



Criminal Justice Subcommittee

**Tuesday, March 24, 2015
1:00 PM – 3:00 PM
Sumner Hall (404 HOB)**

ACTION PACKET

**Steve Crisafulli
Speaker**

**Carlos Trujillo
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

Summary:

Criminal Justice Subcommittee

Tuesday March 24, 2015 01:00 pm

CS/HB 231	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 419383 Adopted as Amended		
	Am 1 Strike All		
	Amendment 092049 Adopted Without Objection		
	Am 1a (Am to Am 1)		
HB 287	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 154417 Adopted as Amended		
	Amend 1		
	Amendment 878569 Adopted Without Objection		
	Amend 1a		
HB 623	Unfavorable	Yeas: 5	Nays: 8
	Amendment 168255 Adopted Without Objection		
	Amend 1		
HB 667	Favorable	Yeas: 12	Nays: 0
PCB CRJS 15-07	Favorable	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

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:	13	0	0

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

CS/HB 231 : Transportation

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			

CS/HB 231 Amendments

Amendment 419383

Adopted as Amended

Amendment 092049

Adopted Without Objection

Appearances:

CS/HB 231

Toth, Jay - Waive In Support

Florida Sheriff's Association

Sergeant-Volusia County Sheriff Office

123 W. Indiana Ave

Deland Fl

Phone: (386) 736-5911

CS/HB 231

Sweeny, Kevin (Lobbyist) - Waive In Support

Florida Justice Association

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

CS/HB 231 : Transportation (continued)

Appearances: (continued)

CS/HB 231

Tish, Kelly - Proponent

Vulnerable users of the roadways of Lee and Collier Co.

73 Ridge Drive

Naples FL 34108

Phone: 239-860-1627

CS/HB 231

Cantwell, Laura (Lobbyist) - Waive In Support

AARP

100 West College Avenue, Suite 304

Tallahassee FL 32307

CS/HB 231

Reichenback II, James D. "Doc" - Information Only

Abate of Florida, Inc.

State President

Post Office Box 712

Silver Springs FL 34489

Phone: 352-625-6353

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED Y (Y/N) 3/24/15
 ADOPTED W/O OBJECTION _____ (Y/N)
 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
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (94) and (95) are added to section
 8 316.003, Florida Statutes, to read:

9 316.003 Definitions.—The following words and phrases, when
 10 used in this chapter, shall have the meanings respectively
 11 ascribed to them in this section, except where the context
 12 otherwise requires:

13 (94) BODILY INJURY.—

14 (a) A cut, abrasion, bruise, burn, or disfigurement;

15 (b) Physical pain;

16 (c) Illness;

17 (d) Impairment of the function of a bodily member, organ,



Amendment No. 1

18 or mental faculty; or

19 (e) Any other injury to the body, no matter how temporary.

20 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE

21 USER.—

22 (a) A pedestrian, including a person actually engaged in
23 work upon a highway, work upon utility facilities along a
24 highway, or the provision of emergency services within the
25 right-of-way;

26 (b) A person operating, or who is a passenger on, a
27 bicycle, motorcycle, scooter, or moped lawfully on the roadway;

28 (c) A person riding an animal; or

29 (d) A person lawfully operating on a public roadway,
30 crosswalk, or shoulder of the roadway:

31 1. A farm tractor or similar vehicle designed primarily
32 for farm use;

33 2. A horse-drawn carriage;

34 3. An electric personal assistive mobility device; or

35 4. A wheelchair.

36 Section 2. Section 316.083, Florida Statutes, is amended
37 to read:

38 316.083 Overtaking and passing a vehicle.—The following
39 provisions ~~rules shall~~ govern the overtaking and passing of
40 vehicles proceeding in the same direction, ~~subject to those~~
41 ~~limitations, exceptions, and special rules hereinafter stated:~~

42 (1) The driver of a vehicle overtaking another vehicle
43 proceeding in the same direction shall give an appropriate



Amendment No. 1

44 signal as provided for in s. 316.156, shall pass to the left
45 thereof at a safe distance, and shall not again drive to the
46 right side of the roadway until safely clear of the overtaken
47 vehicle.

48 (2) The driver of a motor vehicle overtaking a person
49 operating a bicycle or other vulnerable user of a public roadway
50 nonmotorized vehicle must pass the person operating the bicycle
51 or other vulnerable user nonmotorized vehicle at a safe distance
52 of not less than 3 feet between any part of or attachment to the
53 motor vehicle, any thing extending from the motor vehicle, and
54 any trailer or other thing being towed by the motor vehicle and
55 the bicycle, the person operating the bicycle, or other
56 vulnerable user nonmotorized vehicle.

57 (3)(2) Except when overtaking and passing on the right is
58 permitted, the driver of an overtaken vehicle shall give way to
59 the right in favor of the overtaking vehicle, on audible signal
60 or upon the visible blinking of the headlamps of the overtaking
61 vehicle if such overtaking is being attempted at nighttime, and
62 shall not increase the speed of his or her vehicle until
63 completely passed by the overtaking vehicle.

64 (4)(3) A violation of this section is a noncriminal
65 traffic infraction, punishable as a moving violation as provided
66 in chapter 318. If a violation of this section contributed to
67 the bodily injury of a vulnerable user of a public roadway, the
68 law enforcement officer issuing the citation for the violation
69 shall note such information on the citation.



Amendment No. 1

70 Section 3. Section 316.0833, Florida Statutes, is created
71 to read:

72 316.0833 Turning when passing vulnerable user.—

73 (1) A person operating a vehicle who overtakes and passes
74 a vulnerable user of a public roadway proceeding in the same
75 direction may not make a right or left turn at an intersection
76 or into a private road or driveway unless the turn can be made
77 at a safe distance from the vulnerable user with reasonable
78 safety and will not impede the travel of the vulnerable user.

79 (2) A violation of subsection (1) is a noncriminal traffic
80 infraction, punishable as a moving violation as provided in
81 chapter 318. If a violation of subsection (1) contributed to the
82 bodily injury of a vulnerable user of a public roadway, the law
83 enforcement officer issuing the citation for the violation shall
84 note such information on the citation.

85 Section 4. Subsection (3) of section 316.0875, Florida
86 Statutes, is amended to read:

87 316.0875 No-passing zones.—

88 (3) This section does not apply:

89 (a) When an obstruction exists making it necessary to
90 drive to the left of the center of the highway; ~~or~~

91 (b) To the driver of a vehicle turning left into or from
92 an alley, private road, or driveway; or

93 (c) When the driver of a motor vehicle is required to
94 cross pavement striping indicating a no-passing zone when
95 passing a vulnerable user of a public roadway in order to



Amendment No. 1

96 provide at least 3 feet between the motor vehicle and the
97 vulnerable user.

98 Section 5. Section 316.1921, Florida Statutes, is created
99 to read:

100 316.1921 Harassing, taunting, or throwing object at person
101 riding a bicycle.—It is unlawful to harass, taunt, or
102 maliciously throw an object at or in the direction of a person
103 riding a bicycle. A person who violates this section commits a
104 misdemeanor of the first degree, punishable by a fine of at
105 least \$250 or by imprisonment of not more than 30 days, or both.

106 Section 6. Section 316.1925, Florida Statutes, is amended
107 to read:

108 316.1925 Careless driving.—

109 (1) A ~~Any~~ person operating a vehicle upon the streets or
110 highways within the state shall drive the same in a careful and
111 prudent manner, having regard for the width, grade, curves,
112 corners, traffic, and all other attendant circumstances, so as
113 not to endanger the life, limb, or property of any person. A
114 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
115 ~~constitute~~ careless driving and ~~a violation of this section.~~

116 ~~(2) Any person who violates this section shall be cited~~
117 ~~for a moving violation, punishable as provided in chapter 318.~~

118 (2) If a violation under this section contributed to the
119 bodily injury of a vulnerable user of a public roadway, the law
120 enforcement officer issuing the citation for the violation shall
121 note such information on the citation.



Amendment No. 1

122 Section 7. Section 318.142, Florida Statutes, is created
123 to read:

124 318.142 Infractions contributing to bodily injury of a
125 vulnerable user of a public roadway.—In addition to any other
126 penalty imposed for a violation under s. 316.083, s. 316.0833,
127 or s. 316.1925, if the violation contributed to the bodily
128 injury of a vulnerable user of a public roadway as defined in s.
129 316.003, the designated official shall impose a fine of not more
130 than \$2,000.

131 Section 8. Section 318.19, Florida Statutes, is amended to
132 read:

133 318.19 Infractions requiring a mandatory hearing.—Any
134 person cited for the infractions listed in this section shall
135 not have the provisions of s. 318.14(2), (4), and (9) available
136 to him or her but must appear before the designated official at
137 the time and location of the scheduled hearing:

138 (1) Any infraction which results in a crash that causes
139 the death of another;

140 (2) Any infraction which results in a crash that causes
141 "serious bodily injury" of another as defined in s. 316.1933(1);

142 (3) Any infraction of s. 316.172(1)(b);

143 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

144 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
145 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

146 (6) Any infraction of s. 316.083, s. 316.0833, or s.
147 316.1925 which contributes to bodily injury of a vulnerable user



Amendment No. 1

148 | of a public roadway as defined in s. 316.003.

149 | Section 9. If any provision of this act or its application
150 | to any person or circumstance is held invalid, the invalidity
151 | does not affect other provisions or applications of this act
152 | which can be given effect without the invalid provision or
153 | application, and, to this end, the provisions of this act are
154 | severable.

155 | Section 10. This act shall take effect July 1, 2015.

156 |

157 | -----

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

159 | Remove everything before the enacting clause and insert:
160 | An act relating to transportation; amending s. 316.003, F.S.;
161 | providing definitions; amending s. 316.083, F.S.; revising
162 | provisions relating to the passing of a vehicle; creating s.
163 | 316.0833, F.S.; prohibiting passing and turning in front of a
164 | vulnerable user in an unsafe manner; providing penalties;
165 | amending s. 316.0875, F.S.; revising exceptions to provisions
166 | for designated no-passing zones; creating s. 316.1921, F.S.;
167 | prohibiting harassing, taunting, or throwing object at person
168 | riding a bicycle; providing penalties; amending s. 316.1925,
169 | F.S.; revising provisions relating to careless driving; creating
170 | s. 318.142, F.S.; providing penalties for specified infractions
171 | contributing to bodily injury of a vulnerable user; amending s.
172 | 318.19, F.S.; requiring a hearing for specified offenses;
173 | providing severability; providing an effective date.

419383 - h0231-strike.docx

Published On: 3/23/2015 5:22:02 PM



Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N) 3/24/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative McBurney offered the following:

4
 5 **Amendment to Amendment (419383) by Representative Passidomo**
 6 **(with title amendment)**

7 Between lines 35 and 36 of the amendment, insert:

8 Section 2. Section 316.0275, Florida Statutes, is created
 9 to read:

10 316.0275 Noncriminal traffic infractions leading to
 11 serious bodily injury or death; reclassification.-

12 (1) Notwithstanding any other provision of law, if an
 13 individual commits a noncriminal traffic infraction under this
 14 chapter which causes serious bodily injury or death to a person
 15 and within 5 years after that violation, commits another
 16 noncriminal traffic infraction under this chapter which causes



Amendment No. 1a

17 serious bodily injury or death to a person, the second such
18 violation shall be reclassified as a misdemeanor of the first
19 degree, punishable as provided in s. 775.082 or s. 775.083, and
20 have their license revoked under s. 322.26(10).

21 (2) As used in this section, the term "serious bodily
22 injury" means an injury to a person, excluding the at fault
23 driver, which consists of a physical condition that creates a
24 substantial risk of death, serious personal disfigurement, or
25 protracted loss or impairment of the function of any bodily
26 member or organ.

27 Section 3. Subsection (10) is added to section 322.26,
28 Florida Statutes, to read:

29 322.26 Mandatory revocation of license by department.—The
30 department shall forthwith revoke the license or driving
31 privilege of any person upon receiving a record of such person's
32 conviction of any of the following offenses:

33 (10) A violation of s. 316.0275.

34
35 -----
36 **T I T L E A M E N D M E N T**

37 Remove line 161 of the amendment and insert:
38 providing definitions; creating s. 316.0275, F.S.; providing
39 criminal penalties for certain noncriminal traffic infractions
40 that cause serious bodily injury or death to a person; amending



Amendment No. 1a

41 s. 322.26, F.S.; providing mandatory revocation of license for
42 conviction of s. 316.0275; amending s. 316.083, F.S.; revising

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

HB 287 : Controlled Substances

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 287 Amendments

Amendment 154417

Adopted as Amended

Amendment 878569

Adopted Without Objection

Appearances:

HB 287

Hall, James - Proponent
Nova Southeastern University
Epidemiologist
13584 SW 114 Terrace
Miami FL 33186
Phone: 786-547-7249

HB 287

Pritt, Jennifer C. (Lobbyist) - Information Only
FDLE
Assistant Commissioner
2331 Phillips Road
Tallahassee FL 32306
Phone: 850-410-8246

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

HB 287 : Controlled Substances (continued)

Appearances: (continued)

HB 287

Duncan, Jeffrey - Information Only

FDLE - Pensacola

Assistant Special Agent in Charge

1301 North Palafof Street

Pensacola FL 32501

Phone: 850-595-2100

HB 287

Nuland, Chris (Lobbyist) - Waive In Support

Fla. Chptr. of the American College of Phys.Serv. and Fla Public Health Association

1000 Riverside Ave

Jacksonville FL 32204

Phone: 904-233-3051

HB 287

Smith, Jim (Lobbyist) - Waive In Support

Ambrosia -- Palm Beach Behavioral

201 South Adams Street

Tallahassee FL 32302

Phone: 850-591-2277

HB 287

Gran, Jill (Lobbyist) - Waive In Support

Florida Alcohol & Drug Abuse Association, Inc

2868 Mahan Dr

Tallahassee FL 32308

Phone: 850)878-2196

HB 287

Jackson, Lauren (Lobbyist) - Waive In Support

City of Coconut Creek

Associate

205 South Adams Street

Tallahassee FL 32303

Phone: 931-265-8999

HB 287

Scott, Jeff (Lobbyist) - Waive In Support

Florida Medical Association

1430 Piedmont Dr E

Tallahassee FL 32308

Phone: (850) 224-6496

HB 287

Sigerson, David (Lobbyist) - Waive In Support

City of Margate

2410 Van Buren Street

Hollywood FL 33020

Phone: 954-336-3544

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	<u>✓</u>	(Y/N) 3/24/15
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Jacobs offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. (1) The Legislature directs the Florida
 8 Department of Law Enforcement, in collaboration with the
 9 Department of Children and Families' Substance Abuse and Mental
 10 Health Program Office and the Attorney General's Office, to
 11 gather information on mitragyna speciosa korth, and any compound
 12 or derivative thereof, and make a determination on whether the
 13 Legislature or Office of the Attorney General should place
 14 mitragyna speciosa korth in a controlled substance schedule
 15 within the State of Florida.



Amendment No. 1

16 (a) In making this determination, the Florida Department
17 of Law Enforcement shall consult and gather information from the
18 following:

- 19 1. Substance abuse treatment providers;
- 20 2. Local law enforcement agencies;
- 21 3. Local governments, including those who have banned the
22 substance;
- 23 4. The Department of Children and Families;
- 24 5. The Attorney General's Office;
- 25 6. Research from medically accepted journals; and
- 26 7. Medical doctors specializing in addiction medicine or
27 currently researching the effects of mitragyna speciosa korth.

28 (b) The Florida Department of Law Enforcement shall gather
29 data on mitragyna speciosa korth and any compound or derivatives
30 thereof, including:

- 31 1. Whether the substance has an actual or relative
32 potential for abuse;
- 33 2. Any scientific evidence of the substance's
34 pharmacological effect;
- 35 3. The current scientific knowledge related to the
36 substance's psychological or physical dependence;
- 37 4. The substance's history and current pattern of abuse;
- 38 5. The scope, duration, and significance of abuse; and
- 39 6. What, if any, risk there is to the public health.

40 (2) The Florida Department of Law Enforcement shall
41 prepare a summary of its findings and present it to the



Amendment No. 1

42 President of the Senate and Speaker of the House no later than
43 December 31, 2015.

44 Section 2. This act shall take effect upon becoming law.
45

46 -----

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

48 Remove everything before the enacting clause and insert:
49 An act relating to controlled substances; providing legislative
50 findings; requiring the Florida Department of Law Enforcement;
51 Department of Children and Families, Substance Abuse and Mental
52 Health Program Office; and the Attorney General's Office to
53 collect data regarding mitragyna speciosa korth, also known as
54 "Kratom;" providing parameters for the data collection;
55 requiring results be reported to the Legislature; providing an
56 effective date.

57
58 WHEREAS, the Legislature finds that substance abuse is a
59 major health problem that affects multiple service systems and
60 leads to such profoundly disturbing consequences as serious
61 impairment, chronic addiction, criminal behavior, vehicular
62 casualties, spiraling health care costs, AIDS, and business
63 losses, and significantly affects the culture, socialization,
64 and learning ability of children within our schools and
65 educational systems, and



Amendment No. 1

66 WHEREAS, the threat of Designer Drugs and Misbranded
67 Consumer Commodities is significant and presents a threat to the
68 public health, safety, and welfare of Floridians, and

69 WHEREAS, there is no currently accepted medicinal use of
70 mitragyna speciosa korth, and any compound or derivative
71 thereof, also known as "Kratom," and

72 WHEREAS, in the absence of FDA testing and regulation and
73 with a lack of knowledge regarding the long term health effects
74 and addictive properties of mitragyna speciosa korth, and any
75 compound or derivative thereof, there is a need for further
76 research into this substance, NOW, THEREFORE,

77



Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N) 3/24/15
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Harrell offered the following:

4
 5 **Amendment to Amendment (154417) by Representative Jacobs**
 6 **(with title amendment)**

7 Remove lines 7-40 of the amendment and insert:

8 Section 1. (1) The Legislature directs the Florida
 9 Attorney General's Office, in collaboration with the Department
 10 of Children and Families' Substance Abuse and Mental Health
 11 Program Office and the Florida Department of Law Enforcement, to
 12 gather information on mitragyna speciosa korth, and any compound
 13 or derivative thereof, and make a recommendation on whether the
 14 Legislature or Office of the Attorney General should place
 15 mitragyna speciosa korth in a controlled substance schedule
 16 within the State of Florida.



Amendment No. 1a

17 (a) In making this recommendation, the Florida Attorney
18 General's Office shall consult and gather information from the
19 following:

- 20 1. Substance abuse treatment providers;
- 21 2. Local law enforcement agencies;
- 22 3. Local governments, including those who have banned the
23 substance;
- 24 4. The Department of Children and Families;
- 25 5. The Florida Department of Law Enforcement;
- 26 6. Research from medically accepted journals; and
- 27 7. Medical doctors specializing in addiction medicine or
28 currently researching the effects of mitragyna speciosa korth.

29 (b) The Florida Attorney General's Office shall gather
30 data on mitragyna speciosa korth and any compound or derivatives
31 thereof, including:

- 32 1. Whether the substance has an actual or relative
33 potential for abuse;
- 34 2. Any scientific evidence of the substance's
35 pharmacological effect;
- 36 3. The current scientific knowledge related to the
37 substance's psychological or physical dependence;
- 38 4. The substance's history and current pattern of abuse;
- 39 5. The scope, duration, and significance of abuse; and
- 40 6. What, if any, risk there is to the public health.

41 (2) The Florida Attorney General's Office shall
42



Amendment No. 1a

43
44
45
46
47
48
49

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

Remove lines 50-52 of the amendment and insert:
findings; requiring the Florida Attorney General's Office;
Department of Children and Families, Substance Abuse and Mental
Health Program Office; and the Florida Department of Law
Enforcement to

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

HB 623 : Weapons or Firearms

Unfavorable

	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: 5	Total Nays: 8			

HB 623 Amendments

Amendment 168255

Adopted Without Objection

Appearances:

HB 623

Pound, Greg - Information Only

Florida Families

9166 Sunrise Dr

Largo FL 33773

HB 623 (Bill and Amendment)

Hammer, Marion (Lobbyist) - Opponent

NRA and Unified Sportsmen of Florida

P.O Box 1387

Tallahassee FL 32302

Phone: 850-222-9518

HB 623

Everett, Sally (Lobbyist) - Waive In Support

City of St. Petersburg

Director, Legislative & Intergovt. Affairs

175 5th Street North

St. Petersburg FL 33713

Phone: 727-893-7884

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> Y </u>	(Y/N) 3/24/15
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER		

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 790.15, Florida Statutes, is amended to read:

790.15 Discharging firearm in public or on residential property.—

(1) Except as provided in subsection (2), ~~or~~ subsection (3), or subsection (4), a any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street, who knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises, or who recklessly or negligently discharges a firearm outdoors on any property used



Amendment No. 1

18 primarily as the site of a dwelling as defined in s. 776.013 or
19 zoned exclusively for residential use commits a misdemeanor of
20 the first degree, punishable as provided in s. 775.082 or s.
21 775.083. For purposes of this subsection, the discharge of a
22 firearm is presumed to be reckless or negligent if, as a result
23 of the discharge, the projectile crosses the real property of
24 another, regardless of whether the projectile harms a person or
25 property. This section does not apply to a person lawfully
26 defending life or property or performing official duties
27 requiring the discharge of a firearm or to a person discharging
28 a firearm on public roads or properties expressly approved for
29 hunting by the Fish and Wildlife Conservation Commission or
30 Florida Forest Service.

31 (2) A person who discharges a firearm for target practice
32 or recreational purposes within 1,000 feet of a person or
33 developed real property, other than at an authorized sport
34 shooting range that meets the standards of the National Rifle
35 Association for gun safety and shooting ranges as provided in
36 the 2012 edition of the NRA Range Source Book or on a property
37 expressly approved for hunting by the Fish and Wildlife
38 Conservation Commission, commits a misdemeanor of the first
39 degree, punishable as provided in s. 775.082 or s. 775.083.

40 (3)~~(2)~~ An Any occupant of any vehicle who knowingly and
41 willfully discharges any firearm from the vehicle within 1,000
42 feet of any person commits a felony of the second degree,
43 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



Amendment No. 1

44 ~~(4)~~(3) Any driver or owner of any vehicle, whether or not
 45 the owner of the vehicle is occupying the vehicle, who knowingly
 46 directs any other person to discharge any firearm from the
 47 vehicle commits a felony of the third degree, punishable as
 48 provided in s. 775.082, s. 775.083, or s. 775.084.

49 (5) This section does not apply to a person:

50 (a) Lawfully defending life or property;

51 (b) Performing official duties requiring the discharge of
 52 a firearm; or

53 (c) Discharging a firearm on public roads or properties
 54 expressly approved for hunting by the Fish and Wildlife
 55 Conservation Commission or Florida Forest Service.

56 Section 2. Paragraph (c) of subsection (3) of section
 57 921.0022, Florida Statutes, is amended to read:

58 921.0022 Criminal Punishment Code; offense severity
 59 ranking chart.—

60 (3) OFFENSE SEVERITY RANKING CHART

61 (c) LEVEL 3

62

Florida	Felony	Description
Statute	Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

63

64



Amendment No. 1

65	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
66	316.193(2) (b)	3rd	Felony DUI, 3rd conviction.
67	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
68	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
69	319.33(1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
70	319.33(1) (c)	3rd	Procure or pass title on stolen vehicle.
71	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.



Amendment No. 1

72	327.35(2)(b)	3rd	Felony BUI.
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
73			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
74			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
75			
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
76			
	379.2431	3rd	Soliciting to commit or



Amendment No. 1

77	(1)(e)6.		conspiring to commit a violation of the Marine Turtle Protection Act.
	400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.
78	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
79	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
80	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
81	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.



Amendment No. 1

82	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
83	697.08	3rd	Equity skimming.
84	<u>790.15(4)</u> 790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
85	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
86	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
87	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
88	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
89			



Amendment No. 1

90	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
91	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
92	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
93	817.233	3rd	Burning to defraud insurer.
94	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
95	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
96	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or

168255 - h0623-strike.docx

Published On: 3/23/2015 5:14:17 PM



Amendment No. 1

			fraudulent motor vehicle insurance card.
97			
	817.413(2)	3rd	Sale of used goods as new.
98			
	817.505(4)	3rd	Patient brokering.
99			
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
100			
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
101			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
102			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
103			
	843.19	3rd	Injure, disable, or kill police dog or horse.



Amendment No. 1

104 860.15(3) 3rd Overcharging for repairs and
parts.

105 870.01(2) 3rd Riot; inciting or encouraging.

106 893.13(1)(a)2. 3rd Sell, manufacture, or deliver
cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) drugs).

107 893.13(1)(d)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) drugs
within 1,000 feet of
university.

108 893.13(1)(f)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) drugs



Amendment No. 1

within 1,000 feet of public
housing facility.

109

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

110

893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

111

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

112

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

113

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

114



Amendment No. 1

115 893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

116 893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

117 893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

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



Amendment No. 1

practitioner.

118

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

119

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

120

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

121

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

122

123

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

124

125

126

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

127

Remove everything before the enacting clause and insert:

128

A bill to be entitled

129

An act relating to weapons or firearms; amending s.

130

790.15, F.S.; providing that the discharge of a

131

firearm is presumed to be reckless or negligent if, as



Amendment No. 1

132 a result of the discharge, the projectile crosses the
133 real property of another, regardless of whether the
134 projectile harms a person or property; prohibiting the
135 discharge of a firearm for target practice or
136 recreational purposes within a specified distance of
137 persons or developed property; providing criminal
138 penalties; providing exceptions; amending s. 921.0022,
139 F.S.; correcting a cross-reference; providing an
140 effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

HB 667 : Service of Process

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:

HB 667

Martinez, Carlos (State Employee) - Waive In Support

Florida Public Defenders Association, Inc.

Public Defender -- Miami Dade County

1320 NW 14th Street

Miami FL 33125

Phone: 305-545-1900

HB 667

Harris, Geoffrey - Waive In Support

Hillsborough County Sheriff's Office

Lieutenant

2008 East 8th Avenue

Tampa FL 33605

Phone: 813-363-0375

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/24/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

PCB CRJS 15-07 : Corrections

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			

Appearances:

PCB CRJS 15-07

Brodsky, Deborah (State Employee) - Information Only

Director, FSU Project on Accountable Justice

Tallahassee FL 32301

Phone: 850-566-8944

Committee meeting was reported out: Tuesday, March 24, 2015 6:27:23PM