



Criminal Justice Subcommittee

March 5, 2014

9:00 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

Summary:

Criminal Justice Subcommittee

Wednesday March 05, 2014 09:00 am

HB 69	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 868753 Adopted Without Objection		
	Amendment 084327 Adopted Without Objection		
HB 109	Favorable	Yeas: 12	Nays: 0
HB 111	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 651657 Adopted Without Objection		
CS/HB 183	Favorable	Yeas: 12	Nays: 0
CS/HB 623	Favorable	Yeas: 12	Nays: 0
HB 659	Favorable With Committee Substitute	Yeas: 11	Nays: 0
	Amendment 977695 Adopted Without Objection		
HB 841	Favorable	Yeas: 11	Nays: 0
HB 843	Favorable With Committee Substitute	Yeas: 12	Nays: 1
	Amendment 378091 Adopted Without Objection		
	Amendment 501421 Adopted Without Objection		
	Amendment 034423 Adopted Without Objection		

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 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		
Totals:	13	0	0

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 69 : Pub. Rec./Names of Spouses and Children of Public Defenders and Criminal Conflict and Civil Regional Counsel

Favorable With Committee Substitute

	<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			

HB 69 Amendments

Amendment 868753

Adopted Without Objection

Amendment 084327

Adopted Without Objection

Appearances:

HB 69

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 69

Dillinger, Bob (State Employee) - Waive In Support

6th Judicial Circuit

14250 49 St North

Clearwater FL 33762

Phone: 727-464-6865



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
3/5/14*

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

Amendment

Remove line 214 and insert:

7 5. Except as otherwise expressly provided in this
 8 paragraph, this paragraph is subject to the Open Government
 9 Sunset

10



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 Without Objection
3/5/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Kerner offered the following:

4
5 **Amendment**

6 Remove lines 229-240 and insert:

7 communities. These persons work with felons, many of whom have
8 committed violent crimes. As a result of their duties, such
9 personnel often come in close contact with individuals who not
10 only may be a threat to these personnel, but who might seek to
11 take revenge against them by harming their spouses and children.
12 These attorneys also interact with the victims of crime.
13 Allowing access to the names of the spouses and children of
14 current or former public defenders, assistant public defenders,
15 criminal conflict and civil regional counsel, and assistant
16 criminal conflict and civil regional counsel provides a means by
17 which individuals who have been investigated, arrested,



Amendment No. 2

18 interrogated, or incarcerated can identify and cause physical or
19 emotional harm to these spouses and children. In addition,
20 criminal conflict and civil regional counsel and their
21 assistants provide representation in sensitive civil matters,
22 such as those in which a person's parental rights may be
23 terminated based on allegations of perpetrating abuse and
24 neglect against a child. By providing legal representation in
25 criminal and civil matters, these attorneys provide a valuable
26 service. The Legislature therefore
27

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 109 : Pub. Rec./Participants in Treatment-Based Drug Court Programs

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				
Total Yeas: 12		Total Nays: 0			

Appearances:

HB 109

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 109

Gran, Jill (Lobbyist) - Waive In Support

Florida Alcohol & Drug Abuse Association, Inc

2868 Mahan Dr Ste 1

Tallahassee FL 32308

Phone: 850)878-2196

HB 109

Leifman, Steve (State Employee) - Waive In Support

Judge, FL Supreme Court Task Force on Substance Abuse

1351 NW 12th St.

Miami FL 33125

Phone: 305-548-5394

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 111 : Pub. Rec./Forensic Behavioral Health Evaluations

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: 13		Total Nays: 0			

HB 111 Amendments

Amendment 651657

Adopted Without Objection

Appearances:

HB 111

Gran, Jill (Lobbyist) - Waive In Support
Florida Alcohol & Drug Abuse Association, Inc
2868 Mahan Dr Ste 1
Tallahassee FL 32308
Phone: 850)878-2196

HB 111

Leifman, Steve (State Employee) - Waive In Support
Judge, FL Supreme Court Task Force on Substance Abuse
1351 NW 12th St.
Miami FL 33125
Phone: 305-548-5394

HB 111

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



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
3/5/14*

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

Amendment

Remove lines 16-24 and insert:

7 (1) As used in this section, the term "forensic behavioral
 8 health evaluation" means any record, including supporting
 9 documentation, derived from a competency, substance abuse,
 10 psychosexual, psychological, psychiatric, psychosocial,
 11 cognitive impairment, sanity, or other mental health evaluation
 12 of an individual.

13 (2) A forensic behavioral health evaluation filed with the
 14 court under this chapter is confidential and exempt from s.
 15 119.07(1) and s. 24(a), Art. I of the State Constitution.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 183 : Drivers Leaving the Scene of a Crash

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				
Total Yeas: 12		Total Nays: 0			

Appearances:

CS/HB 183

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

CS/HB 183

McCarty, Jess (Lobbyist) - Waive In Support
Assistant County Attorney, Miami-Dade County
111 NW 1st Street Suite 2810
Miami Florida 33128
Phone: 305-979-7110

CS/HB 183

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

CS/HB 183

Sharkey, Jeffrey (Lobbyist) - Waive In Support
Capitol Alliance Group
106 E College Ave Ste 640
Tallahassee FL 32301
Phone: (850)224-1660

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 183 : Drivers Leaving the Scene of a Crash (continued)

Appearances: (continued)

CS/HB 183

Allen, Kristen (General Public) - Waive In Support
State Victim Services Manager, MADD Florida
1018 Thomasville Road, #101
Tallahassee FL 32303
Phone: 850-681-0061

CS/HB 183

Dembinsky, Stephen (General Public) - Waive In Support
Chief of Police, Daytona Beach Shores Police Department
3050 S Atlantic Avenue
Daytona Beach Shores FL 32118
Phone: 386-527-0506

CS/HB 183

Witte, Mickey (General Public) - Proponent
Aaron Choen Law Org.
950 Brickell Bay Dr., #5211
Miami FL 33131
Phone: 305-894-6595

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 623 : Money Services Businesses

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				
Total Yeas: 12		Total Nays: 0			

Appearances:

CS/HB 623

Chanti, Erica (Lobbyist) - Waive In Support
Florida Community Financial Services Association
108 E. Jefferson St., Suite B
Tallahassee FL 32301
Phone: 850-681-0254

CS/HB 623

Morris, Jo (State Employee) - Waive In Support
Legislative Affairs Director, Office of Financial Regulation
200 E. Gaines St.
Tallahassee FL 32399

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 659 : Protective Orders

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: 0			

HB 659 Amendments

Amendment 977695

Adopted Without Objection

Appearances:

HB 659

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 659

Silver, Keri (Lobbyist) - Waive In Support

Florida Sheriffs Association

PO Box 12519

Tallahassee FL 32317

Phone: 850)524-2394



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
3/5/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Mayfield offered the following:

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

6 Remove everything after the enacting clause and insert:
7 Section 1. Paragraph (c) of subsection (5) of section
8 741.30, Florida Statutes, is amended to read:

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

13 (5)

14 (c) Any such ex parte temporary injunction is shall be
15 effective for a fixed period not to exceed 15 days. However, if
16 a final injunction is issued for the same case, the
17 effectiveness of the ex parte temporary injunction extends until



Amendment No. 1

18 the final injunction is served upon the respondent. A full
19 hearing, as provided by this section, shall be set for a date no
20 later than the date when the temporary injunction ceases to be
21 effective. The court may grant a continuance of the hearing
22 before or during a hearing for good cause shown by any party,
23 which must ~~shall~~ include a continuance to obtain service of
24 process. An Any injunction shall be extended, if necessary, so
25 that it remains ~~to remain~~ in full force and effect during any
26 period of continuance.

27 Section 2. Subsection (4) of section 741.31, Florida
28 Statutes, is amended to read:

29 741.31 Violation of an injunction for protection against
30 domestic violence.—

31 (4) (a) A person who willfully violates an injunction for
32 protection against domestic violence issued pursuant to s.
33 741.30, or a foreign protection order accorded full faith and
34 credit pursuant to s. 741.315, by:

- 35 1. Refusing to vacate the dwelling that the parties share;
- 36 2. Going to, or being within 500 feet of, the petitioner's
37 residence, school, or place of employment, or a specified place
38 frequented regularly by the petitioner or ~~and~~ any named family
39 or household member;
- 40 3. Committing an act of domestic violence against the
41 petitioner;



Amendment No. 1

42 4. Committing any other violation of the injunction
43 through an intentional unlawful threat, word, or act to do
44 violence to the petitioner;

45 5. Telephoning, contacting, or otherwise communicating
46 with the petitioner directly or indirectly, unless the
47 injunction specifically allows indirect contact through a third
48 party;

49 6. Knowingly and intentionally coming within 100 feet of
50 the petitioner's motor vehicle, whether or not that vehicle is
51 occupied;

52 7. Defacing or destroying the petitioner's personal
53 property, including the petitioner's motor vehicle; or

54 8. Refusing to surrender firearms or ammunition if ordered
55 to do so by the court

56
57 commits a misdemeanor of the first degree, punishable as
58 provided in s. 775.082 or s. 775.083.

59 (b)1. A person who violates a final injunction for
60 protection against domestic violence by having in his or her
61 care, custody, possession, or control any firearm or ammunition
62 violates ~~It is a violation of s. 790.233,~~ and commits a
63 misdemeanor of the first degree, punishable as provided in s.
64 775.082 or s. 775.083, ~~for a person to violate a final~~
65 ~~injunction for protection against domestic violence by having in~~
66 ~~his or her care, custody, possession, or control any firearm or~~
67 ~~ammunition.~~



Amendment No. 1

68 2. It is the intent of the Legislature that the
69 disabilities regarding possession of firearms and ammunition are
70 consistent with federal law. Accordingly, this paragraph does
71 ~~shall~~ not apply to a state or local officer as defined in s.
72 943.10(14), holding an active certification, who receives or
73 possesses a firearm or ammunition for use in performing official
74 duties on behalf of the officer's employing agency, unless
75 otherwise prohibited by the employing agency.

76 Section 3. Paragraph (c) of subsection (6) of section
77 784.046, Florida Statutes, is amended to read:

78 784.046 Action by victim of repeat violence, sexual
79 violence, or dating violence for protective injunction; dating
80 violence investigations, notice to victims, and reporting;
81 pretrial release violations; public records exemption.-

82 (6)

83 (c) Any such ex parte temporary injunction is ~~shall be~~
84 effective for a fixed period not to exceed 15 days. An ~~However,~~
85 ~~an~~ ex parte temporary injunction granted under subparagraph
86 (2)(c)2. is effective for 15 days following the date the
87 respondent is released from incarceration. However, if a final
88 injunction is issued for the same case, the effectiveness of the
89 ex parte temporary injunction extends until the final injunction
90 is served upon the respondent. A full hearing, as provided by
91 this section, shall be set for a date no later than the date
92 when the temporary injunction ceases to be effective. The court
93 may grant a continuance of the ~~ex parte injunction and the full~~



Amendment No. 1

94 hearing before or during a hearing, for good cause shown by any
95 party, which must include a continuance to obtain service of
96 process. An injunction shall be extended, if necessary, so that
97 it remains in full force and effect during any period of
98 continuance.

99 Section 4. Section 784.047, Florida Statutes, is amended
100 to read:

101 784.047 Penalties for violating protective injunction
102 against violators.—

103 (1) A person who willfully violates an injunction for
104 protection against repeat violence, sexual violence, or dating
105 violence, issued pursuant to s. 784.046, or a foreign protection
106 order accorded full faith and credit pursuant to s. 741.315 by:

107 (a)~~(1)~~ Refusing to vacate the dwelling that the parties
108 share;

109 (b)~~(2)~~ Going to, or being within 500 feet of, the
110 petitioner's residence, school, or place of employment, or a
111 specified place frequented regularly by the petitioner or ~~and~~
112 any named family or household member;

113 (c)~~(3)~~ Committing an act of repeat violence, sexual
114 violence, or dating violence against the petitioner;

115 (d)~~(4)~~ Committing any other violation of the injunction
116 through an intentional unlawful threat, word, or act to do
117 violence to the petitioner;

118 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating
119 with the petitioner directly or indirectly, unless the

977695 - h0659.strike.docx

Published On: 3/4/2014 6:36:27 PM



Amendment No. 1

120 injunction specifically allows indirect contact through a third
121 party;

122 ~~(f)-(6)~~ Knowingly and intentionally coming within 100 feet
123 of the petitioner's motor vehicle, whether or not that vehicle
124 is occupied;

125 ~~(g)-(7)~~ Defacing or destroying the petitioner's personal
126 property, including the petitioner's motor vehicle; or

127 ~~(h)-(8)~~ Refusing to surrender firearms or ammunition if
128 ordered to do so by the court,

129

130 commits a misdemeanor of the first degree, punishable as
131 provided in s. 775.082 or s. 775.083.

132 (2) A person who violates a final injunction for
133 protection against repeat violence, sexual violence, or dating
134 violence by having in his care, custody, possession, or control
135 any firearm or ammunition violates s. 790.233 and commits a
136 misdemeanor in the first degree, punishable by s. 775.082 or s.
137 775.083.

138 Section 5. Paragraph (c) of subsection (5) of section
139 784.0485, Florida Statutes, is amended to read:

140 784.0485 Stalking; injunction; powers and duties of court
141 and clerk; petition; notice and hearing; temporary injunction;
142 issuance of injunction; statewide verification system;
143 enforcement.—

144 (5)



Amendment No. 1

145 (c) Any such ex parte temporary injunction is effective
146 for a fixed period not to exceed 15 days. However, if a final
147 injunction is issued for the same case, the effectiveness of the
148 ex parte temporary injunction extends until the final injunction
149 is served upon the respondent. A full hearing, as provided in
150 this section, shall be set for a date no later than the date
151 when the temporary injunction ceases to be effective. The court
152 may grant a continuance of the hearing before or during a
153 hearing for good cause shown by any party, which must ~~shall~~
154 include a continuance to obtain service of process. An
155 injunction shall be extended, if necessary, so that it remains
156 ~~to remain~~ in full force and effect during any period of
157 continuance.

158 Section 6. Paragraph (a) of subsection (4) of section
159 784.0487, Florida Statutes, is amended and paragraph (6) is
160 added to read:

161 784.0487 Violation of an injunction for protection against
162 stalking or cyberstalking.—

163 (4) A person who willfully violates an injunction for
164 protection against stalking or cyberstalking issued pursuant to
165 s. 784.0485, or a foreign protection order accorded full faith
166 and credit pursuant to s. 741.315, by:

167 (a) Going to, or being within 500 feet of, the
168 petitioner's residence, school, or place of employment, or a
169 specified place frequented regularly by the petitioner, and any



Amendment No. 1

170 named family members, or individuals closely associated with the
171 petitioner;

172

173 commits a misdemeanor of the first degree, punishable as
174 provided in s. 775.082 or s. 775.083.

175 (6) A person who violates a final injunction for
176 protection against stalking or cyberstalking by having in his
177 care, custody, possession, or control any firearm or ammunition
178 violates s. 790.233 and commits a misdemeanor in the first
179 degree, punishable by s. 775.082 or s. 775.083.

180 Section 7. Subsection (1) of section 790.233, Florida
181 Statutes, is amended to read:

182 790.233 Possession of firearm or ammunition prohibited
183 when person is subject to an injunction against committing acts
184 of domestic violence, repeat violence, dating violence, sexual
185 violence, stalking, or cyberstalking; penalties.-

186 (1) A person may not have in his or her care, custody,
187 possession, or control any firearm or ammunition if the person
188 has been issued a final injunction that is currently in force
189 and effect, restraining that person from committing acts of:

190 (a) Domestic violence, as issued under s. 741.30;

191 (b) Repeat, dating, or sexual violence, as issued under s.
192 784.046; or ~~from committing acts of~~

193 (c) Stalking or cyberstalking, as issued under s.
194 784.0485.



Amendment No. 1

195 Section 8. Subsections (6) and (7) of section 901.15,
196 Florida Statutes, are amended to read:

197 901.15 When arrest by officer without warrant is lawful.—A
198 law enforcement officer may arrest a person without a warrant
199 when:

200 (6) There is probable cause to believe that the person has
201 committed a criminal act according to s. 790.233 or according to
202 s. 741.31, ~~or~~ s. 784.047, 784.0487, or s. 39.504 which violates
203 an injunction for protection entered pursuant to s. 741.30, ~~or~~
204 s. 784.046, s. 784.0485, or s. 39.504, or a foreign protection
205 order accorded full faith and credit pursuant to s. 741.315,
206 over the objection of the petitioner, if necessary.

207 (7) There is probable cause to believe that the person has
208 committed an act of domestic violence~~7~~, as defined in s. 741.28;~~7~~
209 ~~or~~ dating violence, repeat violence, or sexual violence as
210 provided in s. 784.046; stalking or cyberstalking as provided in
211 s. 784.0485; or an act of child abuse as provided in s. 39.01.

212 The decision to arrest does ~~shall~~ not require consent of the
213 victim or consideration of the relationship of the parties. It
214 is the public policy of this state to strongly discourage arrest
215 and charges of both parties for domestic violence or dating
216 violence on each other and to encourage training of law
217 enforcement and prosecutors in these areas. A law enforcement
218 officer who acts in good faith and exercises due care in making
219 an arrest under this subsection, under s. 741.31(4), ~~or~~ s.
220 784.047, s. 784.0487, or 39.504, or pursuant to a foreign order



Amendment No. 1

221 of protection accorded full faith and credit pursuant to s.
222 741.315, is immune from civil liability that otherwise might
223 result by reason of his or her action.

224 Section 9. This act shall take effect October 1, 2014.

225

226

227

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

228

Remove everything before the enacting clause and insert:

229

An act relating to protective orders; amending ss. 741.30,

230

784.046, and 784.0485, F.S.; extending the effectiveness of

231

certain temporary injunctions in domestic violence, repeat

232

violence, sexual violence, dating violence, or stalking

233

proceedings in certain circumstances; amending s. 784.047, F.S.;

234

providing that it is unlawful for a person to violate a final

235

injunction for protection against repeat, dating, or sexual

236

violence by having in his or her care, custody, possession, or

237

control any firearm or ammunition; providing penalties; amending

238

s. 784.0487, F.S.; providing that it is unlawful for a person to

239

violate a final injunction for protection against stalking or

240

cyberstalking by having in his or her care, custody, possession,

241

or control any firearm or ammunition; providing penalties;

242

amending s. 790.233, F.S.; conforming provisions to changes made

243

in the act; amending s. 901.15, F.S.; expanding situations in

244

which an arrest without a warrant is lawful to include probable

245

cause of stalking, cyberstalking, or child abuse; providing an

246

effective date.

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Published On: 3/4/2014 6:36:27 PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 841 : Crime Stoppers Trust Fund

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: 11		Total Nays: 0			

Appearances:

HB 841

Dembinsky, Stephen (General Public) - Waive In Support
Chief of Police, Daytona Beach Shores Police Department
3050 S Atlantic Avenue
Daytona Beach Shores FL 32118
Phone: 386-527-0506

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 843 : Cannabis

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: 1			

HB 843 Amendments

Amendment 378091

Adopted Without Objection

Amendment 501421

Adopted Without Objection

Amendment 034423

Adopted Without Objection

Appearances:

HB 843

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

HB 843

Nelson, Tom (General Public) - Proponent
1722 Pickens Circle
Baker FL 32531
Phone: 850-420-2531

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 843 : Cannabis (continued)

Appearances: (continued)

HB 843

Sampley, Jonathan (General Public) - Proponent
4484 Fort Sumpter Rd.
Milton FL 32583
Phone: 850-598-0581

HB 843

Dillard, Erick (General Public) - Proponent
7544 Lillie Lane
Pensacola FL 32526
Phone: 850-255-2199

HB 843

Dillard, Kim (General Public) - Proponent
7544 Lillie Lane
Pensacola FL 32526
Phone: 850-255-2199

HB 843

Rotundo, Louis (Lobbyist) - Proponent
Florida Medical Cannabis Association
302 Pinestraw Circle
Altamonte Springs FL 32714
Phone: 407-699-9361

HB 483

Watson, Ron (Lobbyist) - Proponent
President, Watson Strategies
3738 Mundon Way
Tallahassee FL 32309
Phone: 850-567-1202

HB 483

James, Jodi (General Public) - Proponent
Executive Director, Florida Cannabis Action Network
1375 Cypress Ave.
Melbourne FL 32935
Phone: 321-890-7302

HB 843

Walters, Paul (General Public) - Proponent
1241 Kemala Ave.
32577
Phone: 850-754-0186

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/5/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 843 : Cannabis (continued)

Appearances: (continued)

HB

Herndon, Kerry (General Public) - Information Only

Kerry's Nursery, Inc.

6180 SW 133 St.

Miami FL 33156

Phone: 786-229-2444

HB 843

Moseley, Peyton & Holly (General Public) - Proponent

Workshop on Sentencing Reform

211 Nowch Drive

Gulf Breeze FL 32561

Phone: 850-232-0004

HB 843

Rutherford, Sheriff John (General Public) - Proponent

Florida Sheriff's Association

2617 Mahan Dr.

Tallahassee FL 32308

Phone: 850-877-2165



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
3/5/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Gaetz offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 893.131, Florida Statutes, is created
8 to read:

9 893.131 Affirmative defense to prohibited acts.—

10 (1) For purposes of this section, the term "cannabis" means
11 a plant of the genus Cannabis, the dried flowers of which
12 contain .5 percent or less of tetrahydrocannabinol and more than
13 15 percent of cannabidiol weight for weight; the seeds thereof;
14 the resin extracted from any part of such plant; or any
15 compound, manufacture, salt, derivative, mixture, or preparation
16 of such plant or its seeds or resin.



Amendment No. 1

17 (2) (a) The Legislature finds that research has shown that
18 cannabis has significant health benefits to individuals
19 suffering from medical conditions, such as seizure disorders
20 among children, when ingested in a non-smoking manner.

21 (b) The Legislature intends to discourage law enforcement
22 from arresting and state attorneys from prosecuting persons who
23 commit violations of s. 893.13 and s. 893.147 when the violation
24 only involves cannabis.

25 (3) It is an affirmative defense to a prosecution under s.
26 893.13(1), (2), (3), (4), (5), (6), (7)(a)1., and (7)(a)4.; and
27 s. 893.135(1) that:

28 (a) Cannabis was the only controlled substance involved in
29 the violation;

30 (b) The person committing the offense intended that the
31 cannabis be consumed in a non-smoking manner; and

32 (c) The person committing the offense intended that the
33 cannabis be consumed by a person under the supervision of a
34 physician licensed under chapters 458 or 459.

35 (4) It is an affirmative defense to a prosecution under s.
36 893.147 that the person committing the offense intended that the
37 drug paraphernalia involved in the offense was intended to only
38 be used to:

39 (a) Plant, propagate, cultivate, grow, harvest,
40 manufacture, compound, convert, produce, process, prepare, test,
41 analyze, pack, repack, store, or contain, cannabis; or

42 (b) Introduce cannabis into the human body in a non-smoking



Amendment No. 1

43 | manner.44 | Section 2. Subsection (6) is added to section 943.0585,
45 | Florida Statutes, to read:

46 | 943.0585 Court-ordered expunction of criminal history
47 | records.—The courts of this state have jurisdiction over their
48 | own procedures, including the maintenance, expunction, and
49 | correction of judicial records containing criminal history
50 | information to the extent such procedures are not inconsistent
51 | with the conditions, responsibilities, and duties established by
52 | this section. Any court of competent jurisdiction may order a
53 | criminal justice agency to expunge the criminal history record
54 | of a minor or an adult who complies with the requirements of
55 | this section. The court shall not order a criminal justice
56 | agency to expunge a criminal history record until the person
57 | seeking to expunge a criminal history record has applied for and
58 | received a certificate of eligibility for expunction pursuant to
59 | subsection (2). A criminal history record that relates to a
60 | violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
61 | s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
62 | 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
63 | 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
64 | any violation specified as a predicate offense for registration
65 | as a sexual predator pursuant to s. 775.21, without regard to
66 | whether that offense alone is sufficient to require such
67 | registration, or for registration as a sexual offender pursuant
68 | to s. 943.0435, may not be expunged, without regard to whether

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Amendment No. 1

69 adjudication was withheld, if the defendant was found guilty of
70 or pled guilty or nolo contendere to the offense, or if the
71 defendant, as a minor, was found to have committed, or pled
72 guilty or nolo contendere to committing, the offense as a
73 delinquent act. The court may only order expunction of a
74 criminal history record pertaining to one arrest or one incident
75 of alleged criminal activity, except as provided in this
76 section. The court may, at its sole discretion, order the
77 expunction of a criminal history record pertaining to more than
78 one arrest if the additional arrests directly relate to the
79 original arrest. If the court intends to order the expunction of
80 records pertaining to such additional arrests, such intent must
81 be specified in the order. A criminal justice agency may not
82 expunge any record pertaining to such additional arrests if the
83 order to expunge does not articulate the intention of the court
84 to expunge a record pertaining to more than one arrest. This
85 section does not prevent the court from ordering the expunction
86 of only a portion of a criminal history record pertaining to one
87 arrest or one incident of alleged criminal activity.
88 Notwithstanding any law to the contrary, a criminal justice
89 agency may comply with laws, court orders, and official requests
90 of other jurisdictions relating to expunction, correction, or
91 confidential handling of criminal history records or information
92 derived therefrom. This section does not confer any right to the
93 expunction of any criminal history record, and any request for



Amendment No. 1

94 expunction of a criminal history record may be denied at the
95 sole discretion of the court.

96 (6) Notwithstanding the eligibility requirements in
97 subsection (2)(a)2., a person is eligible to apply for and
98 receive a certificate of eligibility for expunction if the
99 person is found not guilty at trial of an offense for which the
100 person successfully raised an affirmative defense pursuant to s.
101 893.131. A person applying for a certificate of eligibility
102 pursuant to this subsection must obtain and submit to the
103 department a written, certified statement from the appropriate
104 state attorney or statewide prosecutor which indicates that the
105 person was found not guilty at trial of an offense for which the
106 person successfully raised an affirmative defense pursuant to s.
107 893.131. This subsection does not confer any right to the
108 expunction of a criminal history record, and any request for
109 expunction of a criminal history record may be denied at the
110 discretion of the court.

111 Section 3. (1) As used in this section, the term
112 "cannabidiol" means an extract from the cannabis plant that has
113 less than 0.5 percent tetrahydrocannabinol and the chemical
114 signature 2-[(1R,6R)-6-isopropenyl-3-methylcyclohex-2-en-1-yl]-
115 5-pentylbenzene-1,3-diol, or a derivative thereof, as determined
116 by the International Union of Pure and Applied Chemistry.

117 (2) In the 2014-2015 fiscal year, \$1 million in non-
118 recurring general revenue is appropriated to the Department of
119 Health for the James and Esther King Biomedical Research Program

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Amendment No. 1

120 and shall be deposited into the Biomedical Research Trust Fund.
121 These funds shall be reserved for research of cannabidiol and
122 its effect on intractable childhood epilepsy.

123 (3) Biomedical research funding for research of
124 cannabidiol and its effect on intractable childhood epilepsy
125 shall be awarded pursuant to s. 215.5602, except as otherwise
126 provided in this section. An application for such funding may
127 be submitted by any research university in the state which has
128 obtained approval from the U.S. Food and Drug Administration for
129 an exploratory investigational new drug study of cannabidiol and
130 its effect on intractable childhood epilepsy. For the purposes
131 of this section, the Biomedical Research Advisory Council
132 created under s. 215.5602 shall advise the State Surgeon General
133 as to the direction and scope of research of cannabidiol and its
134 effect on intractable childhood epilepsy and the award of
135 research funding.

136 Section 4. This act shall take effect upon becoming a law.
137
138

139 -----

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

141 Remove everything before the enacting clause and insert:
142 An act relating to cannabis; creating s. 893.131, F.S.,
143 providing definitions; providing legislative findings and
144 intent; creating an affirmative defense for specified controlled
145 substance offenses; creating an affirmative defense for



Amendment No. 1

146 specified drug paraphernalia offenses; amending s. 943.0585,
147 F.S.; providing that a person is eligible to apply for and
148 receive a certificate of eligibility for expunction,
149 notwithstanding certain eligibility requirements, if the person
150 is found not guilty at trial of an offense for which the person
151 raised an affirmative defense pursuant to s. 893.131(4);
152 providing an appropriation to the Department of Health for
153 research of cannabidiol and its effect on intractable childhood
154 epilepsy; specifying how biomedical research funding for
155 research of cannabidiol and its effect on intractable childhood
156 epilepsy shall be awarded; specifying who may apply for such
157 funding; providing an effective date.



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
3/5/14*

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

Amendment to Amendment (378091) by Representative Gaetz

Remove lines 12-13 of the amendment and insert:

7 contain .8 percent or less of tetrahydrocannabinol and more than
 8 10 percent of cannabidiol weight for weight; the seeds thereof;
 9

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 843 (2014)

Amendment No. 2a

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
3/5/14*

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

4
5 **Amendment to Amendment (378091) by Representative Gaetz**

6
7 Remove line 113 of the amendment and insert:
8 less than 0.8 percent tetrahydrocannabinol and the chemical
9