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# **Judiciary Committee**

**Thursday, April 13, 2017**

**8:00 AM**

**404 HOB**

**Action Packet**

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

**Location:** Sumner Hall (404 HOB)

### Summary:

#### Judiciary Committee

Thursday April 13, 2017 08:00 am

CS/CS/HB 1165	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 199599	Adopted Without Objection		
CS/CS/HB 1167	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 495583	Adopted Without Objection		
CS/CS/HB 1201	Favorable	Yeas: 17	Nays: 0
HB 1203	Favorable	Yeas: 17	Nays: 0
HB 1385	Favorable	Yeas: 17	Nays: 0
CS/HB 1417	Favorable	Yeas: 17	Nays: 0
CS/HB 6501	Favorable	Yeas: 16	Nays: 1
CS/CS/HB 6511	Favorable	Yeas: 16	Nays: 1
CS/CS/HB 6519	Favorable	Yeas: 16	Nays: 0
CS/HB 6523	Favorable With Committee Substitute	Yeas: 16	Nays: 1
Amendment 686389	Adopted Without Objection		
CS/CS/HB 6525	Favorable	Yeas: 16	Nays: 1
CS/HB 6535	Favorable	Yeas: 16	Nays: 1
CS/HB 6539	Favorable	Yeas: 15	Nays: 1
CS/HB 6553	Favorable	Yeas: 16	Nays: 1
CS/HB 7049	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 835589	Adopted Without Objection		
HB 7051	Favorable	Yeas: 14	Nays: 3
HB 7053	Favorable	Yeas: 17	Nays: 0

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

**Location:** Sumner Hall (404 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Chris Sprowls (Chair)	X		
Ramon Alexander	X		
Daniel Burgess, Jr.	X		
John Cortes	X		
Ben Diamond	X		
Jay Fant	X		
Heather Fitzenhagen	X		
Joseph Geller	X		
Julio Gonzalez	X		
Erin Grall	X		
Bill Hager			X
Shawn Harrison	X		
Larry Metz	X		
George Moraitis, Jr.	X		
Scott Plakon	X		
Sharon Pritchett	X		
Ross Spano	X		
Cynthia Stafford	X		
<b>Totals:</b>	<b>17</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM



**HOUSE OF REPRESENTATIVES  
COMMITTEE ATTENDANCE ROLL CALL**

The Committee on Judiciary

met at 8 o'clock on 4/13/17 with the following attendance:

<u>Member</u>	<u>Present</u>	<u>Absent*</u>	<u>Excused</u>
Chair Sprowls	✓		
Vice Chair Spano	✓		
Rep. Stafford, DRM	✓		
Rep. Alexander	✓		
Rep. Burgess	✓		
Rep. Cortes	✓		
Rep. Diamond	✓		
Rep. Fant	✓		
Rep. Fitzenhagen	✓		
Rep. Geller	✓		
Rep. Gonzalez	✓		
Rep. Grall	✓		
Rep. Hager	—	—	✓
Rep. Harrison	✓		
Rep. Metz	✓		
Rep. Moraitis	✓		
Rep. Plakon	✓		
Rep. Pritchett	✓		

Representative Sprowls  
Chair

\*A member must be excused by Chair or Speaker. A member answering roll call is presumed "present" thereafter.

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 1165 : Victims of Human Trafficking

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Spowls (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### CS/CS/HB 1165 Amendments

#### Amendment 199599

Adopted Without Objection

#### Appearances:

Bishop, Barney (Lobbyist) - Waive In Support  
Florida Smart Justice Alliance  
Pres & CEO  
204 S Monroe St Ste 201  
Tallahassee FL 32301  
Phone: (850) 907-3436

Amendment  
LeBoeuf, Dean (General Public) - Proponent  
Self  
President Brooks & LeBoeuf  
909 E. Park Ave  
Tallahassee FL 32301  
Phone: 850-222-2000

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted without objection*

Committee/Subcommittee hearing bill: Judiciary Committee  
Representative Spano offered the following:

**Amendment (with title amendment)**

Remove lines 74-247 and insert:

(b) The Attorney General, on behalf of a victim of human trafficking, has a civil cause of action against the trafficker or facilitator of human trafficking who victimized any person in the state, and may recover on behalf of the fund actual and punitive damages for such victimization. The Attorney General may sue generally on behalf of unknown and unnamed victims, and may sue on behalf of known and named victims, or both. Where the Attorney General proves damages to a specific individual who was subject to trafficking, the fund shall hold moneys for distribution to the victim or her or his guardian or estate, whichever the case may be. If the victim cannot be located then



Amendment No. 1

17 the recovered damages shall be retained by the fund. The  
18 Attorney General has an obligation to make a good faith attempt  
19 to locate the victim and, if the victim cannot be located after  
20 such an effort, the council shall distribute the money in the  
21 same manner as if the victim had died intestate. Where multiple  
22 victims are entitled to payment from the same proceeds but those  
23 proceeds are inadequate to pay all victims in full, the council  
24 shall equitably apportion the funds among the victims.

25 (c) The action may be brought in any court of competent  
26 jurisdiction and the standard of proof shall be the  
27 preponderance of the evidence.

28 (d) A victim, or the Attorney General on behalf of a  
29 victim, who prevails in any such action shall be entitled to  
30 recover economic and noneconomic damages, penalties, punitive  
31 damages, reasonable attorney fees, reasonable investigative  
32 expenses, and the costs of the action. The measure of economic  
33 damages for lawful work forced from the victim of human  
34 trafficking shall be the greater of the fair market value of  
35 services provided or the amount realized by the trafficker. The  
36 measure of economic damages for every day of captivity shall be  
37 the same as that payable to a person entitled to damages under  
38 chapter 961. Economic damages of a victim shall also include  
39 past and future medical expenses, repatriation expenses where a  
40 victim elects repatriation, and all other reasonable costs and  
41 expenses incurred by the victim in the past or estimated to be





Amendment No. 1

42 incurred by the victim in the future as a result of the  
43 trafficking. Noneconomic damages shall be calculated as in a  
44 tort action.

45 (e) The remedies provided in this section are in addition  
46 to and cumulative with other legal and administrative remedies  
47 available to victims of human trafficking, except that a victim  
48 may not recover under both this section and s. 772.104(2).

49 (f) In the event a victim or the Attorney General prevails  
50 in an action under this section, in addition to any other award  
51 imposed, the court shall award a civil penalty against each  
52 defendant in the amount of \$100,000 and enter judgment thereon  
53 in favor of the prevailing victim or the Attorney General,  
54 whichever was the prevailing party. This penalty shall be in  
55 addition to, and not in lieu of, any punitive damage award. The  
56 civil penalty shall be assessed by the court and not disclosed  
57 to the jury.

58 (g) If a law enforcement agency rescued the victim or  
59 located the property upon which the abuse or exploitation of a  
60 victim or victims had occurred, the court shall impose a civil  
61 penalty against the defendant in the civil action and in favor  
62 of the law enforcement agency in the amount of \$50,000 for the  
63 benefit of said law enforcement agency's future efforts to  
64 combat human trafficking.

65 (5) CIVIL FORFEITURE PROCEEDINGS.-



Amendment No. 1

66       (a) The Attorney General may file a civil judicial  
67 forfeiture action in the circuit courts of the state seeking a  
68 judgment of forfeiture against an owner of real or personal  
69 property that was knowingly or through willful blindness used in  
70 the trafficking of a victim for sex or labor. The civil  
71 forfeiture shall be for the benefit of the victim, to the extent  
72 of his or her damages, or the council.

73       (b) Valid and lawful leases, recorded mortgages, or liens  
74 of innocent third parties that were in existence prior to the  
75 date of the filing of the civil action are not subject to  
76 forfeiture, nor is property owned by a good faith purchaser for  
77 value.

78       (c) Civil forfeiture actions brought under this section  
79 are exempt from the requirements of the Florida Contraband  
80 Forfeiture Act, ss. 932.701-932.7062, and shall be governed as  
81 provided in this section.

82       (d) If a law enforcement agency of the state or any other  
83 party, pursuant to the Florida Contraband Forfeiture Act or as  
84 otherwise provided for by law, seeks the forfeiture of the same  
85 property as the Attorney General, the Attorney General's claim  
86 shall take priority over the law enforcement agency.

87       (e) The Attorney General in a forfeiture proceeding  
88 brought under this section must proceed against property to be  
89 forfeited by filing a complaint in the circuit court in the  
90 jurisdiction where the seizure of the property or the offense



Amendment No. 1

91 occurred, paying a filing fee of \$1,000 and depositing a bond of  
92 \$1,500 to the clerk of the court. Unless otherwise expressly  
93 agreed to in writing by the parties, the bond shall be payable  
94 to the claimant if the claimant prevails in the forfeiture  
95 proceeding and in any appeal.

96 (f) The complaint must be styled, "In RE: FORFEITURE OF "  
97 (followed by the name or description of the property). The  
98 complaint must contain a brief jurisdictional statement, a  
99 description of the subject matter of the proceeding, and a  
100 statement of the facts sufficient to state a cause of action  
101 that would support a final judgment of forfeiture. The complaint  
102 must be accompanied by a verified supporting affidavit.

103 (g) The court must require any claimant who desires to  
104 contest the forfeiture to file and serve upon the plaintiff any  
105 responsive pleadings and affirmative defenses within 20 days  
106 after receipt of the complaint.

107 (h) If the property is required by law to be titled or  
108 registered, or if the seized property is subject to a perfected  
109 security interest in accordance with chapter 679, the Uniform  
110 Commercial Code, the Attorney General shall serve the forfeiture  
111 complaint as an original service of process under the Florida  
112 Rules of Civil Procedure and other applicable law to each person  
113 having an ownership or security interest in the property. The  
114 Attorney General shall also publish, in accordance with chapter  
115 50, notice of the forfeiture complaint once each week for 2



Amendment No. 1

116 consecutive weeks in a newspaper of general circulation, as  
117 defined in s. 165.031, in the county where the property is  
118 located.

119 (i) The complaint must describe the property to be  
120 forfeited. If the property to be forfeited has been seized by a  
121 law enforcement agency, the complaint must state the county,  
122 place, and date of seizure; state the name of the law  
123 enforcement agency holding the seized property; and state the  
124 name of the court in which the complaint will be filed.

125 (j) The Attorney General must make a diligent search and  
126 inquiry as to the owner of the subject property, and if, after  
127 such diligent search and inquiry, the Attorney General is unable  
128 to ascertain any person entitled to notice, the actual notice  
129 requirements by mail shall not be applicable.

130 (k) Upon proof by the preponderance of the evidence that  
131 the property to be forfeited was used in the trafficking of a  
132 person for sex or labor, the court must order the property  
133 forfeited to the council. The final order of forfeiture by the  
134 court shall perfect in the council right, title, and interest in  
135 and to such property, subject only to the rights and interests  
136 of bona fide lienholders, and, if applicable, shall relate back  
137 to the date of seizure or the filing of a lis pendens.

138 (l) Following an order of forfeiture to the council,  
139 subject only to the rights and interests of bona fide  
140 lienholders, the property or the proceeds from the sale of such



Amendment No. 1

141 forfeited property shall be transferred to the victim of human  
142 trafficking who the property was used in the course of such  
143 trafficking up to the extent of her or his individual judgment  
144 against the trafficker. In the event multiple victims were  
145 subjected to human trafficking and for whom the property was  
146 used in the course of such trafficking, the transfer of property  
147 or proceeds from sale shall be made on a pro rata share basis.  
148 If there are excess or unclaimed proceeds, the council shall  
149 deposit the proceeds from sale of such property to fund for the  
150 purpose of covering the expenses of the fund, the benefit of  
151 other victims of human trafficking, and for the benefit of  
152 combating human trafficking.

153 (m) If a claimant prevails at the conclusion of a  
154 forfeiture proceeding involving property seized by law  
155 enforcement and the Attorney General decides not to appeal, any  
156 seized property must be released immediately to the person  
157 entitled to possession of the property as determined by the  
158 court. Under such circumstances, the seizing agency shall not  
159 assess any towing charges, storage fees, administrative costs,  
160 or maintenance costs against the claimant with respect to the  
161 seized property or forfeiture proceeding.

162 (n) If a claimant prevails at the conclusion of a  
163 forfeiture proceeding involving seized property, the trial court  
164 must require the seizing agency to pay to the claimant the  
165 reasonable loss of value of the seized property. If a claimant



Amendment No. 1

166 prevails at trial or on appeal and the seizing agency retained  
167 the seized property during the trial or appellate process, the  
168 trial court shall also require the seizing agency to pay to the  
169 claimant any loss of income directly attributed to the continued  
170 seizure of income-producing property during the trial or  
171 appellate process. If the claimant prevails on appeal, the  
172 seizing agency shall immediately release the seized property to  
173 the person entitled to possession of the property as determined  
174 by the court, pay any cost as assessed by the court, and may not  
175 assess any towing charges, storage fees, administrative costs,  
176 or maintenance costs against the claimant with respect to the  
177 seized property or the forfeiture proceeding.

178 (o) If the claimant prevails, at the close of forfeiture  
179 proceedings and any appeal, the court shall award reasonable  
180 trial attorney fees and costs to the claimant if the court finds  
181 that the Attorney General has not proceeded in good faith. The  
182 court may order the Attorney General to pay the awarded attorney  
183 fees and costs

184  
185 -----  
186 **T I T L E A M E N D M E N T**

187 Remove lines 6-7 and insert:

188 trafficking or the Attorney General against certain persons;



WIS

### COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1165</u>	
Amendment Number: _____	

Name: Barney Bishop

Representing: Fla. Smart Justice Alliance

Title: Pres & CEO

Address: 204 S. Monroe

City: Tall State/Zip: FL 32301

Phone Number: 850.510.9922 Meeting Date: 13 Apr 17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Human Trafficking

Registered Lobbyist: YES  NO

State Employee: YES  NO

*Waive in support*

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative *Spoke* Assistant at the meeting.

*↓*

Bill       ~~Amendment~~

Bill/PCS/PCB Number: 1165

Amendment Number: 1

Name: Dean R. LeBoeuf

Representing: self

Title: President Brooks & LeBoeuf

Address: 909 E. Park Ave

City: Tallahassee      State/Zip: FL 32301

Phone Number: 850-222-2000      Meeting Date: 4/13

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

State Employee: YES  NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill:      Proponent       Opponent       Info only

Amendment:      Proponent       Opponent       Info only



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 1167 : Trust Funds/Creation/Trust Fund for Victims of Human Trafficking and Prevention/DLA

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 17</b>	<b>Total Nays: 0</b>			

### CS/CS/HB 1167 Amendments

#### Amendment 495583

Adopted Without Objection

#### Appearances:

Bishop, Barney (Lobbyist) - Waive In Support  
Florida Smart Justice Alliance  
Pres & CEO  
204 S Monroe St Ste 201  
Tallahassee FL 32301  
Phone: (850) 907-3436

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM

**House of Representatives  
COMMITTEE/SUBCOMMITTEE BILL ACTION WORKSHEET**

Committee/Subcommittee: JDC  
 Meeting Date: \_\_\_\_\_  
 Place: 404 HOB  
 Time: \_\_\_\_\_

Bill Number: HB 1167  
 Date Received: \_\_\_\_\_  
 Date Reported: \_\_\_\_\_  
 Subject: \_\_\_\_\_

**Council/Committee Action:**

- |  |   |
|--|---|
| <input type="checkbox"/> Favorable                                     | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments                 | <input type="checkbox"/> Reconsidered                 |
| <input type="checkbox"/> Favorable w/Committee/Subcommittee Substitute | <input type="checkbox"/> Temporarily Postponed        |
| <input type="checkbox"/> Other Action: _____                           | <input type="checkbox"/> Unfavorable                  |

MEMBERS	Final Vote On Bill		AMD 1		Yeas	Nays	Yeas	Nays	Yeas	Nays
	Yea	Nay	Yeas	Nays						
Alexander	1									
Burgess	2									
Cortes, J.	3									
Diamond	4									
Fant	5									
Fitzenhagen	6									
Geller	7									
Gonzalez	8									
Irall	9									
Hager										
Harrison	10									
Metz	11									
Moraitis	12									
Plakon	13									
Pritchett	14									
Spano	15									
Stafford	16									
Chair Sprowls	17									
<b>TOTALS</b>										

(17) (0)



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted without objection*

1 Committee/Subcommittee hearing bill: Judiciary Committee

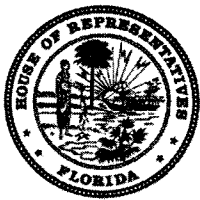
2 Representative Spano offered the following:

3

4 **Amendment**

5 Remove line 51 and insert:

6 any associated costs under such actions, under s. 787.061.



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1167</u>	
Amendment Number: _____	

Name: Barney Bishop

Representing: Fla. Smart Justice Alliance

Title: Pres & CEO

Address: 204 S. Monroe

City: Tall State/Zip: FL 32301

Phone Number: 850.510.9922 Meeting Date: 13 Apr 17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Trust Fund - Human Trafficking

Registered Lobbyist: YES  NO

State Employee: YES  NO

*Waive in Support*

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 1201 : Department of Corrections

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 17</b>	<b>Total Nays: 0</b>			

### Appearances:

Torres, Jared (Lobbyist) - Waive In Support  
Department of Corrections  
Legislative Affairs Director  
501 S. Calhoun Street  
Tallahassee FL 32399  
Phone: (850) 717-3045

Bishop, Barney (Lobbyist) - Waive In Support  
Florida Smart Justice Alliance  
Pres & CEO  
204 S Monroe St Ste 201  
Tallahassee FL 32301  
Phone: (850) 907-3436

Draa, Ronald (Lobbyist) - Waive In Support  
Florida Department of Law Enforcement  
Director of External Affairs  
2331 Phillips Rd  
Tallahassee FL 32308  
Phone: (850) 410-7020

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





WIS

COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>HB 1201</u>	
Amendment Number: _____	

Name: Jared Torres

Representing: Department of Corrections

Title: Legislative Affairs Director

Address: 501 S. Calhoun St

City: Tall State/Zip: FL 32399

Phone Number: 717-3044 Meeting Date: 4/13/17

Committee/Subcommittee: House Judiciary

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

State Employee: YES  NO

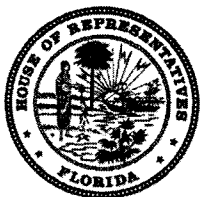
- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

Waive in Support  
HB 1201

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only



WIS

### COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1201</u>	
Amendment Number: _____	

Name: Barney Bishop

Representing: Fla. Smart Justice Alliance

Title: Pres & CEO

Address: 204 S. Monroe

City: Tall State/Zip: FL 32301

Phone Number: 850.510.9922 Meeting Date: 13 Apr 17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Dept. of Corrections

Registered Lobbyist: YES  NO

State Employee: YES  NO

*waive in support*

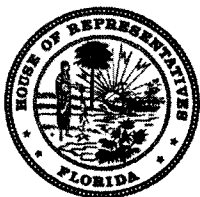
- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
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- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

**Bill:** Proponent  Opponent  Info only

**Amendment:** Proponent  Opponent  Info only





COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1201</u>	
Amendment Number: _____	

Name: RON DZAA

Representing: FDLE

Title: DIRECTOR OF EXTERNAL AFFAIRS

Address: 2331 PHILLIPS RD

City: TALL State/Zip: FL / 32308

Phone Number: 850-410-7020 Meeting Date: 4-13-17

Committee/Subcommittee: JUDICIARY

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

State Employee: YES  NO

- I wish to speak (WAIVE IN SUPPORT)
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

HB 1203 : Pub. Rec./DOC/Health Information

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Spowls (Chair)	X				
	<b>Total Yeas: 17</b>	<b>Total Nays: 0</b>			

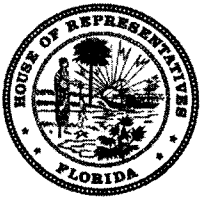
### Appearances:

Torres, Jared (Lobbyist) - Waive In Support  
Department of Corrections  
Legislative Affairs Director  
501 S. Calhoun Street  
Tallahassee FL 32399  
Phone: (850) 717-3045

Draa, Ronald (Lobbyist) - Waive In Support  
Florida Department of Law Enforcement  
Director of External Affairs  
2331 Phillips Rd  
Tallahassee FL 32308  
Phone: (850) 410-7020

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WKS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>HB 1203</u>	
Amendment Number: _____	

Name: Jared Torres

Representing: Department of Corrections

Title: Legislative Affairs Director

Address: 501 S. Calhoun St.

City: Tall. State/Zip: FL 32399

Phone Number: 717-3044 Meeting Date: 4/13/17

Committee/Subcommittee: House Judiciary

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

State Employee: YES  NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

Waive in Support  
HB 1203

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

W/S

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1203</u>	
Amendment Number: _____	

Name: RON DRAA

Representing: FDLE

Title: DIRECTOR OF EXTERNAL AFFAIRS

Address: 2331 PHILLIPS RD

City: TALL State/Zip: FL / 32308

Phone Number: 850.410.7020 Meeting Date: 4.13.17

Committee/Subcommittee: JUDICIARY

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

State Employee: YES  NO

- I wish to speak (WAIVE IN SUPPORT)
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

HB 1385 : Domestic Violence

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Spowls (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### Appearances:

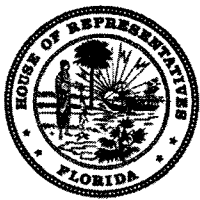
Bishop, Barney (Lobbyist) - Waive In Support  
Florida Smart Justice Alliance  
Pres & CEO  
204 S Monroe St Ste 201  
Tallahassee FL 32301  
Phone: (850) 907-3436

McCarty, Jess (Lobbyist) - Waive In Support  
Miami-Dade County  
Assistant County Attorney  
111 NW First St Ste 2800  
Miami FL 33128-1930  
Phone: (305) 375-1634

Wiseman, Leisa (Lobbyist) - Waive In Support  
Florida Coalition Against Domestic Violence  
Director Communications & Govt. Affairs  
425 Office Plaza Dr.  
Tallahassee FL 32301-2756  
Phone: (850) 425-2749

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





WIS

### COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1385</u>	
Amendment Number: _____	

Name: Barney Bishop

Representing: Fla. Smart Justice Alliance

Title: Pres & CEO

Address: 204 S. Monroe

City: Tal State/Zip: FL 32301

Phone Number: 850.510.9922 Meeting Date: 13 Apr 17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Domestic Violence

Registered Lobbyist: YES  NO

State Employee: YES  NO

*Write in support*

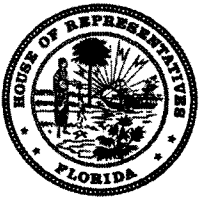
- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only





COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: _____	1385
Amendment Number: _____	

Name: JESS McCARTY

Representing: MIAMI - DADE COUNTY

Title: ASS'T COUNTY ATTORNEY

Address: 111 NW 1ST ST 2810

City: MIAMI State/Zip: 33128

Phone Number: 305 - 979 - 7110 Meeting Date: \_\_\_\_\_

Committee/Subcommittee: \_\_\_\_\_

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

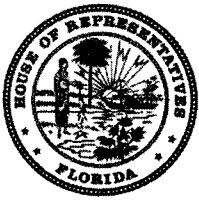
State Employee: YES  NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1385</u>	
Amendment Number: _____	

Name: Leisa Wiseman

Representing: Florida Coalition Against Domestic Violence

Title: Director Communications & Govt. Affairs

Address: 425 Office Plaza DR

City: Tallahassee

State/Zip: FL 32301

Phone Number: 850/425-2749

Meeting Date: 4/13/17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Domestic Violence

Registered Lobbyist: YES  NO

State Employee: YES  NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 1417 : Pub. Rec./Identifying Information of Human Trafficking Victims**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

**Appearances:**

Bishop, Barney (Lobbyist) - Waive In Support  
 Florida Smart Justice Alliance  
 Pres & CEO  
 204 S Monroe St Ste 201  
 Tallahassee FL 32301  
 Phone: (850) 907-3436

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>1417</u>	
Amendment Number: _____	

Name: Barney Bishop

Representing: Fla. Smart Justice Alliance

Title: Pres & CEO

Address: 204 S. Monroe

City: Tall State/Zip: FL 32301

Phone Number: 850.510.9922 Meeting Date: 13 Apr 17

Committee/Subcommittee: \_\_\_\_\_

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

State Employee: YES  NO

*Waive in Support*

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/HB 6501 : Relief/J.D.S./Agency for Persons with Disabilities

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant		X			
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 16</b>	<b>Total Nays: 1</b>			

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 6511 : Relief/L.T./Department of Children and Families

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant		X			
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 16</b>	<b>Total Nays: 1</b>			

### Appearances:

Block, Lawrence (Lobbyist) - Waive In Support

L. T.

Attorney

PO Box 480

Tallahassee FL 32302-0840

Phone: (850) 599-1980

Forrest, Mathew (Lobbyist) - Waive In Support

Latisha Thomas

1400 Centrepark Blvd Ste 1010

West Palm Beach FL 33401

Phone: (561) 253-3232

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





WIS



25286621



### COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit two copies to the committee/subcommittee administrative assistant at the meeting.

<input checked="" type="checkbox"/> Bill <input type="checkbox"/> Amendment Bill Number: CS/CS/HB 6511 : <b>Relief/L.T./Department of Children and Families</b> PCB/PCS/Amendment #: N/A
---

Name: **Forrest, Mathew**

---

Representing: **Latisha Thomas**

---

Title:

---

Address: **1400 Centrepark Blvd, Ste 1010**

---

City: **West Palm Beach** State/Zip: **FL 33401**

---

Phone Number: **(561) 253-3232** Meeting Date: **Apr 13 2017 8:00AM**

---

Committee/Subcommittee: **Judiciary Committee**

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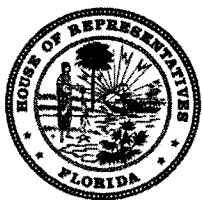
Presentation/Workshop Topic: **relief of L.T.**

---

- Registered Lobbyist
- State Employee
- I Wish To Speak
- Appearing in response to subpoena
- Appearing in response to an inquiry for information made by member, committee or staff
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance Form Submitted

<u>Bill</u>
Proponent
<u>Amendment</u>
N/A

*✓ Unk in Support*



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

Questions Only

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>6511</u>	
Amendment Number: _____	

Name: Lana T Block

Representing: L.T.

Title: Attorney

Address: 5189 Widefield Dr.

City: Tallahassee State/Zip: 32309

Phone Number: 850-599-1980 Meeting Date: 4/13/17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Claim Bill

Registered Lobbyist: YES  NO

State Employee: YES  NO

*Attorney - Can answer questions - otherwise Waive & Support*

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

**Location:** Sumner Hall (404 HOB)

**CS/CS/HB 6519 : Relief/Amie Draiemann O'Brien, Hailey Morgan Stephenson, and Christian Darby Stephenson II/Department of Transportation**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander			X		
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
<b>Total Yeas: 16</b>					
<b>Total Nays: 0</b>					

**Appearances:**

Forrest, Mathew (Lobbyist) - Waive In Support  
 Estate of Christian D. Stephenson, Amie D. Stephenson O'Brian Personal Representative  
 1400 Centrepark Blvd Ste 1010  
 West Palm Beach FL 33401  
 Phone: (561) 253-3232

Block, Lance (Lobbyist) - Waive In Support  
 Estate of Christian D. Stephenson, Amie D. Stephenson O'Brian Personal Representative  
 PO Box 840  
 Tallahassee FL 32302-0840  
 Phone: (850) 599-1980

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM



WIS



51063317



### COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit two copies to the committee/subcommittee administrative assistant at the meeting.

<input checked="" type="checkbox"/> Bill <input type="checkbox"/> Amendment Bill Number: CS/CS/HB 6519 : Relief/Amie Draiemann O'Brien, Hailey Morgan Stephenson, and Christian Darby Stephenson II/Department of Transportation PCB/PCS/Amendment #: N/A
---

Name: **Forrest, Mathew**

Representing: **Estate of Christian D. Stephenson, Amie D. Stephenson O'Brian Personal Representative**

Title:

Address: **1400 Centrepark Blvd, Ste 1010**

City: **West Palm Beach**

State/Zip: **FL 33401**

Phone Number: **(561) 253-3232**

Meeting Date: **Apr 13 2017 8:00AM**

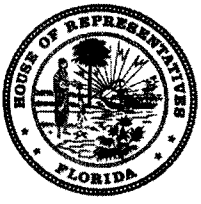
Committee/Subcommittee: **Judiciary Committee**

Presentation/Workshop Topic: **Relief of Amie Stephenson**

- Registered Lobbyist
- State Employee
- I Wish To Speak
- Appearing in response to subpoena
- Appearing in response to an inquiry for information made by member, committee or staff
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance Form Submitted

<u>Bill</u>
<b>Proponent</b>
<u>Amendment</u>
N/A

*✓ Waive in Support*



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

For Questions only

Bill       Amendment

Bill/PCS/PCB Number: 6519

Amendment Number: \_\_\_\_\_

Name: Lance Block

Representing: Stephensen Family

Title: Attorney

Address: 5189 Widefield Dr.

City: Tallahassee      State/Zip: 32309

Phone Number: 599-1980      Meeting Date: 4/13/17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Claim Bill

Registered Lobbyist: YES  NO

State Employee: YES  NO

*Attorney - Tried case - Here for questions only - otherwise waive*

- I wish to speak
  - Appearing in response to an inquiry for information made by member, committee, or staff
  - Appearing in response to subpoena
  - Appearing at the written request of the chair
  - Judge or elected officer appearing in official capacity
  - Lobbyist Appearance form submitted online
- support*

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill:      Proponent       Opponent       Info only

Amendment:      Proponent       Opponent       Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/HB 6523 : Relief/"Survivor" & Estate of "Victim"/DCF

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant		X			
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 16</b>	<b>Total Nays: 1</b>			

### CS/HB 6523 Amendments

#### Amendment 686389

Adopted Without Objection

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM







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*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Diaz, J. offered the following:

3

4 **Amendment**

5 Remove lines 148-159 and insert:

6 Section 2. For the relief of Survivor for personal  
7 injuries he sustained and to the Estate of Victim for damages  
8 related to the death of Victim:

9 (1) The sum of \$1.875 million is appropriated from the  
10 Federal Grants Trust Fund to the Department of Children and  
11 Families for the 2017-2018 fiscal year; and

12 (2) The sum of \$1.875 million is appropriated from the  
13 Federal Grants Trust Fund to the Department of Children and  
14 Families for the 2018-2019 fiscal year.

15 Section 3. The Chief Financial Officer is directed to draw



Amendment No. 1

16 warrants upon the funds appropriated in section 2 of this act to  
17 pay such funds, as follows:

18 (1) No later than August 1, 2017, in favor of the adoptive  
19 parents of Survivor, as legal guardians of Survivor, in the  
20 amount of \$562,500, and to Richard Milstein, as personal  
21 representative of the Estate of Victim, in the amount of  
22 \$1,312,500; and

23 (2) No later than August 1, 2018, in favor of the adoptive  
24 parents of Survivor, as legal guardians of Survivor, in the  
25 amount of \$562,500, and to Richard Milstein, as personal  
26 representative of the Estate of Victim, in the amount of  
27 \$1,312,500.

28

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 6525 : Relief/C.M.H./Department of Children and Families

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant		X			
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 16</b>	<b>Total Nays: 1</b>			

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 6535 : Relief/Vonshelle Brothers/Department of Health**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant		X			
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 6539 : Relief/Eddie Weekley and Charlotte Williams/Agency for Persons with Disabilities**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ramon Alexander			X		
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant		X			
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 6553 : Relief/Cristina Alvarez and George Patnode/Department of Health**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant		X			
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

CS/HB 7049 : Child Exploitation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### CS/HB 7049 Amendments

#### Amendment 835589

Adopted Without Objection

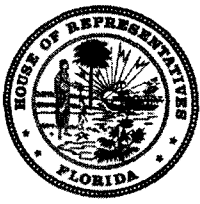
#### Appearances:

Briggs, Edward (Lobbyist) - Waive In Support  
Community Champions  
Consultant  
235 W Brandon Blvd Ste 640  
Brandon FL 33511  
Phone: (850) 933-5994

Bishop, Barney (Lobbyist) - Waive In Support  
Florida Smart Justice Alliance  
Pres & CEO  
204 S Monroe St Ste 201  
Tallahassee FL 32301  
Phone: (850) 907-3436

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM





WIS

### COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>7049</u>	
Amendment Number: _____	

Name: Edward Briggs

Representing: Community Champions

Title: Consultant

Address: 235 W. Brandon Blvd. Ste. 640

City: Brandon State/Zip: FL 33571

Phone Number: 850-933-5994 Meeting Date: 4/13/17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: ~~CR~~

Registered Lobbyist: YES  NO

State Employee: YES  NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>7049</u>	
Amendment Number: _____	

Name: Barney Bishop

Representing: Fla. Smart Justice Alliance

Title: Pres & CEO

Address: 204 S. Monroe

City: Tall State/Zip: FL 32301

Phone Number: 850.510.9922 Meeting Date: \_\_\_\_\_

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Child Exploitation

Registered Lobbyist: YES  NO

State Employee: YES  NO

*Waine in support*

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted without objection*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Spano offered the following:

3

4 **Amendment (with title amendment)**

5 Remove lines 240-1544 and insert:

6 16.56, Florida Statutes, is amended, and paragraph (b) of that  
7 subsection is republished, to read:

8 16.56 Office of Statewide Prosecution.—

9 (1) There is created in the Department of Legal Affairs an  
10 Office of Statewide Prosecution. The office shall be a separate  
11 "budget entity" as that term is defined in chapter 216. The  
12 office may:

13 (a) Investigate and prosecute the offenses of:

- 14 1. Bribery, burglary, criminal usury, extortion, gambling,
- 15 kidnapping, larceny, murder, prostitution, perjury, robbery,
- 16 carjacking, and home-invasion robbery;





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- 17           2. Any crime involving narcotic or other dangerous drugs;  
18           3. Any violation of the Florida RICO (Racketeer Influenced  
19 and Corrupt Organization) Act, including any offense listed in  
20 the definition of racketeering activity in s. 895.02(8)(a),  
21 providing such listed offense is investigated in connection with  
22 a violation of s. 895.03 and is charged in a separate count of  
23 an information or indictment containing a count charging a  
24 violation of s. 895.03, the prosecution of which listed offense  
25 may continue independently if the prosecution of the violation  
26 of s. 895.03 is terminated for any reason;
- 27           4. Any violation of the Florida Anti-Fencing Act;  
28           5. Any violation of the Florida Antitrust Act of 1980, as  
29 amended;
- 30           6. Any crime involving, or resulting in, fraud or deceit  
31 upon any person;
- 32           7. Any violation of s. 847.0135, relating to computer  
33 pornography and child exploitation ~~prevention~~, or any offense  
34 related to a violation of former s. 827.071, s. 847.003, s.  
35 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the  
36 crime is facilitated by or connected to the use of the Internet  
37 or any device capable of electronic data storage or  
38 transmission;
- 39           8. Any violation of chapter 815;  
40           9. Any criminal violation of part I of chapter 499;  
41           10. Any violation of the Florida Motor Fuel Tax Relief Act

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42 of 2004;

43 11. Any criminal violation of s. 409.920 or s. 409.9201;

44 12. Any crime involving voter registration, voting, or

45 candidate or issue petition activities;

46 13. Any criminal violation of the Florida Money Laundering

47 Act;

48 14. Any criminal violation of the Florida Securities and

49 Investor Protection Act; or

50 15. Any violation of chapter 787, as well as any and all

51 offenses related to a violation of chapter 787;

52

53 or any attempt, solicitation, or conspiracy to commit any of the

54 crimes specifically enumerated above. The office shall have such

55 power only when any such offense is occurring, or has occurred,

56 in two or more judicial circuits as part of a related

57 transaction, or when any such offense is connected with an

58 organized criminal conspiracy affecting two or more judicial

59 circuits. Informations or indictments charging such offenses

60 shall contain general allegations stating the judicial circuits

61 and counties in which crimes are alleged to have occurred or the

62 judicial circuits and counties in which crimes affecting such

63 circuits or counties are alleged to have been connected with an

64 organized criminal conspiracy.

65 (b) Investigate and prosecute any crime enumerated in

66 paragraph (a) facilitated by or connected to the use of the



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67 Internet. Any such crime is a crime occurring in every judicial  
68 circuit within the state.

69 Section 2. Paragraph (c) of subsection (30) and paragraph  
70 (g) of subsection (70) of section 39.01, Florida Statutes, are  
71 amended to read:

72 39.01 Definitions.—When used in this chapter, unless the  
73 context otherwise requires:

74 (30) "Harm" to a child's health or welfare can occur when  
75 any person:

76 (c) Allows, encourages, or forces the sexual exploitation  
77 of a child, which includes allowing, encouraging, or forcing a  
78 child to:

- 79 1. Solicit for or engage in prostitution; or
- 80 2. Engage in a sexual performance, as defined by former s.  
81 827.071 or s. 847.003 chapter 827.

82 (70) "Sexual abuse of a child" for purposes of finding a  
83 child to be dependent means one or more of the following acts:

84 (g) The sexual exploitation of a child, which includes the  
85 act of a child offering to engage in or engaging in  
86 prostitution, or the act of allowing, encouraging, or forcing a  
87 child to:

- 88 1. Solicit for or engage in prostitution;
- 89 2. Engage in a sexual performance, as defined by former s.  
90 827.071 or s. 847.003 chapter 827; or
- 91 3. Participate in the trade of human trafficking as



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92 provided in s. 787.06(3)(g).

93 Section 3. Paragraph (b) of subsection (4) of section  
94 39.0132, Florida Statutes, is amended to read:

95 39.0132 Oaths, records, and confidential information.—

96 (4)

97 (b) The department shall disclose to the school  
98 superintendent the presence of a any child in the care and  
99 custody or under the jurisdiction or supervision of the  
100 department who has a known history of criminal sexual behavior  
101 with other juveniles; is an alleged juvenile sex offender, as  
102 defined in s. 39.01; or has pled guilty or nolo contendere to,  
103 or has been found to have committed, a violation of chapter 794,  
104 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.  
105 847.0133, s. 847.0135(5), or s. 847.0137, regardless of  
106 adjudication. An Any employee of a district school board who  
107 knowingly and willfully discloses such information to an  
108 unauthorized person commits a misdemeanor of the second degree,  
109 punishable as provided in s. 775.082 or s. 775.083.

110 Section 4. Paragraph (a) of subsection (3) of section  
111 39.0139, Florida Statutes, is amended to read:

112 39.0139 Visitation or other contact; restrictions.—

113 (3) PRESUMPTION OF DETRIMENT.—

114 (a) A rebuttable presumption of detriment to a child is  
115 created when:

116 1. A court of competent jurisdiction has found probable



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117 cause exists that a parent or caregiver has sexually abused a  
118 child as defined in s. 39.01;

119 2. A parent or caregiver has been found guilty of,  
120 regardless of adjudication, or has entered a plea of guilty or  
121 nolo contendere to, charges under the following statutes or  
122 substantially similar statutes of other jurisdictions:

123 a. Section 787.04, relating to removing minors from the  
124 state or concealing minors contrary to court order;

125 b. Section 794.011, relating to sexual battery;

126 c. Section 798.02, relating to lewd and lascivious  
127 behavior;

128 d. Chapter 800, relating to lewdness and indecent  
129 exposure;

130 e. Section 826.04, relating to incest; ~~or~~

131 f. Chapter 827, relating to the abuse of children; ~~or~~

132 g. Section 847.003, relating to sexual performance by a  
133 child;

134 h. Section 847.0135, excluding s. 847.0135(6), relating to  
135 computer pornography and child exploitation; or

136 i. Section 847.0137, relating to child pornography; or

137 3. A court of competent jurisdiction has determined a  
138 parent or caregiver to be a sexual predator as defined in s.  
139 775.21 or a parent or caregiver has received a substantially  
140 similar designation under laws of another jurisdiction.

141 Section 5. Paragraph (b) of subsection (2) of section



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142 39.301, Florida Statutes, is amended to read:

143 39.301 Initiation of protective investigations.—

144 (2)

145 (b) As used in this subsection, the term "criminal  
146 conduct" means:

147 1. A child is known or suspected to be the victim of child  
148 abuse, as defined in s. 827.03, or of neglect of a child, as  
149 defined in s. 827.03.

150 2. A child is known or suspected to have died as a result  
151 of abuse or neglect.

152 3. A child is known or suspected to be the victim of  
153 aggravated child abuse, as defined in s. 827.03.

154 4. A child is known or suspected to be the victim of  
155 sexual battery, as defined in s. 847.001 ~~827.071~~, or of sexual  
156 abuse, as defined in s. 39.01.

157 5. A child is known or suspected to be the victim of  
158 institutional child abuse or neglect, as defined in s. 39.01,  
159 and as provided for in s. 39.302(1).

160 6. A child is known or suspected to be a victim of human  
161 trafficking, as provided in s. 787.06.

162 Section 6. Paragraph (a) of subsection (6) of section  
163 39.509, Florida Statutes, is amended to read:

164 39.509 Grandparents rights.—Notwithstanding any other  
165 provision of law, a maternal or paternal grandparent as well as  
166 a stepgrandparent is entitled to reasonable visitation with his



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167 or her grandchild who has been adjudicated a dependent child and  
168 taken from the physical custody of the parent unless the court  
169 finds that such visitation is not in the best interest of the  
170 child or that such visitation would interfere with the goals of  
171 the case plan. Reasonable visitation may be unsupervised and,  
172 where appropriate and feasible, may be frequent and continuing.  
173 Any order for visitation or other contact must conform to the  
174 provisions of s. 39.0139.

175 (6) In determining whether grandparental visitation is not  
176 in the child's best interest, consideration may be given to the  
177 following:

178 (a) The finding of guilt, regardless of adjudication, or  
179 entry or plea of guilty or nolo contendere to charges under the  
180 following statutes, or similar statutes of other jurisdictions:  
181 s. 787.04, relating to removing minors from the state or  
182 concealing minors contrary to court order; s. 794.011, relating  
183 to sexual battery; s. 798.02, relating to lewd and lascivious  
184 behavior; chapter 800, relating to lewdness and indecent  
185 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,  
186 relating to the abuse of children; s. 847.003, relating to  
187 sexual performance by a child; s. 847.0135, excluding s.  
188 847.0135(6), relating to computer pornography and child  
189 exploitation; or s. 847.0137, relating to child pornography.

190 Section 7. Paragraphs (b) and (c) of subsection (2) of  
191 section 90.404, Florida Statutes, are amended to read:

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192 90.404 Character evidence; when admissible.—

193 (2) OTHER CRIMES, WRONGS, OR ACTS.—

194 (b)1. In a criminal case in which the defendant is charged  
195 with a crime involving child molestation, evidence of the  
196 defendant's commission of other crimes, wrongs, or acts of child  
197 molestation is admissible and may be considered for its bearing  
198 on any matter to which it is relevant.

199 2. For the purposes of this paragraph, the term "child  
200 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
201 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.  
202 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.  
203 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.  
204 847.0137(2), s. 847.0145, or s. 985.701(1) when committed  
205 against a person 16 years of age or younger.

206 (c)1. In a criminal case in which the defendant is charged  
207 with a sexual offense, evidence of the defendant's commission of  
208 other crimes, wrongs, or acts involving a sexual offense is  
209 admissible and may be considered for its bearing on any matter  
210 to which it is relevant.

211 2. For the purposes of this paragraph, the term "sexual  
212 offense" means conduct proscribed by s. 787.025(2)(c), s.  
213 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.  
214 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,  
215 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.  
216 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.

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217 985.701(1).

218 Section 8. Subsections (2), (3), and (5) of section 92.56,  
219 Florida Statutes, are amended to read:

220 92.56 Judicial proceedings and court records involving  
221 sexual offenses and human trafficking.—

222 (2) A defendant charged with a crime described in s.  
223 787.06(3)(a)1., (c)1., or (e)1.; s. 787.06(3)(b), (d), (f), or  
224 (g); chapter 794; or chapter 800; ~~or~~ with child abuse or  
225 aggravated child abuse, ~~or sexual performance by a child as~~  
226 described in chapter 827; with sexual performance by a child as  
227 described in former s. 827.071; or with a sexual offense  
228 described in chapter 847; may apply to the trial court for an  
229 order of disclosure of information in court records held  
230 confidential and exempt pursuant to s. 119.0714(1)(h) or  
231 maintained as confidential and exempt pursuant to court order  
232 under this section. Such identifying information concerning the  
233 victim may be released to the defendant or his or her attorney  
234 in order to prepare the defense. The confidential and exempt  
235 status of this information may not be construed to prevent the  
236 disclosure of the victim's identity to the defendant; however,  
237 the defendant may not disclose the victim's identity to any  
238 person other than the defendant's attorney or any other person  
239 directly involved in the preparation of the defense. A willful  
240 and knowing disclosure of the identity of the victim to any  
241 other person by the defendant constitutes contempt.

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242 (3) The state may use a pseudonym instead of the victim's  
243 name to designate the victim of a crime described in s.  
244 787.06(3)(a)1., (c)1., or (e)1.; ~~in s. 787.06(3)(b), (d), (f),~~  
245 ~~or (g); or in chapter 794; or chapter 800; or of child abuse~~  
246 ~~or aggravated child abuse, or sexual performance by a child as~~  
247 ~~described in chapter 827; of sexual performance by a child as~~  
248 ~~described in former s. 827.071; or of a sexual offense any~~  
249 ~~crime involving the production, possession, or promotion of~~  
250 ~~child pornography as described in chapter 847, in all court~~  
251 ~~records and records of court proceedings, both civil and~~  
252 ~~criminal.~~

253 (5) This section does not prohibit the publication or  
254 broadcast of the substance of trial testimony in a prosecution  
255 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.;  
256 s. 787.06(3)(b), (d), (f), or (g); ~~chapter 794; or chapter~~  
257 ~~800; for, or a crime of child abuse or aggravated child abuse,~~  
258 ~~or sexual performance by a child, as described in chapter 827;~~  
259 ~~for sexual performance by a child as described in former s.~~  
260 ~~827.071; or for a sexual offense described in chapter 847, but~~  
261 ~~the publication or broadcast may not include an identifying~~  
262 ~~photograph, an identifiable voice, or the name or address of the~~  
263 ~~victim, unless the victim has consented in writing to the~~  
264 ~~publication and filed such consent with the court or unless the~~  
265 ~~court has declared such records not confidential and exempt as~~  
266 ~~provided for in subsection (1).~~

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267 Section 9. Subsection (1) of section 92.561, Florida  
268 Statutes, is amended to read:

269 92.561 Prohibition on reproduction of child pornography.—

270 (1) In a criminal proceeding, any property or material  
271 that portrays sexual performance by a child as defined in former  
272 s. 827.071 or s. 847.003, or constitutes child pornography as  
273 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in  
274 the care, custody, and control of a law enforcement agency, the  
275 state attorney, or the court.

276 Section 10. Subsection (2) of section 92.565, Florida  
277 Statutes, is amended to read:

278 92.565 Admissibility of confession in sexual abuse cases.—

279 (2) In any criminal action in which the defendant is  
280 charged with a crime against a victim under s. 794.011; s.  
281 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;  
282 s. 827.04, involving sexual abuse; former s. 827.071; s.  
283 847.003; ~~or~~ s. 847.0135(5); ~~or~~ s. 847.0137(2), or any other  
284 crime involving sexual abuse of another, or with any attempt,  
285 solicitation, or conspiracy to commit any of these crimes, the  
286 defendant's memorialized confession or admission is admissible  
287 during trial without the state having to prove a corpus delicti  
288 of the crime if the court finds in a hearing conducted outside  
289 the presence of the jury that the state is unable to show the  
290 existence of each element of the crime, and having so found,  
291 further finds that the defendant's confession or admission is



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292 trustworthy. Factors which may be relevant in determining  
293 whether the state is unable to show the existence of each  
294 element of the crime include, but are not limited to, the fact  
295 that, at the time the crime was committed, the victim was:

296 (a) Physically helpless, mentally incapacitated, or  
297 mentally defective, as those terms are defined in s. 794.011;

298 (b) Physically incapacitated due to age, infirmity, or any  
299 other cause; or

300 (c) Less than 12 years of age.

301 Section 11. Paragraphs (ll) and (qq) of subsection (2) of  
302 section 435.04, Florida Statutes, are amended to read:

303 435.04 Level 2 screening standards.—

304 (2) The security background investigations under this  
305 section must ensure that no persons subject to the provisions of  
306 this section have been arrested for and are awaiting final  
307 disposition of, have been found guilty of, regardless of  
308 adjudication, or entered a plea of nolo contendere or guilty to,  
309 or have been adjudicated delinquent and the record has not been  
310 sealed or expunged for, any offense prohibited under any of the  
311 following provisions of state law or similar law of another  
312 jurisdiction:

313 (ll) Former s. Section 827.071, relating to sexual  
314 performance by a child.

315 (qq) Chapter 847, relating to obscenity and child  
316 exploitation ~~obscene literature~~.



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317 Section 12. Paragraph (c) of subsection (4) of section  
318 435.07, Florida Statutes, is amended to read:

319 435.07 Exemptions from disqualification.—Unless otherwise  
320 provided by law, the provisions of this section apply to  
321 exemptions from disqualification for disqualifying offenses  
322 revealed pursuant to background screenings required under this  
323 chapter, regardless of whether those disqualifying offenses are  
324 listed in this chapter or other laws.

325 (4)

326 (c) Disqualification from employment under this chapter  
327 may not be removed from, and an exemption may not be granted to,  
328 any current or prospective child care personnel, as defined in  
329 s. 402.302(3), and such a person is disqualified from employment  
330 as child care personnel, regardless of any previous exemptions  
331 from disqualification, if the person has been registered as a  
332 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has  
333 been arrested for and is awaiting final disposition of, has been  
334 convicted or found guilty of, or entered a plea of guilty or  
335 nolo contendere to, regardless of adjudication, or has been  
336 adjudicated delinquent and the record has not been sealed or  
337 expunged for, any offense prohibited under any of the following  
338 provisions of state law or a similar law of another  
339 jurisdiction:

340 1. A felony offense prohibited under any of the following  
341 statutes:

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- 342 a. Chapter 741, relating to domestic violence.
- 343 b. Section 782.04, relating to murder.
- 344 c. Section 782.07, relating to manslaughter, aggravated  
345 manslaughter of an elderly person or disabled adult, aggravated  
346 manslaughter of a child, or aggravated manslaughter of an  
347 officer, a firefighter, an emergency medical technician, or a  
348 paramedic.
- 349 d. Section 784.021, relating to aggravated assault.
- 350 e. Section 784.045, relating to aggravated battery.
- 351 f. Section 787.01, relating to kidnapping.
- 352 g. Section 787.025, relating to luring or enticing a  
353 child.
- 354 h. Section 787.04(2), relating to leading, taking,  
355 enticing, or removing a minor beyond the state limits, or  
356 concealing the location of a minor, with criminal intent pending  
357 custody proceedings.
- 358 i. Section 787.04(3), relating to leading, taking,  
359 enticing, or removing a minor beyond the state limits, or  
360 concealing the location of a minor, with criminal intent pending  
361 dependency proceedings or proceedings concerning alleged abuse  
362 or neglect of a minor.
- 363 j. Section 794.011, relating to sexual battery.
- 364 k. Former s. 794.041, relating to sexual activity with or  
365 solicitation of a child by a person in familial or custodial  
366 authority.



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- 367 1. Section 794.05, relating to unlawful sexual activity  
368 with certain minors.
- 369 m. Section 794.08, relating to female genital mutilation.
- 370 n. Section 806.01, relating to arson.
- 371 o. Section 826.04, relating to incest.
- 372 p. Section 827.03, relating to child abuse, aggravated  
373 child abuse, or neglect of a child.
- 374 q. Section 827.04, relating to contributing to the  
375 delinquency or dependency of a child.
- 376 r. Former s. Section 827.071 or s. 847.003, relating to  
377 sexual performance by a child.
- 378 s. Chapter 847, relating to obscenity and child  
379 exploitation pornography.
- 380 t. Section 985.701, relating to sexual misconduct in  
381 juvenile justice programs.
- 382 2. A misdemeanor offense prohibited under any of the  
383 following statutes:
- 384 a. Section 784.03, relating to battery, if the victim of  
385 the offense was a minor.
- 386 b. Section 787.025, relating to luring or enticing a  
387 child.
- 388 c. Chapter 847, relating to obscenity and child  
389 exploitation pornography.
- 390 3. A criminal act committed in another state or under  
391 federal law which, if committed in this state, constitutes an



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392 offense prohibited under any statute listed in subparagraph 1.  
393 or subparagraph 2.

394 Section 13. Paragraphs (o) and (q) of subsection (5) of  
395 section 456.074, Florida Statutes, are amended, paragraphs (r)  
396 and (s) of that subsection are redesignated as paragraphs (s)  
397 and (t), respectively, and a new paragraph (r) is added to that  
398 subsection, to read:

399 456.074 Certain health care practitioners; immediate  
400 suspension of license.—

401 (5) The department shall issue an emergency order  
402 suspending the license of a massage therapist or establishment  
403 as defined in chapter 480 upon receipt of information that the  
404 massage therapist, a person with an ownership interest in the  
405 establishment, or, for a corporation that has more than \$250,000  
406 of business assets in this state, the owner, officer, or  
407 individual directly involved in the management of the  
408 establishment has been convicted or found guilty of, or has  
409 entered a plea of guilty or nolo contendere to, regardless of  
410 adjudication, a violation of s. 796.07(2)(a) which is  
411 reclassified under s. 796.07(7) or a felony offense under any of  
412 the following provisions of state law or a similar provision in  
413 another jurisdiction:

414 (o) Former s. Section 827.071 or s. 847.003, relating to  
415 sexual performance by a child.

416 (q) Section 847.0135, relating to computer pornography and





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417 child exploitation.

418 (r) Section 847.0137, relating to child pornography.

419 Section 14. Paragraphs (o) and (q) of subsection (7) of  
420 section 480.041, Florida Statutes, are amended, paragraphs (r)  
421 and (s) of that subsection are redesignated as paragraphs (s)  
422 and (t), respectively, and a new paragraph (r) is added to that  
423 subsection, to read:

424 480.041 Massage therapists; qualifications; licensure;  
425 endorsement.-

426 (7) The board shall deny an application for a new or  
427 renewal license if an applicant has been convicted or found  
428 guilty of, or enters a plea of guilty or nolo contendere to,  
429 regardless of adjudication, a violation of s. 796.07(2)(a) which  
430 is reclassified under s. 796.07(7) or a felony offense under any  
431 of the following provisions of state law or a similar provision  
432 in another jurisdiction:

433 (o) Former s. Section 827.071 or s. 847.003, relating to  
434 sexual performance by a child.

435 (q) Section 847.0135, relating to computer pornography and  
436 child exploitation.

437 (r) Section 847.0137, relating to child pornography.

438 Section 15. Paragraphs (o) and (q) of subsection (8) of  
439 section 480.043, Florida Statutes, are amended, paragraphs (r)  
440 and (s) of that subsection are redesignated as paragraphs (s)  
441 and (t), respectively, and a new paragraph (r) is added to that

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442 subsection, to read:

443 480.043 Massage establishments; requisites; licensure;  
444 inspection.—

445 (8) The department shall deny an application for a new or  
446 renewal license if a person with an ownership interest in the  
447 establishment or, for a corporation that has more than \$250,000  
448 of business assets in this state, the owner, officer, or  
449 individual directly involved in the management of the  
450 establishment has been convicted or found guilty of, or entered  
451 a plea of guilty or nolo contendere to, regardless of  
452 adjudication, a violation of s. 796.07(2)(a) which is  
453 reclassified under s. 796.07(7) or a felony offense under any of  
454 the following provisions of state law or a similar provision in  
455 another jurisdiction:

456 (o) Former s. Section 827.071 or s. 847.003, relating to  
457 sexual performance by a child.

458 (q) Section 847.0135, relating to computer pornography and  
459 child exploitation.

460 (r) Section 847.0137, relating to child pornography.

461 Section 16. Paragraph (b) of subsection (3) of section  
462 743.067, Florida Statutes, is amended to read:

463 743.067 Unaccompanied homeless youths.—

464 (3) An unaccompanied homeless youth may:

465 (b) Notwithstanding s. 394.4625(1), consent to medical,  
466 dental, psychological, substance abuse, and surgical diagnosis



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467 and treatment, including preventative care and care by a  
468 facility licensed under chapter 394, chapter 395, or chapter 397  
469 and any forensic medical examination for the purpose of  
470 investigating any felony offense under chapter 784, chapter 787,  
471 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.  
472 847.0137, for:

- 473 1. Himself or herself; or
- 474 2. His or her child, if the unaccompanied homeless youth  
475 is unmarried, is the parent of the child, and has actual custody  
476 of the child.

477 Section 17. Paragraph (a) of subsection (1) of section  
478 772.102, Florida Statutes, is amended to read:

479 772.102 Definitions.—As used in this chapter, the term:

480 (1) "Criminal activity" means to commit, to attempt to  
481 commit, to conspire to commit, or to solicit, coerce, or  
482 intimidate another person to commit:

483 (a) Any crime that is chargeable by indictment or  
484 information under the following provisions:

- 485 1. Section 210.18, relating to evasion of payment of  
486 cigarette taxes.
- 487 2. Section 414.39, relating to public assistance fraud.
- 488 3. Section 440.105 or s. 440.106, relating to workers'  
489 compensation.
- 490 4. Part IV of chapter 501, relating to telemarketing.
- 491 5. Chapter 517, relating to securities transactions.



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- 492           6. Section 550.235 or s. 550.3551, relating to dogracing  
493 and horseracing.
- 494           7. Chapter 550, relating to jai alai frontons.
- 495           8. Chapter 552, relating to the manufacture, distribution,  
496 and use of explosives.
- 497           9. Chapter 562, relating to beverage law enforcement.
- 498           10. Section 624.401, relating to transacting insurance  
499 without a certificate of authority, s. 624.437(4)(c)1., relating  
500 to operating an unauthorized multiple-employer welfare  
501 arrangement, or s. 626.902(1)(b), relating to representing or  
502 aiding an unauthorized insurer.
- 503           11. Chapter 687, relating to interest and usurious  
504 practices.
- 505           12. Section 721.08, s. 721.09, or s. 721.13, relating to  
506 real estate timeshare plans.
- 507           13. Chapter 782, relating to homicide.
- 508           14. Chapter 784, relating to assault and battery.
- 509           15. Chapter 787, relating to kidnapping or human  
510 trafficking.
- 511           16. Chapter 790, relating to weapons and firearms.
- 512           17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,  
513 relating to prostitution.
- 514           18. Chapter 806, relating to arson.
- 515           19. Section 810.02(2)(c), relating to specified burglary  
516 of a dwelling or structure.

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517 20. Chapter 812, relating to theft, robbery, and related  
518 crimes.

519 21. Chapter 815, relating to computer-related crimes.

520 22. Chapter 817, relating to fraudulent practices, false  
521 pretenses, fraud generally, and credit card crimes.

522 23. Former s. Section 827.071, relating to commercial  
523 sexual exploitation of children.

524 24. Chapter 831, relating to forgery and counterfeiting.

525 25. Chapter 832, relating to issuance of worthless checks  
526 and drafts.

527 26. Section 836.05, relating to extortion.

528 27. Chapter 837, relating to perjury.

529 28. Chapter 838, relating to bribery and misuse of public  
530 office.

531 29. Chapter 843, relating to obstruction of justice.

532 30. Section 847.003, relating to sexual performance by a  
533 child.

534 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
535 or s. 847.07, relating to obscene literature and profanity.

536 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
537 s. 849.25, relating to gambling.

538 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and  
539 control.

540 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,  
541 victims, or informants.



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542           ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering  
543 with jurors and evidence.

544           Section 18. Paragraph (a) of subsection (9) of section  
545 775.082, Florida Statutes, is amended to read:

546           775.082 Penalties; applicability of sentencing structures;  
547 mandatory minimum sentences for certain reoffenders previously  
548 released from prison.-

549           (9)(a)1. "Prison releasee reoffender" means any defendant  
550 who commits, or attempts to commit:

551           a. Treason;

552           b. Murder;

553           c. Manslaughter;

554           d. Sexual battery;

555           e. Carjacking;

556           f. Home-invasion robbery;

557           g. Robbery;

558           h. Arson;

559           i. Kidnapping;

560           j. Aggravated assault with a deadly weapon;

561           k. Aggravated battery;

562           l. Aggravated stalking;

563           m. Aircraft piracy;

564           n. Unlawful throwing, placing, or discharging of a  
565 destructive device or bomb;

566           o. Any felony that involves the use or threat of physical

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567 force or violence against an individual;  
568 p. Armed burglary;  
569 q. Burglary of a dwelling or burglary of an occupied  
570 structure; or  
571 r. Any felony violation of s. 790.07, s. 800.04, s.  
572 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.  
573 847.0137(2);  
574  
575 within 3 years after being released from a state correctional  
576 facility operated by the Department of Corrections or a private  
577 vendor or within 3 years after being released from a  
578 correctional institution of another state, the District of  
579 Columbia, the United States, any possession or territory of the  
580 United States, or any foreign jurisdiction, following  
581 incarceration for an offense for which the sentence is  
582 punishable by more than 1 year in this state.  
583 2. "Prison releasee reoffender" also means any defendant  
584 who commits or attempts to commit any offense listed in sub-  
585 subparagraphs (a)1.a.-r. while the defendant was serving a  
586 prison sentence or on escape status from a state correctional  
587 facility operated by the Department of Corrections or a private  
588 vendor or while the defendant was on escape status from a  
589 correctional institution of another state, the District of  
590 Columbia, the United States, any possession or territory of the  
591 United States, or any foreign jurisdiction, following

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592 incarceration for an offense for which the sentence is  
593 punishable by more than 1 year in this state.

594 3. If the state attorney determines that a defendant is a  
595 prison releasee reoffender as defined in subparagraph 1., the  
596 state attorney may seek to have the court sentence the defendant  
597 as a prison releasee reoffender. Upon proof from the state  
598 attorney that establishes by a preponderance of the evidence  
599 that a defendant is a prison releasee reoffender as defined in  
600 this section, such defendant is not eligible for sentencing  
601 under the sentencing guidelines and must be sentenced as  
602 follows:

603 a. For a felony punishable by life, by a term of  
604 imprisonment for life;

605 b. For a felony of the first degree, by a term of  
606 imprisonment of 30 years;

607 c. For a felony of the second degree, by a term of  
608 imprisonment of 15 years; and

609 d. For a felony of the third degree, by a term of  
610 imprisonment of 5 years.

611 Section 19. Paragraphs (b) and (f) of subsection (1) and  
612 subsection (2) of section 775.0847, Florida Statutes, are  
613 amended, and paragraph (g) is added to that subsection, to read:

614 775.0847 Possession or promotion of certain visual  
615 depictions ~~images~~ of child pornography; reclassification.-

616 (1) For purposes of this section:





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617 (b) "Child pornography" has the same meaning as provided  
618 in s. 847.0137 ~~means any image depicting a minor engaged in~~  
619 ~~sexual conduct.~~

620 (f) "Sexual conduct" means actual or simulated sexual  
621 intercourse, deviate sexual intercourse, sexual bestiality,  
622 masturbation, or sadomasochistic abuse; actual or simulated lewd  
623 exhibition of the genitals; actual physical contact with a  
624 person's clothed or unclothed genitals, pubic area, buttocks,  
625 or, if such person is a female, breast with the intent to arouse  
626 or gratify the sexual desire of either party; or any act or  
627 conduct which constitutes sexual battery or simulates that  
628 sexual battery is being or will be committed. A mother's  
629 breastfeeding of her baby does not under any circumstance  
630 constitute "sexual conduct."

631 (g) "Visual depiction" has the same meaning provided in s.  
632 847.0137.

633 (2) A violation of former s. 827.071, s. 847.003, s.  
634 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to  
635 the next higher degree as provided in subsection (3) if:

636 (a) The offender possesses 10 or more visual depictions  
637 ~~images~~ of any form of child pornography regardless of content;  
638 and

639 (b) The content of at least one visual depiction image  
640 contains one or more of the following:

641 1. A child who is younger than the age of 5.



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- 642           2. Sadoomasochistic abuse involving a child.  
643           3. Sexual battery involving a child.  
644           4. Sexual bestiality involving a child.  
645           5. Any movie involving a child, regardless of length and  
646 regardless of whether the movie contains sound.

647           Section 20. Paragraph (1) of subsection (1) of section  
648 775.0877, Florida Statutes, is amended to read:

649           775.0877 Criminal transmission of HIV; procedures;  
650 penalties.—

651           (1) In any case in which a person has been convicted of or  
652 has pled nolo contendere or guilty to, regardless of whether  
653 adjudication is withheld, any of the following offenses, or the  
654 attempt thereof, which offense or attempted offense involves the  
655 transmission of body fluids from one person to another:

656           (1) Former s. Section 827.071 or s. 847.003, relating to  
657 sexual performance by a child ~~person less than 18 years of age~~;

658  
659 the court shall order the offender to undergo HIV testing, to be  
660 performed under the direction of the Department of Health in  
661 accordance with s. 381.004, unless the offender has undergone  
662 HIV testing voluntarily or pursuant to procedures established in  
663 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
664 rule providing for HIV testing of criminal offenders or inmates,  
665 subsequent to her or his arrest for an offense enumerated in  
666 paragraphs (a)-(n) for which she or he was convicted or to which



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667 she or he pled nolo contendere or guilty. The results of an HIV  
668 test performed on an offender pursuant to this subsection are  
669 not admissible in any criminal proceeding arising out of the  
670 alleged offense.

671 Section 21. Paragraph (a) of subsection (4) and paragraph  
672 (b) of subsection (10) of section 775.21, Florida Statutes, are  
673 amended to read:

674 775.21 The Florida Sexual Predators Act.—

675 (4) SEXUAL PREDATOR CRITERIA.—

676 (a) For a current offense committed on or after October 1,  
677 1993, upon conviction, an offender shall be designated as a  
678 "sexual predator" under subsection (5), and subject to  
679 registration under subsection (6) and community and public  
680 notification under subsection (7) if:

681 1. The felony is:

682 a. A capital, life, or first degree felony violation, or  
683 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
684 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a  
685 violation of a similar law of another jurisdiction; or

686 b. Any felony violation, or any attempt thereof, of s.  
687 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
688 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
689 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
690 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
691 s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.

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692 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);  
693 s. 847.0145; s. 895.03, if the court makes a written finding  
694 that the racketeering activity involved at least one sexual  
695 offense listed in this sub-subparagraph or at least one offense  
696 listed in this sub-subparagraph with sexual intent or motive; s.  
697 916.1075(2); or s. 985.701(1); or a violation of a similar law  
698 of another jurisdiction, and the offender has previously been  
699 convicted of or found to have committed, or has pled nolo  
700 contendere or guilty to, regardless of adjudication, any  
701 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
702 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
703 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
704 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
705 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.  
706 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
707 847.0137(2); s. 847.0145; s. 895.03, if the court makes a  
708 written finding that the racketeering activity involved at least  
709 one sexual offense listed in this sub-subparagraph or at least  
710 one offense listed in this sub-subparagraph with sexual intent  
711 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a  
712 similar law of another jurisdiction;

713 2. The offender has not received a pardon for any felony  
714 or similar law of another jurisdiction that is necessary for the  
715 operation of this paragraph; and

716 3. A conviction of a felony or similar law of another



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717 jurisdiction necessary to the operation of this paragraph has  
718 not been set aside in any postconviction proceeding.

719 (10) PENALTIES.—

720 (b) A sexual predator who has been convicted of or found  
721 to have committed, or has pled nolo contendere or guilty to,  
722 regardless of adjudication, any violation, or attempted  
723 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
724 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.  
725 794.05; former s. 796.03; former s. 796.035; s. 800.04; former  
726 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.  
727 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a  
728 similar law of another jurisdiction when the victim of the  
729 offense was a minor, and who works, whether for compensation or  
730 as a volunteer, at any business, school, child care facility,  
731 park, playground, or other place where children regularly  
732 congregate, commits a felony of the third degree, punishable as  
733 provided in s. 775.082, s. 775.083, or s. 775.084.

734 Section 22. Subsection (2) and paragraphs (a) and (c) of  
735 subsection (3) of section 775.215, Florida Statutes, are amended  
736 to read:

737 775.215 Residency restriction for persons convicted of  
738 certain sex offenses.—

739 (2) (a) A person who has been convicted of a violation of  
740 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
741 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of



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742 whether adjudication has been withheld, in which the victim of  
743 the offense was less than 16 years of age, may not reside within  
744 1,000 feet of any school, child care facility, park, or  
745 playground. However, a person does not violate this subsection  
746 and may not be forced to relocate if he or she is living in a  
747 residence that meets the requirements of this subsection and a  
748 school, child care facility, park, or playground is subsequently  
749 established within 1,000 feet of his or her residence.

750 (b) A person who violates this subsection and whose  
751 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
752 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was  
753 classified as a felony of the first degree or higher commits a  
754 felony of the third degree, punishable as provided in s. 775.082  
755 or s. 775.083. A person who violates this subsection and whose  
756 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
757 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was  
758 classified as a felony of the second or third degree commits a  
759 misdemeanor of the first degree, punishable as provided in s.  
760 775.082 or s. 775.083.

761 (c) This subsection applies to any person convicted of a  
762 violation of s. 794.011, s. 800.04, former s. 827.071, s.  
763 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for  
764 offenses that occur on or after October 1, 2004, excluding  
765 persons who have been removed from the requirement to register  
766 as a sexual offender or sexual predator pursuant to s.



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767 943.04354.

768 (3) (a) A person who has been convicted of an offense in  
769 another jurisdiction that is similar to a violation of s.  
770 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
771 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of  
772 whether adjudication has been withheld, in which the victim of  
773 the offense was less than 16 years of age, may not reside within  
774 1,000 feet of any school, child care facility, park, or  
775 playground. However, a person does not violate this subsection  
776 and may not be forced to relocate if he or she is living in a  
777 residence that meets the requirements of this subsection and a  
778 school, child care facility, park, or playground is subsequently  
779 established within 1,000 feet of his or her residence.

780 (c) This subsection applies to any person convicted of an  
781 offense in another jurisdiction that is similar to a violation  
782 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
783 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense  
784 occurred on or after May 26, 2010, excluding persons who have  
785 been removed from the requirement to register as a sexual  
786 offender or sexual predator pursuant to s. 943.04354.

787 Section 23. Paragraph (c) of subsection (1) of section  
788 784.046, Florida Statutes, is amended to read:

789 784.046 Action by victim of repeat violence, sexual  
790 violence, or dating violence for protective injunction; dating  
791 violence investigations, notice to victims, and reporting;

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792 pretrial release violations; public records exemption.-

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

794 (c) "Sexual violence" means any one incident of:

795 1. Sexual battery, as defined in chapter 794;

796 2. A lewd or lascivious act, as defined in chapter 800,  
797 committed upon or in the presence of a person younger than 16  
798 years of age;

799 3. Luring or enticing a child, as described in chapter  
800 787;

801 4. Sexual performance by a child, as described in former  
802 s. 827.071 or s. 847.003 ~~chapter 827~~; or

803 5. Any other forcible felony wherein a sexual act is  
804 committed or attempted,

805  
806 regardless of whether criminal charges based on the incident  
807 were filed, reduced, or dismissed by the state attorney.

808 Section 24. Subsection (2) of section 794.0115, Florida  
809 Statutes, is amended to read:

810 794.0115 Dangerous sexual felony offender; mandatory  
811 sentencing.-

812 (2) Any person who is convicted of a violation of s.

813 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.

814 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),

815 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or

816 of any similar offense under a former designation, which offense

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817 the person committed when he or she was 18 years of age or  
818 older, and the person:

819 (a) Caused serious personal injury to the victim as a  
820 result of the commission of the offense;

821 (b) Used or threatened to use a deadly weapon during the  
822 commission of the offense;

823 (c) Victimized more than one person during the course of  
824 the criminal episode applicable to the offense;

825 (d) Committed the offense while under the jurisdiction of  
826 a court for a felony offense under the laws of this state, for  
827 an offense that is a felony in another jurisdiction, or for an  
828 offense that would be a felony if that offense were committed in  
829 this state; or

830 (e) Has previously been convicted of a violation of s.  
831 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
832 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),  
833 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of  
834 any offense under a former statutory designation which is  
835 similar in elements to an offense described in this paragraph;  
836 or of any offense that is a felony in another jurisdiction, or  
837 would be a felony if that offense were committed in this state,  
838 and which is similar in elements to an offense described in this  
839 paragraph,

840  
841 is a dangerous sexual felony offender, who must be sentenced to



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842 a mandatory minimum term of 25 years imprisonment up to, and  
843 including, life imprisonment. If the offense described in this  
844 subsection was committed on or after October 1, 2014, a person  
845 who qualifies as a dangerous sexual felony offender pursuant to  
846 this subsection must be sentenced to a mandatory minimum term of  
847 50 years imprisonment up to, and including, life imprisonment.

848 Section 25. Subsection (1) of section 794.024, Florida  
849 Statutes, is amended to read:

850 794.024 Unlawful to disclose identifying information.—

851 (1) A public employee or officer who has access to the  
852 photograph, name, or address of a person who is alleged to be  
853 the victim of an offense described in this chapter, chapter 800,  
854 s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual  
855 offense described in chapter 847 may not willfully and knowingly  
856 disclose it to a person who is not assisting in the  
857 investigation or prosecution of the alleged offense or to any  
858 person other than the defendant, the defendant's attorney, a  
859 person specified in an order entered by the court having  
860 jurisdiction of the alleged offense, or organizations authorized  
861 to receive such information made exempt by s. 119.071(2)(h), or  
862 to a rape crisis center or sexual assault counselor, as defined  
863 in s. 90.5035(1)(b), who will be offering services to the  
864 victim.

865 Section 26. Subsection (1) of section 794.056, Florida  
866 Statutes, is amended to read:

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867 794.056 Rape Crisis Program Trust Fund.—  
868 (1) The Rape Crisis Program Trust Fund is created within  
869 the Department of Health for the purpose of providing funds for  
870 rape crisis centers in this state. Trust fund moneys shall be  
871 used exclusively for the purpose of providing services for  
872 victims of sexual assault. Funds credited to the trust fund  
873 consist of those funds collected as an additional court  
874 assessment in each case in which a defendant pleads guilty or  
875 nolo contendere to, or is found guilty of, regardless of  
876 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
877 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
878 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
879 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
880 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
881 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
882 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
883 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
884 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;  
885 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),  
886 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds  
887 credited to the trust fund also shall include revenues provided  
888 by law, moneys appropriated by the Legislature, and grants from  
889 public or private entities.

890 Section 27. Section 794.10, Florida Statutes, is created  
891 to read:

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892 794.10 Investigative subpoenas in certain cases involving  
893 child victims.-

894 (1) DEFINITIONS.-As used in this section, the term:

895 (a) "Child" means a person who is less than 18 years of  
896 age.

897 (b) "Child sexual offender" means a person who is required  
898 to register as a sexual predator under s. 775.21 or as a sexual  
899 offender under s. 943.0435 if at least one of the offenses that  
900 qualified the person for such registration requirement involved  
901 a victim who was a child at the time of the offense.

902 (c) "Criminal justice agency" means a law enforcement agency,  
903 court, or prosecutor in this state.

904 (d) "Sexual exploitation or abuse of a child" means a  
905 criminal offense based on any conduct described in s. 39.01(70).

906 (2) (a) AUTHORIZATION.-In any investigation of:

907 1. An offense involving the sexual exploitation or abuse  
908 of a child;

909 2. A sexual offense allegedly committed by a child sexual  
910 offender who has not registered as required under s. 775.21 or  
911 s. 943.0435; or

912 3. An offense under chapter 847 involving a child victim  
913 which is not otherwise included in subparagraph 1. or  
914 subparagraph 2.,

915  
916 a criminal justice agency may issue in writing and cause to be



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917 served a subpoena requiring the production of any record,  
918 object, or other information or testimony described in paragraph  
919 (b) .

920 (b) A subpoena issued under this section may require:

921 1. The production of any record, object, or other  
922 information relevant to the investigation.

923 2. Testimony by the custodian of the record, object, or  
924 other information concerning its production and authenticity.

925 (3) CONTENTS OF SUBPOENAS.—A subpoena issued under this  
926 section shall describe any record, object, or other information  
927 required to be produced and prescribe a reasonable return date  
928 within which the record, object, or other information can be  
929 assembled and made available.

930 (4) WITNESS EXPENSES.—Witnesses subpoenaed under this  
931 section shall be reimbursed for fees and mileage at the same  
932 rate at which witnesses in the courts of this state are  
933 reimbursed.

934 (5) PETITIONS BEFORE RETURN DATE.—At any time before the  
935 return date specified in the subpoena, the recipient of the  
936 subpoena may, in the circuit court of the county in which the  
937 recipient conducts business or resides, petition for an order  
938 modifying or setting aside the subpoena or the requirement for  
939 nondisclosure of certain information under subsection (6).

940 (6) NONDISCLOSURE.—

941 (a)1. If a subpoena issued under this section is



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942 accompanied by a written certification under subparagraph 2. and  
943 notice under paragraph (c), the recipient of the subpoena, and a  
944 person to whom information is disclosed under subparagraph  
945 (b)1., shall not disclose, for a period of 180 days, to any  
946 person the existence or contents of the subpoena.

947 2. The requirement in subparagraph 1. applies if the  
948 criminal justice agency that issued the subpoena certifies in  
949 writing that the disclosure may result in one or more of the  
950 following circumstances:

- 951 a. Endangering a person's life or physical safety;  
952 b. Encouraging a person's flight from prosecution;  
953 c. Destruction of or tampering with evidence;  
954 d. Intimidation of potential witnesses; or  
955 e. Otherwise seriously jeopardizing an investigation or  
956 unduly delaying a trial.

957 (b)1. A recipient of a subpoena may disclose information  
958 subject to the nondisclosure requirement in subparagraph (a)1.  
959 to:

- 960 a. A person to whom disclosure is necessary in order to  
961 comply with the subpoena;  
962 b. An attorney in order to obtain legal advice or  
963 assistance regarding the subpoena; or  
964 c. Any other person as authorized by the criminal justice  
965 agency that issued the subpoena.

966 2. A recipient of a subpoena who discloses to a person



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967 described in subparagraph 1. information subject to the  
968 nondisclosure requirement shall notify such person of the  
969 nondisclosure requirement by providing the person with a copy of  
970 the subpoena. A person to whom information is disclosed under  
971 subparagraph 1. is subject to the nondisclosure requirement in  
972 subparagraph (a)1.

973 3. At the request of the criminal justice agency that  
974 issued the subpoena, a recipient of a subpoena who discloses or  
975 intends to disclose to a person described in sub-subparagraph  
976 1.a. or sub-subparagraph 1.b. information subject to the  
977 nondisclosure requirement shall provide to the criminal justice  
978 agency the identity of the person to whom such disclosure was or  
979 will be made.

980 (c)1. The nondisclosure requirement imposed under  
981 paragraph (a) is subject to judicial review under subsection  
982 (13).

983 2. A subpoena issued under this section, in connection  
984 with which a nondisclosure requirement under paragraph (a) is  
985 imposed, shall include:

986 a. Notice of the nondisclosure requirement and the  
987 availability of judicial review.

988 b. Notice that a violation of the nondisclosure  
989 requirement is subject to the penalties provided in paragraph  
990 (11) (b).

991 (d) The nondisclosure requirement in paragraph (a) may be



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992 extended under subsection (13).

993 (7) EXCEPTIONS TO PRODUCTION.—A subpoena issued under this  
994 section shall not require the production of anything that is  
995 protected from production under the standards applicable to a  
996 subpoena duces tecum issued by a court of this state.

997 (8) RETURN OF RECORDS AND OBJECTS.—If a case or proceeding  
998 resulting from the production of any record, object, or other  
999 information under this section does not arise within a  
1000 reasonable period of time after such production, the criminal  
1001 justice agency to which it was delivered shall, upon written  
1002 demand made by the person producing it, return the record,  
1003 object, or other information to such person, unless the record  
1004 was a copy and not an original.

1005 (9) TIME OF PRODUCTION.—A subpoena issued under this  
1006 section may require production of any record, object, or other  
1007 information as soon as possible, but the recipient of the  
1008 subpoena must have at least 24 hours after he or she is served  
1009 to produce the record, object, or other information.

1010 (10) SERVICE.—A subpoena issued under this section may be  
1011 served as provided in chapter 48.

1012 (11) ENFORCEMENT.—

1013 (a) If a recipient of a subpoena under this section  
1014 refuses to comply with the subpoena, the criminal justice agency  
1015 may invoke the aid of any circuit court described in subsection  
1016 (5) or of the circuit court of the county in which the





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1017 authorized investigation is being conducted. Such court may  
1018 issue an order requiring the recipient of a subpoena to appear  
1019 before the criminal justice agency that issued the subpoena to  
1020 produce any record, object, or other information or to testify  
1021 concerning the production and authenticity of the record,  
1022 object, or other information. Any failure to comply with an  
1023 order under this paragraph may be punished by the court as a  
1024 contempt of court. All process in any such case may be served in  
1025 any county in which such person may be found.

1026 (b) A recipient of a subpoena, or a person to whom  
1027 information is disclosed under subparagraph(6) (b)1., who  
1028 knowingly violates:

1029 1. A nondisclosure requirement imposed under paragraph (6) (a)  
1030 commits a noncriminal violation punishable as provided in s.  
1031 775.083. Each person to whom a disclosure is made in violation  
1032 of this subparagraph constitutes a separate violation subject to  
1033 a separate fine.

1034 2. A nondisclosure requirement ordered by the court under this  
1035 section may be held in contempt of court.

1036 (12) IMMUNITY.—Notwithstanding any other law, any person,  
1037 including any officer, agent, or employee, receiving a subpoena  
1038 under this section who complies in good faith with the subpoena  
1039 and produces or discloses any record, object, or other  
1040 information sought is not liable in any court in this state to  
1041 any customer or other person for such production or disclosure.

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1042 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.-

1043 (a)1.a. If a recipient of a subpoena under this section,  
1044 or a person to whom information is disclosed under subparagraph  
1045 (6)(b)1., wishes to have a court review a nondisclosure  
1046 requirement under subsection (6), such recipient or person may  
1047 notify the criminal justice agency issuing the subpoena or file  
1048 a petition for judicial review in the circuit court described in  
1049 subsection (5).

1050 b. Within 30 days after the date on which the criminal  
1051 justice agency receives the notification under sub-subparagraph  
1052 a., the criminal justice agency shall apply for an order  
1053 prohibiting the disclosure of the existence or contents of the  
1054 subpoena. An application under this sub-subparagraph may be  
1055 filed in the circuit court described in subsection (5) or in the  
1056 circuit court of the county in which the authorized  
1057 investigation is being conducted.

1058 c. The nondisclosure requirement shall remain in effect  
1059 during the pendency of proceedings relating to the requirement.

1060 d. A circuit court that receives a petition under sub-  
1061 paragraph a. or an application under sub-subparagraph b.  
1062 shall rule on such petition or application as expeditiously as  
1063 possible.

1064 2. An application for a nondisclosure order or extension  
1065 thereof or a response to a petition filed under this paragraph  
1066 must include a certification from the criminal justice agency



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1067 that issued the subpoena indicating that the disclosure of such  
1068 information may result in one or more of the circumstances  
1069 described in subparagraph (6)(a)2.

1070 3. A circuit court shall issue a nondisclosure order or  
1071 extension thereof under this paragraph if it determines that  
1072 there is reason to believe that disclosure of such information  
1073 may result in one or more of the circumstances described in  
1074 subparagraph (6)(a)2.

1075 4. Upon a showing that any of the circumstances described  
1076 in subparagraph (6)(a)2. continue to exist, a circuit court may  
1077 issue an ex parte order extending a nondisclosure order imposed  
1078 under this section for an additional 180 days. There is no limit  
1079 on the number of nondisclosure extensions that may be granted  
1080 under this subparagraph.

1081 (b) In all proceedings under this subsection, subject to  
1082 any right to an open hearing in a contempt proceeding, a circuit  
1083 court must close any hearing to the extent necessary to prevent  
1084 the unauthorized disclosure of a request for records, objects,  
1085 or other information made to any person under this section.  
1086 Petitions, filings, records, orders, certifications, and  
1087 subpoenas must also be kept under seal to the extent and as long  
1088 as necessary to prevent the unauthorized disclosure of any  
1089 information under this section.

1090 Section 28. Section 796.001, Florida Statutes, is amended  
1091 to read:



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1092           796.001 Offenses by adults involving minors; intent.—It is  
1093 the intent of the Legislature that adults who involve minors in  
1094 any behavior prohibited under this chapter be prosecuted under  
1095 other laws of this state, such as, but not limited to, s.  
1096 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071  
1097 ~~chapter 827~~, and chapter 847. The Legislature finds that  
1098 prosecution of such adults under this chapter is inappropriate  
1099 since a minor is unable to consent to such behavior.

1100           Section 29. Section 827.071, Florida Statutes, is  
1101 repealed.

1102           Section 30. Subsections (3), (8), and (16) of section  
1103 847.001, Florida Statutes, are amended to read:

1104           847.001 Definitions.—As used in this chapter, the term:

1105           (3) "Child pornography" has the same meaning as provided  
1106 in s. 847.0137 ~~means any image depicting a minor engaged in~~  
1107 ~~sexual conduct.~~

1108           (8) "Minor" or "child" means a ~~any~~ person under the age of  
1109 18 years.

1110           (16) "Sexual conduct" means actual or simulated sexual  
1111 intercourse, deviate sexual intercourse, sexual bestiality,  
1112 masturbation, or sadomasochistic abuse; actual or simulated lewd  
1113 exhibition of the genitals; actual physical contact with a  
1114 person's clothed or unclothed genitals, pubic area, buttocks,  
1115 or, if such person is a female, breast with the intent to arouse  
1116 or gratify the sexual desire of either party; or any act or



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1117 conduct which constitutes sexual battery or simulates that  
1118 sexual battery is being or will be committed. A mother's  
1119 breastfeeding of her baby does not under any circumstance  
1120 constitute "sexual conduct."

1121 Section 31. Section 847.003, Florida Statutes, is created  
1122 to read:

1123 847.003 Sexual performance by a child; penalties.-

1124 (1) As used in this section, the term:

1125 (a) "Performance" means a play, motion picture,  
1126 photograph, or dance or other visual representation exhibited  
1127 before an audience.

1128 (b) "Promote" means to procure, manufacture, issue, sell,  
1129 give, provide, lend, mail, deliver, transfer, transmute,  
1130 publish, distribute, circulate, disseminate, present, exhibit,  
1131 or advertise or to offer or agree to do the same.

1132 (c) "Sexual performance" means a performance or part  
1133 thereof which includes sexual conduct by a child.

1134 (2) A person who, knowing the character and content  
1135 thereof, employs, authorizes, or induces a child to engage in a  
1136 sexual performance or, being a parent, legal guardian, or  
1137 custodian of such child, consents to the participation by such  
1138 child in a sexual performance commits the offense of use of a  
1139 child in a sexual performance, a felony of the second degree,  
1140 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1141 (3) A person who, knowing the character and content



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1142 thereof, produces, directs, or promotes a performance that  
1143 includes sexual conduct by a child commits the offense of  
1144 promoting a sexual performance by a child, a felony of the  
1145 second degree, punishable as provided in s. 775.082, s. 775.083,  
1146 or s. 775.084.

1147 Section 32. Subsections (2), (3), and (4) of section  
1148 847.0135, Florida Statutes, are amended to read:

1149 847.0135 Computer pornography; child exploitation  
1150 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1151 (2) COMPUTER PORNOGRAPHY.—A person who:

1152 (a) Knowingly compiles, enters into, or transmits by use  
1153 of computer;

1154 (b) Makes, prints, publishes, or reproduces by other  
1155 computerized means;

1156 (c) Knowingly causes or allows to be entered into or  
1157 transmitted by use of computer; or

1158 (d) Buys, sells, receives, exchanges, or disseminates,  
1159

1160 a any notice, statement, or advertisement of a any minor's name,  
1161 telephone number, place of residence, physical characteristics,  
1162 or other descriptive or identifying information for purposes of  
1163 facilitating, encouraging, offering, or soliciting sexual  
1164 conduct of or with a any minor, or the visual depiction of such  
1165 conduct, commits a felony of the third degree, punishable as  
1166 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that

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1167 an undercover operative or law enforcement officer was involved  
1168 in the detection and investigation of an offense under this  
1169 section shall not constitute a defense to a prosecution under  
1170 this section.

1171 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES  
1172 PROHIBITED.—A Any person who knowingly uses a computer online  
1173 service, Internet service, local bulletin board service, or any  
1174 other device capable of electronic data storage or transmission  
1175 to:

1176 (a) Seduce, solicit, lure, or entice, or attempt to  
1177 seduce, solicit, lure, or entice, a child or another person  
1178 believed by the person to be a child, to commit an any illegal  
1179 act described in chapter 794, chapter 800, former s. 827.071 or  
1180 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage  
1181 in any unlawful sexual conduct with a child or with another  
1182 person believed by the person to be a child; or

1183 (b) Solicit, lure, or entice, or attempt to solicit, lure,  
1184 or entice a parent, legal guardian, or custodian of a child or a  
1185 person believed to be a parent, legal guardian, or custodian of  
1186 a child to consent to the participation of such child in an any  
1187 act described in chapter 794, chapter 800, former s. 827.071 or  
1188 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage  
1189 in any sexual conduct,

1190  
1191 commits a felony of the third degree, punishable as provided in



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1192 s. 775.082, s. 775.083, or s. 775.084. A Any person who, in  
1193 violating this subsection, misrepresents his or her age, commits  
1194 a felony of the second degree, punishable as provided in s.  
1195 775.082, s. 775.083, or s. 775.084. Each separate use of a  
1196 computer online service, Internet service, local bulletin board  
1197 service, or ~~any~~ other device capable of electronic data storage  
1198 or transmission wherein an offense described in this section is  
1199 committed may be charged as a separate offense.

1200 (4) TRAVELING TO MEET A MINOR.—A Any person who travels  
1201 any distance either within this state, to this state, or from  
1202 this state by any means, who attempts to do so, or who causes  
1203 another to do so or to attempt to do so for the purpose of  
1204 engaging in an any illegal act described in chapter 794, chapter  
1205 800, former s. 827.071 or chapter 827, s. 847.003, or s.  
1206 847.0137, or to otherwise engage in other unlawful sexual  
1207 conduct with a child or with another person believed by the  
1208 person to be a child after using a computer online service,  
1209 Internet service, local bulletin board service, or ~~any~~ other  
1210 device capable of electronic data storage or transmission to:

1211 (a) Seduce, solicit, lure, or entice or attempt to seduce,  
1212 solicit, lure, or entice a child or another person believed by  
1213 the person to be a child, to engage in an any illegal act  
1214 described in chapter 794, chapter 800, former s. 827.071 or  
1215 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage  
1216 in other unlawful sexual conduct with a child; or





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1217 (b) Solicit, lure, or entice or attempt to solicit, lure,  
1218 or entice a parent, legal guardian, or custodian of a child or a  
1219 person believed to be a parent, legal guardian, or custodian of  
1220 a child to consent to the participation of such child in an any  
1221 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
1222 ~~chapter 827~~, s. 847.003, or s. 847.0137, or to otherwise engage  
1223 in ~~any~~ sexual conduct,

1224

1225 commits a felony of the second degree, punishable as provided in  
1226 s. 775.082, s. 775.083, or s. 775.084.

1227 Section 33. Subsection (1) of section 847.01357, Florida  
1228 Statutes, is amended to read:

1229 847.01357 Exploited children's civil remedy.—

1230 (1) A Any person who, while under the age of 18, was a  
1231 victim of a sexual abuse crime listed in chapter 794, chapter  
1232 800, former s. 827.071 ~~chapter 827~~, or chapter 847, where any  
1233 portion of such abuse was used in the production of child  
1234 pornography, and who suffers personal or psychological injury as  
1235 a result of the production, promotion, or possession of such  
1236 images or movies, may bring an action in an appropriate state  
1237 court against the producer, promoter, or possessor of such  
1238 images or movies, regardless of whether the victim is now an  
1239 adult. In any action brought under this section, a prevailing  
1240 plaintiff shall recover the actual damages such person sustained  
1241 and the cost of the suit, including reasonable attorney



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1242 attorney's fees. A Any victim who is awarded damages under this  
1243 section shall be deemed to have sustained damages of at least  
1244 \$150,000.

1245 Section 34. Section 847.0137, Florida Statutes, is amended  
1246 to read:

1247 847.0137 Child pornography; Transmission of pornography by  
1248 electronic device or equipment prohibited acts; penalties.—

1249 (1) For purposes of this section, the term:

1250 (a) "Minor" means any person less than 18 years of age.

1251 "Child pornography" means a visual depiction of sexual conduct,  
1252 in which:

1253 1. The production of such visual depiction involves the  
1254 use of a minor engaging in sexual conduct; or

1255 2. Such visual depiction has been created, adapted, or  
1256 modified to appear that an identifiable minor is engaging in  
1257 sexual conduct.

1258 (b) "Identifiable minor" means a person who is  
1259 recognizable as an actual person by the person's face, likeness,  
1260 or other distinguishing characteristic, such as a unique  
1261 birthmark, or other recognizable feature and:

1262 1. Who was a minor at the time the visual depiction was  
1263 created, adapted, or modified; or

1264 2. Whose image as a minor was used in creating, adapting,  
1265 or modifying the visual depiction.

1266



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1267 This paragraph does not require proof of the actual identity of  
1268 the identifiable minor.

1269 (c) "Intentionally view" means to deliberately,  
1270 purposefully, and voluntarily view. Proof of intentional viewing  
1271 requires establishing that a person deliberately, purposefully,  
1272 and voluntarily viewed more than one visual depiction over any  
1273 period of time.

1274 (d) "Promote" means to procure, manufacture, issue, sell,  
1275 give, provide, lend, mail, deliver, transfer, transmute,  
1276 publish, distribute, circulate, disseminate, present, exhibit,  
1277 or advertise or to offer or agree to do the same.

1278 (e) ~~(b)~~ "Transmit" means the act of sending and causing to  
1279 be delivered, including the act of providing access for  
1280 receiving and causing to be delivered, a visual depiction any  
1281 image, information, or data ~~from one or more persons or places~~  
1282 ~~to one or more other persons or places~~ over or through any  
1283 medium, including the Internet or an interconnected network, by  
1284 use of any electronic equipment or other device.

1285 (f) "Visual depiction" includes, but is not limited to, a  
1286 photograph, picture, image, motion picture, film, video,  
1287 representation, or computer or computer-generated image or  
1288 picture, whether made or produced by electronic, mechanical, or  
1289 other means. The term also includes undeveloped film and  
1290 videotape, data stored on computer disk or by electronic means  
1291 which is capable of conversion into a visual image, and data



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1292 that is capable of conversion into a visual image that has been  
1293 transmitted by any means, whether stored in a permanent or  
1294 nonpermanent format.

1295 (2) (a) It is unlawful for a person to possess, with the  
1296 intent to promote, child pornography. The possession of three or  
1297 more visual depictions of child pornography is prima facie  
1298 evidence of an intent to promote. A person who violates this  
1299 paragraph commits a felony of the second degree, punishable as  
1300 provided in s. 775.082, s. 775.083, or s. 775.084.

1301 (b) It is unlawful for a person to knowingly possess,  
1302 control, or intentionally view child pornography. The  
1303 possession, control, or intentional viewing of each visual  
1304 depiction of child pornography is a separate offense. If the  
1305 visual depiction includes sexual conduct by more than one minor,  
1306 each minor in each visual depiction that is knowingly possessed,  
1307 controlled, or intentionally viewed is a separate offense. A  
1308 person who violates this paragraph commits a felony of the third  
1309 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1310 775.084.

1311 (c) This subsection does not apply to child pornography  
1312 possessed, controlled, or intentionally viewed as part of a law  
1313 enforcement investigation.

1314 (d) Prosecution of a person for an offense under this  
1315 subsection does not prohibit prosecution of that person in this  
1316 state for a violation of any law of this state, including a law



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1317 providing for greater penalties than prescribed in this section  
1318 or for any other crime punishing the sexual performance or  
1319 sexual

1320

1321

1322

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**T I T L E   A M E N D M E N T**

1323  
1324       Remove lines 9-211 and insert:

1325 of Children and Families which require the department to provide  
1326 notice to the school superintendent; conforming provisions to  
1327 changes made by the act; amending s. 39.0139, F.S.; revising the  
1328 type of offenses that create a rebuttable presumption of  
1329 detriment for judicial determinations related to contact between  
1330 a parent or caregiver and certain child victims; conforming  
1331 provisions to changes made by the act; amending s. 39.301, F.S.;  
1332 conforming provisions to changes made by the act; amending s.  
1333 39.509, F.S.; revising the offenses that may be considered in  
1334 determining whether grandparental visitation is in the child's  
1335 best interest; conforming provisions to changes made by the act;  
1336 amending s. 90.404, F.S.; conforming provisions to changes made  
1337 by the act; amending s. 92.56, F.S.; revising the offenses for  
1338 which a criminal defendant may seek an order of disclosure for  
1339 certain confidential and exempt court records, for which the  
1340 state may use a pseudonym instead of the victim's name, and for  
1341 which a publication or broadcast of trial testimony may not

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1342 include certain victim identifying information; conforming  
1343 provisions to changes made by the act; amending ss. 92.561,  
1344 92.565, and 435.04, F.S.; conforming provisions to changes made  
1345 by the act; amending s. 435.07, F.S.; revising the offenses that  
1346 disqualify certain child care personnel from specified  
1347 employment; conforming provisions to changes made by the act;  
1348 amending s. 456.074, F.S.; revising the offenses for which the  
1349 licenses of massage therapists and massage establishments must  
1350 be suspended; conforming provisions to changes made by the act;  
1351 amending ss. 480.041 and 480.043, F.S.; revising the offenses  
1352 for which applications for licensure as a massage therapist or  
1353 massage establishment must be denied; conforming provisions to  
1354 changes made by the act; amending s. 743.067, F.S.; revising the  
1355 offenses for which an unaccompanied homeless youth may consent  
1356 to specified treatment, care, and examination; conforming  
1357 provisions to changes made by the act; amending ss. 772.102 and  
1358 775.082, F.S.; conforming provisions to changes made by the act;  
1359 amending s. 775.0847, F.S.; revising definitions; conforming  
1360 provisions to changes made by the act; amending ss. 775.0877,  
1361 775.21, 775.215, 784.046, and 794.0115, F.S.; conforming  
1362 provisions to changes made by the act; amending s. 794.024,  
1363 F.S.; revising the offenses for which certain victim information  
1364 may not be disclosed by public employees or officers; providing  
1365 penalties; conforming provisions to changes made by the act;  
1366 amending s. 794.056, F.S.; conforming provisions to changes made

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1367 by the act; creating s. 794.10, F.S.; providing definitions;  
1368 authorizing subpoenas in certain investigations of sexual  
1369 offenses involving child victims and specifying requirements  
1370 therefor; providing for specified reimbursement of witnesses;  
1371 authorizing certain motions; requiring nondisclosure of the  
1372 existence or contents of the subpoenas in certain circumstances;  
1373 providing exceptions to such nondisclosure requirement;  
1374 requiring certain notice to be provided in a subpoena that  
1375 contains a nondisclosure requirement; exempting certain records,  
1376 objects, and other information from production; providing for  
1377 the return of records, objects, and other information produced;  
1378 specifying time periods within which records, objects, and other  
1379 information must be returned; providing for service and  
1380 enforcement of the subpoenas; providing penalties for a  
1381 violation of the subpoena or nondisclosure requirement;  
1382 providing immunity for certain persons complying with the  
1383 subpoenas in certain circumstances; providing for judicial  
1384 review and extension of such nondisclosure requirement and  
1385 specifying requirements therefor; amending s. 796.001, F.S.;  
1386 conforming provisions to changes made by the act; repealing s.  
1387 827.071, F.S., relating to sexual performance by a child;  
1388 amending s. 847.001, F.S.; revising definitions; creating s.  
1389 847.003, F.S.; providing definitions; prohibiting a person from  
1390 using a child in a sexual performance or promoting a sexual  
1391 performance by a child; providing penalties; amending s.

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1392 847.0135, F.S.; providing for separate offenses of computer  
1393 pornography and child exploitation under certain circumstances;  
1394 conforming provisions to changes made by the act; amending s.  
1395 847.01357, F.S.; conforming provisions to changes made by the  
1396 act; amending s. 847.0137, F.S.; revising and providing  
1397 definitions; prohibiting a person from possessing, with the  
1398 intent to promote, child pornography; prohibiting a person from  
1399 knowingly possessing, controlling, or intentionally viewing  
1400 child pornography; providing penalties; providing application  
1401 and construction; providing for separate offenses of  
1402 transmission of child pornography under certain circumstances;  
1403 amending ss. 856.022, 895.02, 905.34, and 934.07, F.S.;  
1404 conforming provisions to changes made by the act; amending s.  
1405 938.085, F.S.; revising the offenses for which a surcharge to be  
1406 deposited into the Rape Crisis Program Trust Fund shall be  
1407 imposed; conforming provisions to changes made by the act;  
1408 amending s. 938.10, F.S.; revising the offenses for which an  
1409 additional court cost shall be imposed; conforming provisions to  
1410 changes made by the act; amending ss. 943.0435, 943.04354,  
1411 943.0585, 943.059, 944.606, 944.607, and 947.1405, F.S.;  
1412 conforming provisions to changes made by the act; amending s.  
1413 948.013, F.S.; revising the list of offenses that make an  
1414 offender ineligible for placement on administrative probation  
1415 during specified time periods; amending ss. 948.03, and 948.04,  
1416 F.S.; conforming provisions to changes made by the act; amending

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1417 s. 948.06, F.S.; revising the offenses that constitute a  
1418 qualifying offense for purposes relating to a violation of  
1419 probation or community control; conforming provisions to changes  
1420 made by the act; amending ss. 948.062, 948.101, 948.30, 948.32,  
1421 960.03, and 960.197, F.S.; conforming provisions to changes made  
1422 by the act; amending s. 985.04, F.S.; revising the types of  
1423 offenses committed by a child in certain custody or supervision  
1424 of the Department of Juvenile Justice which require the  
1425 department to provide notice to the school superintendent;  
1426 conforming provisions to changes made by the act; amending ss.  
1427 985.475 and 1012.315, F.S.; conforming provisions to changes  
1428 made by the act; amending s. 921.0022, F.S.; ranking the offense  
1429 of solicitation of a child via a computer service while  
1430 misrepresenting one's age on the offense severity ranking chart;  
1431 conforming provisions to changes made by the act; providing a  
1432 directive to the Division of Law Revision and Information;  
1433 reenacting ss. 39.402(9)(a), 39.506(6), 39.509(6)(b),  
1434 39.521(3)(d), 39.524(1), 39.806(1)(d) and (n), 63.089(4)(b),  
1435 63.092(3), 68.07(3)(i) and (6), 92.55(1)(b), 92.605(1)(b),  
1436 322.141(3), 381.004(2)(h), 384.29(1)(c) and (3), 390.01114(2)(b)  
1437 and (e), 393.067(4)(h), (7), and (9), 394.495(4)(p),  
1438 394.9125(2)(a), 397.4872(2)(a) and (c), 409.1678(1)(c) and  
1439 (6)(a) and (b), 435.07(4)(b), 655.50(3)(g), 741.313(1)(e),  
1440 775.084(4)(j), 775.0862(2), 775.13(4)(e) and (f), 775.21(3)(b),  
1441 (5)(d), (6)(f), and (10)(c), 775.24(2), 775.25, 775.261(3)(b),

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1442 784.049(2)(d), 794.011(2)(a), (3), (4), and (5), 794.03,  
1443 794.075(1), 847.002(1)(b), (2), and (3), 847.012(3)(b),  
1444 847.01357(3), 847.0138(2) and (3), 896.101(2)(g) and (10),  
1445 903.0351(1)(b) and (c), 903.046(2)(m), 905.34(3),  
1446 921.0022(3)(g), 921.141(6)(o), 921.187(1)(n), 943.0435(3),  
1447 (4)(a), and (5), 943.0436(2), 943.325(2)(g), 944.11(2),  
1448 944.607(4)(a) and (9), 944.608(7), 944.609(4), 944.70(1),  
1449 947.13(1)(f), 947.1405(2)(c) and (12), 947.141(1), (2), and (7),  
1450 948.06(8)(b) and (d), 948.063, 948.064(4), 948.08(7)(a),  
1451 948.12(3), 948.30(3)(b) and (4), 948.31, 951.27, 960.003(2)(a)  
1452 and (b) and (3)(a), 960.065(5), 984.03(2), 985.0301(5)(c),  
1453 985.04(6)(b), 985.441(1)(c), 985.4815(9), and 1012.467(2)(g),  
1454 F.S., relating to placement in a shelter, arraignment hearings,  
1455 grandparents rights, disposition hearings, safe-harbor  
1456 placement, grounds for termination of parental rights,  
1457 proceedings to terminate parental rights pending adoption,  
1458 report to the court of intended placement by an adoption entity,  
1459 change of name, proceedings involving certain victims or  
1460 witnesses, production of certain records, color or markings of  
1461 certain licenses or identification cards, HIV testing,  
1462 confidentiality, the Parental Notice of Abortion Act, facility  
1463 licensure, the child and adolescent mental health system of  
1464 care, authority of a State Attorney to refer a person for civil  
1465 commitment, exemption from disqualification, specialized  
1466 residential options for children who are victims of sexual

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1467 exploitation, exemptions from disqualification, Florida Control  
1468 of Money Laundering and Terrorist Financing in Financial  
1469 Institutions Act, unlawful action against employees seeking  
1470 protection, violent career criminals, habitual felony offenders,  
1471 and habitual violent felony offenders, sexual offenses against  
1472 students by authority figures, registration of convicted felons,  
1473 the Florida Sexual Predators Act, duty of the court to uphold  
1474 laws governing sexual predators and sexual offenders,  
1475 prosecutions for acts or omissions, career offender  
1476 registration, sexual cyberharassment, sexual battery, publishing  
1477 or broadcasting information identifying sexual offense victims,  
1478 sexual predators and erectile dysfunction drugs, child  
1479 pornography prosecutions, sale or distribution of harmful  
1480 materials to minors or using minors in production, civil  
1481 remedies for exploited children, transmission of material  
1482 harmful to minors to a minor by electronic devices, the Florida  
1483 Money Laundering Act, restrictions on pretrial release pending  
1484 probation-violation hearings or community-control-violation  
1485 hearings, purposes of and criteria for bail determination, the  
1486 powers and duties of a statewide grand jury, the offense  
1487 severity ranking chart of the Criminal Punishment Code, sentence  
1488 of death or life imprisonment for capital felonies, disposition  
1489 and sentencing alternatives, sexual offenders required to  
1490 register with the Department of Law Enforcement, duty of the  
1491 court to uphold laws governing sexual predators and sexual

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1492 offenders, DNA database, regulation by the Department of  
1493 Corrections of the admission of books, notification to the  
1494 Department of Law Enforcement of information on sexual  
1495 offenders, notification to the Department of Law Enforcement  
1496 concerning career offenders, career offenders and notification  
1497 upon release, conditions for release from incarceration, powers  
1498 and duties of the Florida Commission on Offender Review,  
1499 conditional release

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

HB 7051 : Clerks of the Circuit Court

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander		X			
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller		X			
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett		X			
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 14</b>	<b>Total Nays: 3</b>			

### Appearances:

Baggett, Fred (Lobbyist) - Information Only  
Florida Association of Court Clerks & Comptrollers  
101 E College Ave  
Tallahassee FL 32301  
Phone: (850) 222-6891

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM

**House of Representatives  
COMMITTEE/SUBCOMMITTEE BILL ACTION WORKSHEET**

Committee/Subcommittee: JDC  
 Meeting Date: \_\_\_\_\_  
 Place: 404 HOB  
 Time: \_\_\_\_\_

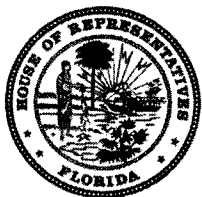
Bill Number: 7051  
 Date Received: \_\_\_\_\_  
 Date Reported: \_\_\_\_\_  
 Subject: \_\_\_\_\_

**Council/Committee Action:**

- |  |   |
|--|---|
| <input type="checkbox"/> Favorable                                     | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments                 | <input type="checkbox"/> Reconsidered                 |
| <input type="checkbox"/> Favorable w/Committee/Subcommittee Substitute | <input type="checkbox"/> Temporarily Postponed        |
| <input type="checkbox"/> Other Action: _____                           | <input type="checkbox"/> Unfavorable                  |

MEMBERS	Final Vote On Bill									
	Yea	Nay	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
Alexander		1								
Burgess	1									
Cortes, J.										
Diamond										
Fant	4									
Fitzenhagen	5									
Geller		2								
Gonzalez	6									
Irall	7									
Hager	<hr/>									
Harrison	8									
Metz	9									
Moraitis	10									
Plakon	11									
Pritchett		3								
Spano	12									
Stafford	13									
Chair Sprowls	14									
	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
<b>TOTALS</b>										

(14) (3)



Spoke

### COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>7051</u>	
Amendment Number: _____	

Name: Fred Baggett

Representing: Fl. Association of Court Clerks

Title: \_\_\_\_\_

Address: 101 E. College Ave.

City: Tallahassee State/Zip: Fl 32301

Phone Number: 591 0915 Meeting Date: 4/12/17

Committee/Subcommittee: House Judiciary

Presentation/Workshop Topic: \_\_\_\_\_

Registered Lobbyist: YES  NO

State Employee: YES  NO

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

**Bill:** Proponent  Opponent  Info only

**Amendment:** Proponent  Opponent  Info only

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/13/2017 8:00AM

Location: Sumner Hall (404 HOB)

HB 7053 : Pub. Rec./Minor Victims of Sexual Offenses

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ramon Alexander	X				
Daniel Burgess, Jr.	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Heather Fitzenhagen	X				
Joseph Geller	X				
Julio Gonzalez	X				
Erin Grall	X				
Bill Hager			X		
Shawn Harrison	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Scott Plakon	X				
Sharon Pritchett	X				
Ross Spano	X				
Cynthia Stafford	X				
Chris Sprowls (Chair)	X				
	<b>Total Yeas: 17</b>	<b>Total Nays: 0</b>			

### Appearances:

Bishop, Barney (Lobbyist) - Waive In Support

Florida Smart Justice Alliance

Pres & CEO

204 S Monroe St Ste 201

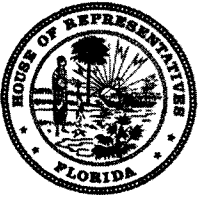
Tallahassee FL 32301

Phone: (850) 907-3436

Committee meeting was reported out: Thursday, April 13, 2017 10:35AM







COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

WIS

Please fill out the entire form and submit both copies to the Committee Administrative Assistant at the meeting.

<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Amendment
Bill/PCS/PCB Number: <u>7053</u>	
Amendment Number: _____	

Name: Barney Bishop

Representing: Fla. Smart Justice Alliance

Title: Pres & CEO

Address: 204 S. Monroe

City: Tall State/Zip: FL 32301

Phone Number: 850.510.9922 Meeting Date: 13 Apr 17

Committee/Subcommittee: Judiciary

Presentation/Workshop Topic: Public Records - Sexual Offense

Registered Lobbyist: YES  NO

State Employee: YES  NO

Waive in Support

- I wish to speak
- Appearing in response to an inquiry for information made by member, committee, or staff
- Appearing in response to subpoena
- Appearing at the written request of the chair
- Judge or elected officer appearing in official capacity
- Lobbyist Appearance form submitted online

(If you are testifying on an amendment, please also indicate your position as a proponent or opponent on the bill as a whole.)

Bill: Proponent  Opponent  Info only

Amendment: Proponent  Opponent  Info only