



Criminal Justice Subcommittee

Tuesday January 17th, 2012

8:30 AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**Gayle Harrell
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 8:30:00AM

Location: 404 HOB

Summary:

Criminal Justice Subcommittee

Tuesday January 17, 2012 08:30 am

HB 117	Favorable With Committee Substitute	Yeas: 10	Nays: 0
	Amendment 924587 Adopted Without Objection		
HB 367	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 655069 Adopted Without Objection		
HB 583	Favorable	Yeas: 14	Nays: 0
	Amendment 128891 Withdrawn		
HB 667	Favorable With Committee Substitute	Yeas: 11	Nays: 0
	Amendment 880257 Withdrawn		
	Amendment 961727 Adopted Without Objection		
HB 1175	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 964151 Adopted Without Objection		
HB 1193	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 204371 Adopted Without Objection		
	Amendment 839443 Adopted Without Objection		

Committee meeting was reported out: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 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		
Totals:	14	0	1

Committee meeting was reported out: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 8:30:00AM

Location: 404 HOB

HB 117 : Military Veterans Convicted of Criminal Offenses

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				
Total Yeas: 10		Total Nays: 0			

HB 117 Amendments

Amendment 924587

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

Croy, Randy (General Public) - Proponent
Executive Director, Haven Recovery Center
540 N. Ridgewood Ave.
Daytona Beach FL 32114
Phone: (386) 258-5050

Sherman, Eric (General Public) - Information Only
Department of Defense, State Liaison, SE
8929 Spring Harvest Lane West
Jacksonville FL 32244
Phone: (904) 537-6273

Committee meeting was reported out: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 117 (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
1/17/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Nelson offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "T. Patt Maney
8 Military Veterans and Servicemembers Court Act."

9 Section 2. Section 394.48, Florida Statutes, is created to
10 read:

11 394.48 Military veterans and servicemembers court
12 programs.-- The chief judge of each judicial circuit may
13 establish a Military Veterans and Servicemembers Court Program
14 under which veterans, as defined in s. 1.01, and servicemembers,
15 as defined in s. 250.01, who are convicted of a criminal offense
16 and who suffer from a mental illness, traumatic brain injury, or
17 substance abuse disorder as a result of their military service
18 can be sentenced in accordance with ch. 921 in a manner that
19 appropriately addresses the severity of the mental illness,

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 117 (2012)

Amendment No. 1

20 traumatic brain injury, or substance abuse disorder through
21 services tailored to the individual needs of the participant.
22 Entry into any Military Veterans and Servicemembers Court
23 Program must be based upon the sentencing court's assessment of
24 the defendant's criminal history, military service, substance
25 abuse treatment needs, mental health treatment needs,
26 amenability to the services of the program, the recommendation
27 of the state attorney and the victim, if any, and the
28 defendant's agreement to enter the program.

29 Section 3. Section 948.21, Florida Statutes, is created to
30 read:

31 948.21 Condition of probation or community control;
32 military servicemembers and veterans.-- Effective for a
33 probationer or community controllee whose crime was committed on
34 or after July 1, 2012, and who is a servicemember, as defined in
35 s. 250.01, or veteran, as defined in s. 1.01, who suffers from a
36 military service-related mental illness, traumatic brain injury,
37 or substance abuse disorder, the court may, in addition to any
38 other conditions imposed, impose a condition requiring the
39 probationer or community controllee to participate in a
40 treatment program capable of treating the probationer or
41 community controllee's mental illness, traumatic brain injury,
42 or substance abuse disorder. The court shall give preference to
43 treatment programs for which the probationer or community
44 controllee is eligible through the United States Department of
45 Veterans Affairs or the Florida Department of Veterans' Affairs.

46 Section 4. This act shall take effect July 1, 2012.
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Amendment No. 1

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

Remove the entire title and insert:
An act relating to veterans and servicemembers; citing the act the "T. Patt Maney Military Veterans and Servicemembers Court Act;" creating s. 394.48, F.S.; authorizing the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program for specified veterans and servicemembers; providing criteria for entry into the program; creating s. 948.21, F.S.; authorizing a judge to impose a condition of supervision upon specified probationers and community controllees requiring such person to participate in a treatment program; requiring the court to give preference to certain treatment programs; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 8:30:00AM

Location: 404 HOB

HB 367 : Restraint of Incarcerated Pregnant Women

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				
Total Yeas: 13		Total Nays: 0			

HB 367 Amendments

Amendment 655069

Adopted Without Objection

Appearances:

Hopkins, Sheila (Lobbyist) - Waive In Support
Associate Director, Florida Catholic Conference
120 West Pine Avenue
Tallahassee Florida 32301
Phone: (850) 205-6826

Committee meeting was reported out: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 367 (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
1/17/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Reed offered the following:

4
5 **Amendment**

6 Remove lines 151-162 and insert:

7 (d) In addition to the specific requirements of paragraphs
8 (a)-(c), any restraint of a prisoner who is known to be pregnant
9 must be done in the least restrictive manner necessary in order
10 to mitigate the possibility of adverse clinical consequences.

11 (4) ENFORCEMENT.-

12 (a) Notwithstanding any relief or claims afforded by
13 federal or state law, any prisoner who is restrained in
14 violation of this section may file a grievance with the
15 correctional institution within 1 year after the incident.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 8:30:00AM

Location: 404 HOB

HB 583 : Murder of a Child 17 Years Of Age or Younger

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				
Total Yeas: 14		Total Nays: 0			

HB 583 Amendments

Amendment 128891

Withdrawn

Committee meeting was reported out: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 583 (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 _____

WITHDRAWN
1/17/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Oliva offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (1) of section
8 921.0024, Florida Statutes, is amended to read:

9 921.0024 Criminal Punishment Code; worksheet computations;
10 scoresheets.-

11 (1) (a) The Criminal Punishment Code worksheet is used to
12 compute the subtotal and total sentence points as follows:

13 FLORIDA CRIMINAL PUNISHMENT CODE

14 WORKSHEET

15 OFFENSE SCORE

16 Primary Offense
17

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 583 (2012)

	Amendment No. 1				
	Level	Sentence Points			Total
18					
	10	116	=		.....
19					
	9	92	=		.....
20					
	8	74	=		.....
21					
	7	56	=		.....
22					
	6	36	=		.....
23					
	5	28	=		.....
24					
	4	22	=		.....
25					
	3	16	=		.....
26					
	2	10	=		.....
27					
	1	4	=		.....
28					
29					
					Total
30					
31					

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 583 (2012)

Amendment No. 1

Additional Offenses

32
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Level	Sentence Points		Counts		Total
10	58	x	=
9	46	x	=
8	37	x	=
7	28	x	=
6	18	x	=
5	5.4	x	=
4	3.6	x	=
3	2.4	x	=
2	1.2	x	.....	=	.....
1	0.7	x	.....	=	.....
M	0.2	x	=

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 583 (2012)

Amendment No. 1

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Total

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder- <u>death of an adult victim</u>	240	x	=
<u>2nd degree murder - death of a minor</u>	400	x	....	=	....
Death	120	x	....	=	....
<u>Death of a minor under s. 782.04(4)</u>	200	x	....	=	....
Severe	40	x	....	=	....
Moderate	18	x	....	=	....

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 583 (2012)

Amendment No. 1

61	Slight	4	x	....	=	....
62	Sexual penetration	80	x	....	=	....
63	Sexual contact	40	x	....	=	....
64						Total
65	Primary Offense + Additional Offenses + Victim Injury =					
66	TOTAL OFFENSE SCORE					
67	PRIOR RECORD SCORE					
68	Prior Record					
69						
70	Level	Sentence Points		Number		Total
71	10	29	x	....	=	....
72	9	23	x	....	=	....
73	8	19	x	....	=	....
74						

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 583 (2012)

Amendment No. 1					
75	7	14	x	....	= ....
76	6	9	x	....	= ....
77	5	3.6	x	....	= ....
78	4	2.4	x	....	= ....
79	3	1.6	x	....	= ....
80	2	0.8	x	....	= ....
81	1	0.5	x	....	= ....
82	M	0.2	x	....	= ....
83					
84					Total
85		TOTAL OFFENSE SCORE.....			
86		TOTAL PRIOR RECORD SCORE.....			
87		LEGAL STATUS.....			
88		COMMUNITY SANCTION VIOLATION.....			
89		PRIOR SERIOUS FELONY.....			
90		PRIOR CAPITAL FELONY.....			
91		FIREARM OR SEMIAUTOMATIC WEAPON.....			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 583 (2012)

Amendment No. 1

92		SUBTOTAL.....
93	PRISON RELEASEE REOFFENDER (no) (yes)	
94	VIOLENT CAREER CRIMINAL (no) (yes)	
95	HABITUAL VIOLENT OFFENDER (no) (yes)	
96	HABITUAL OFFENDER (no) (yes)	
97	DRUG TRAFFICKER (no) (yes) (x multiplier)	
98	LAW ENF. PROTECT. (no) (yes) (x multiplier)	
99	MOTOR VEHICLE THEFT (no) (yes) (x multiplier)	
100	CRIMINAL GANG OFFENSE (no) (yes) (x multiplier)	
101	DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)	
102	(x multiplier)	
103	.....
104		TOTAL SENTENCE POINTS.....

105 Section 2. This act shall take effect October 1, 2012.

106
107

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

109 Remove the entire title and insert:

110

111 An act relating to murder of a child 17 years or age or younger;

112 amending s. 921.0024, F.S.; increasing victim injury sentence

113 points for second and third degree murder where the victim is a

114 minor; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 8:30:00AM

Location: 404 HOB

HB 667 : Murder

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				
Total Yeas: 11		Total Nays: 0			

HB 667 Amendments

Amendment 880257

Withdrawn

Amendment 961727

Adopted Without Objection

Appearances:

Mecklenburg, Penny (General Public) - Proponent
4199 Newton Road
Spring Hill FL 34606
Phone: (352) 573-7650

Committee meeting was reported out: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (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	—	

WITHDRAWN
1/17/12.

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Corcoran offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Deputy John C.
8 Mecklenburg Act."

9 Section 2. Paragraph (b) of subsection (4) of section
10 316.1935, Florida Statutes, is amended to read:

11 316.1935 Fleeing or attempting to elude a law enforcement
12 officer; aggravated fleeing or eluding.—

13 (4) Any person who, in the course of unlawfully leaving or
14 attempting to leave the scene of a crash in violation of s.
15 316.027 or s. 316.061, having knowledge of an order to stop by a
16 duly authorized law enforcement officer, willfully refuses or
17 fails to stop in compliance with such an order, or having
18 stopped in knowing compliance with such order, willfully flees

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

19 in an attempt to elude such officer and, as a result of such
20 fleeing or eluding:

21 (b) Causes serious bodily injury or death to another
22 person, including any law enforcement officer involved in
23 pursuing or otherwise attempting to effect a stop of the
24 person's vehicle, commits aggravated fleeing or eluding with
25 serious bodily injury or death, a felony of the first degree,
26 punishable by imprisonment for a term of years not exceeding
27 life imprisonment or as provided in s. 775.082, s. 775.083, or
28 s. 775.084.

29
30 The felony of aggravated fleeing or eluding and the felony of
31 aggravated fleeing or eluding with serious bodily injury or
32 death constitute separate offenses for which a person may be
33 charged, in addition to the offenses under ss. 316.027 and
34 316.061, relating to unlawfully leaving the scene of a crash,
35 which the person had been in the course of committing or
36 attempting to commit when the order to stop was given.
37 Notwithstanding any other provision of law, the court shall
38 sentence any person convicted of committing aggravated fleeing
39 or eluding with serious bodily injury or death to a mandatory
40 minimum sentence of 3 years imprisonment. Nothing in this
41 subsection shall prevent a court from imposing a greater
42 sentence of incarceration as authorized by law.

43 Section 3. Paragraph (h) of subsection (3) of section
44 921.0022, Florida Statutes, is amended to read:

45 921.0022 Criminal Punishment Code; offense severity
46 ranking chart.—

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Published On: 1/13/2012 6:12:58 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

47 (3) OFFENSE SEVERITY RANKING CHART

48 (h) LEVEL 8

49

Florida	Felony	
Statute	Degree	Description

50

316.193	2nd	DUI manslaughter.
(3) (c) 3.a.		

51

316.1935 (4) (b)	1 st , <u>PBL</u>	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

560.125(5)(b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

57

655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

58

777.03(2)(a) 1st Accessory after the fact, capital felony.

59

782.04(4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

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782.051(2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

62	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
63	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
64	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
65	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
66	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
67	800.04(4)	2nd	Lewd or lascivious battery.
68	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

69	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
70	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
71	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
72	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
73	812.13(2)(b)	1st	Robbery with a weapon.
74	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
75	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
	825.102(2)	1st	Aggravated abuse of an elderly

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

76			person or disabled adult.
77	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
78	825.103(2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
79	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
80	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
81	860.121(2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
82	860.16	1st	Aircraft piracy.
	893.13(1) (b)	1st	Sell or deliver in excess of 10

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

			grams of any substance specified in s. 893.03(1)(a) or (b).
83			
	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
84			
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
85			
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
86			
	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
87			
	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
88			
	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
89			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

90	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
91	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
92	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
93	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
94	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
95	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	893.1351(3)	1st	Possession of a place used to manufacture controlled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 1

substance when minor is present
or resides there.

96

895.03(1) 1st Use or invest proceeds derived
from pattern of racketeering
activity.

97

895.03(2) 1st Acquire or maintain through
racketeering activity any
interest in or control of any
enterprise or real property.

98

895.03(3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

99

896.101(5)(b) 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

100

896.104(4)(a)2. 2nd Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$20,000 but less than
\$100,000.

101

Amendment No. 1

102 Section 4. This act shall take effect October 1, 2012.
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106 **T I T L E A M E N D M E N T**

107 Remove the entire title and insert:

108 An act relating to aggravated feeling or eluding; citing the act
109 the "Deputy John C. Mecklenburg Act;" amending s. 316.1935,
110 F.S.; providing that aggravated fleeing or eluding with serious
111 bodily injury or death is a first degree felony punishable by a
112 term of years not exceeding life imprisonment; amending s.
113 921.0022, F.S.; making a corresponding change to the Criminal
114 Punishment Code, offense severity ranking chart; providing an
115 effective date.

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<u>COMMITTEE/SUBCOMMITTEE ACTION</u>	
ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

FAVORABLE
1/17/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Trujillo offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Deputy John C. Mecklenburg Act."

Section 2. Section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

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- 20 d. Robbery,
21 e. Burglary,
22 f. Kidnapping,
23 g. Escape,
24 h. Aggravated child abuse,
25 i. Aggravated abuse of an elderly person or disabled
26 adult,
27 j. Aircraft piracy,
28 k. Unlawful throwing, placing, or discharging of a
29 destructive device or bomb,
30 l. Carjacking,
31 m. Home-invasion robbery,
32 n. Aggravated stalking,
33 o. Murder of another human being,
34 p. Resisting an officer with violence to his or her
35 person,
36 q. Aggravated fleeing or eluding with serious bodily
37 injury or death,
38 r. ~~q.~~ Felony that is an act of terrorism or is in
39 furtherance of an act of terrorism; or
40 3. Which resulted from the unlawful distribution of any
41 substance controlled under s. 893.03(1), cocaine as described in
42 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
43 compound, derivative, or preparation of opium, or methadone by a
44 person 18 years of age or older, when such drug is proven to be
45 the proximate cause of the death of the user,
46

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47 is murder in the first degree and constitutes a capital felony,
48 punishable as provided in s. 775.082.

49 (b) In all cases under this section, the procedure set
50 forth in s. 921.141 shall be followed in order to determine
51 sentence of death or life imprisonment.

52 (2) The unlawful killing of a human being, when
53 perpetrated by any act imminently dangerous to another and
54 evincing a depraved mind regardless of human life, although
55 without any premeditated design to effect the death of any
56 particular individual, is murder in the second degree and
57 constitutes a felony of the first degree, punishable by
58 imprisonment for a term of years not exceeding life or as
59 provided in s. 775.082, s. 775.083, or s. 775.084.

60 (3) When a human being ~~person~~ is killed during ~~in~~ the
61 perpetration of, or during ~~in~~ the attempt to perpetrate, any:

- 62 (a) Trafficking offense prohibited by s. 893.135(1),
63 (b) Arson,
64 (c) Sexual battery,
65 (d) Robbery,
66 (e) Burglary,
67 (f) Kidnapping,
68 (g) Escape,
69 (h) Aggravated child abuse,
70 (i) Aggravated abuse of an elderly person or disabled
71 adult,
72 (j) Aircraft piracy,
73 (k) Unlawful throwing, placing, or discharging of a
74 destructive device or bomb,

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- 75 (l) Carjacking,
76 (m) Home-invasion robbery,
77 (n) Aggravated stalking,
78 (o) Murder of another human being,
79 (p) Aggravated fleeing or eluding with serious bodily
80 injury or death,
81 (q)~~(p)~~ Resisting an officer with violence to his or her
82 person, or
83 (r)~~(q)~~ Felony that is an act of terrorism or is in
84 furtherance of an act of terrorism,
85
86 by a person other than the person engaged in the perpetration of
87 or in the attempt to perpetrate such felony, the person
88 perpetrating or attempting to perpetrate such felony is guilty
89 of murder in the second degree, which constitutes a felony of
90 the first degree, punishable by imprisonment for a term of years
91 not exceeding life or as provided in s. 775.082, s. 775.083, or
92 s. 775.084.
93 (4) The unlawful killing of a human being, when
94 perpetrated without any design to effect death, by a person
95 engaged in the perpetration of, or in the attempt to perpetrate,
96 any felony other than any:
97 (a) Trafficking offense prohibited by s. 893.135(1),
98 (b) Arson,
99 (c) Sexual battery,
100 (d) Robbery,
101 (e) Burglary,
102 (f) Kidnapping,

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- 103 (g) Escape,
104 (h) Aggravated child abuse,
105 (i) Aggravated abuse of an elderly person or disabled
106 adult,
107 (j) Aircraft piracy,
108 (k) Unlawful throwing, placing, or discharging of a
109 destructive device or bomb,
110 (l) Unlawful distribution of any substance controlled
111 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
112 or opium or any synthetic or natural salt, compound, derivative,
113 or preparation of opium by a person 18 years of age or older,
114 when such drug is proven to be the proximate cause of the death
115 of the user,
116 (m) Carjacking,
117 (n) Home-invasion robbery,
118 (o) Aggravated stalking,
119 (p) Murder of another human being,
120 (q) Aggravated fleeing or eluding with serious bodily
121 injury or death,
122 (r)~~(q)~~ Resisting an officer with violence to his or her
123 person, or
124 (s)~~(r)~~ Felony that is an act of terrorism or is in
125 furtherance of an act of terrorism,
126
127 is murder in the third degree and constitutes a felony of the
128 second degree, punishable as provided in s. 775.082, s. 775.083,
129 or s. 775.084.

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130 (5) As used in this section, the term "terrorism" means an
131 activity that:

132 (a)1. Involves a violent act or an act dangerous to human
133 life which is a violation of the criminal laws of this state or
134 of the United States; or

135 2. Involves a violation of s. 815.06; and

136 (b) Is intended to:

137 1. Intimidate, injure, or coerce a civilian population;

138 2. Influence the policy of a government by intimidation or
139 coercion; or

140 3. Affect the conduct of government through destruction of
141 property, assassination, murder, kidnapping, or aircraft piracy.

142 Section 3. Paragraphs (h) and (i) of subsection (3) of
143 section 921.0022, Florida Statutes, are amended to read:

144 921.0022 Criminal Punishment Code; offense severity
145 ranking chart.—

146 (3) OFFENSE SEVERITY RANKING CHART

147 (h) LEVEL 8

148

Florida Statute	Felony Degree	Description
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149

316.193 (3)(c)3.a.	2nd	DUI manslaughter.
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150

316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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151

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- 152 327.35(3)(c)3. 2nd Vessel BUI manslaughter.
- 153 499.0051(7) 1st Knowing trafficking in contraband
prescription drugs.
- 154 499.0051(8) 1st Knowing forgery of prescription labels
or prescription drug labels.
- 155 560.123(8)(b)2. 2nd Failure to report currency or payment
instruments totaling or exceeding
\$20,000, but less than \$100,000 by
money transmitter.
- 156 560.125(5)(b) 2nd Money transmitter business by
unauthorized person, currency or
payment instruments totaling or
exceeding \$20,000, but less than
\$100,000.
- 157 655.50(10)(b)2. 2nd Failure to report financial
transactions totaling or exceeding
\$20,000, but less than \$100,000 by
financial institutions.
- 158 777.03(2)(a) 1st Accessory after the fact, capital
felony.

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- 159 782.04(4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
- 160 782.051(2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
- 161 782.071(1)(b) 1st Committing vehicular homicide and failing to render aid or give information.
- 162 782.072(2) 1st Committing vessel homicide and failing to render aid or give information.
- 163 790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.
- 794.011(5) 2nd Sexual battery, victim 12 years or over, offender does not use physical

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force likely to cause serious injury.

164

794.08(3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

165

800.04(4) 2nd Lewd or lascivious battery.

166

806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

167

810.02(2)(a) 1st,PBL Burglary with assault or battery.

168

810.02(2)(b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

169

810.02(2)(c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

170

812.014(2)(a)2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

171

812.13(2)(b) 1st Robbery with a weapon.

172

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173	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
174	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
175	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
176	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
177	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
178	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
179	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in

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great bodily harm.

180

860.16 1st Aircraft piracy.

181

893.13(1)(b) 1st Sell or deliver in excess of 10 grams
of any substance specified in s.
893.03(1)(a) or (b).

182

893.13(2)(b) 1st Purchase in excess of 10 grams of any
substance specified in s. 893.03(1)(a)
or (b).

183

893.13(6)(c) 1st Possess in excess of 10 grams of any
substance specified in s. 893.03(1)(a)
or (b).

184

893.135(1)(a)2. 1st Trafficking in cannabis, more than
2,000 lbs., less than 10,000 lbs.

185

893.135 1st Trafficking in cocaine, more than 200
(1)(b)1.b. grams, less than 400 grams.

186

893.135 1st Trafficking in illegal drugs, more than
(1)(c)1.b. 14 grams, less than 28 grams.

187

893.135 1st Trafficking in phencyclidine, more than
(1)(d)1.b. 200 grams, less than 400 grams.

188

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189	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
190	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
191	893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
192	893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
193	893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
194	893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
195	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
196	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

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197	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
198	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
199	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
200	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.

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205	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
206	409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
207	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
208	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
209	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
210	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
211	775.0844	1st	Aggravated white collar crime.
212	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.

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- 213 782.04(3) 1st,PBL Accomplice to murder in connection
with arson, sexual battery, robbery,
burglary, aggravated fleeing or
eluding with serious bodily injury or
death, and other specified felonies.
- 214 782.051(1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated in s.
782.04(3).
- 215 782.07(2) 1st Aggravated manslaughter of an elderly
person or disabled adult.
- 216 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.
- 217 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.
- 218 787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.
- 787.02(3)(a) 1st False imprisonment; child under age
13; perpetrator also commits
aggravated child abuse, sexual

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battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

219

790.161 1st Attempted capital destructive device
offense.

220

790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of mass
destruction.

221

794.011(2) 1st Attempted sexual battery; victim less
than 12 years of age.

222

794.011(2) Life Sexual battery; offender younger than
18 years and commits sexual battery on
a person less than 12 years.

223

794.011(4) 1st Sexual battery; victim 12 years or
older, certain circumstances.

224

794.011(8)(b) 1st Sexual battery; engage in sexual
conduct with minor 12 to 18 years by
person in familial or custodial
authority.

225

794.08(2) 1st Female genital mutilation; victim

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younger than 18 years of age.

226

800.04(5)(b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

227

812.13(2)(a) 1st,PBL Robbery with firearm or other deadly weapon.

228

812.133(2)(a) 1st,PBL Carjacking; firearm or other deadly weapon.

229

812.135(2)(b) 1st Home-invasion robbery with weapon.

230

817.568(7) 2nd, PBL Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

231

827.03(2) 1st Aggravated child abuse.

232

847.0145(1) 1st Selling, or otherwise transferring custody or control, of a minor.

233

847.0145(2) 1st Purchasing, or otherwise obtaining custody or control, of a minor.

234

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235	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
236	893.135	1st	Attempted capital trafficking offense.
237	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
238	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
239	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
240	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
241	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
242	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
	893.135	1st	Trafficking in gamma-hydroxybutyric

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- 243 (1) (h) 1.c. acid (GHB), 10 kilograms or more.
- 893.135 1st Trafficking in 1,4-Butanediol, 10
244 (1) (j) 1.c. kilograms or more.
- 893.135 1st Trafficking in Phenethylamines, 400
245 (1) (k) 2.c. grams or more.
- 896.101(5) (c) 1st Money laundering, financial
instruments totaling or exceeding
246 \$100,000.
- 896.104(4) (a) 3. 1st Structuring transactions to evade
reporting or registration
requirements, financial transactions
totaling or exceeding \$100,000.

247

248 Section 4. For the purpose of incorporating the amendment
249 made by this act to section 782.04, Florida Statutes, in a
250 reference thereto, section 775.0823, Florida Statutes, is
251 reenacted to read:

252 775.0823 Violent offenses committed against law
253 enforcement officers, correctional officers, state attorneys,
254 assistant state attorneys, justices, or judges.—The Legislature
255 does hereby provide for an increase and certainty of penalty for
256 any person convicted of a violent offense against any law
257 enforcement or correctional officer, as defined in s. 943.10(1),
258 (2), (3), (6), (7), (8), or (9); against any state attorney

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259 | elected pursuant to s. 27.01 or assistant state attorney
260 | appointed under s. 27.181; or against any justice or judge of a
261 | court described in Art. V of the State Constitution, which
262 | offense arises out of or in the scope of the officer's duty as a
263 | law enforcement or correctional officer, the state attorney's or
264 | assistant state attorney's duty as a prosecutor or investigator,
265 | or the justice's or judge's duty as a judicial officer, as
266 | follows:

267 | (1) For murder in the first degree as described in s.
268 | 782.04(1), if the death sentence is not imposed, a sentence of
269 | imprisonment for life without eligibility for release.

270 | (2) For attempted murder in the first degree as described
271 | in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
272 | or s. 775.084.

273 | (3) For attempted felony murder as described in s.
274 | 782.051, a sentence pursuant to s. 775.082, s. 775.083, or s.
275 | 775.084.

276 | (4) For murder in the second degree as described in s.
277 | 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
278 | 775.083, or s. 775.084.

279 | (5) For attempted murder in the second degree as described
280 | in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
281 | 775.083, or s. 775.084.

282 | (6) For murder in the third degree as described in s.
283 | 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.
284 | 775.084.

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285 (7) For attempted murder in the third degree as described
286 in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,
287 or s. 775.084.

288 (8) For manslaughter as described in s. 782.07 during the
289 commission of a crime, a sentence pursuant to s. 775.082, s.
290 775.083, or s. 775.084.

291 (9) For kidnapping as described in s. 787.01, a sentence
292 pursuant to s. 775.082, s. 775.083, or s. 775.084.

293 (10) For aggravated battery as described in s. 784.045, a
294 sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

295 (11) For aggravated assault as described in s. 784.021, a
296 sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

297

298 Notwithstanding the provisions of s. 948.01, with respect to any
299 person who is found to have violated this section, adjudication
300 of guilt or imposition of sentence shall not be suspended,
301 deferred, or withheld.

302 Section 5. For the purpose of incorporating the amendment
303 made by this act to section 782.04, Florida Statutes, in a
304 reference thereto, section 782.051, Florida Statutes, is
305 reenacted to read:

306 782.051 Attempted felony murder.—

307 (1) Any person who perpetrates or attempts to perpetrate
308 any felony enumerated in s. 782.04(3) and who commits, aids, or
309 abets an intentional act that is not an essential element of the
310 felony and that could, but does not, cause the death of another
311 commits a felony of the first degree, punishable by imprisonment
312 for a term of years not exceeding life, or as provided in s.

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313 775.082, s. 775.083, or s. 775.084, which is an offense ranked
314 in level 9 of the Criminal Punishment Code. Victim injury points
315 shall be scored under this subsection.

316 (2) Any person who perpetrates or attempts to perpetrate
317 any felony other than a felony enumerated in s. 782.04(3) and
318 who commits, aids, or abets an intentional act that is not an
319 essential element of the felony and that could, but does not,
320 cause the death of another commits a felony of the first degree,
321 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
322 which is an offense ranked in level 8 of the Criminal Punishment
323 Code. Victim injury points shall be scored under this
324 subsection.

325 (3) When a person is injured during the perpetration of or
326 the attempt to perpetrate any felony enumerated in s. 782.04(3)
327 by a person other than the person engaged in the perpetration of
328 or the attempt to perpetrate such felony, the person
329 perpetrating or attempting to perpetrate such felony commits a
330 felony of the second degree, punishable as provided in s.
331 775.082, s. 775.083, or s. 775.084, which is an offense ranked
332 in level 7 of the Criminal Punishment Code. Victim injury points
333 shall be scored under this subsection.

334 Section 6. For the purpose of incorporating the amendment
335 made by this act to section 782.04, Florida Statutes, in a
336 reference thereto, section 782.065, Florida Statutes, is
337 reenacted to read:

338 782.065 Murder; law enforcement officer.—Notwithstanding
339 ss. 775.082, 775.0823, 782.04, 782.051, and chapter 921, a
340 defendant shall be sentenced to life imprisonment without

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 2

341 eligibility for release upon findings by the trier of fact that,
342 beyond a reasonable doubt:

343 (1) The defendant committed murder in the first degree in
344 violation of s. 782.04(1) and a death sentence was not imposed;
345 murder in the second or third degree in violation of s.
346 782.04(2), (3), or (4); attempted murder in the first or second
347 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
348 felony murder in violation of s. 782.051; and

349 (2) The victim of any offense described in subsection (1)
350 was a law enforcement officer, part-time law enforcement
351 officer, or auxiliary law enforcement officer, as those terms
352 are defined in s. 943.10, engaged in the lawful performance of a
353 legal duty.

354 Section 7. For the purpose of incorporating the amendment
355 made by this act to section 782.04, Florida Statutes, in a
356 reference thereto, subsection (3) of section 947.146, Florida
357 Statutes, is reenacted to read:

358 947.146 Control Release Authority.—

359 (3) Within 120 days prior to the date the state
360 correctional system is projected pursuant to s. 216.136 to
361 exceed 99 percent of total capacity, the authority shall
362 determine eligibility for and establish a control release date
363 for an appropriate number of parole ineligible inmates committed
364 to the department and incarcerated within the state who have
365 been determined by the authority to be eligible for
366 discretionary early release pursuant to this section. In
367 establishing control release dates, it is the intent of the
368 Legislature that the authority prioritize consideration of

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 667 (2012)

Amendment No. 2

369 eligible inmates closest to their tentative release date. The
370 authority shall rely upon commitment data on the offender
371 information system maintained by the department to initially
372 identify inmates who are to be reviewed for control release
373 consideration. The authority may use a method of objective risk
374 assessment in determining if an eligible inmate should be
375 released. Such assessment shall be a part of the department's
376 management information system. However, the authority shall have
377 sole responsibility for determining control release eligibility,
378 establishing a control release date, and effectuating the
379 release of a sufficient number of inmates to maintain the inmate
380 population between 99 percent and 100 percent of total capacity.
381 Inmates who are ineligible for control release are inmates who
382 are parole eligible or inmates who:

383 (a) Are serving a sentence that includes a mandatory
384 minimum provision for a capital offense or drug trafficking
385 offense and have not served the number of days equal to the
386 mandatory minimum term less any jail-time credit awarded by the
387 court;

388 (b) Are serving the mandatory minimum portion of a
389 sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

390 (c) Are convicted, or have been previously convicted, of
391 committing or attempting to commit sexual battery, incest, or
392 any of the following lewd or indecent assaults or acts:
393 masturbating in public; exposing the sexual organs in a
394 perverted manner; or nonconsensual handling or fondling of the
395 sexual organs of another person;

COMMITTEE/SUBCOMMITTEE AMENDMENT

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396 (d) Are convicted, or have been previously convicted, of
397 committing or attempting to commit assault, aggravated assault,
398 battery, or aggravated battery, and a sex act was attempted or
399 completed during commission of such offense;

400 (e) Are convicted, or have been previously convicted, of
401 committing or attempting to commit kidnapping, burglary, or
402 murder, and the offense was committed with the intent to commit
403 sexual battery or a sex act was attempted or completed during
404 commission of the offense;

405 (f) Are convicted, or have been previously convicted, of
406 committing or attempting to commit false imprisonment upon a
407 child under the age of 13 and, in the course of committing the
408 offense, the inmate committed aggravated child abuse, sexual
409 battery against the child, or a lewd or lascivious offense
410 committed upon or in the presence of a person less than 16 years
411 of age;

412 (g) Are sentenced, have previously been sentenced, or have
413 been sentenced at any time under s. 775.084, or have been
414 sentenced at any time in another jurisdiction as a habitual
415 offender;

416 (h) Are convicted, or have been previously convicted, of
417 committing or attempting to commit assault, aggravated assault,
418 battery, aggravated battery, kidnapping, manslaughter, or murder
419 against an officer as defined in s. 943.10(1), (2), (3), (6),
420 (7), (8), or (9); against a state attorney or assistant state
421 attorney; or against a justice or judge of a court described in
422 Art. V of the State Constitution; or against an officer, judge,

COMMITTEE/SUBCOMMITTEE AMENDMENT

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423 or state attorney employed in a comparable position by any other
424 jurisdiction; or

425 (i) Are convicted, or have been previously convicted, of
426 committing or attempting to commit murder in the first, second,
427 or third degree under s. 782.04(1), (2), (3), or (4), or have
428 ever been convicted of any degree of murder or attempted murder
429 in another jurisdiction;

430 (j) Are convicted, or have been previously convicted, of
431 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or
432 have been sentenced at any time, as a habitual offender for such
433 offense, or have been sentenced at any time in another
434 jurisdiction as a habitual offender for such offense;

435 (k)1. Are serving a sentence for an offense committed on
436 or after January 1, 1994, for a violation of the Law Enforcement
437 Protection Act under s. 775.0823(2), (3), (4), (5), or (6), and
438 the subtotal of the offender's sentence points is multiplied
439 pursuant to former s. 921.0014 or s. 921.0024;

440 2. Are serving a sentence for an offense committed on or
441 after October 1, 1995, for a violation of the Law Enforcement
442 Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7),
443 (8), or (9), and the subtotal of the offender's sentence points
444 is multiplied pursuant to former s. 921.0014 or s. 921.0024;

445 (l) Are serving a sentence for an offense committed on or
446 after January 1, 1994, for possession of a firearm,
447 semiautomatic firearm, or machine gun in which additional points
448 are added to the subtotal of the offender's sentence points
449 pursuant to former s. 921.0014 or s. 921.0024; or

COMMITTEE/SUBCOMMITTEE AMENDMENT

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450 (m) Are convicted, or have been previously convicted, of
451 committing or attempting to commit manslaughter, kidnapping,
452 robbery, carjacking, home-invasion robbery, or a burglary under
453 s. 810.02(2).

454
455 In making control release eligibility determinations under this
456 subsection, the authority may rely on any document leading to or
457 generated during the course of the criminal proceedings,
458 including, but not limited to, any presentence or postsentence
459 investigation or any information contained in arrest reports
460 relating to circumstances of the offense.

461 Section 8. This act shall take effect October 1, 2012.

462

463

464

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

465

466

Remove line 6 and insert:

467

aggravated fleeing or eluding with serious bodily injury or
468 death, is murder of a

469

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 8:30:00AM

Location: 404 HOB

HB 1175 : Controlled Substances

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				
Total Yeas: 12		Total Nays: 0			

HB 1175 Amendments

Amendment 964151

Adopted Without Objection

Appearances:

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

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: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1175 (2012)

Amendment No. 1

<u>COMMITTEE/SUBCOMMITTEE ACTION</u>	
ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	___

FAVORABLE
1/17/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Ingram offered the following:

4
5 **Amendment**

6 Remove lines 147-236 and insert:

- 7 84. Naphyrone (naphthylpyrovalerone).
8 85. N-N-Dimethyl-3,4-methylenedioxcathinone.
9 86. N-N-Diethyl-3,4-methylenedioxcathinone.
10 87. 3,4-methylenedioxy-propiofenone.
11 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
12 89. 3,4-methylenedioxy-propiofenone-2-oxime.
13 90. N-Acetyl-3,4-methylenedioxcathinone.
14 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
15 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
16 93. Bromomethcathinone.
17 94. Buphedrone (alpha-methylamino-butyrophenone).
18 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
19 96. Dimethylcathinone.

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Published On: 1/13/2012 6:13:24 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1175 (2012)

Amendment No. 1

- 20 97. Dimethylmethcathinone.
- 21 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 22 99. (MDPPP) 3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone.
- 23 100. (MDPBP) 3,4-Methylenedioxy-alpha-pyrrolidinobutiophenone.
- 24 101. Methoxypyrrolidinopropiophenone (MOPPP).
- 25 102. Methylpyrrolidinohexiophenone (MPHP).
- 26 103. Benzocyclidine (BCP) or benzothiophenylcyclohexylpiperidine
- 27 (BTCP).
- 28 104. Fluoromethylaminobutyrophenone (F-MABP).
- 29 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 30 106. Ethylpyrrolidinobutyrophenone (Et-PBP).
- 31 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 32 108. Methylethylaminobutyrophenone (Me-EABP)
- 33 109. Methylaminobutyrophenone (MABP).
- 34 110. Pyrrolidinopropiophenone.
- 35 111. Pyrrolidinobutiophenone (PBP).
- 36 112. Pyrrolidinovalerophenone (PVP).
- 37 113. Methylpyrrolidinopropiophenone (MPPP).
- 38 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 39 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 40 naphthalenylmethanone).
- 41 116. JWH-019 (Naphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- 42 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 43 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 44 yl)methanone).
- 45 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 46 yl)methanone).
- 47 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

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Bill No. HB 1175 (2012)

Amendment No. 1

- 48 | 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
49 | tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)) .
- 50 | 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-indole) .
- 51 | 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole) .
- 52 | 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
53 | yl)ethanone) .
- 54 | 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
55 | yl)methanone) .
- 56 | 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
57 | yl)ethanone) .
- 58 | 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
59 | yl)ethanone) .
- 60 | 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole) .
- 61 | 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole) .
- 62 | 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-
63 | methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)) .
- 64 | 131. HU-308 ([91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-
65 | yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol) .
- 66 | 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-
67 | 2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione) .
- 68 | 133. CB-13 (Naphthalen-1-yl-(4-pentylloxynaphthalen-1-
69 | yl)methanone) .
- 70 | 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
71 | undecanamide) .
- 72 | 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
73 | undecanamide) .
- 74 | 136. CP55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
75 | hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol) .

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Published On: 1/13/2012 6:13:24 PM

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1175 (2012)

Amendment No. 1

- 76 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
77 iodophenyl)methanone).
- 78 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-1-
79 napthalenyl)methanone).
- 80 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
81 yl)methanone)).
- 82 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
83 methoxyphenylethanone).
- 84 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
85 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
86 napthalenyl)methanone).
- 87 142. WIN55,212-3 ([3S]-2,3-Dihydro-5-methyl-3-(4-
88 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
89 napthalenyl)methanone).
- 90

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/17/2012 8:30:00AM

Location: 404 HOB

HB 1193 : Pub. Rec./Victims of Violence

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				
Total Yeas: 12		Total Nays: 0			

HB 1193 Amendments

Amendment 204371

Adopted Without Objection

Amendment 839443

Adopted Without Objection

Appearances:

Wiseman, Leisa (Lobbyist) - Waive In Support
Director, External Affairs Florida Coalihon Against Domestic Violence
425 Office Plaza Drive
Tallahassee FL 32301
Phone: (850) 425-2741

Poore, Terri (Lobbyist) - Waive In Support
Director of Public Affairs, Florida Council Against Sexual Violence
1820 East Park Avenue Suite 100
Tallahassee FL 32301
Phone: (850) 363-2918

Committee meeting was reported out: Tuesday, January 17, 2012 1:08:11PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1193 (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
1/17/12

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Jones offered the following:

4

5 **Amendment**

6 Remove line 192 and insert:

7 injunction for protection be held exempt from

8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1193 (2012)

Amendment No. 2

FAVORABLE
1/17/12.

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: Criminal Justice
2 Subcommittee

3 Representative Harrell offered the following:

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

6 Remove lines 68-154 and insert:

7 for protection against domestic violence was served. When a
8 petitioner makes a request for notification, the Florida
9 Association of Court Clerks and Comptrollers must apprise the
10 petitioner of her or his right to request in writing that the
11 information specified in sub-subparagraph b. be held exempt from
12 public records requirements for 5 years. The Florida Association
13 of Court Clerks and Comptrollers may apply for any available
14 grants to fund the development of the automated process.

15 b. Information held by the Florida Association of Court
16 Clerks and Comptrollers and law enforcement agencies in
17 conjunction with the automated process developed under sub-
18 subparagraph a. which reveals the home or employment telephone
19 number, cellular telephone number, home or employment address,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1193 (2012)

Amendment No. 2

20 electronic mail address, or other electronic means of
21 identification of a petitioner requesting notification of
22 service of an injunction for protection against domestic
23 violence and other court actions related to the injunction for
24 protection is exempt from s. 119.07(1) and s. 24(a), Art. I of
25 the State Constitution, upon written request by the petitioner.
26 Such information shall cease to be exempt 5 years after the
27 receipt of the written request. Any state or federal agency that
28 is authorized to have access to such documents by any provision
29 of law shall be granted such access in the furtherance of such
30 agency's statutory duties, notwithstanding this sub-
31 subparagraph. This sub-subparagraph is subject to the Open
32 Government Sunset Review Act in accordance with s. 119.15 and
33 shall stand repealed on October 2, 2017, unless reviewed and
34 saved from repeal through reenactment by the Legislature.

35 6. Within 24 hours after an injunction for protection
36 against domestic violence is vacated, terminated, or otherwise
37 rendered no longer effective by ruling of the court, the clerk
38 of the court must notify the sheriff receiving original
39 notification of the injunction as provided in subparagraph 2.
40 That agency shall, within 24 hours after receiving such
41 notification from the clerk of the court, notify the department
42 of such action of the court.

43 Section 2. Paragraph (c) of subsection (8) of section
44 784.046, Florida Statutes, is amended to read:

45 784.046 Action by victim of repeat violence, sexual
46 violence, or dating violence for protective injunction; dating

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1193 (2012)

Amendment No. 2

47 | violence investigations, notice to victims, and reporting;
48 | pretrial release violations; public records exemption.-

49 | (8)

50 | (c)1. Within 24 hours after the court issues an injunction
51 | for protection against repeat violence, sexual violence, or
52 | dating violence or changes or vacates an injunction for
53 | protection against repeat violence, sexual violence, or dating
54 | violence, the clerk of the court must forward a copy of the
55 | injunction to the sheriff with jurisdiction over the residence
56 | of the petitioner.

57 | 2. Within 24 hours after service of process of an
58 | injunction for protection against repeat violence, sexual
59 | violence, or dating violence upon a respondent, the law
60 | enforcement officer must forward the written proof of service of
61 | process to the sheriff with jurisdiction over the residence of
62 | the petitioner.

63 | 3. Within 24 hours after the sheriff receives a certified
64 | copy of the injunction for protection against repeat violence,
65 | sexual violence, or dating violence, the sheriff must make
66 | information relating to the injunction available to other law
67 | enforcement agencies by electronically transmitting such
68 | information to the department.

69 | 4. Within 24 hours after the sheriff or other law
70 | enforcement officer has made service upon the respondent and the
71 | sheriff has been so notified, the sheriff must make information
72 | relating to the service available to other law enforcement
73 | agencies by electronically transmitting such information to the
74 | department.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1193 (2012)

Amendment No. 2

75 5.a. Subject to available funding, the Florida Association
76 of Court Clerks and Comptrollers shall develop an automated
77 process by which a petitioner may request notification of
78 service of the injunction for protection against repeat
79 violence, sexual violence, or dating violence and other court
80 actions related to the injunction for protection. The automated
81 notice shall be made within 12 hours after the sheriff or other
82 law enforcement officer serves the injunction upon the
83 respondent. The notification must include, at a minimum, the
84 date, time, and location where the injunction for protection
85 against repeat violence, sexual violence, or dating violence was
86 served. When a petitioner makes a request for notification, the
87 Florida Association of Court Clerks and Comptrollers must
88 apprise the petitioner of her or his right to request in writing
89 that the information specified in sub-subparagraph b. be held
90 exempt from public records requirements for 5 years. The Florida
91 Association of Court Clerks and Comptrollers may apply for any
92 available grants to fund the development of the automated
93 process.

94 b. Information held by the Florida Association of Court
95 Clerks and Comptrollers and law enforcement agencies in
96 conjunction with the automated

98
99 **T I T L E A M E N D M E N T**

100 Remove lines 8-19 and insert:
101 Comptrollers and law enforcement agencies in conjunction with
102 the automated process developed by the association by which a

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Published On: 1/17/2012 9:43:43 AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1193 (2012)

Amendment No. 2

103 petitioner may request notification of service of an injunction
104 for protection against domestic violence, repeat violence,
105 sexual violence, or dating violence and other court actions
106 related to the injunction for protection; providing that the
107 exemption is conditional upon the petitioner's request;
108 providing specified duration of the exemption; providing for
109 access by state or federal agencies in furtherance of the
110 agencies' statutory duties; providing that the Florida
111 Association of Court Clerks and Comptrollers

112