



Justice Appropriations Subcommittee

Wednesday, November 16, 2011

8:00 a.m. – 10:30 a.m.

Morris Hall

ACTION PACKET

Dean Cannon
Speaker

Richard Glorioso
Chair

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

11/16/2011 8:00:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Richard Glorioso (Chair)	X		
Eric Eisnaugle	X		
James Grant	X		
Gayle Harrell	X		
Charles McBurney	X		
Larry Metz	X		
W. Keith Perry	X		
Ray Pilon	X		
Ari Porth	X		
Ronald Renuart	X		
Darryl Rouson	X		
Irving Slosberg	X		
Darren Soto	X		
Cynthia Stafford	X		
W. Gregory Steube	X		
Totals:	15	0	0

Committee meeting was reported out: Wednesday, November 16, 2011 3:45:49PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 135 (2012)

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WITHDRAWN	—	(Y/N)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	—	

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Ray offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove lines 69-138 and insert:

7 (6) The clerk of the court shall collect and dispense cost
8 payments in any case regardless of whether the disposition of
9 the case takes place before the judge in open court or in any
10 other manner provided by law.

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16 **D I R E C T O R Y A M E N D M E N T**

17 Remove lines 50-51 and insert:

18 Section 2. Subsections (1) and (6) of Section 938.27,
19 Florida Statutes, are amended to read:

Amendment No. 1

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

Remove lines 11-15 and insert:
under specified provisions; clarifying the types of cases that
are

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

11/16/2011 8:00:00AM

Location: Morris Hall (17 HOB)

HB 135 : Costs of Prosecution, Investigation, and Representation

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Eric Eisnaugle	X				
James Grant				X	
Gayle Harrell	X				
Charles McBurney				X	
Larry Metz	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Ronald Renuart	X				
Darryl Rouson		X			
Irving Slosberg			X		
Darren Soto	X				
Cynthia Stafford		X			
W. Gregory Steube	X				
Richard Glorioso (Chair)	X				
Total Yeas: 10		Total Nays: 2			

HB 135 Amendments

Amendment 957759

Adopted Without Objection

Appearances:

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

Honorable Nancy Daniels - Waive In Support
 FL Public Defenders Association, Inc.
 Leon County Courthouse 4th Floor
 Tallahassee FL 32301
 Phone: 850-606-1010

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COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

11/16/2011 8:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 183 : Misdemeanor Pretrial Substance Abuse Programs

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Eric Eisnaugle		X			
James Grant	X				
Gayle Harrell	X				
Charles McBurney	X				
Larry Metz	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Ronald Renuart	X				
Darryl Rouson	X				
Irving Slosberg				X	
Darren Soto	X				
Cynthia Stafford	X				
W. Gregory Steube	X				
Richard Glorioso (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Appearances:

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

Dudley, Charles (Lobbyist) (General Public) - Proponent
 Florida Cable Telecommunications Association, Inc
 246 E 6th Ave
 Tallahassee FL undefined
 Phone: (850)681-0024

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COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

11/16/2011 8:00:00AM

Location: Morris Hall (17 HOB)

HB 189 : Unauthorized Copying of Recordings

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Eric Eisnaugle	X				
James Grant	X				
Gayle Harrell	X				
Charles McBurney	X				
Larry Metz	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Ronald Renuart	X				
Darryl Rouson	X				
Irving Slosberg				X	
Darren Soto	X				
Cynthia Stafford	X				
W. Gregory Steube	X				
Richard Glorioso (Chair)	X				
Total Yeas: 14		Total Nays: 0			

HB 189 Amendments

Amendment 981499

Adopted Without Objection

Appearances:

Jennifer Pariser - Proponent
 Recording Industry Association of America
 1024 F. St. NW
 Washington DC 20004
 Phone: 202-857-9605

Rafael Fernandez - Proponent
 Recording Industry Association of America
 10451 NW 117th Avenue, Suite 105
 Miami FL 33178
 Phone: 305-219-4372

Andrew Fay (Lobbyist) (State Employee) - Proponent
 Attorney General's Office
 PL 02
 Tallahassee FL 32399
 Phone: 850-245-0187

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Justice Appropriations Subcommittee

11/16/2011 8:00:00AM

Location: Morris Hall (17 HOB)

Jim Previterra - Proponent
Hillsborough County Sheriff's Office
2008 East 8th Avenue
Tampa FL 33605
Phone: 813-363-0375

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 189 (2012)

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	—	

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Young offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove lines 22-69 and insert:

7 (3)(a) It is unlawful:

8 1. To sell or offer for sale or resale, advertise, cause
9 the sale or resale of, rent, transport or cause to be rented or
10 transported, or possess for any of these purposes any article
11 with the knowledge, or with reasonable grounds to know, that the
12 sounds thereon have been transferred without the consent of the
13 owner.

14 2. To sell or offer for sale or resale, advertise, cause
15 the sale or resale of, rent, transport or cause to be rented or
16 transported, or possess for any of these purposes any article
17 embodying any performance, whether live before an audience or
18 transmitted by wire or through the air by radio or television,

Amendment No.

19 with the knowledge that they were recorded without the consent
20 of the performer.

21 3. Knowingly, for commercial advantage or private
22 financial gain to sell or resell, offer for sale or resale,
23 advertise, cause the sale or resale of, rent, transport or cause
24 to be rented or transported, or possess for such purposes, any
25 phonograph record, disk, wire, tape, film, or other article on
26 which sounds are recorded, unless the outside cover, box, or
27 jacket clearly and conspicuously discloses the actual name and
28 address of the manufacturer thereof, and the name of the actual
29 performer or group.

30 (b)1. A person who violates paragraph (a) commits a felony
31 of the third degree, punishable as provided in s. 775.082, by a
32 fine of up to \$250,000, or both if the offense involves at least
33 1,000 unauthorized articles embodying sound or at least 65
34 unauthorized audiovisual articles during any 180-day period or
35 is a second or subsequent conviction under either this
36 subparagraph or subparagraph 2. of this subsection.

37 2. A person who violates paragraph (a) commits a felony of
38 the third degree, punishable as provided in s. 775.082, by a
39 fine of up to \$150,000, or both if the offense involves more
40 than 100 but less than 1,000 unauthorized articles embodying
41 sound or more than 7 but less than 65 unauthorized audiovisual
42 articles during any 180-day period.

43 3. A person who otherwise violates this subsection commits
44 a misdemeanor of the first degree, punishable as provided in s.
45 775.082, by a fine of up to \$25,000, or both.

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46 4. A person who is convicted of violating subparagraph
47 (a)3. shall be ordered to make restitution to any owner or
48 lawful producer of a master recording that has suffered injury
49 resulting from the crime, or to the trade association
50 representing such owner or lawful producer. The order of
51 restitution shall be based on the aggregate wholesale value of
52 lawfully manufactured and authorized recordings corresponding to
53 the number of nonconforming recordings involved in the offense
54 unless a greater value can be proven. The order of restitution
55 shall also include investigative costs relating to the offense.

56 (6) This section does not apply:

57 (a) To any broadcaster who, in connection with, or as part
58 of, a radio, television, or cable broadcast transmission, or for
59 the purpose of archival preservation, transfers any such sounds
60 recorded on a sound recording.

61 (b) To any person who transfers such sounds in the home
62 for personal use and without compensation for such transfer.

63 (c) To any not-for-profit educational institution or any
64 federal or state governmental entity, if all the following
65 conditions exist:

66 1. The primary purpose of the institution or entity is the
67 advancement of the public's knowledge and the dissemination of
68 information.

69 2. Such purpose is clearly set forth in the institution's
70 or entity's charter, bylaws, certificate of incorporation, or
71 similar document.

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72 3. Prior to the transfer of the sounds, the institution or
73 entity has made a good faith effort to identify and locate the
74 owner or owners of the articles to be transferred.

75 4. Despite good faith efforts, the owner or owners have
76 not been located.

77 (d) To any provider of online services or network access,
78 the operator of facilities thereof, or any entity that provides
79 the transmission, routing, or connections for online
80 communications, between or among points specified by a user or
81 material of the user's choosing, without modification to the
82 content of the material as sent or received, by virtue of being
83 used by another person to transport any article or communicate
84 regarding any article, unless such service provider;

85 1. Knowingly and willfully aids and abets a violation of
86 this Section, or

87 2. Is substantially engaged in the unlawful reproduction,
88 distribution, or public performance of sound recordings.

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96 **D I R E C T O R Y A M E N D M E N T**

97 Remove lines 17-18 and insert:

98 Section 1. Subsections (3) and (6) of section 540.11, Florida
99 Statutes, are amended to read:

Amendment No.

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

Remove line 9 and insert:

A restitution amount; providing exemptions; amending s.775.089,
F.S.;

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

11/16/2011 8:00:00AM

Location: Morris Hall (17 HOB)

Presentation/Workshop/Other Business Appearances:

Kevin Kidd - Information Only
Fl Alliance of Boys & Girls Club
P.O. Box 251
Greenville FL 32347
Phone: 850-643-6139

Chris Lestos - Information Only
Boys & Girls Club of Tampa Bay
1307 North MacDill Avenue
Tampa FL 33607
Phone: 813-769-7528

London Reeves - Information Only
Boys & Girls Club of St. Lucie
607 N. 7th Street, Suite 1
Fort Pierce FL 34950
Phone: 772-460-9918

Golden Monik - Information Only
Boys & Girls Club of Sarasota
1790 21st Street
Sarasota FL 34234
Phone: 941-953-9549

Rusty McLaughlin (State Employee) - Information Only
Department of Corrections
501 S. Calhoun Street
Tallahassee FL 32399
Phone: 850-717-3558

Boys & Girls Club Funding
Keith Blanchard - Information Only
Boys & Girls Club of Alachua County
2700 NW 51 st Street
Gainesville FL 32606
Phone: 352-372-5342

DOC Assessment Presentation
Vicki Lukis - Information Only
Florida TaxWatch Center for Smart Justice
836 Madrid Street
Coral Gables FL 33134
Phone: 305-216-7794

Gang & Delinquency Prevention
Danny Lyons - Information Only
Fl Alliance of Boys & Girls Club
P.O. Box 1753
Tallahassee FL 32302
Phone: 772-263-2723

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11/16/2011 8:00:00AM

Location: Morris Hall (17 HOB)

Outward Bound

Erin Daly - Information Only

Outward Bound

110 East College Avenue

Tallahassee FL 32301

Phone: 850-728-6387

Revenue Stabilization

Karen Rushing - Information Only

Sarasota Clerk of Courts

2000 Main Street

Sarasota FL

Phone: 941-861-7605

Revenue Stabilization

Aimee Diaz Lyon (Lobbyist) - Information Only

The Florida Bar

215 South Monroe Street

Tallahassee FL 32301

Phone: 850-205-9000

Revenue Stabilization

John F. Laurent (Lobbyist) - Information Only

Court System

P.O. Box 1018

Bartow FL 33831

Phone: 863-205-1720

Risk Assessment

Petrila, John (State Employee) - Information Only

USF Criminal Justice, Mental Health

13301 Bruce B. Downs Blvd.

Tampa FL 33612

Phone: (813) 974-9301

Risk Assessment

Flynn, Mark (Lobbyist) (General Public) - Proponent

Associated Industries of Florida - Smart Justice Council

516 North Adams Street

Tallahassee Florida undefined

Phone: 850-224-7173

Risk Assessment

Maggie Agerton (State Employee) - Information Only

Department of Corrections

501 S. Calhoun Street

Tallahassee FL 32399

Phone: 850-717-3174

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Location: Morris Hall (17 HOB)

Risk Assessment

Bradford Locke (State Employee) - Information Only

Department of Corrections

501 S. Calhoun Street

Tallahassee FL 32399

Phone: 850-717-3556

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