



Criminal Justice Subcommittee

**Tuesday 12th, 2013
9:00 AM**

404 HOB

Action Packet

**Will W. Weatherford
Speaker**

**Matt Gaetz
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

Summary:

Criminal Justice Subcommittee

Tuesday February 12, 2013 09:00 am

HB 353	Favorable With Committee Substitute Amendment 522123	Adopted Without Objection	Yeas: 11	Nays: 0
HB 361	Favorable With Committee Substitute Amendment 517139	Adopted Without Objection	Yeas: 11	Nays: 0
HB 399	Favorable With Committee Substitute Amendment 039995	Adopted Without Objection	Yeas: 12	Nays: 0
HB 407	Favorable		Yeas: 12	Nays: 0
HB 489	Favorable With Committee Substitute Amendment 698491	Adopted Without Objection	Yeas: 11	Nays: 0
HB 4019	Favorable With Committee Substitute Amendment 747767	Adopted Without Objection	Yeas: 12	Nays: 0

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Gaetz (Chair)	X		
Randolph Bracy	X		
Michael Clelland	X		
Dane Eagle	X		
James Grant	X		
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Dave Kerner	X		
Kionne McGhee	X		
Ray Pilon			X
Irving Slosberg	X		
Charles Van Zant	X		
Totals:	12	0	1

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

HB 353 : Corrections

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson				X	
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HB 353 Amendments

Amendment 522123

Adopted Without Objection

Appearances:

Sanchez, Ana (Lobbyist) (State Employee) - Waive In Support
Legislative Affairs Director, Department of Juvenile Justice
2737 Centerview Dr.
Tallahassee FL 32399
Phone: (850) 410-1097

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

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 353 (2013)

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
2/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Harrell offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 985.702, Florida Statutes, is created to
8 read:

9 985.702 Malicious infliction of cruel or inhuman treatment
10 prohibited; reporting required; penalties.-

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

12 (a) "Employee" means paid staff members, volunteers, and
13 interns who work in a department program or a program operated
14 by a provider under a contract with the department.

15 (b) "Juvenile offender" means any person of any age who is
16 detained, or committed to the custody of, the department.

17 (c) "Neglect of a juvenile offender" means:

18 1. An employee's failure or omission to provide a juvenile
19 offender with the proper level of care, supervision, and
20 services necessary to maintain the juvenile offender's physical

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 353 (2013)

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21 and mental health, including, but not limited to, adequate food,
22 nutrition, clothing, shelter, supervision, medicine, and medical
23 services; or

24 2. An employee's failure to make a reasonable effort to
25 protect a juvenile offender from abuse, neglect, or exploitation
26 by another person.

27 (2)(a) Any employee who, with malicious intent, inflicts
28 cruel or inhuman treatment by neglect or otherwise, without
29 causing great bodily harm, permanent disability, or permanent
30 disfigurement to a juvenile offender, commits a misdemeanor of
31 the first degree, punishable as provided in s. 775.082 or s.
32 775.083.

33 (b) Any employee who, with malicious intent, inflicts cruel
34 or inhuman treatment by neglect or otherwise, and in so doing
35 causes great bodily harm, permanent disability, or permanent
36 disfigurement to a juvenile offender, commits a felony of the
37 third degree, punishable as provided in s. 775.082, s. 775.083,
38 or s. 775.084.

39 (c) Notwithstanding prosecution, any violation of
40 paragraphs (a) or (b), as determined by the Public Employees
41 Relations Commission, constitutes sufficient cause under s.
42 110.227 for dismissal from employment with the department, and
43 such person may not again be employed in any capacity in
44 connection with the juvenile justice system.

45 (3) An employee who witnesses the infliction of cruel or
46 inhuman treatment committed against a juvenile offender shall
47 immediately report the incident to the department's incident
48 hotline, and prepare, date, and sign an independent report that

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49 specifically describes the nature of the incident, the location
50 and time of the incident, and the persons involved. The employee
51 shall deliver the report to the employee's supervisor or program
52 director, who must provide copies to the department's inspector
53 general and the circuit juvenile justice manager. The inspector
54 general shall immediately conduct an appropriate administrative
55 investigation, and, if there is probable cause to believe that a
56 violation of subsection (2) has occurred, the inspector general
57 shall notify the state attorney in the circuit in which the
58 incident occurred.

59 (4)(a) Any person who is required to prepare a report under
60 this section who knowingly or willfully fails to do so, or who
61 knowingly or willfully prevents another person from doing so,
62 commits a misdemeanor of the first degree, punishable as
63 provided in s. 775.082 or s. 775.083.

64 (b) Any person who knowingly or willfully submits
65 inaccurate, incomplete, or untruthful information with respect
66 to a report required under this section commits a misdemeanor of
67 the first degree, punishable as provided in s. 775.082 or s.
68 775.083.

69 (c) Any person who knowingly or willfully coerces or
70 threatens any other person with the intent to alter testimony or
71 a written report regarding an incident of the infliction of
72 cruel or inhuman treatment commits a felony of the third degree,
73 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

74 Section 2. Paragraph (a) of subsection (1) of section
75 985.701, Florida Statutes, is amended to read:

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76 985.701 Sexual misconduct prohibited; reporting required;
77 penalties.-

78 (1)(a)1. As used in this subsection, the term:

79 a. "Sexual misconduct" means fondling the genital area,
80 groin, inner thighs, buttocks, or breasts of a person; the oral,
81 anal, or vaginal penetration by or union with the sexual organ
82 of another; or the anal or vaginal penetration of another by any
83 other object. The term does not include an act done for a bona
84 fide medical purpose or an internal search conducted in the
85 lawful performance of duty by an employee of the department or
86 an employee of a provider under contract with the department.

87 b. "Employee" includes paid staff members, volunteers, and
88 interns who work in a department program or a program operated
89 by a provider under a contract.

90 c. "Juvenile offender" means any person of any age who is
91 detained or supervised by, or committed to the custody of, the
92 department.

93 2. An employee who engages in sexual misconduct with a
94 juvenile offender detained or supervised by, or committed to the
95 custody of, the department commits a felony of the second
96 degree, punishable as provided in s. 775.082, s. 775.083, or s.
97 775.084. An employee may be found guilty of violating this
98 subsection without having committed the crime of sexual battery.

99 3. The consent of the juvenile offender to any act of
100 sexual misconduct is not a defense to prosecution under this
101 subsection.

Amendment No. 1

102 4. This subsection does not apply to an employee of the
103 department, or an employee of a provider under contract with the
104 department, who:

105 a. Is legally married to a juvenile offender who is
106 detained or supervised by, or committed to the custody of, the
107 department.

108 b. Has no reason to believe that the person with whom the
109 employee engaged in sexual misconduct is a juvenile offender
110 detained or supervised by, or committed to the custody of, the
111 department.

112 Section 3. This act shall take effect upon becoming law.
113
114

115 -----

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

117 Remove everything before the enacting clause and insert:
118

119 A bill to be entitled

120 An act relating to juvenile justice; creating s. 985.702, F.S.;
121 providing definitions; prohibiting employees from inflicting
122 cruel or inhuman treatment by neglect that does not result in
123 great bodily harm, permanent disability or permanent
124 disfigurement to a juvenile offender; prohibiting employees from
125 inflicting cruel or inhuman treatment by neglect resulting in
126 great bodily harm, permanent disability or permanent
127 disfigurement to a juvenile offender; providing criminal
128 penalties; creating reporting requirements; providing criminal

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 353 (2013)

Amendment No. 1

129 | penalties; amending s. 985.701, F.S.; adding a definition of

130 | "juvenile offender"; providing an effective date.

131 |

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

HB 361 : Public Meetings/Criminal Justice Commissions

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson				X	
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HB 361 Amendments

Amendment 517139

Adopted Without Objection

Appearances:

Schoonover, Christopher (Lobbyist) - Waive In Support
Palm Beach County, Sheriffs Office
101 E. College Ave. Suite 303
Tallahassee FL 32301
Phone: (850) 222-9075

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

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 361 (2013)

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
2/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Kerner offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Criminal justice commissions; public meetings
8 exemption.-

9 1) As used in this section, the term:

10 (a) "Duly constituted criminal justice commission" means
11 an advisory commission created by municipal or county ordinance
12 whose membership is comprised of private and public sector
13 persons and whose purpose is to examine local criminal justice
14 issues.

15 (b) "Active" has the same meaning as provided in s.
16 119.011.

17 (c) "Criminal intelligence information" has the same
18 meaning as provided in s. 119.011.

19 (d) "Criminal investigative information" has the same
20 meaning as provided in s. 119.011.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 361 (2013)

Amendment No. 1

21 (2) That portion of a meeting of a duly constituted
22 criminal justice commission at which members of the commission
23 discuss active criminal intelligence information or active
24 criminal investigative information that is currently being
25 considered by, or which may foreseeably come before, the
26 commission is exempt from s. 286.011, Florida Statutes, and s.
27 24(b), Art. I of the State Constitution, provided that at any
28 public meeting of the criminal justice commission at which such
29 matter is being considered, the commission members publicly
30 disclose the fact that the matter has been discussed.

31 (3) This section is subject to the Open Government Sunset
32 Review Act in accordance with s. 119.15, Florida Statutes, and
33 shall stand repealed on October 2, 2018, unless reviewed and
34 saved from repeal through reenactment by the Legislature.

35 Section 2. It is the finding of the Legislature that it is
36 a public necessity that the portion of a meeting of a duly
37 constituted criminal justice commission at which members of the
38 commission discuss active criminal intelligence information or
39 active criminal investigative information currently being
40 considered by, or which may foreseeably come before, the
41 criminal justice commission be made exempt from public meeting
42 requirements. If the meetings at which exempt information is
43 discussed were open to the public, the purpose of the exemption
44 from public records requirements found in chapter 119, Florida
45 Statutes, would be defeated. The members of a criminal justice
46 commission must be able to hear and discuss exempt information
47 freely in order to make sound recommendations regarding
48 strategies and activities that are best suited to protect the

Amendment No. 1

49 welfare of the people of this state. The ability to conduct
50 meetings at which members can freely discuss and fully
51 understand the details of active criminal intelligence
52 information and active criminal investigative information is
53 critical to the ability of a criminal justice commission to
54 operate effectively.

55 Section 3. This act shall take effect July 1, 2013.
56
57

58 -----
59 **T I T L E A M E N D M E N T**

60 Remove everything before the enacting clause and insert:

61 A bill to be entitled

62 An act relating to public meetings; providing definitions;
63 providing an exemption from public meeting requirements for that
64 portion of a meeting of a duly constituted criminal justice
65 commission at which specified members of the commission discuss
66 active criminal intelligence information or active criminal
67 investigative information currently being considered by, or
68 which may foreseeably come before, the commission; providing for
69 future review and repeal of the exemptions; providing a
70 statement of public necessity; providing an effective date.
71

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

HB 399 : Florida College System Police Officers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 399 Amendments

Amendment 039995

Adopted Without Objection

Appearances:

Parfitt, Rick (State Employee) - Information Only
Chief Police, Edison State College
8099 College Parkway
Ft. Myers FL 33919
Phone: (239) 489-9203

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

Holliday, Matthew (Lobbyist) (State Employee) - Waive In Support
Director Governmental Relations, Edison State College
8099 College Parkway
Ft. Myers FL 33919
Phone: (239) 489-9052

Bustle, Electra (Lobbyist) - Waive In Support
Florida Sheriffs Association
123 S. Adams St.
Tallahassee FL 32301
Phone: (850) 671-4401

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 399 (2013)

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
2/12/13*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Eagle offered the following:

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

6 Remove lines 36-68 and insert:

7 authorizing state university police or Florida College System
8 institution officers to enforce laws within a specified
9 jurisdictional area as agreed upon in a ~~the~~ voluntary
10 cooperation written agreement, or establishing a joint city-
11 county traffic enforcement task force.

12 Section 2. Paragraph (a) of subsection (1) of section
13 316.640, Florida Statutes, is amended to read:

14 316.640 Enforcement.—The enforcement of the traffic laws
15 of this state is vested as follows:

16 (1) STATE.—

17 (a)1.a. The Division of Florida Highway Patrol of the
18 Department of Highway Safety and Motor Vehicles; the Division of
19 Law Enforcement of the Fish and Wildlife Conservation
20 Commission; and the agents, inspectors, and officers of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 399 (2013)

Amendment No. 1

21 Department of Law Enforcement each have authority to enforce all
22 of the traffic laws of this state on all the streets and
23 highways thereof and elsewhere throughout the state wherever the
24 public has a right to travel by motor vehicle.

25 b. University police officers may enforce all of the
26 traffic laws of this state when violations occur on or within
27 1,000 feet of any property or facilities that are under the
28 guidance, supervision, regulation, or control of a state
29 university, a direct-support organization of such state
30 university, or any other organization controlled by the state
31 university or a direct-support organization of the state
32 university, or when such violations occur within a specified
33 jurisdictional area as agreed upon in a mutual aid agreement
34 entered into with a law enforcement agency pursuant to s.
35 23.1225(1). Traffic laws may also be enforced off-campus when
36 hot pursuit originates on or within 1,000 feet of any such
37 property or facilities, or as agreed upon in accordance with the
38 mutual aid agreement.

39 c. Florida Community College System institution police
40 officers may

41
42 -----
43 **T I T L E A M E N D M E N T**

44 Remove line 4 and insert:
45 mutual aid agreements involving Florida College System
46 institution

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

HB 407 : Criminal Gang Prevention

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Daly, Erin (Lobbyist) - Waive In Support
Florida Alliance of Boys & Girls Clubs
4384 Nicole Circle
Tequesta FL 33469
Phone: (850) 893-0995

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

HB 489 : Railroad Police Officers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant				X	
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HB 489 Amendments

Amendment 698491

Adopted Without Objection

Appearances:

Litzinger, Jacqueline (General Public) - Waive In Support
Chief of Police, CSX Transportation Police Dept.
500 Water St.
Jacksonville FL 32202
Phone: (904) 366-4203

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 489 (2013)

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
2/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Stone offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 354.01, Florida Statutes, is amended to
8 read:

9 354.01 Appointment of special officers.--Upon the
10 application of any railroad or other common carrier doing
11 business in this state, the Governor shall appoint one or more
12 persons who have met the law enforcement qualifications and
13 training requirements of s. 943.13 ~~943.13(1)-(10)~~ as special
14 officers for the protection and safety of such carriers; their
15 passengers and employees; and the property of such carriers,
16 passengers, and employees. A special officer shall not be
17 considered a "law enforcement officer" except for purposes of
18 ss. 943.085-943.255. A Class I or II railroad shall not be
19 considered an "employing agency" except for purposes of ss.
20 943.085-943.255.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 489 (2013)

Amendment No. 1

21 Section 2. Section 784.07, Florida Statutes, is amended to
22 read:

23 784.07 Assault or battery of law enforcement officers,
24 firefighters, emergency medical care providers, public transit
25 employees or agents, or other specified officers;
26 reclassification of offenses; minimum sentences.-

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

28 (a) "Emergency medical care provider" means an ambulance
29 driver, emergency medical technician, paramedic, registered
30 nurse, physician as defined in s. 401.23, medical director as
31 defined in s. 401.23, or any person authorized by an emergency
32 medical service licensed under chapter 401 who is engaged in the
33 performance of his or her duties. The term "emergency medical
34 care provider" also includes physicians, employees, agents, or
35 volunteers of hospitals as defined in chapter 395, who are
36 employed, under contract, or otherwise authorized by a hospital
37 to perform duties directly associated with the care and
38 treatment rendered by the hospital's emergency department or the
39 security thereof.

40 (b) "Firefighter" means any person employed by any public
41 employer of this state whose duty it is to extinguish fires; to
42 protect life or property; or to enforce municipal, county, and
43 state fire prevention codes, as well as any law pertaining to
44 the prevention and control of fires.

45 (c) "Law enforcement explorer" means any person who is a
46 current member of a law enforcement agency's explorer program
47 and who is performing functions other than those required to be
48 performed by sworn law enforcement officers on behalf of a law

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49 enforcement agency while under the direct physical supervision
50 of a sworn officer of that agency and wearing a uniform that
51 bears at least one patch that clearly identifies the law
52 enforcement agency that he or she represents.

53 (d) "Law enforcement officer" includes a law enforcement
54 officer, a correctional officer, a correctional probation
55 officer, a part-time law enforcement officer, a part-time
56 correctional officer, an auxiliary law enforcement officer, and
57 an auxiliary correctional officer, as those terms are
58 respectively defined in s. 943.10, and any county probation
59 officer; an employee or agent of the Department of Corrections
60 who supervises or provides services to inmates; an officer of
61 the Parole Commission; a federal law enforcement officer as
62 defined in s. 901.1505; and law enforcement personnel of the
63 Fish and Wildlife Conservation Commission or the Department of
64 Law Enforcement.

65 (e) "Public transit employees or agents" means bus
66 operators, train operators, revenue collectors, security
67 personnel, equipment maintenance personnel, or field
68 supervisors, who are employees or agents of a transit agency as
69 described in s. 812.015(1)(1).

70 (f) "Railroad special officer" means a person employed by
71 a Class I or Class II railroad and appointed by the Governor
72 pursuant to s. 354.01.

73 (2) Whenever any person is charged with knowingly
74 committing an assault or battery upon a law enforcement officer,
75 a firefighter, an emergency medical care provider, a railroad
76 special officer, a traffic accident investigation officer as

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 489 (2013)

Amendment No. 1

77 described in s. 316.640, a nonsworn law enforcement agency
78 employee who is certified as an agency inspector, a blood
79 alcohol analyst, or a breath test operator while such employee
80 is in uniform and engaged in processing, testing, evaluating,
81 analyzing, or transporting a person who is detained or under
82 arrest for DUI, a law enforcement explorer, a traffic infraction
83 enforcement officer as described in s. 316.640, a parking
84 enforcement specialist as defined in s. 316.640, a person
85 licensed as a security officer as defined in s. 493.6101 and
86 wearing a uniform that bears at least one patch or emblem that
87 is visible at all times that clearly identifies the employing
88 agency and that clearly identifies the person as a licensed
89 security officer, or a security officer employed by the board of
90 trustees of a community college, while the officer, firefighter,
91 emergency medical care provider, railroad special officer,
92 traffic accident investigation officer, traffic infraction
93 enforcement officer, inspector, analyst, operator, law
94 enforcement explorer, parking enforcement specialist, public
95 transit employee or agent, or security officer is engaged in the
96 lawful performance of his or her duties, the offense for which
97 the person is charged shall be reclassified as follows:

98 (a) In the case of assault, from a misdemeanor of the
99 second degree to a misdemeanor of the first degree.

100 (b) In the case of battery, from a misdemeanor of the
101 first degree to a felony of the third degree.

102 (c) In the case of aggravated assault, from a felony of
103 the third degree to a felony of the second degree.

104 Notwithstanding any other provision of law, any person convicted

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 489 (2013)

Amendment No. 1

105 of aggravated assault upon a law enforcement officer shall be
106 sentenced to a minimum term of imprisonment of 3 years.

107 (d) In the case of aggravated battery, from a felony of
108 the second degree to a felony of the first degree.

109 Notwithstanding any other provision of law, any person convicted
110 of aggravated battery of a law enforcement officer shall be
111 sentenced to a minimum term of imprisonment of 5 years.

112 (3) Any person who is convicted of a battery under
113 paragraph (2)(b) and, during the commission of the offense, such
114 person possessed:

115 (a) A "firearm" or "destructive device" as those terms are
116 defined in s. 790.001, shall be sentenced to a minimum term of
117 imprisonment of 3 years.

118 (b) A semiautomatic firearm and its high-capacity
119 detachable box magazine, as defined in s. 775.087(3), or a
120 machine gun as defined in s. 790.001, shall be sentenced to a
121 minimum term of imprisonment of 8 years.

122
123 Notwithstanding s. 948.01, adjudication of guilt or imposition
124 of sentence shall not be suspended, deferred, or withheld, and
125 the defendant is not eligible for statutory gain-time under s.
126 944.275 or any form of discretionary early release, other than
127 pardon or executive clemency, or conditional medical release
128 under s. 947.149, prior to serving the minimum sentence.

129 Section 3. Subsections (1) and (4) of section 943.10,
130 Florida Statutes, are amended to read:

131 943.10 Definitions; ss. 943.085-943.255.—The following
132 words and phrases as used in ss. 943.085-943.255 are defined as

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 489 (2013)

Amendment No. 1

133 follows:

134 (1) "Law enforcement officer" means any person who is
135 elected, appointed, or employed full time by any municipality or
136 the state or any political subdivision thereof; who is vested
137 with authority to bear arms and make arrests; and whose primary
138 responsibility is the prevention and detection of crime or the
139 enforcement of the penal, criminal, traffic, or highway laws of
140 the state. This definition includes all certified supervisory
141 and command personnel whose duties include, in whole or in part,
142 the supervision, training, guidance, and management
143 responsibilities of full-time law enforcement officers, part-
144 time law enforcement officers, or auxiliary law enforcement
145 officers but does not include support personnel employed by the
146 employing agency. For purposes of ss. 943.085-943.255 only, this
147 definition also includes special officers employed by a Class I
148 or Class II railroad and appointed by the Governor pursuant to
149 s. 354.01.

150 (4) "Employing agency" means any agency or unit of
151 government or any municipality or the state or any political
152 subdivision thereof, or any agent thereof, which has
153 constitutional or statutory authority to employ or appoint
154 persons as officers. The term also includes any private entity
155 which has contracted with the state or county for the operation
156 and maintenance of a nonjuvenile detention facility. For
157 purposes of ss. 943.085-943.255 only, the term also includes a
158 Class I or Class II railroad that employs special officers
159 pursuant to s. 354.01.

160 Section 4. This act shall take effect July 1, 2013.

Amendment No. 1

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to railroad police officers; amending s. 354.01, F.S.; requiring special officers employed by a railroad or other common carrier to comply with specified continuing training or education requirements; providing that a special officer is not considered a "law enforcement officer" except for purposes of ss. 943.085-943.255; providing that a Class I or II railroad is not considered an "employing agency" except for purposes of ss. 943.085-943.255; amending s. 784.07, F.S.; defining the term "railroad special officer;" providing for reclassification of certain offenses committed against a railroad special officer; amending s. 943.10, F.S.; including special officers employed by a railroad or other common carrier within the definition of "law enforcement officers" and including certain railroads within the definition of "employing agency," for purposes of specified provisions relating to law enforcement officer standards; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

2/12/2013 9:00:00AM

Location: 404 HOB

HB 4019 : Youth Custody Officers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon			X		
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 4019 Amendments

Amendment 747767

Adopted Without Objection

Appearances:

Sanchez, Ana (Lobbyist) (State Employee) - Waive In Support
Legislative Affairs Director, Department of Juvenile Justice
2737 Centerview Dr.
Tallahassee FL 32399
Phone: (850) 410-1097

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

Committee meeting was reported out: Tuesday, February 12, 2013 11:11:45AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 4019 (2013)

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
2/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Harrell offered the following:

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

6 Between lines 10 and 11, insert:

7 Section 1. Section 945.75, Florida Statutes, is repealed.

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12 -----
13 **T I T L E A M E N D M E N T**

14 Remove line 2 and insert:

15 An act relating to juvenile justice; repealing s. 945.75, F.S.;
16 deleting a requirement that the Department of Corrections and
17 counties develop programs under which a judge may order
18 juveniles who have committed delinquent acts to tour
19 correctional facilities; repealing