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# **Criminal Justice Subcommittee**

**Thursday January 12<sup>th</sup>, 2012**

**8:30 AM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Gayle Harrell  
Chair**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/12/2012 8:30:00AM

Location: 404 HOB

### Summary:

#### Criminal Justice Subcommittee

Thursday January 12, 2012 08:30 am

HB 233	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 574529 Adopted Without Objection		
HB 729	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 494729 Adopted Without Objection		
HB 759	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 356945 Adopted Without Objection		
HB 777	Favorable	Yeas: 14	Nays: 0
PCB CRJS 12-01	Favorable	Yeas: 15	Nays: 0

Committee meeting was reported out: Thursday, January 12, 2012 10:49:11AM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/12/2012 8:30:00AM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Gayle Harrell (Chair)	X		
Dwight Bullard	X		
Daphne Campbell	X		
Jose Diaz	X		
Richard Glorioso	X		
James Grant	X		
John Julien	X		
Charles McBurney	X		
W. Keith Perry	X		
Ray Pilon	X		
Irving Slosberg	X		
Carlos Trujillo	X		
Charles Van Zant	X		
Barbara Watson	X		
Dana Young	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Thursday, January 12, 2012 10:49:11AM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/12/2012 8:30:00AM

Location: 404 HOB

### HB 233 : Substance Abuse Education and Intervention Programs

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Jullen	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### HB 233 Amendments

#### Amendment 574529

Adopted Without Objection

### Appearances:

Fontaine, Mark (Lobbyist) - Waive In Support  
Florida Alcohol & Drug Abuse Association, Inc  
2868 Mahan Dr Ste 1  
Tallahassee FL 32308  
Phone: (850) 878-2196

Committee meeting was reported out: Thursday, January 12, 2012 10:49:11AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 233 (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 \_\_\_\_\_

FAVORABLE  
1/12/12

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Rouson offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (2) of section 948.15, Florida  
8 Statutes, is amended to read:

9 948.15 Misdemeanor probation services.—

10 (2) (a) A private entity or public entity under the  
11 supervision of the board of county commissioners or the court  
12 may provide probation services for offenders sentenced by the  
13 county court.

14 (b) Where the board of county commissioners or court has  
15 established a misdemeanor probation program targeting defendants  
16 convicted of a misdemeanor for possession of a controlled  
17 substance or drug paraphernalia under chapter 893, probation  
18 supervision services for such persons shall be provided by a  
19 licensed substance abuse education and intervention provider.

Amendment No. 1

20 Such providers shall provide substance abuse education and  
21 intervention services as well as probation supervision services.

22 Section 2. This act shall take effect July 1, 2012.

23  
24 -----  
25 **T I T L E A M E N D M E N T**

26 Remove the entire title and insert:

27 An act relating to misdemeanor probation services; amending  
28 s. 948.15, F.S.; requiring probation supervision services for  
29 defendants found guilty of certain misdemeanor controlled  
30 substance offenses to be provided by a licensed substance abuse  
31 education and intervention provider in certain instances;  
32 requiring a licensed substance abuse education and intervention  
33 provider to provide substance abuse education and intervention  
34 services and probation supervision services; providing an  
35 effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/12/2012 8:30:00AM

Location: 404 HOB

**HB 729 : Hiring, Leasing, or Obtaining Personal Property or Equipment with Intent to Defraud**

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### HB 729 Amendments

#### Amendment 494729

Adopted Without Objection

### Appearances:

Dughi, Leslie (Lobbyist) - Waive In Support  
Enterprise Leasing Company of Florida, LLC  
101 E. College Avenue  
Tallahassee FL 32303  
Phone: (850) 222-6891

Bell, Doug (Lobbyist) - Waive In Support  
Attorney, Avis Budget Group  
215 S. Monroe  
Tallahassee FL 32301  
Phone: (850) 222-3533

Committee meeting was reported out: Thursday, January 12, 2012 10:49:11AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 729 (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 \_\_\_\_\_

FAVORABLE  
1/12/12

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Pilon offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 70-104 and insert:

7 (4) EVIDENCE.-

8 (a) In prosecutions under this section, obtaining the  
9 property or equipment under false pretenses; absconding without  
10 payment; or removing or attempting to remove the property or  
11 equipment from the county without the express written consent of  
12 the lessor, is prima facie evidence of fraudulent intent.

13 (b) In a prosecution under subsection (3), failure to  
14 redeliver the property or equipment within 5 days after  
15 receiving the demand for return from a courier service with  
16 tracking capability or by certified mail, return receipt  
17 requested, after receipt of, or within 5 days after delivery by  
18 the courier service or return receipt from, the certified  
19 mailing of the demand for return is prima facie evidence of



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 729 (2012)

Amendment No. 1

20 abandonment or refusal to redeliver the property. Notice mailed  
21 by a courier service with tracking capabilities or by certified  
22 mail, return receipt requested, to the address given by the  
23 renter at the time of rental shall be deemed sufficient and  
24 equivalent to notice having been received by the renter, if  
25 ~~should~~ the notice is ~~be~~ returned undelivered.

26 (c) In a prosecution under subsection (3), failure to pay  
27 any amount due which is incurred as the result of the failure to  
28 redeliver property or equipment after the rental period expires,  
29 and after the demand for return is made, is prima facie evidence  
30 of abandonment or refusal to redeliver the property or  
31 equipment. Amounts due include unpaid rental for the time period  
32 during which the property or equipment was not returned and  
33 include the lesser of the cost of repairing or replacing the  
34 property or equipment if it has been damaged.

35 (5) DEMAND FOR RETURN.—Demand for return of overdue  
36 property or equipment and for payment of amounts due may be made  
37 in person, by hand delivery, courier service with tracking  
38 capabilities, or by certified mail, return receipt requested,  
39 addressed to the lessee's address shown in the rental contract.  
40  
41

42 -----  
43 **T I T L E A M E N D M E N T**

44 Remove lines 7-10 and insert:  
45 providing examples of prima facie evidence to be used in  
46 prosecutions of this section;

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/12/2012 8:30:00AM

Location: 404 HOB

### HB 759 : False Reports to Law Enforcement Officers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg			X		
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### HB 759 Amendments

#### Amendment 356945

Adopted Without Objection

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 759 (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 \_\_\_\_\_

FAVORABLE  
1/12/12

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Hager offered the following:

4  
5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 837.05, Florida Statutes, is amended to  
8 read:

9 837.05 False reports to law enforcement authorities.—

10 (1) Except as provided in subsection (2), a person who  
11 ~~whoever~~ knowingly gives false information to a any law  
12 enforcement officer concerning the alleged commission of any  
13 crime, commits:

14 (a) For a first offense resulting in conviction, a  
15 misdemeanor of the first degree, punishable as provided in s.  
16 775.082 or s. 775.083.

17 (b) For a second or subsequent offense resulting in  
18 conviction, a felony of the third degree, punishable as provided  
19 in s. 775.082, s. 775.083, or s. 775.084.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 759 (2012)

Amendment No. 1

20 (2) A person who ~~whoever~~ knowingly gives false information  
21 to a law enforcement officer concerning the alleged commission  
22 of a capital felony, commits a felony of the third degree,  
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
24 Section 2. This act shall take effect October 1, 2012.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/12/2012 8:30:00AM

Location: 404 HOB

HB 777 : Securities Law Violations

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso			X		
James Grant	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### Appearances:

Pewitt, Jacob (Lobbyist) (State Employee) - Waive In Support  
Deputy Chief of Staff, Office of Financial Regulation  
200 E. Gaines St. Suite 118  
Tallahassee FL 32399  
Phone: (850) 410-9665

Committee meeting was reported out: Thursday, January 12, 2012 10:49:11AM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

1/12/2012 8:30:00AM

Location: 404 HOB

PCB CRJS 12-01 : Sexual Offenses

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

Book, Ron (Lobbyist) - Proponent  
Lauren's Kids and FL Council Against Sexual Violence  
104 W. Jefferson  
Tallahassee FL 32301  
Phone: (850) 224-3427

Poore, Terri (Lobbyist) - Proponent  
Director of Public Affairs, Florida Council Against Sexual Violence  
1820 East Park Avenue Suite 100  
Tallahassee FL 32301  
Phone: (850) 297-2000

Committee meeting was reported out: Thursday, January 12, 2012 10:49:11AM