



Criminal Justice Subcommittee

March 10, 2014

2:00 PM

404 HOB

Action Packet

**Will Weatherford
Speaker**

**Matt Gaetz
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/10/2014 2:00:00PM

Location: Sumner Hall (404 HOB)

Summary:

Criminal Justice Subcommittee

Monday March 10, 2014 02:00 pm

HB 41	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 211811 Adopted Without Objection		
	Amendment 554019 Adopted Without Objection		
HB 517	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 406967 Adopted Without Objection		
HB 989	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 511299 Adopted Without Objection		
HB 1013	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 577991 Adopted Without Objection		
PCS for HB 1105	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Monday, March 10, 2014 4:11:19PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/10/2014 2:00:00PM

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		
Totals:	12	0	1

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/10/2014 2:00:00PM

Location: Sumner Hall (404 HOB)

HB 41 : Florida Law Enforcement Officers' Hall of Fame

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				
Total Yeas: 12		Total Nays: 0			

HB 41 Amendments

Amendment 211811

Adopted Without Objection

Amendment 554019

Adopted Without Objection

Appearances:

HB 41

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Monday, March 10, 2014 4:11:19PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	—	(Y/N)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

*Adopted without objection
3/10/14*

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

Amendment

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 265.004, Florida Statutes, is created
 8 to read:

9 265.004 Florida Law Enforcement Officers' Hall of Fame.—

10 (1) It is the intent of the Legislature to recognize and
 11 honor law enforcement officers, as defined in s 943.10, F.S.,
 12 who put their lives on the line for the safety and protection of
 13 the citizens of Florida through their works, service, and
 14 exemplary accomplishments during or following their service as
 15 law enforcement officers.

16 (2) There is established the Florida Law Enforcement
 17 Officers' Hall of Fame.



Amendment No. 1

18 (a) The Florida Law Enforcement Officers' Hall of Fame is
19 administered by the Department of Law Enforcement without
20 appropriation of state funds.

21 (b) The Department of Management Services shall set aside
22 an appropriate public area on the Plaza Level of the Capitol
23 Building for the Florida Law Enforcement Officers' Hall of Fame
24 and shall consult with the Department of Law Enforcement
25 regarding the design and theme of the area.

26 (c) The Department of Law Enforcement may establish,
27 organize, and conduct a formal induction ceremony. The
28 department shall affix the name of each law enforcement officer
29 inducted into the Florida Law Enforcement Officers' Hall of Fame
30 on a plaque displayed in the designated area of the Capitol
31 Building.

32 (3) (a) The Department of Law Enforcement shall annually
33 accept recommendations of law enforcement officers to be
34 considered for induction into the Florida Law Enforcement
35 Officers' Hall of Fame. The department shall accept
36 recommendations from law enforcement organizations that the
37 department deems appropriate, including, but not limited to, the
38 Police Benevolent Association. The department shall nominate ten
39 law enforcement officers from the recommendations submitted and
40 transmit the names of the nominees to the Governor and Cabinet.
41 The Governor and Cabinet must select five of the nominees to be
42 inducted.



Amendment No. 1

43 (b) In determining who should be nominated, the Department
44 of Law Enforcement shall give preference to law enforcement
45 officers who were born in Florida or who have adopted Florida as
46 their home state and who have put their lives on the line for
47 the safety and protection of the citizens of Florida through
48 their works, service, and exemplary accomplishments during or
49 following their service as law enforcement officers.

50 (4) The Department of Law Enforcement may establish
51 criteria and set specific time periods for accepting
52 recommendations and for selecting nominees.

53 Section 2. This act shall take effect July 1, 2014.



Amendment No. 1a

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
3/10/14*

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

Amendment to Amendment (211811) by Representative Campbell

Remove line 38 of the amendment and insert:

7 Police Benevolent Association and the Fraternal Order of Police.
 8 The department shall nominate ten
 9

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/10/2014 2:00:00PM

Location: Sumner Hall (404 HOB)

HB 517 : Fraudulent Controlled Substance Prescriptions

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				
	Total Yeas: 11	Total Nays: 1			

HB 517 Amendments

Amendment 406967

Adopted Without Objection

Appearances:

HB 517

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

HB 517

Carroll, Sarrah (Lobbyist) - Waive In Support
Florida Sheriffs Association
2617 Mahan Dr
Tallahassee FL 32308
Phone: 850)877-2165

Committee meeting was reported out: Monday, March 10, 2014 4:11:19PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Adopted Without Objection
3/10/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Hooper offered the following:

4
5 **Amendment**

6 Remove lines 35-42 and insert:

7 7. Possess a prescription form unless it has been signed
8 by the practitioner whose name appears printed thereon and
9 completed. ~~which has not been completed and signed by the~~
10 ~~practitioner whose name appears printed thereon, unless This~~
11 subparagraph does not apply if the person in possession is the
12 that practitioner whose name appears printed on the prescription
13 form, is an agent or employee of that practitioner, is a
14 pharmacist, or is a supplier of prescription forms who is
15 authorized by that practitioner to possess those forms.

16
17

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/10/2014 2:00:00PM

Location: Sumner Hall (404 HOB)

HB 989 : Human Trafficking

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				
Total Yeas: 12		Total Nays: 0			

HB 989 Amendments

Amendment 511299

Adopted Without Objection

Appearances:

HB 989

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

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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
3/10/14*

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

Amendment (with title amendment)

Remove lines 137-156

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

Remove lines 9-12 and insert:
 offense of human trafficking; amending s.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/10/2014 2:00:00PM

Location: Sumner Hall (404 HOB)

HB 1013 : Court-Ordered Expunction of Criminal History Records

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				
Total Yeas: 12		Total Nays: 0			

HB 1013 Amendments

Amendment 577991

Adopted Without Objection

Appearances:

HB 1013

Chamizo, Jorge - Waive In Support
Fla. Association of Criminal Defense Lawyers
108 South Monroe Street
Tallahassee FL 32301
Phone: (850)681-0024

HB 1013

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

Committee meeting was reported out: Monday, March 10, 2014 4:11:19PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Adopted without objection
3/10/14*

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

Amendment (with directory and title amendments)

Remove lines 115-127 and insert:

7 (h) Has previously obtained a court order sealing the
 8 record under this section, former s. 893.14, former s. 901.33,
 9 or former s. 943.058 for a minimum of 10 years because
 10 adjudication was withheld ~~or because all charges related to the~~
 11 ~~arrest or alleged criminal activity to which the petition to~~
 12 ~~expunge pertains were not dismissed prior to trial, without~~
 13 ~~regard to whether the outcome of the trial was other than an~~
 14 ~~adjudication of guilt.~~ The requirement for the record to have
 15 previously been sealed for a minimum of 10 years does not apply
 16 when a plea was not entered, when ~~or~~ all charges related to the
 17 arrest or alleged criminal activity to which the petition to



Amendment No. 1

18 expunge pertains were dismissed prior to trial, or when a judge
19 or jury rendered a verdict of not guilty. The records of a
20 person adjudicated not guilty by reason of insanity are not
21 eligible for expunction under this section.

22 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
23 criminal history record of a minor or an adult which is ordered
24 expunged by a court of competent jurisdiction pursuant to this
25 section must be physically destroyed or obliterated by any
26 criminal justice agency having custody of such record; except
27 that any criminal history record in the custody of the
28 department must be retained in all cases. A criminal history
29 record ordered expunged that is retained by the department is
30 confidential and exempt from the provisions of s. 119.07(1) and
31 s. 24(a), Art. I of the State Constitution and not available to
32 any person or entity except upon order of a court of competent
33 jurisdiction. A criminal justice agency may retain a notation
34 indicating compliance with an order to expunge. If a person is
35 adjudicated not guilty by reason of insanity or is found to be
36 incompetent to stand trial, the expunction of the criminal
37 history record shall not prevent the entry of the judgment or
38 finding in state and national databases for use in determining
39 eligibility to purchase or possess a firearm or to carry a
40 concealed firearm, as authorized at s. 790.065(2)(a)4.c., and 18
41 U.S.C. s. 922(t), nor shall it prevent any governmental agency
42 that is authorized by state or federal law to determine
43 eligibility to purchase or possess a firearm or to carry a

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44 concealed firearm from accessing or using the record of the
45 judgment or finding in the course of such agency's official
46 duties.

47 (a) The person who is the subject of a criminal history
48 record that is expunged under this section or under other
49 provisions of law, including former s. 893.14, former s. 901.33,
50 and former s. 943.058, may lawfully deny or fail to acknowledge
51 the arrests covered by the expunged record, except when the
52 subject of the record:

53 1. Is a candidate for employment with a criminal justice
54 agency;

55 2. Is a defendant in a criminal prosecution;

56 3. Concurrently or subsequently petitions for relief under
57 this section, s. 943.0583, or s. 943.059;

58 4. Is a candidate for admission to The Florida Bar;

59 5. Is seeking to be employed or licensed by or to contract
60 with the Department of Children and Families, the Division of
61 Vocational Rehabilitation within the Department of Education,
62 the Agency for Health Care Administration, the Agency for
63 Persons with Disabilities, the Department of Health, the
64 Department of Elderly Affairs, or the Department of Juvenile
65 Justice or to be employed or used by such contractor or licensee
66 in a sensitive position having direct contact with children, the
67 disabled, or the elderly; or

68 6. Is seeking to be employed or licensed by the Department
69 of Education, any district school board, any university



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70 laboratory school, any charter school, any private or parochial
71 school, or any local governmental entity that licenses child
72 care facilities.

73 (b) Subject to the exceptions in paragraph (a), a person
74 who has been granted an expunction under this section, former s.
75 893.14, former s. 901.33, or former s. 943.058 may not be held
76 under any provision of law of this state to commit perjury or to
77 be otherwise liable for giving a false statement by reason of
78 such person's failure to recite or acknowledge an expunged
79 criminal history record.

80 (c) Information relating to the existence of an expunged
81 criminal history record which is provided in accordance with
82 paragraph (a) is confidential and exempt from the provisions of
83 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
84 except that the department shall disclose the existence of a
85 criminal history record ordered expunged to the entities set
86 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their
87 respective licensing, access authorization, and employment
88 purposes, ~~and~~ to criminal justice agencies for their respective
89 criminal justice purposes, and with respect to any governmental
90 agency that is authorized by state or federal law to determine
91 eligibility to purchase or possess a firearm or to carry a
92 concealed firearm, the department shall disclose the record of
93 an adjudication of not guilty by reason of insanity or a finding
94 of incompetence to stand trial for use in the course of such
95 agency's official duties. It is unlawful for any employee of an



Amendment No. 1

96 entity set forth in subparagraph (a)1., subparagraph (a)4.,
97 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to
98 disclose information relating to the existence of an expunged
99 criminal history record of a person seeking employment, access
100 authorization, or licensure with such entity or contractor,
101 except to the person to whom the criminal history record relates
102 or to persons having direct responsibility for employment,
103 access authorization, or licensure decisions. Any person who
104 violates this paragraph commits a misdemeanor of the first
105 degree, punishable as provided in s. 775.082 or s. 775.083.
106
107

108 -----
109 **D I R E C T O R Y A M E N D M E N T**

110 Remove lines 15-17 and insert:

111 Section 1. Paragraphs (a) and (h) of subsection (2) and
112 subsection (4) of section 943.0585, Florida Statutes, are
113 amended to read:
114
115

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

118 Remove line 7 and insert:

119 criminal history record expunction; revising when a certificate
120 of eligibility for expunction shall be issued; authorizing the
121 Department of Law Enforcement to enter certain expunged records



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122 | in specified databases; requiring the Department of Law
123 | Enforcement to disclose certain expunged records to specified
124 | governmental entities; requiring a person
125 |

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/10/2014 2:00:00PM

Location: Sumner Hall (404 HOB)

PCS for HB 1105 : Sexual Predator and Sexual Offender Absconders

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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				
	Total Yeas: 12	Total Nays: 0			

Appearances:

PCS for HB 1105

Pitts, Brian - Information Only

Justice-2-Jesus

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