

Justice Appropriations Subcommittee

Action Packet

January 28, 2016 3:30 p.m. – 5:30 p.m. Reed Hall

Justice Appropriations Subcommittee

1/28/2016 3:30:00PM

Location: Reed Hall (102 HOB)

Summary:

Justice Appropriations Subcommittee

Thursday January 28, 2016 03:30 pm

CS/HB 179 Favorable With Committee Substitute Yeas: 11 Nays: 0

Amendment 287425 Adopted Without Objection

CS/HB 673 Favorable With Committee Substitute Yeas: 11 Nays: 0

Amendment 160177 Adopted Without Objection

CS/HB 685 Favorable Yeas: 11 Nays: 0

Justice Appropriations Subcommittee

1/28/2016 3:30:00PM

Location: Reed Hall (102 HOB)

Attendance:

	Present	Absent	Excused
Larry Metz (Chair)	Х		
Larry Ahern	X		
Daniel Burgess, Jr.	X		
Eric Eisnaugle	X		
Chris Latvala	X		
Kionne McGhee	X		
Mike Miller	X		
Kathleen Peters	X		
Sharon Pritchett	X		
José Rodríguez	X		
Darryl Rouson	X		
Ross Spano	X		
Carlos Trujillo	X		
Totals:	13	0	o

CS/HB673

C9/HB 673

Justice Appropriations Subcommittee

1/28/2016 3:30:00PM

Location: Reed Hall (102 HOB)

CS/HB 179 : Evidence Collected in Sexual Offense Investigations

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern				Х	
Daniel Burgess, Jr.				X	
Eric Eisnaugle	х				
Chris Latvala	X				
Kionne McGhee	X				
Mike Miller	X				
Kathleen Peters	X				
Sharon Pritchett	X				
José Rodríguez	X				
Darryl Rouson	X				
Ross Spano	X				
Carlos Trujillo	X				
Larry Metz (Chair)	X				
	Total Yeas: 11	Total Nays: 0			

CS/HB 179 Amendments

Amendment 287425

X Adopted Without Objection

Appearances:

Dunagan, Matt (Lobbyist) (General Public) - Waive In Support Florida Sheriffs Association Deputy Director of Operations 2617 Mahan Drive Tallahassee FL 32308

Tallahassee FL 32308 Phone: 850-877-2165

Stanfield, Tim (Lobbyist) - Waive In Support

Florida Police Chiefs Assoc.

101 N. Monroe

Tallahassee FL 32301

Phone: 681-4220

Pritt, Jennifer (Lobbyist) (State Employee) - Waive In Support

FDLE

Assistant Commissioner

2331 Phillips Rd

Tallahassee FL 32306 Phone: 850-410-7001

Justice Appropriations Subcommittee

1/28/2016 3:30:00PM

Location: Reed Hall (102 HOB)

CS/HB 179 : Evidence Collected in Sexual Offense Investigations (continued)

Appearances: (continued)

Phone: 850-297-2000

Dritt, Jennifer (Lobbyist) - Waive In Support Florida Council Against Sexual Violence Executive Director 1820 E. Park Ave. St 100 Tallahassee FL 32301

Bill No. CS/HB 179 (2016)

Amendment No.

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COMMITTEE/SUBCOMMITTEE ACTION ADOPTED(Y/N)
ADOPTED (Y/N)
ADOPTED AS AMENDED(Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER
Committee/Subcommittee hearing bill: Justice Appropriations
Subcommittee
Representative Adkins offered the following:
Amendment (with title amendment)
Remove everything after the enacting clause and insert:
Section 1. Section 943.326, Florida Statutes, is created
to read:
943.326 DNA evidence collected in sexual offense
investigations.—
(1) A sexual offense evidence kit, or other DNA evidence
if a kit is not collected, must be submitted to a member of the
statewide criminal analysis laboratory system under s. 943.32
for forensic testing within 30 days after:
(a) Receipt of the evidence by a law enforcement agency if
(d) hoodpa of the first of the output of the district of the first of
a report of the sexual offense is made to the law enforcement

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(b)) A	reque	est	to	have	the	evidence	e tested	l is	made	to	the
medical	prov	vider	or	the	law	enfo	orcement	agency	by:			

- The alleged victim;
- 2. The alleged victim's parent, guardian, or legal representative, if the alleged victim is a minor; or
- 3. The alleged victim's personal representative, if the alleged victim is deceased.
- (2) An alleged victim or, if applicable, the person representing the alleged victim under subparagraph (1)(b)2. or subparagraph (1)(b)3. must be informed of the purpose of submitting evidence for testing and the right to request testing under subsection (1) by:
- (a) A medical provider conducting a forensic physical examination for purposes of a sexual offense evidence kit; or
- (b) A law enforcement agency that collects other DNA evidence associated with the sexual offense if a kit is not collected under paragraph (a).
- (3) A collected sexual offense evidence kit must be retained in a secure, environmentally safe manner until the prosecuting agency has approved its destruction.
- (4) By January 1, 2017, the department and each laboratory within the statewide criminal analysis laboratory system, in coordination with the Florida Council Against Sexual Violence, shall adopt and disseminate guidelines and procedures for the collection, submission, and testing of DNA evidence that is obtained in connection with an alleged sexual offense. The

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timely submission and testing of sexual offense evidence kits is a core public safety issue. Testing of sexual offense evidence kits must be completed no later than 120 days after submission to a member of the statewide criminal analysis laboratory system.

- (a) The guidelines and procedures must include the requirements of this section, standards for how evidence is to be packaged for submission, what evidence must be submitted to a member of the statewide criminal analysis laboratory system, and timeframes for when the evidence must be submitted, analyzed, and compared to DNA databases.
- (b) The testing requirements of this section are satisfied when a member of the statewide criminal analysis laboratory system tests the contents of the sexual offense evidence kit in an attempt to identify the foreign DNA attributable to a suspect. If a sexual offense evidence kit is not collected, the laboratory may receive and examine other items directly related to the crime scene, such as clothing or bedding or personal items left behind by the suspect. If probative information is obtained from the testing of the sexual offense evidence kit, the examination of other evidence should be based on the potential evidentiary value to the case and determined through cooperation among the investigating agency, the laboratory, and the prosecutor.
- (5) This section does not create a cause of action or create any rights for an individual to challenge the admission

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of evidence or create a cause of action for damages or any other relief for a violation of this section.

Section 2. This act shall take effect July 1, 2016.

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TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to evidence collected in sexual offense investigations; creating s. 943.326, F.S.; requiring that a sexual offense evidence kit or other DNA evidence be submitted to a member of the statewide criminal analysis laboratory system within a specified timeframe after specified occurrences; requiring a medical provider or law enforcement agency to inform an alleged victim of a sexual offense of certain information relating to sexual offense evidence kits; requiring the retention of specified evidence; requiring adoption and dissemination of guidelines and procedures by certain entities by a specified date; requiring the testing of sexual offense evidence kits within a specified timeframe after submission to a member of the statewide criminal analysis laboratory; providing requirements for such guidelines and procedures; providing construction; providing an effective date.

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COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit two copies to the committee/subcommittee administrative assistant at the meeting.

Bill Number:	CS/HB 179: Evidence Collected in Sexual Offense Investigations	Meeting Date:	Jan 28 2016 3:30PM
PCB/PCS/Amer Presentation/Wo			
Committee/Sub	committee: Justice Appropr	iations Subcommitt	ee
Name:	Dunagan, Matt		
Title:	Deputy Director of Operations		
Address:	2617 Mahan Drive		
City:	Tallahassee	State/Zip:	FL 32308
Phone Number:	850-877-2165		
Representing:	Florida Sheriffs Association		
Regis	tered Lobbyist: Yes	State Employee:	No

I Wish To Speak: No	Bill	Amendment
I Have Been Requested To Speak: No	Proponent	N/A



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the <u>entire</u> form and submit <u>two</u> copies to the committee/subcommittee

Administrative Assistant at the meeting.

Bill Number: 179 Meeting Date: 1/28/16
Fill in appropriate information: PCB/PCS/Amendment # or Presentation/Workshop Topic: Sexual Assault Truestique on
Committee/Subcommittee: C5 Approps
Name: Tim Smarfield
Title:
Address: 101 N. Monre
City: State/Zip:3270/
Phone Number: 68 1 4220
Representing: Florida Police Chicks ASSOC
Registered Lobbyist: YES NO State Employee: YES NO NO
I Wish To Speak: YES NO Bill Amendment Proponent Opponent Proponent Opponent Oppone
I Have Been Requested to Speak: YES NO Info Only Info Only Info Only

W/S



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the $\underline{\text{entire}}$ form and submit $\underline{\text{two}}$ copies to the committee/subcommittee Administrative Assistant at the meeting.

Bill Number: HB 179 Meeting Date: Jan 28, 2016
Fill in appropriate information: PCR/PCS/Amendment # or
Presentation/Workshop Topic: Evidence Collected as Part of See Committee/Subcommittee: Justice Appropriations Sub
Name: Jennifer C Pritt
Title: Assistant Commissioner
Address: 2331 Phillips Rd
City: Tallahassee State/Zip: FL/32306
Phone Number: (850) 410-7001
Representing: FDLE
Registered Lobbyist: YES NO State Employee: YES NO NO
I Wish To Speak: YES NO Bill Amendment Proponent Opponent Opponen
I Have Been Requested to Speak: YES NO Info Only Info Only Info Only



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the <u>entire</u> form and submit <u>two</u> copies to the committee/subcommittee

Administrative Assistant at the meeting.

Bill Number: C5/H8 179 Meeting Date: Juhum 26, 2016
Fill in appropriate information: PCB/PCS/Amendment # or Presentation/Workshop Topic: Unfest & Seal Assalt Lib.
Committee/Subcommittee: Justice Appropriation
Name: Jennife Dritt (P2TT)
Title: Executive Director
Address: 1820 E. PAUK AVE, SPE 100
City: NUAHASSEL State/Zip: Fr 32301
Phone Number: (850) 297 - 2000
Representing: FLORION GUNCH AGAZOUST STROUGH NOUSINCE
Registered Lobbyist: YES NO State Employee: YES NO
I Wish To Speak: YES NO Bill Amendment
Proponent Opponent Opponent Opponent Opponent
I Have Been Requested to Speak: YES NO Info Only Info Only Info Only

Justice Appropriations Subcommittee

1/28/2016 3:30:00PM

Location: Reed Hall (102 HOB)
CS/HB 673: Adoption

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern				Х	
Daniel Burgess, Jr.				X	
Eric Eisnaugle	X				
Chris Latvala	X				
Kionne McGhee	X				
Mike Miller	X				
Kathleen Peters	X				
Sharon Pritchett	X				
José Rodríguez	X				
Darryl Rouson	X				
Ross Spano	X				
Carlos Trujillo	Х				
Larry Metz (Chair)	X				
	Total Yeas: 11	Total Nays: (0		

CS/HB 673 Amendments

Amendment 160177

X Adopted Without Objection

Appearances:

Croom, Thomas (General Public) - Waive In Support Foster Parents President, CEO Go Foster 113 S. Nonroe St. Tallahassee FL 32301

Croom, Thomas (General Public) - Waive In Support Foster Parents Regional VP & Board Member FL Foster/Adoption Parent Assoc.

Print Date: 1/28/2016 6:53 pm **Leagis ®** Page 5 of 6

Bill No. CS/HB 673 (2016)

Amendment No.

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COMMITTEE/SUBCOMMI	TTEE ACTION	ANOFICO
ADOPTED	(Y/N)	1/28/10
ADOPTED AS AMENDED	(Y/N)	1
ADOPTED W/O OBJECTION	(Y/N)	
FAILED TO ADOPT	(Y/N)	
WITHDRAWN	(Y/N)	
OTHER		

Committee/Subcommittee hearing bill: Justice Appropriations Subcommittee

Representative Adkins offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Subsections (1) and (49) of section 39.01, Florida Statutes, are amended to read:

- 39.01 Definitions.—When used in this chapter, unless the context otherwise requires:
- (1) "Abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this subsection, "establish or maintain a

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substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. A man's acknowledgement of paternity of the child does not limit the period of time considered in determining whether the child was abandoned. The term does not include a surrendered newborn infant as described in s. 383.50, a "child in need of services" as defined in chapter 984, or a "family in need of services" as defined in chapter 984. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.

(49) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of s. 39.503(1) or s. 63.062(1). For purposes of this chapter only, when the phrase "parent or legal custodian" is used, it refers to rights or responsibilities of

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the parent and, only if there is no living parent with intact parental rights, to the rights or responsibilities of the legal custodian who has assumed the role of the parent. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless:

- (a) The parental status falls within the terms of s. 39.503(1) or s. 63.062(1); or
- (b) Parental status is applied for the purpose of determining whether the child has been abandoned.

Section 2. Subsection (6) of section 63.082, Florida Statutes, is amended to read:

- 63.082 Execution of consent to adoption or affidavit of nonpaternity; family social and medical history; revocation of consent.—
- (6) (a) If a parent executes a consent for adoption placement of a minor with an adoption entity or qualified prospective adoptive parents and the minor child is under the supervision in the custody of the department, or otherwise subject to the jurisdiction of the dependency court as a result of the entry of a shelter order petition, a dependency petition, or a petition for termination of parental rights pursuant to chapter 39, but parental rights have not yet been terminated, the adoption consent is valid, binding, and enforceable by the court.
 - (b) Upon execution of the consent of the parent, the

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adoption entity shall be permitted to intervene in the dependency case as a party in interest and must provide the court that acquired jurisdiction over the minor, pursuant to the shelter or dependency petition filed by the department, a copy of the preliminary home study of the prospective adoptive parents and any other evidence of the suitability of the placement. The preliminary home study must be maintained with strictest confidentiality within the dependency court file and the department's file. A preliminary home study must be provided to the court in all cases in which an adoption entity has intervened pursuant to this section. Unless the court has concerns regarding the qualifications of the home study provider, or concerns that the home study may not be adequate to determine the best interests of the child, the home study provided by the adoption entity shall be deemed to be sufficient and no additional home study needs to be performed by the department.

(c) If an adoption entity files a motion to intervene in the dependency case in accordance with this chapter, the dependency court shall promptly grant a hearing to determine whether the adoption entity has filed the required documents to be permitted to intervene and whether a change of placement of the child is in the best interests of the child appropriate.

Absent good cause or mutual agreement of the parties, the final hearing on the motion to intervene and the change of placement of the child must be held within 30 days after the filing of the

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120 121 motion and a written final order shall be filed within 15 days after the hearing.

- If after consideration of all relevant factors, (d) including those set forth in paragraph (e), the court determines Upon a determination by the court that the prospective adoptive parents are properly qualified to adopt the minor child and that the adoption is appears to be in the best interests of the minor child, the court shall promptly immediately order the transfer of custody of the minor child to the prospective adoptive parents, under the supervision of the adoption entity. The court may establish reasonable requirements for the transfer of custody in the transfer order, including a reasonable period of time to transition final custody to the prospective adoptive parents. The adoption entity shall thereafter provide monthly supervision reports to the department until finalization of the adoption. If the child has been determined to be dependent by the court, the department shall provide information to the prospective adoptive parents at the time they receive placement of the dependent child regarding approved parent training classes available within the community. The department shall file with the court an acknowledgment of the parent's receipt of the information regarding approved parent training classes available within the community.
- (e) In determining whether the best interests of the child are served by transferring the custody of the minor child to the prospective adoptive parent selected by the parent or adoption

160177 - HB 673 Adkins.docx

Bill No. CS/HB 673 (2016)

	Amendment No.
122	entity, the court shall consider and weigh all relevant factors,
123	including, but not limited to: the rights of the parent to
124	determine an appropriate placement for the child,
125	1. The permanency offered;
126	2. The established bonded relationship between the child
127	and the current caregiver in child's bonding with any potential
128	adoptive home in which that the child has been residing;
129	3. The stability of the potential adoptive home in which
130	the child has been residing as well as the desirability of
131	maintaining continuity of placement; in, and
132	4. The importance of maintaining sibling relationships, if
133	possible;
134	5. The reasonable preferences and wishes of the child, if
135	the court deems the child to be of sufficient maturity,
136	understanding, and experience to express a preference;
137	6. Whether a petition for termination of parental rights
138	has been filed pursuant to s. 39.806(1)(f), (g), or (h);
139	7. What is best for the child; and

- 8. The right of the parent to determine an appropriate placement for the child.
- The adoption entity shall be responsible for keeping the dependency court informed of the status of the adoption proceedings at least every 90 days from the date of the order changing placement of the child until the date of finalization of the adoption.
 - At the arraignment hearing held pursuant to s. 39.506,

160177 - HB 673 Adkins.docx

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in the order that approves the case plan pursuant to s. 39.603, and in the order that changes the permanency goal to adoption pursuant to s. 39.621 In all dependency proceedings, after it is determined that reunification is not a viable alternative and prior to the filing of a petition for termination of parental rights, the court shall provide written notice to advise the biological parent who is a party to the case of his or her the right to participate in a private adoption plan, including written notice of the factors provided in paragraph (e).

Section 3. This act shall take effect July 1, 2016.

TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to adoption; amending s. 39.01, F.S.; redefining the terms "abandoned" or "abandonment" and "parent"; amending s. 63.082, F.S.; revising the circumstances under which an adoption consent is valid, binding, and enforceable; requiring a court to determine, under certain circumstances, whether a change of placement of a child is in the child's best interests, rather than whether the change of placement is appropriate; deleting a determination that a court must consider under certain circumstances; authorizing the court to establish certain requirements for the

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1601773 COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 673 (2016)

Amendment No.

174	transfer of custody; providing factors that the court
175	shall consider and weigh under certain circumstances;
176	revising circumstances under which a court must
177	provide written notice to a parent of specified
178	information; providing an effective date.

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COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the $\underline{\text{entire}}$ form and submit $\underline{\text{two}}$ copies to the committee/subcommittee Administrative Assistant at the meeting.

Bill Number: _	673	Meetir	ng Date:	1/20/	16	
Fill in appropriate PCB/PCS/Amen Presentation/Wo	nte information: dment # or					
Committee/Subc	committee:	Justica	Apr	vopricetic	ug	
	Thomas (1				
Title:	President/	CĒO (o Fost	ev		
	113 5, 1					
	Mahusce					
Phone Number:						
Representing:	Fos	ter Pare	uf.s			
	byist: YES NO	^		YES NO]	
I Wish To Speak:	yes 💢 no 🗌		Bill		Amendme	ent
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I Have Been Reque	ested to Speak: YES	NO \ Info (Only 🗌	Info On	ly 🗌	

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COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the <u>entire</u> form and submit <u>two</u> copies to the committee/subcommittee

Administrative Assistant at the meeting.

Bill Number: _	473	Meeting Date:	1/28/10	1 L
Fill in appropried PCB/PCS/Ament Presentation/Wo	idment # or			
Committee/Subo	committee:	Jushice	Apprapriat	ins.
Name:	Tromas	Croon		
Title:	Regional	UP & Boove	d Member FL	Poster/Adoptin
Address:				
City:		State/Zip:		
Phone Number:				
Representing:	Fost	rev Panent	3	
Registered Lob	byist: YES NO	State Employ	vee: YES NO NO	
I Wish To Speak:	\wedge	Bil Proponent	Opponent Proponent	dment Opponent
I Have Been Reque	ested to Speak: YES	NO Info Only	Info Only	

Justice Appropriations Subcommittee

1/28/2016 3:30:00PM

Location: Reed Hall (102 HOB)
CS/HB 685: Victim Assistance

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern				X	
Daniel Burgess, Jr.				X	
Eric Eisnaugle	X				
Chris Latvala	X				
Kionne McGhee	X				
Mike Miller	X				
Kathleen Peters	X				34433
Sharon Pritchett	X				
José Rodríguez	X				
Darryl Rouson	X				
Ross Spano	X				
Carlos Trujillo	X				
Larry Metz (Chair)	X				
	Total Yeas: 11	Total Nays: 0	1		

Appearances:

Howard, Jeanne (Lobbyist) - Waive In Support State Attorney Dave Aronberg and Florida Prosecutors Assistant State Attorney 401 N. Dixie Hwy West Palm Beach FL 33401

Phone: 561-355-7100

W/S



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the $\underline{\text{entire}}$ form and submit $\underline{\text{two}}$ copies to the committee/subcommittee Administrative Assistant at the meeting.

Bill Number: (5) 65 Meeting Date: 1-28-2016
Fill in appropriate information: PCB/PCS/Amendment # or Presentation/Workshop Topic:
Committee/Subcommittee: House Jistice Appropriations
Name: Jeanne Howard
Title: Assistant State Attorney
Address: 401 N. Dixie Hwx
City: West Pan Beach State/Zip: FL 33401
Phone Number: 561-355-7100
Representing: State ATTORNEY Dave Araberg and Prosecutors
Registered Lobbyist: YES NO State Employee: YES NO
Waive in Support
I Wish To Speak: YES NO Bill Amendment
I Have Been Requested to Speak: YES NO Info Only Info On