)	3rd		Threatens unlawful harm to public servant.
265			
843.19	3rd		Injure, disable, or kill police dog or horse.
266			
860.15 (3)	3rd		Overcharging for repairs and parts.
267			
870.01 (2)	3rd		Riot; inciting or encouraging.
268			
893.13 (1) (a) 2.	3rd		Sell, manufacture, or deliver cannabis (or other s.



Amendment No. 1

269			893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
270			
	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
271			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
272			
	893.13(7)(a)8.	3rd	Withhold information from



Amendment No. 1

273 practitioner regarding previous  
receipt of or prescription for  
a controlled substance.

274 893.13(7)(a)9. 3rd Obtain or attempt to obtain  
controlled substance by fraud,  
forgery, misrepresentation,  
etc.

275 893.13(7)(a)10. 3rd Affix false or forged label to  
package of controlled  
substance.

276 893.13(7)(a)11. 3rd Furnish false or fraudulent  
material information on any  
document or record required by  
chapter 893.

893.13(8)(a)1. 3rd Knowingly assist a patient,  
other person, or owner of an  
animal in obtaining a  
controlled substance through  
deceptive, untrue, or  
fraudulent representations in  
or related to the  
practitioner's practice.



Amendment No. 1

277

893.13(8)(a)2.           3rd     Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

278

893.13(8)(a)3.           3rd     Knowingly write a prescription for a controlled substance for a fictitious person.

279

893.13(8)(a)4.           3rd     Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

280

918.13(1)(a)           3rd     Alter, destroy, or conceal investigation evidence.

281

944.47  
(1)(a)1.-2.           3rd     Introduce contraband to correctional facility.

282





Amendment No. 1

283 944.47(1)(c) 2nd Possess contraband while upon  
the grounds of a correctional  
institution.

284 985.721 3rd Escapes from a juvenile  
facility (secure detention or  
residential commitment  
facility).

285 Section 7. This act shall take effect October 1, 2014

286 -----

287  
288  
289  
290 T I T L E A M E N D M E N T

291 Remove lines 10-28 and insert:

292 offense against intellectual property; providing that a person  
293 who willfully, knowingly, and without authorization discloses or  
294 takes data, programs, or supporting documentation that is a  
295 trade secret or is confidential as provided by law residing or  
296 existing internal or external to a computer, computer system,  
297 computer network, or electronic device commits an offense  
298 against intellectual property; providing criminal penalties;  
299 amending s. 815.06, F.S.; defining terms; providing that a  
300 person who willfully, knowingly, and without authorization  
301 accesses a computer network or electronic device, disrupts the



## Amendment No. 1

302 ability to transmit data to or from a computer network or  
303 electronic device, damages a computer network or electronic  
304 device, or engages in the audio or video surveillance of an  
305 individual without the individual's knowledge by accessing a  
306 computer network or electronic device commits an offense against  
307 the users of computer networks and electronic devices; providing  
308 exceptions; providing criminal penalties; creating s. 815.061,  
309 F.S.; defining the term "public utility"; prohibiting a person  
310 from willfully, knowingly, and without authorization engaging in  
311 specified activities against a computer, computer system,  
312 computer network, or electronic device owned, operated, or used  
313 by a public utility; providing criminal penalties; amending s.  
314 921.0022(3)(a) and (c), F.S., relating to the Criminal  
315 Punishment Code, to incorporate the amendment made to s 815.04,  
316 F.S., in a reference thereto;

317

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 643 : Pub. Rec./Trade Secrets/Computers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg			X		
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

### HB 643 Amendments

#### Amendment 749693

Adopted Without Objection



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  
2/12/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative La Rosa offered the following:

4  
5 **Amendment**

6 Remove lines 28-33 and insert:

7 (b) Whoever willfully, knowingly, and without  
8 authorization discloses or takes data, programs, or supporting  
9 documentation which is a trade secret as defined in s. 812.081  
10 or is confidential as provided by law residing or existing  
11 internal or external to a computer, computer system, or computer  
12 network commits an offense

13

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

2/12/2014 9:00:00AM

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

**HB 697 : Controlled Substances**

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### HB 697 Amendments

#### Amendment 769643

Adopted Without Objection

### Appearances:

HB 697

Hellkamp, Erin (Lobbyist) - Waive In Support

Florida Sheriffs Association

225 S. Adams Street, Suite 250

Tallahassee FL 32301

Phone: 850-222-7718



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  
2/11/14*

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Ingram offered the following:

**Amendment**

Remove lines 571-579 and insert:

7 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-173. ~~166.-~~  
8 ~~169.~~, the person commits a misdemeanor of the first degree,  
9 punishable as provided in s. 775.082 or s. 775.083. As used in  
10 ~~For the purposes of~~ this subsection, the term "cannabis" does  
11 not include the resin extracted from the plants of the genus  
12 *Cannabis*, or any compound manufacture, salt, derivative,  
13 mixture, or preparation of such resin, and a controlled  
14 substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-  
15 159., or 166.-173. ~~166.-169.~~, does not include the substance in