



Criminal Justice Subcommittee

**Wednesday, February 11, 2015
3:30 PM - 5:30 PM
Sumner Hall (404 HOB)**

ACTION PACKET

**Steve Crisafulli
Speaker**

**Carlos Trujillo
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

Summary:

Criminal Justice Subcommittee

Wednesday February 11, 2015 03:30 pm

HB 9	Favorable With Committee Substitute	Yeas: 9	Nays: 3
	Amendment 320475 Adopted Without Objection		
	Strike All		
HB 235	Favorable	Yeas: 13	Nays: 0
HB 465	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 420987 Adopted Without Objection		
	Strike All		
HB 467	Favorable	Yeas: 13	Nays: 0
HB 469	Favorable	Yeas: 13	Nays: 0
PCS for HB 57	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Wednesday, February 11, 2015 5:42:41PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Carlos Trujillo (Chair)	X		
Dennis Baxley	X		
Randolph Bracy	X		
Jay Fant	X		
Gayle Harrell	X		
Dave Kerner	X		
Chris Latvala	X		
Ray Pilon	X		
Scott Plakon	X		
Sharon Pritchett	X		
Ross Spano	X		
Charles Van Zant	X		
Clovis Watson, Jr.	X		
Totals:	13	0	0

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

HB 9 : Use of a Wireless Communications Device While Operating a Motor Vehicle

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley		X			
Randolph Bracy	X				
Jay Fant		X			
Gayle Harrell	X				
Dave Kerner	X				
Chris Latvala		X			
Ray Pilon	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Charles Van Zant			X		
Clovis Watson, Jr.	X				
Carlos Trujillo (Chair)	X				
	Total Yeas: 9	Total Nays: 3			

HB 9 Amendments

Amendment 320475

Adopted Without Objection

Appearances:

HB 9

Willard, Matthew (Lobbyist) - Opponent

Florida Association of Criminal Defense Lawyers

P O Box 10007

Tallahassee FL 32301

Phone: 850-224-2001

HB 9

Fisher, Lamar - Proponent

City of Pompano Beach

Mayor

100 West Atlantic Blvd.

Pompano Beach FL 33060

Phone: 954-786-4601

Committee meeting was reported out: Wednesday, February 11, 2015 5:42:41PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> ✓ </u>	(Y/N) 2/11/15
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

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

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 782.071, Florida Statutes, is amended
 8 to read:

9 782.071 Vehicular homicide.—

10 (1) "Vehicular homicide" is the killing of a human being,
 11 or the killing of an unborn child by any injury to the mother,
 12 caused by the operation of a motor vehicle by another:

13 (a) In a reckless manner likely to cause the death of, or
 14 great bodily harm to, another; or

15 (b) While using a wireless communications device in
 16 violation of s. 316.305.

17 (2)~~(1)~~ Vehicular homicide is:



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18 (a) A felony of the second degree, punishable as provided
19 in s. 775.082, s. 775.083, or s. 775.084.

20 (b) A felony of the first degree, punishable as provided
21 in s. 775.082, s. 775.083, or s. 775.084, if:

22 1. At the time of the accident, the person knew, or should
23 have known, that the accident occurred; and

24 2. The person failed to give information and render aid as
25 required by s. 316.062.

26
27 This paragraph does not require that the person knew that the
28 accident resulted in injury or death.

29 ~~(3)~~(2) For purposes of this section, the term "unborn
30 child" has the same meaning as provided in s. 775.021(5).

31 ~~(4)~~(3) A right of action for civil damages shall exist
32 under s. 768.19, under all circumstances, for all deaths
33 described in this section.

34 ~~(5)~~(4) In addition to any other punishment, the court may
35 order the person to serve 120 community service hours in a
36 trauma center or hospital that regularly receives victims of
37 vehicle accidents, under the supervision of a registered nurse,
38 an emergency room physician, or an emergency medical technician
39 pursuant to a voluntary community service program operated by
40 the trauma center or hospital.

41 Section 2. This act shall take effect October 1, 2015.
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Amendment No. 1

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

Remove everything before the enacting clause and insert:
An act relating to the use of a wireless communications device while operating a motor vehicle; amending s. 782.071, F.S.; providing vehicular manslaughter includes causing the death of a human being or unborn child while operating a motor vehicle and using a wireless communications device; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

HB 235 : Restitution

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Randolph Bracy	X				
Jay Fant	X				
Gayle Harrell	X				
Dave Kerner	X				
Chris Latvala	X				
Ray Pilon	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Charles Van Zant	X				
Clovis Watson, Jr.	X				
Carlos Trujillo (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

Committee meeting was reported out: Wednesday, February 11, 2015 5:42:41PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

HB 465 : Human Trafficking

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Randolph Bracy	X				
Jay Fant	X				
Gayle Harrell	X				
Dave Kerner	X				
Chris Latvala	X				
Ray Pilon	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Charles Van Zant	X				
Clovis Watson, Jr.	X				
Carlos Trujillo (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 465 Amendments

Amendment 420987

Adopted Without Objection

Committee meeting was reported out: Wednesday, February 11, 2015 5:42:41PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)	
ADOPTED AS AMENDED	_____	(Y/N)	
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N)	2/11/15
FAILED TO ADOPT	_____	(Y/N)	
WITHDRAWN	_____	(Y/N)	
OTHER			

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Spano offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (4), (5), and (6) of section

8 796.07, Florida Statutes, are amended to read:

9 796.07 Prohibiting prostitution and related acts.-

10 (4) (a) A person who violates any provision of this
 11 section, other than paragraph (2)(f), commits:

12 1.(a) A misdemeanor of the second degree for a first
 13 violation, punishable as provided in s. 775.082 or s. 775.083.

14 2.(b) A misdemeanor of the first degree for a second
 15 violation, punishable as provided in s. 775.082 or s. 775.083.



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16 3. ~~(e)~~ A felony of the third degree for a third or
17 subsequent violation, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 (b) ~~(5)~~ A person who is charged with a third or subsequent
20 violation of this section, other than paragraph (2)(f), shall be
21 offered admission to a pretrial intervention program or a
22 substance abuse treatment program as provided in s. 948.08.

23 (6) (a) A person who violates paragraph (2)(f) commits:

24 1. A misdemeanor of the first degree for a first violation,
25 punishable as provided in s. 775.082 or s. 775.083.

26 2. A felony of the third degree for a second violation,
27 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

28 3. A felony of the second degree for a third or subsequent
29 violation, punishable as provided in s. 775.082, s. 775.083, or
30 s. 775.084.

31 (b) In addition to any other penalty imposed, the court
32 shall order a person convicted of a violation of paragraph
33 (2)(f) to:

34 1. Perform 100 hours of community service; and

35 2. Pay for and attend an educational program about the
36 negative effects of prostitution and human trafficking, such as
37 a sexual violence prevention education program, if such program
38 exists in the judicial circuit in which the offender is
39 sentenced.

40 (c) In addition to any other penalty imposed, the court
41 shall sentence a person convicted of a second or subsequent



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42 violation of paragraph (2)(f) to a minimum mandatory period of
43 incarceration of 10 days.

44 (d)1. If a person who violates paragraph (2)(f) uses a
45 vehicle in the course of the violation, the judge, upon the
46 person's conviction, may issue an order for the impoundment or
47 immobilization of the vehicle for a period of up to 60 days. The
48 order of impoundment or immobilization must include the names
49 and telephone numbers of all immobilization agencies meeting all
50 of the conditions of s. 316.193(13). Within 7 business days
51 after the date that the court issues the order of impoundment or
52 immobilization, the clerk of the court must send notice by
53 certified mail, return receipt requested, to the registered
54 owner of the vehicle, if the registered owner is a person other
55 than the defendant, and to each person of record claiming a lien
56 against the vehicle.

57 2. The owner of the vehicle may request the court to
58 dismiss the order. If the owner of the vehicle alleges and the
59 court finds to be true any of the following, the court must
60 dismiss the order, and the owner of the vehicle will incur no
61 costs:

62 a. The owner's family has no other private or public means
63 of transportation;

64 b. The vehicle was stolen at the time of the offense;

65 c. The owner purchased the vehicle after the offense was
66 committed, and the sale was not made to circumvent the order and
67 allow the defendant continued access to the vehicle; or



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68 d. The vehicle is owned by the defendant but is operated
69 solely by employees of the defendant or employees of a business
70 owned by the defendant.

71 3. If the court denies the request to dismiss the order,
72 the petitioner may request an evidentiary hearing. If, at the
73 evidentiary hearing, the court finds to be true any of the
74 circumstances described in sub-subparagraphs (d)2.a.-d., the
75 court must dismiss the order and the owner of the vehicle will
76 incur no costs.

77 (7)-(6) A person who violates paragraph (2) (f) shall be
78 assessed a civil penalty of \$5,000 if the violation results in
79 any judicial disposition other than acquittal or dismissal. Of
80 the proceeds from each penalty assessed under this subsection,
81 the first \$500 shall be paid to the circuit court administrator
82 for the sole purpose of paying the administrative costs of
83 treatment-based drug court programs provided under s. 397.334.
84 The remainder of the penalty assessed shall be deposited in the
85 Operations and Maintenance Trust Fund of the Department of
86 Children and Families for the sole purpose of funding safe
87 houses and safe foster homes as provided in s. 409.1678.

88 Section 2. Subsections (2) and (7) and paragraph (a) of
89 subsection (8) of section 943.0583, Florida Statutes, are
90 amended to read:

91 943.0583 Human trafficking victim expunction.—

92 (2) Notwithstanding any other provision of law, a circuit
93 court in the circuit in which the petitioner was arrested the



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94 ~~court of original jurisdiction over the crime sought to be~~
95 ~~expunged~~ may order a criminal justice agency to expunge the
96 criminal history record of a victim of human trafficking who
97 complies with the requirements of this section. This section
98 does not confer any right to the expunction of any criminal
99 history record, and any request for expunction of a criminal
100 history record may be denied at the discretion of the court.

101 (7)(a) In judicial proceedings under this section, a copy
102 of the completed petition to expunge shall be served upon the
103 appropriate state attorney or the statewide prosecutor and upon
104 the arresting agency; however, it is not necessary to make any
105 agency other than the state a party. The appropriate state
106 attorney or the statewide prosecutor and the arresting agency
107 may respond to the court regarding the completed petition to
108 expunge.

109 (b) The petitioner or the petitioner's attorney may appear
110 at any hearing under this section telephonically, via video
111 conference, or by other electronic means.

112 (c) The court shall allow an advocate from a state
113 attorney's office, law enforcement agency, safe house or safe
114 foster home as defined in s. 409.1678(1), or a residential
115 facility offering services to adult victims of human trafficking
116 to be present with the petitioner during any court proceedings
117 or hearings under this section, provided the petitioner has made
118 such a request and the advocate is able to be present.



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119 ~~(d)(e)~~ If relief is granted by the court, the clerk of the
120 court shall certify copies of the order to the appropriate state
121 attorney or the statewide prosecutor and the arresting agency.
122 The arresting agency is responsible for forwarding the order to
123 any other agency listed in the court order to which the
124 arresting agency disseminated the criminal history record
125 information to which the order pertains. The department shall
126 forward the order to expunge to the Federal Bureau of
127 Investigation. The clerk of the court shall certify a copy of
128 the order to any other agency that the records of the court
129 reflect has received the criminal history record from the court.

130 (8)(a) Any criminal history record of a minor or an adult
131 that is ordered expunged ~~by the court of original jurisdiction~~
132 ~~over the charges sought to be expunged~~ pursuant to this section
133 must be physically destroyed or obliterated by any criminal
134 justice agency having custody of such record, except that any
135 criminal history record in the custody of the department must be
136 retained in all cases.

137 Section 3. This act shall take effect October 1, 2015.
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139

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 human trafficking; amending s. 796.07, F.S.;
143 providing enhanced criminal penalties for soliciting another to
144 commit prostitution and similar offenses; requiring persons



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145 convicted of such offenses to perform community service and pay
146 for and attend an education program; requiring the court to
147 impose minimum mandatory terms of incarceration for persons
148 convicted two or more times of soliciting another to commit
149 prostitution and similar offenses; providing for impoundment of
150 a vehicle used in soliciting another to commit prostitution and
151 similar offenses; providing an opportunity for owners to prevent
152 the impoundment or immobilization in certain circumstances;
153 amending s. 943.0583, F.S.; providing that a circuit court in
154 the circuit in which the petitioner was arrested may expunge the
155 criminal history record of a victim of human trafficking;
156 requiring a judge to allow an advocate to be present with a
157 human trafficking victim in an expunction hearing; providing an
158 effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

HB 467 : Pub. Rec./Human Trafficking Victims

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Randolph Bracy	X				
Jay Fant	X				
Gayle Harrell	X				
Dave Kerner	X				
Chris Latvala	X				
Ray Pilon	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Charles Van Zant	X				
Clovis Watson, Jr.	X				
Carlos Trujillo (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

HB 469 : Pub. Rec./Residential Facilities Serving Victims of Sexual Exploitation

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Randolph Bracy	X				
Jay Fant	X				
Gayle Harrell	X				
Dave Kerner	X				
Chris Latvala	X				
Ray Pilon	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Charles Van Zant	X				
Clovis Watson, Jr.	X				
Carlos Trujillo (Chair)	X				
Total Yeas: 13		Total Nays: 0			

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

PCS for HB 57 : Law Enforcement Officer Body Cameras

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Randolph Bracy	X				
Jay Fant	X				
Gayle Harrell	X				
Dave Kerner	X				
Chris Latvala	X				
Ray Pilon	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Charles Van Zant			X		
Clovis Watson, Jr.	X				
Carlos Trujillo (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

Appearances:

HB 57

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Bradford, Gary (Lobbyist) - Opponent

Florida PBA

300 E Brevard St

Tallahassee FL 32301

Phone: (800)733-3722

Richardson, Michelle (Lobbyist) - Proponent

ACLU of Florida

4500 Biscayne Blvd Ste 340

Miami FL 33137

Phone: 7863632713

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COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/11/2015 3:30:00PM

Location: Sumner Hall (404 HOB)

Presentation/Workshop/Other Business Appearances:

OPPAGA Presentation

Scott, Laurie (State Employee) - Information Only

OPPAGA

111 West Madison Street

Tallahassee FL 32399

Phone: 850-717-0566

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