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# **Criminal Justice Subcommittee**

**Tuesday October 18<sup>th</sup>, 2011**

**9:00 AM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Gayle Harrell  
Chair**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

**Location:** 404 HOB

### Summary:

#### Criminal Justice Subcommittee

*Tuesday October 18, 2011 09:00 am*

HB 125	Favorable	Yeas: 13	Nays: 0
HB 135	Favorable	Yeas: 12	Nays: 2
HB 173	Temporarily Deferred		
HB 177	Favorable With Committee Substitute Amendment 451255 Adopted Without Objection	Yeas: 12	Nays: 3
HB 183	Favorable With Committee Substitute Amendment 758599 Adopted Without Objection	Yeas: 14	Nays: 0
HB 189	Favorable	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

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: Tuesday, October 18, 2011 3:04:14PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

Location: 404 HOB

### HB 125 : Preventing Deaths from Drug-related Overdoses

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: 13</b>		<b>Total Nays: 0</b>			

#### Appearances:

Pitts, Brian (General Public) - Waive In Support  
Trustee, Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727) 897-9291

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

Chamizo, Jorge (Lobbyist) - Waive In Support  
Attorney, Florida Association of Criminal Defense Lawyers  
PO Box 1528  
Tallahassee FL 32302  
Phone: (850) 681-0024

Messersmith, Frank (Lobbyist) - Waive In Support  
Florida Sheriffs Association  
2901 Lake Bradford Rd  
Tallahassee FL 32310  
Phone: (850) 576-5858

Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

Location: 404 HOB

HB 135 : Costs of Prosecution, Investigation, and Representation

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: 12</b>		<b>Total Nays: 2</b>			

### Appearances:

Hofheinz, Monica (Lobbyist) (State Employee) - Waive In Support  
State Attorney, Florida Prosecuting Attorneys Association  
201 SE Sixth St Ste 655  
Ft Lauderdale FL 33301  
Phone: (954) 831-8543

King, Brad (State Employee) - Waive In Support  
State Attorney, Florida Prosecuting Attorneys Association  
110 NW 1st Ave. Suite 5000  
Ocala FL 34480  
Phone: (352) 671-5914

Cervone, Bill (State Employee) - Waive In Support  
State Attorney, Florida Prosecuting Attorneys Association  
120 West University Avenue  
Gainesville FL 32601  
Phone: (352) 374-3686

Trammell, Robert (Lobbyist) - Waive In Support  
Public Defender  
PO Box 1799  
Tallahassee FL 32302  
Phone: (850) 510-2187

Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM

# **COMMITTEE MEETING REPORT**

## **Criminal Justice Subcommittee**

**10/18/2011 9:00:00AM**

**Location:** 404 HOB

Pitts, Brian (General Public) - Opponent  
Trustee, Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727) 897-9291

**Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM**

Print Date: 10/18/2011 3:17 pm

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# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

**Location:** 404 HOB

**HB 173 : Department of Juvenile Justice**

*Temporarily Deferred*

Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

Location: 404 HOB

### HB 177 : Inmate Reentry

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: 12</b>		<b>Total Nays: 3</b>			

### HB 177 Amendments

#### Amendment 451255

Adopted Without Objection

### Appearances:

Weissert, Robert (General Public) - Information Only  
Vice President for Research, Florida TaxWatch  
106 N Bronough St  
Tallahassee FL 32301  
Phone: (850) 222-5052

Flynn, Mark (Lobbyist) - Proponent  
Executive Director, AIF Smart Justice Council  
516 North Adams St  
Tallahassee FL 32303

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

Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM



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	_____	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee  
3 Representative Porth offered the following:  
4

5 **Amendment**

6 Remove lines 109-123 and insert:

7 (3) (a) The department shall screen offenders committed to  
8 the department for eligibility criteria to participate in the  
9 reentry program. In order to be eligible, an offender must be a  
10 nonviolent offender, served at least one-half of his or her  
11 original sentence, and have been identified as having a need for  
12 substance abuse treatment. When selecting participants for the  
13 reentry program, the department shall consider the offender's  
14 criminal history and the possible rehabilitative benefits that  
15 substance abuse treatment, educational programming, vocational  
16 training, and other rehabilitative programming might have on the  
17 offender.

18 (b) If an offender meets the eligibility criteria, is  
19 selected by the department, and space is available in the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 177 (2012)

Amendment No. 1

20 | reentry program, the department shall request the sentencing  
21 | court to approve the offender's participation in the reentry  
22 | program.

# **COMMITTEE MEETING REPORT**

## **Criminal Justice Subcommittee**

**10/18/2011 9:00:00AM**

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Trammell, Robert (Lobbyist) - Waive In Support  
Public Defender  
PO Box 1799  
Tallahassee FL 32302  
Phone: (850) 510-2187

Messersmith, Frank (Lobbyist) - Opponent  
Florida Sheriffs Association  
2901 Lake Bradford Rd  
Tallahassee FL 32310  
Phone: (850) 576-5858

Pitts, Brian (General Public) - Opponent  
Trustee, Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727) 897-9291

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# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

Location: 404 HOB

### HB 183 : Misdemeanor Pretrial Substance Abuse 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 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 183 Amendments

#### Amendment 758599

Adopted Without Objection

### Appearances:

Pitts, Brian (General Public) - Proponent  
Trustee, Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 183 (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: Criminal Justice  
2 Subcommittee

3 Representative Moraitis 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  
8 948.16, Florida Statutes, is amended to read:

9 948.16 Misdemeanor pretrial substance abuse education and  
10 treatment intervention program.—

11 (1)(a) A person who has not previously been convicted of a  
12 felony and who is charged with a nonviolent, nontraffic-related  
13 misdemeanor and identified as having a substance abuse problem  
14 or who is charged with a misdemeanor for possession of a  
15 controlled substance or drug paraphernalia under chapter 893,  
16 prostitution under s. 796.07, possession of alcohol while under  
17 21 years of age under s. 562.111, or possession of a controlled  
18 substance without a valid prescription under s. 499.03(1), and  
19 ~~who has not previously been convicted of a felony nor been~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 183 (2012)

Amendment No. 1

20 ~~admitted to a pretrial program,~~ is eligible for voluntary  
21 admission into a misdemeanor pretrial substance abuse education  
22 and treatment intervention program, including a treatment-based  
23 drug court program established pursuant to s. 397.334, approved  
24 by the chief judge of the circuit, for a period based on the  
25 program requirements and the treatment plan for the offender,  
26 upon motion of either party or the court's own motion, except,  
27 if the state attorney believes the facts and circumstances of  
28 the case suggest the defendant is involved in dealing and  
29 selling controlled substances, the court shall hold a  
30 preadmission hearing. If the state attorney establishes, by a  
31 preponderance of the evidence at such hearing, that the  
32 defendant was involved in dealing or selling controlled  
33 substances, the court shall deny the defendant's admission into  
34 the pretrial intervention program.

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

36

37

38

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39

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

40

Remove lines 4-9 and insert:

41

that a person who has not previously been convicted of a felony

42

and is charged with a nonviolent, nontraffic-related misdemeanor

43

and identified as having a substance abuse problem or a person

44

who is charged with certain other designated misdemeanor

45

offenses, may qualify for participation in a

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

Location: 404 HOB

HB 189 : Unauthorized Copying of Recordings

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: 13</b>		<b>Total Nays: 0</b>			

### Appearances:

Castro, Edgar (Lobbyist) - Waive In Support  
Associate, Recording Industry Association  
121 Alhambra Plaza 10th Floor  
Coral Gables FL 33134  
Phone: (305) 260-1034

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# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

10/18/2011 9:00:00AM

**Location:** 404 HOB

### **Presentation/Workshop/Other Business Appearances:**

#### Substance Abuse Treatment Programs

Fontaine, Mark (Lobbyist) (At Request Of Chair) (General Public) - Proponent  
Executive Director, Florida Alcohol and Drug Abuse Association  
2868-1 Mahan Dr  
Tallahassee FL undefined  
Phone: (850) 878-2196

#### Substance Abuse Treatment Programs

Lee, Darryl (At Request Of Chair) (General Public) - Proponent  
In-Prison Substance Abuse Treatment  
Jacksonville FL

#### Substance Abuse Treatment Programs

Brown, Charles (General Public) - Proponent  
Bridges of America  
2001 Mercy Dr  
Orlando Florida  
Phone: (407) 810 7143

#### Substance Abuse Treatment Programs

Costantino-Brown, Lori (General Public) - Proponent  
Bridges of America  
2001 Mercy Dr  
Orlando Florida

#### Substance Abuse Treatment Programs

Randolph, Shelia (At Request Of Chair) (General Public) - Proponent  
The Unlimited Path of Central Florida, Inc.  
PO Box 3716  
Lake City Florida  
Phone: (386) 752-2385

#### Substance Abuse Treatment Programs

Powell-Jones, Gwendolyn (General Public) - Information Only  
3190 Springhill Rd  
Tallahassee FL 32305  
Phone: (850) 575-5007

#### Substance Abuse Treatment Programs

Spence, Kimberly (General Public) - Information Only  
5000 West Highway 98  
Tallahassee FL 32405  
Phone: (850) 747-8776

Committee meeting was reported out: Tuesday, October 18, 2011 3:04:14PM