



Criminal Justice Subcommittee

**Tuesday, February 3, 2015
4:00 PM - 6:00 PM
Sumner Hall (404 HOB)**

ACTION PACKET

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

Summary:

Criminal Justice Subcommittee

Tuesday February 03, 2015 04:00 pm

HB 69	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 653355 Adopted Without Objection		
HB 115	Favorable	Yeas: 10	Nays: 0
HB 117	Favorable	Yeas: 12	Nays: 0
HB 157	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 982691 Adopted Without Objection		
HB 193	Favorable	Yeas: 11	Nays: 0
HB 197	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 406307 Adopted Without Objection		
PCB CRJS 15-01	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

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:	12	0	1

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 69 : Missing Persons with Special Needs

☒ 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: 12		Total Nays: 0			

HB 69 Amendments

Amendment 653355

☒ Adopted Without Objection

Appearances:

HB 69 Amendment

Hooper, Margaret (Lobbyist) - Opponent

FI Development Disabilities Council

124 Marriott Dr., Ste. 203

Tallahassee FL 32301

Phone: 850-921-7263

HB 69

Hooper, Margaret (Lobbyist) - Waive In Support

FI Development Disabilities Council

124 Marriott Dr., Ste. 203

Tallahassee FL 32301

Phone: 850-921-7263

HB 69

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 69 : Missing Persons with Special Needs (continued)

Appearances: (continued)

HB 69

Daniels, Michael - Proponent

Florida Alliance for Assistive Services and Technology

Executive Director

3333 W. Pensacola Street

Tallahassee FL 32304

Phone: 850-487-3278

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N) 2-3-15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Plakon offered the following:
4

Amendment (with title amendment)

Remove lines 119-142

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

11 Remove lines 14-28 and insert:
12 missing person with special needs; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 115 : Sentencing

☒ 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: 10		Total Nays: 0			

Appearances:

HB 115

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 117 : False Personation

☒ *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: 12		Total Nays: 0			

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 157 : Fraud

☒ *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: 12		Total Nays: 0			

HB 157 Amendments

Amendment 982691

☒ *Adopted Without Objection*

Appearances:

HB 157 Amendment

Thames, Justin (Lobbyist) - Waive In Support
Florida Institute of Certified Public Accountants
325 W College Ave
Tallahassee FL 32301
Phone: 850-224-2727

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 157 (2015)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N) 2-3-15
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Passidomo offered the following:
4

Amendment

6 Remove lines 89-186 and insert:
7 out-of-pocket costs, including attorney fees and fees associated
8 with services provided by certified public accountants licensed
9 under ch. 473, incurred by the victim in clearing the victim's
10 credit history or credit rating, or costs incurred in connection
11 with a civil or administrative proceeding to satisfy a debt,
12 lien, or other obligation of the victim arising as a result of
13 the actions of the defendant.

14 (b) The sentencing court may issue such orders as are
15 necessary to correct a public record that contains false
16 information given in violation of this section.

17 (3) (a) A victim of the conduct subject to this section

982691 - h0157-line 89.docx

Published On: 2/2/2015 6:38:05 PM



Amendment No. 1

18 shall have a civil cause of action against a person who has
19 engaged in the conduct prohibited by this section as provided in
20 s. 772.11.

21 (b) For purposes of this subsection, the term "victim"
22 includes, to the extent not already included within s. 817.568,
23 a person whose identity was falsely personated or who suffers a
24 loss of property as a result of the false personation.

25 Section 3. Section 817.032, Florida Statutes, is created
26 to read:

27 817.032 Information available to identity theft victims.-

28 (1) DEFINITION.-As used in this section, the term "victim"
29 means a person whose means of identification or financial
30 information is used or transferred or is alleged to be used or
31 transferred without the authority of that person with the intent
32 to commit or to aid or abet an identity theft or a similar
33 crime.

34 (2) GENERALLY.-For the purpose of documenting fraudulent
35 transactions resulting from identity theft, within 30 days after
36 the date of receipt of a request from a victim in accordance
37 with subsection (4), and subject to verification of the identity
38 of the victim and the claim of identity theft in accordance with
39 subsection (3), a business entity that has provided credit to;
40 provided for consideration products, goods, or services to;
41 accepted payment from; or otherwise entered into a commercial
42 transaction for consideration with, a person who has allegedly
43 made unauthorized use of the means of identification of the



Amendment No. 1

44 | victim, shall provide a copy of the application and business
45 | transaction records in the control of the business entity,
46 | whether maintained by the business entity or by another person
47 | on behalf of the business entity, evidencing any transaction
48 | alleged to be a result of identity theft to:

49 | (a) The victim;

50 | (b) A federal, state, or local government law enforcement
51 | agency, or officer specified by the victim in such a request; or

52 | (c) A law enforcement agency investigating the identity
53 | theft and authorized by the victim to take receipt of records
54 | provided under this section.

55 | (3) VERIFICATION OF IDENTITY AND CLAIM.—Before a business
56 | entity provides any information under subsection (2), unless the
57 | business entity, at its discretion, otherwise has a high degree
58 | of confidence that it knows the identity of the victim making a
59 | request under subsection (2), the victim shall provide to the
60 | business entity:

61 | (a) As proof of positive identification of the victim, at
62 | the election of the business entity:

63 | 1. The presentation of a government-issued identification
64 | card;

65 | 2. Personal identifying information of the same type as
66 | provided to the business entity by the unauthorized person; or

67 | 3. Personal identifying information that the business
68 | entity typically requests from new applicants or for new
69 | transactions, at the time of the victim's request for



Amendment No. 1

information, including any documentation described in
subparagraphs 1. and 2.

(b) As proof of a claim of identity theft, at the election
of the business entity:

1. A copy of a police report evidencing the claim of the
victim of identity theft; or

2. A properly completed affidavit of fact that is
acceptable to the business entity for that purpose.

(4) PROCEDURES.—The request of a victim under subsection
(2) shall:

(a) Be in writing;

(b) Be mailed or delivered to an address specified by the
business entity, if any.

(c) If asked by the business entity, include relevant
information about any transaction alleged to be a result of
identity theft to facilitate compliance with this section,
including:

1. If known by the victim or readily obtainable by the
victim, the date of the application or transaction.

2. If known by the victim or readily obtainable by the
victim, any other identifying information such as an account
number or transaction number.

(5) NO CHARGE TO VICTIM.—Information required to be
provided under subsection (2) shall be provided without charge.

(6) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A
business entity may decline to provide information under



Amendment No. 1

96 | subsection (2) if, in the exercise of good faith, the business
97 | entity determines that:

98 | (a) This section does not require disclosure of the
99 | information;

100 | (b) After reviewing the information provided pursuant to
101 | subsection (3), the business entity does not have a high degree
102 | of confidence in knowing the true identity of the individual
103 | requesting the information;

104 | (c) The request for the information is based on a
105 | misrepresentation of fact by the individual requesting the
106 | information; or

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 193 : Crime Stoppers Trust Fund

☒ *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: 11		Total Nays: 0			

Appearances:

HB 193

Haber, Lisa - Proponent
Crime Stoppers of Tampa Bay, Inc.
Executive Director
P.O. Box 5766
Tampa FL 33675
Phone: 813-393-6356

Pitts, Brian - Information Only

Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: 727-897-9291

HB 193

Youmans, Laura - Waive In Support
Florida Association of Counties
Public Safety Advocate
100 South Monroe Street
Tallahassee FL 32301

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 197 : Tracking Devices or Applications

☒ *Favorable With Committee Substitute*

	<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: 12		Total Nays: 0			

HB 197 Amendments

Amendment 406307

☒ *Adopted Without Objection*

Appearances:

HB 197

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)	
ADOPTED AS AMENDED	—	(Y/N)	
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)	2-3-15
FAILED TO ADOPT	—	(Y/N)	
WITHDRAWN	—	(Y/N)	
OTHER	—		

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Metz offered the following:
4

Amendment (with title amendment)

5
6 Remove everything after the enacting clause and insert:
7 Section 1. Section 934.425, Florida Statutes, is created
8 to read:

9 934.425 Installation of tracking devices or tracking
10 applications; exceptions; penalties.--

11 (1) As used in this section, the term:

12 (a) "Tracking application" means any software program
13 whose primary purpose is to track or identify the location or
14 movement of an individual.

15 (b) "Tracking device" means any device whose primary
16 purpose is to reveal its location or movement by the
17 transmission of electronic signals.



Amendment No. 1

18 (c) "Person" means an individual and does not mean a
19 business entity.

20 (d) "Business entity" means any form of corporation,
21 partnership, association, cooperative, joint venture, business
22 trust, or sole proprietorship that conducts business in this
23 state.

24 (2) Except as provided in subsection (4), a person may not
25 knowingly install a tracking device or tracking application on
26 another person's property without the other person's consent.

27 (3) For purposes of this section, a person's consent is
28 presumed to be revoked if:

29 (a) The consenting person and the person to whom consent
30 was given are lawfully married and one person files a petition
31 for dissolution of marriage from the other; or

32 (b) The consenting person or the person to whom consent
33 was given files an injunction for protection against the other
34 person pursuant to s. 741.30, s. 784.046, s. 784.0485, or s.
35 741.315.

36 (4) This section does not apply to:

37 (a) A law enforcement officer as defined in s. 943.10, or
38 any local, state, federal, or military law enforcement agency,
39 that lawfully installs a tracking device or tracking application
40 on another person's property as part of a criminal
41 investigation.

42 (b) A parent or legal guardian of a minor child that
43 installs a tracking device or tracking application on the minor



Amendment No. 1

child's property if:

1. The parents or legal guardians are lawfully married to each other and are not separated or otherwise living apart, and either parent or legal guardian consents to the installation of the tracking device or tracking application;

2. The parent or legal guardian is the sole surviving parent or legal guardian of the minor child;

3. The parent or legal guardian has sole custody of the minor child; or

4. The parents or legal guardians are divorced, separated, or otherwise living apart and both consent to the installation of the tracking device or tracking application.

(c) A caregiver of an elderly person or disabled adult, as those terms are defined in s. 825.101, if the elderly person or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person or disabled adult's property is necessary to ensure the safety of the elderly person or disabled adult.

(d) A person acting in good faith on behalf of a business entity for a legitimate business purpose.

(4) A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect October 1, 2015.



Amendment No. 1

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

Remove lines 2-6 and insert:

An act relating to tracking devices or tracking applications;
creating s. 934.425, F.S.; providing definitions; prohibiting
the installation of a tracking device or tracking application
without the person's consent; creating a

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/3/2015 4:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 15-01 : Recording Oral Communications

☒ *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: 12		Total Nays: 0			

Appearances:

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

Fay, Andrew (Lobbyist) (State Employee) - Waive In Support
Attorney General's Office
PL 02 Plaza
Tallahassee FL 32301
Phone: (850) 245-0187

Committee meeting was reported out: Tuesday, February 03, 2015 6:39:44PM