

Tab 1	SB 386 by Detert (CO-INTRODUCERS) Soto; (Compare to H 0013) Expunction of Records of Minors						
482720	A	S	RCS	ACJ, Bradley	Delete L.18 - 28:	12/07 02:11 PM	

Tab 2	CS/SB 298 by CJ, Evers; (Compare to H 0151) Installation of Tracking Devices or Tracking Applications						
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Tab 3	SB 460 by Bradley (CO-INTRODUCERS) Soto; (Similar to CS/H 0307) Experimental Treatments for Terminal Conditions						
643296	A	S	WD	ACJ, Soto	Delete L.21 - 53:	12/03 05:05 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Negrón, Chair
Senator Joyner, Vice Chair

MEETING DATE: Thursday, December 3, 2015

TIME: 3:30—5:30 p.m.

PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Negrón, Chair; Senator Joyner, Vice Chair; Senators Bradley, Evers, Flores, Hutson, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 386 Detert (Compare H 13, CS/CS/H 147, S 70)	Expunction of Records of Minors; Decreasing the period of time that a minor's criminal history record must be retained before expunction; deleting a limitation on the period of time within which a minor must submit an application for prearrest or postarrest diversion expunction to the Department of Law Enforcement after successful completion of the diversion program, etc.	CJ 11/02/2015 Favorable ACJ 12/03/2015 FP
2	CS/SB 298 Criminal Justice / Evers (Compare H 151)	Installation of Tracking Devices or Tracking Applications; Revising exceptions to the prohibition on installation of tracking devices or tracking applications; authorizing the Florida Department of Corrections and the Florida Department of Juvenile Justice to lawfully install a tracking device or tracking application on another person's property as part of a criminal investigation; specifying circumstances in which a private investigator is authorized to or prohibited from installing a tracking device or tracking application, etc.	CJ 10/20/2015 Not Considered CJ 11/02/2015 Fav/CS ACJ 12/03/2015 RC
3	SB 460 Bradley (Similar CS/H 307)	Experimental Treatments for Terminal Conditions; Revising the definition of the term "investigational drug, biological product, or device"; providing for eligible patients or their legal representatives to purchase and possess cannabis for medical use; authorizing certain licensed dispensing organizations to manufacture, possess, sell, deliver, distribute, dispense, and dispose of cannabis; exempting such organizations from specified laws, etc.	HP 11/17/2015 Favorable ACJ 12/03/2015 FP

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
Thursday, December 3, 2015, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	Presentation on Governor's Fiscal Year 2016-2017 Budget Recommendations:	<ul style="list-style-type: none">-The Department of Corrections-The Department of Juvenile Justice-The Department of Law Enforcement-The Department of Legal Affairs/Attorney General-The Florida Commission on Offender Review-State Courts-State Attorneys-Regional Conflict Counsels-Statewide Guardian Ad Litem-Capital Collateral Regional Counsels-Justice Administrative Commission	
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: PCS/SB 386 (780622)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice and Senators Detert and Soto

SUBJECT: Expunction of Records of Minors

DATE: December 7, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
2.	<u>Clodfelter</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 386 amends section 943.0515, Florida Statutes, to require all records maintained by the Florida Department of Law Enforcement (FDLE) related to minors who are not classified as serious or habitual juvenile offenders or who have not been committed to a juvenile correctional facility or juvenile prison to be automatically expunged when the minor reaches the age of 21 years with certain exceptions. (Currently this automatic expunction occurs when the minor reaches the age of 24 years.)

The bill also amends s. 943.0582, F.S., by eliminating the time period required for an eligible minor to submit an application requesting the expunction of an arrest record after successfully completing a prearrest, postarrest, or teen court diversion program. (The current time period is no later than 12 months after successfully completing the program.)

The bill will require the FDLE to update its database at an estimated cost of \$20,000; existing staff resources will be used to implement the change.

This bill has an effective date of July 1, 2016.

II. Present Situation:

Automatic Expunction of Criminal History Records of Minors

Section 943.0515, F.S., requires the FDLE to automatically expunge the criminal history records of specified juveniles at age 24 or 26 years. For juveniles who are classified as serious or habitual juvenile offenders, or who have been committed to a juvenile correctional facility or juvenile prison, the FDLE must retain their record until the age of 26 years, at which time it is automatically expunged.¹ For all other juveniles, FDLE must retain the record until the juvenile reaches the age of 24 years, at which time it is automatically expunged.²

A juvenile's record cannot be automatically expunged if:

- A person 18 years of age or older is charged with or convicted of a forcible felony and the person's criminal history record as a minor has not yet been destroyed;
- At any time, a minor is adjudicated as an adult for a forcible felony; or
- The record relates to a minor who was adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in s. 943.0435(1)(a)1.d., F.S.^{3,4}

In these three instances, the person's record as a minor must be merged with and retained as part of their adult record.⁵

Juvenile Diversion Expunction

Youth who successfully complete a prearrest, postarrest, or teen court diversion program after being arrested for a nonviolent misdemeanor are eligible to have their arrest expunged, providing they have no other past criminal history.⁶ A nonviolent misdemeanor includes simple assault or battery when the expunction process is approved in writing by the local state attorney. A domestic violence arrest is not eligible for expunction. Receiving a juvenile diversion expunction does not prohibit a youth from requesting a regular sealing or expunction under s. 943.0585 or s. 943.059, F.S., if he or she is otherwise eligible.⁷

The expunged arrest record is available to criminal justice agencies⁸ only under certain enumerated circumstances, such as when it is needed to determine eligibility for the diversion program, when a youth is seeking criminal justice employment, or when it is needed for a

¹ Section 943.0515(1)(a), F.S.

² Section 943.0515(1)(b), F.S.

³ Sections 943.0515(2) and (3), F.S.

⁴ Section 943.0435, F.S., defines a "sexual offender" and prescribes when a sexual offender is required to register with FDLE.

⁵ See *supra* note 3.

⁶ Section 943.0582, F.S.

⁷ *Id.*

⁸ Section 943.045(11), F.S., defines a criminal justice agency as follows: a court; the FDLE; the Department of Juvenile Justice (DJJ); the protective investigations component of the Department of Children and Families (DCF), which investigates the crimes of abuse and neglect; or any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of court and that allocates a substantial part of its annual budget to the administration of criminal justice.

criminal investigation. Local criminal justice agency records are treated as if they have been sealed (only available to limited entities for limited purposes⁹).

The FDLE is required to expunge the nonjudicial arrest record of a successful participant in a prearrest, postarrest, or teen court diversion program if the youth does the following: submits a timely filed application signed by the parents or by the minor if he or she is of age by then; submits a statement by the state attorney that the youth has successfully completed a prearrest or postarrest diversion program that was limited to minors arrested for a nonviolent misdemeanor (excluding domestic violence) who have not otherwise been charged with or found to have committed any criminal offense; participates in a diversion program that allows an expunction to occur; and provides that he or she has not been charged with or found to have committed a prior criminal offense.¹⁰ The application must be submitted no later than 12 months after completion of the diversion program.

The FDLE is authorized to charge a \$75 processing fee for each juvenile diversion expunction request, but the executive director can waive the fee.¹¹

III. Effect of Proposed Changes:

Automatic Expunction of Criminal History Records of Minors

The bill amends s. 943.0515, F.S., to require all records maintained by the FDLE related to minors who are not classified as serious or habitual juvenile offenders or who have not been committed to a juvenile correctional facility or juvenile prison to be automatically expunged when the minor reaches the age of 21 years, so long as one of the following exceptions does not apply:

- A person 18 years of age or older is charged with or convicted of a forcible felony and the person's criminal history record as a minor has not yet been destroyed;
- At any time, a minor is adjudicated as an adult for a forcible felony; or
- The record relates to a minor who was adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in s. 943.0435(1)(a)1.d., F.S.¹²

The only change from current law is that the age for automatic expunction of records for these juveniles is lowered from 24 years of age to 21 years of age. The automatic expunction of records related to juveniles who are classified as serious or habitual juvenile offenders or who have been committed to a juvenile correctional facility or juvenile prison remains at 26 years of age.

Application for Expunction of Criminal History Records Prior to Age 21

The bill also amends s. 943.0515, F.S., to provide that a minor who is eligible for automatic expunction of criminal history records at age 21 may apply for expunction of such records any

⁹ See s. 943.059(4), F.S.

¹⁰ Section 943.0582(3), F.S.

¹¹ Section 943.0582(4), F.S.

¹² See *supra* note 4.

time after reaching 18 years of age. In order to qualify for expunction prior to age 21, the minor must apply to the FDLE and must:

- Submit a full set of fingerprints for identity verification;
- Submit a \$75 processing fee;
- Have the approval of the state attorney for each circuit in which an offense specified in the criminal history record occurred; and
- Submit a sworn, written statement attesting that he or she has not been charged or found to have committed any criminal offense in any jurisdiction of the state or within the United States within five years prior to the application date. Thus, an applicant who applies for expunction at age eighteen would be eligible for expunction of offenses committed before he or she reached thirteen years of age. The sworn statement must also attest that the applicant is no longer under court supervision for the arrest or alleged criminal activity for which expunction is sought. The bill provides that knowingly submitting false information in the sworn statement is a third degree felony.

An unsuccessful request for early expunction of criminal history records will not affect the applicant's eligibility for automatic expunction of the records upon reaching 21 years of age.

Juvenile Diversion Expunction

The bill also amends s. 943.0582, F.S., by eliminating the current time period required for an eligible minor to submit an application requesting expunction of an arrest record after successfully completing a prearrest, postarrest, or teen court diversion program. (The statute currently requires a minor to submit an application no later than 12 months after successfully completing the program.)

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Eligible youth will have their arrest records automatically expunged earlier under the bill, resulting in a potentially positive economic benefit as they look for employment.

C. Government Sector Impact:

PCS/SB 386 will require the FDLE to reduce the time period for automatic juvenile record expungement from 24 years to 21 years of age. The department's estimated time to implement the change in its database is one and a half months at an estimated cost of \$20,000. According to the FDLE, existing staff resources will be used to implement the change.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.0515 and 943.0582 of the Florida Statutes.

This bill reenacts section 985.125 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on December 3, 2015:

Added a provision allowing a minor to apply for expunction of his or her criminal record prior to reaching 21 years of age under certain circumstances.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹³ Florida Department of Law Enforcement, *2016 Bill Analysis for SB 386* (2016) (on file with the Senate Criminal Justice Committee).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/07/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 28

and insert:

Section 1. Subsection (2) of section 790.23, Florida
Statutes, is amended to read:

790.23 Felons and delinquents; possession of firearms,
ammunition, or electric weapons or devices unlawful.—

(2) This section shall not apply to a person:

(a) Convicted of a felony whose civil rights and firearm



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11 authority have been restored.

12 (b) Whose criminal history record has been expunged
13 pursuant to s. 943.0515(1)(b).

14 Section 2. Paragraph (b) of subsection (1) of section
15 943.0515, Florida Statutes, is amended to read:

16 943.0515 Retention of criminal history records of minors.-

17 (1)

18 (b)1. If the minor is not classified as a serious or
19 habitual juvenile offender or committed to a juvenile
20 correctional facility or juvenile prison under chapter 985, the
21 program shall retain the minor's criminal history record for 2 5
22 years after the date the minor reaches 19 years of age, at which
23 time the record shall be expunged unless it meets the criteria
24 of paragraph (2)(a) or paragraph (2)(b).

25 2. A minor described in subparagraph 1. may apply to the
26 department to have his or her criminal history record expunged
27 before the minor reaches 21 years of age. To be eligible for
28 expunction under this subparagraph, the minor must be 18 years
29 of age or older and less than 21 years of age and have not been
30 charged by the state attorney with or found to have committed
31 any criminal offense within the 5-year period before the
32 application date. The only offenses eligible to be expunged
33 under this subparagraph are those that the minor committed
34 before the minor reached 18 years of age. A criminal history
35 record expunged under this subparagraph requires the approval of
36 the state attorney for each circuit in which an offense
37 specified in the criminal history record occurred. A minor
38 seeking to expunge a criminal history record under this
39 subparagraph shall apply to the department for expunction in the



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40 manner prescribed by rule. An application for expunction under
41 this subparagraph shall include:

42 a. A processing fee of \$75 to the department for placement
43 in the Department of Law Enforcement Operating Trust Fund,
44 unless such fee is waived by the executive director.

45 b. A full set of fingerprints of the applicant taken by a
46 law enforcement agency for purposes of identity verification.

47 c. A sworn, written statement from the minor seeking relief
48 that he or she is no longer under court supervision applicable
49 to the disposition of the arrest or alleged criminal activity to
50 which the application to expunge pertains and that he or she has
51 not been charged with or found to have committed a criminal
52 offense, in any jurisdiction of the state or within the United
53 States, within the 5-year period before the application date.

54
55 A person who knowingly provides false information on the sworn
56 statement required by this sub-subparagraph commits a felony of
57 the third degree, punishable as provided in s. 775.082, s.
58 775.083, or s. 775.084.

59 3. A minor who applies, but who is not approved for early
60 expunction in accordance with subparagraph 2., shall have his or
61 her criminal history record expunged at age 21 if eligible under
62 subparagraph 1.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 3 - 5

67 and insert:

68 amending s. 790.23, F.S.; creating an exception for



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69 specified minors who, prior to attaining 21 years of
70 age, had a criminal history record expunged; amending
71 s. 943.0515, F.S.; decreasing the period of time that
72 a minor's criminal history record must be retained
73 before expunction; authorizing specified minors to
74 apply for expunction of a criminal history record
75 under certain circumstances; establishing an
76 application process and requiring that specified
77 documentation be submitted to the Department of Law
78 Enforcement; requiring that specified fees be
79 deposited into the Department of Law Enforcement
80 Operating Trust Fund; requiring a sworn written
81 statement from the applicant; providing a criminal
82 penalty for perjury on such sworn written statement;
83 amending s. 943.0582,

By Senator Detert

28-00488-16

2016386__

1 A bill to be entitled
2 An act relating to expunction of records of minors;
3 amending s. 943.0515, F.S.; decreasing the period of
4 time that a minor's criminal history record must be
5 retained before expunction; amending s. 943.0582,
6 F.S.; deleting a limitation on the period of time
7 within which a minor must submit an application for
8 prearrest or postarrest diversion expunction to the
9 Department of Law Enforcement after successful
10 completion of the diversion program; reenacting s.
11 985.125(3), F.S., relating to prearrest and postarrest
12 diversion programs, to incorporate the amendment made
13 to s. 943.0582, F.S., in a reference thereto;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (b) of subsection (1) of section
19 943.0515, Florida Statutes, is amended to read:

20 943.0515 Retention of criminal history records of minors.—

21 (1)

22 (b) If the minor is not classified as a serious or habitual
23 juvenile offender or committed to a juvenile correctional
24 facility or juvenile prison under chapter 985, the program shall
25 retain the minor's criminal history record for 2 5 years after
26 the date the minor reaches 19 years of age, at which time the
27 record must ~~shall~~ be expunged unless it meets the criteria of
28 paragraph (2) (a) or paragraph (2) (b).

29 Section 2. Subsection (3) of section 943.0582, Florida

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2016386__

30 Statutes, is amended to read:

31 943.0582 Prearrest, postarrest, or teen court diversion
32 program expunction.—

33 (3) The department shall expunge the nonjudicial arrest
34 record of a minor who has successfully completed a prearrest or
35 postarrest diversion program if that minor:

36 (a) Submits an application for prearrest or postarrest
37 diversion expunction, on a form prescribed by the department,
38 signed by the minor's parent or legal guardian, or by the minor
39 if he or she has reached the age of majority at the time of
40 applying.

41 ~~(b) Submits the application for prearrest or postarrest~~
42 ~~diversion expunction no later than 12 months after completion of~~
43 ~~the diversion program.~~

44 (b)~~(e)~~ Submits to the department, with the application, an
45 official written statement from the state attorney for the
46 county in which the arrest occurred certifying that he or she
47 has successfully completed that county's prearrest or postarrest
48 diversion program, that his or her participation in the program
49 was based on an arrest for a nonviolent misdemeanor, and that he
50 or she has not otherwise been charged by the state attorney
51 with, or found to have committed, any criminal offense or
52 comparable ordinance violation.

53 (c)~~(d)~~ Participated in a prearrest or postarrest diversion
54 program that expressly authorizes or permits such expunction ~~to~~
55 ~~occur.~~

56 (d)~~(e)~~ Participated in a prearrest or postarrest diversion
57 program based on an arrest for a nonviolent misdemeanor that
58 would not qualify as an act of domestic violence as that term is

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2016386__

59 defined in s. 741.28.

60 (e)~~(f)~~ Has never been, prior to filing the application for
61 expunction, ~~been~~ charged by the state attorney with, or ~~been~~
62 found to have committed, any criminal offense or comparable
63 ordinance violation.

64 Section 3. For the purpose of incorporating the amendment
65 made by this act to section 943.0582, Florida Statutes, in a
66 reference thereto, subsection (3) of section 985.125, Florida
67 Statutes, is reenacted to read:

68 985.125 Prearrest or postarrest diversion programs.—

69 (3) The prearrest or postarrest diversion program may, upon
70 agreement of the agencies that establish the program, provide
71 for the expunction of the nonjudicial arrest record of a minor
72 who successfully completes such a program pursuant to s.
73 943.0582.

74 Section 4. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 Dec 15
Meeting Date

SB 386
Bill Number (if applicable)

Topic Expungement - Juveniles

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 204 S. Monroe St., Ste. 201

Phone 577-3032

Street
Tall FL 32301
City State Zip

Email barney@smartjusticealliance.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla. Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15
Meeting Date

386
Bill Number (if applicable)

Topic Expunction - JW

Amendment Barcode (if applicable)

Name SAL NUZZO

Job Title VP Policy

Address _____

Phone _____

City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing THE JAMES MADISON INST

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

12-03-15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

386
Bill Number (if applicable)

Topic Expunction-Juvenile
Name Colleen Mackin

Amendment Barcode (if applicable)

Job Title _____
Address 111 S. Magnolia DR Suite 4
Tallahassee FL
City State Zip

Phone 850-425-2600
Email cmackin@iamforkids.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Children's Campaign

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

Dec 3, 2015
Meeting Date

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SB 386
Bill Number (if applicable)

Topic Expunction of Records of Minors
Name Don LAMONICA

Amendment Barcode (if applicable)

Job Title _____
Address 1205 MIMOSA Drive
Tallahassee FL 32312
City State Zip

Phone 850-545-9691
Email dlamonica@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL PUBLIC DEFENDER ASSN.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/2015

Meeting Date

386

Bill Number (if applicable)

Topic Expunction of Juvenile Records

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe

Phone (850) 681-0024

Tallahassee, FL 32301

Email jorge@flapartners.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Fla Assoc of Criminal Defense Lawyers

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

386

Bill Number (if applicable)

Topic Expunction of Records of Minors

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title consultant

Address 579 E-Call St.

Phone 850-321-9386

Tallahassee FL 32301

Email kfcsep@yahoo.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Southern Poverty Law Center

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15 Meeting Date

SB 386 Bill Number (if applicable)

Topic EXPUNCTION OF MINORS JUVENILE RECORD Amendment Barcode (if applicable)

Name DIANA RAGRECE

Job Title DIRECTOR PUBLIC POLICY

Address 350 SW 3RD AVE Street Phone 305 571 5718

MIAMI State FL 33129 Email dianar@thechildrenstrust.org

Speaking: [X] For [] Against [] Information Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing THE CHILDREN'S TRUST (AND SB 386)

Appearing at request of Chair: [] Yes [X] No Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

SB 386 Bill Number (if applicable)

Topic Expungement

Amendment Barcode (if applicable)

Name Buddy JACOBS

Job Title General Counsel Fla. Prosecuting Attys Assoc

Address Street Phone

City State Zip Email

Speaking: [X] For [] Against [] Information Waive Speaking: [X] In Support [X] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [] No Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 386
Bill Number (if applicable)

Meeting Date _____

Topic _____

Amendment Barcode (if applicable) _____

Name Nick Miller

Job Title Director

Address 302 E Georgia Ave
Street

Phone 850-508-2971

Tallahassee City State Zip

Email nickjml@a

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AMZ kids

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-15
Meeting Date

386
Bill Number (if applicable)

Topic Expunction of Records of minors

Amendment Barcode (if applicable) _____

Name CHRISTINA SPUDEAS

Job Title Exec. Dir.

Address 1801 N. University Dr, Ste 3B
Street

Phone 954-796-0860

COAL SPRING FL 33071
City State Zip

Email CHRISTINA.SPUDEAS@FLORIDASCHILDRENFIRST.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA'S CHILDREN FIRST

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

12-3-2015
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

386
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name THAD LOWREY

Job Title VP GOVERNMENTAL RELATIONS

Address 7720 WASHINGTON ST.
Street

Phone 727-992-8508

PORT RICHEY FL 34668
City State Zip

Email thlowrey@operationpar.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing OPERATION PAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 298

INTRODUCER: Criminal Justice Committee and Senator Evers

SUBJECT: Installation of Tracking Devices or Tracking Applications

DATE: December 3, 2015 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Cannon	CJ	Fav/CS
2. Clodfelter	Sadberry	ACJ	Recommend: Favorable
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 298 amends section 934.425, Florida Statutes, which generally prohibits the installation of tracking devices and tracking applications without the consent of the property owner. Currently, the law prohibits private investigators from installing tracking devices or tracking applications unless the law authorizes the investigator's client to perform such installation. The bill provides three additional circumstances in which the private investigator may perform such installation: pursuant to a court order; to locate a fugitive from justice; and to locate lost or stolen property or locate assets awarded by the court.

Unless one of these circumstances applies, the private investigator may not install a tracking device or tracking application. Additionally, a private investigator may not install a tracking device or tracking application on behalf of a client who is subject to a no contact order or an injunction for protection, or if the private investigator knows or has reason to know that the client is involved in the commission of a crime or an unlawful act.

The bill also authorizes the Department of Corrections and the Department of Juvenile Justice to install a tracking device or tracking application as part of a criminal investigation, and authorizes separated or divorced parents or legal guardians to install a tracking device or tracking application on their child's property if authorized by the separation or divorce decree.

The offense is a second degree misdemeanor. The amendments to current law will have no impact on the state prison population and no more than an insignificant fiscal impact on other aspects of the criminal justice system.

The bill has an effective date of July 1, 2016.

II. Present Situation:

The General Prohibition on Installation of Tracking Devices or Tracking Applications and Exceptions to This Prohibition

Section 934.425, F.S., was created by ch. 2015-137, L.O.F. Section 934.425(2), F.S., generally prohibits a person¹ from knowingly installing a tracking device² or tracking application³ on another person's property without the other person's consent.⁴ A person who violates s. 934.425, F.S., commits a second degree misdemeanor.⁵

Section 934.425(4), provides that the section does not apply to:

- A law enforcement officer (as defined in s. 943.10, F.S.), or any local, state, federal, or military law enforcement agency, that lawfully installs a tracking device or tracking application on another person's property as part of a criminal investigation.
- A parent or legal guardian of a minor child who installs a tracking device or tracking application on the minor child's property if:
 - The parents or legal guardians are lawfully married to each other and are not separated or otherwise living apart, and either parent or legal guardian consents to the installation of the tracking device or tracking application;
 - The parent or legal guardian is the sole surviving parent or legal guardian of the minor child;
 - The parent or legal guardian has sole custody of the minor child; or
 - The parents or legal guardians are divorced, separated, or otherwise living apart and both consent to the installation of the tracking device or tracking application.
- A caregiver of an elderly person or disabled adult (as those terms are defined in s. 825.101, F.S.), if the elderly person's or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person's or disabled adult's property is necessary to ensure the safety of the elderly person or disabled adult.

¹ "Person" means an individual but does not include a business entity. Section 934.425(1)(d), F.S.

² "Tracking device" means any device whose primary purpose is to reveal its location or movement by the transmission of electronic signals. Section 934.425(1)(c), F.S.

³ "Tracking application" means any software program whose primary purpose is to track or identify the location or movement of an individual. Section 934.425(1)(b), F.S.

⁴ Section 943.425(3), F.S., provides that a person's consent is presumed to be revoked if: (a) the consenting person and the person to whom consent was given are lawfully married and one person files a petition for dissolution of marriage from the other; or (b) the consenting person or the person to whom consent was given files an injunction for protection against the other person pursuant to s. 741.30, F.S., s. 741.315, F.S., s. 784.046, F.S., or s. 784.0485, F.S.

⁵ Section 934.425(5), F.S. A second degree misdemeanor is punishable by up to 60 days in a county jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

- A person acting in good faith on behalf of a business entity⁶ for a legitimate business purpose. *However, relevant to the bill, this “good faith” exception does not apply to a person engaged in a private investigation (as defined in s. 493.6101, F.S.) on behalf of another person unless such activities would otherwise be exempt under subsection (4) if performed by the person engaging the private investigator.*
- An owner or lessee of a motor vehicle that installs, or directs the installation of, a tracking device or tracking application on such vehicle during the period of ownership or lease, provided that:
 - The tracking device or tracking application is removed before the vehicle’s title is transferred or the vehicle’s lease expires;
 - The new owner of the vehicle, in the case of a sale, or the lessor of the vehicle, in the case of an expired lease, consents in writing to the nonremoval of the tracking device or tracking application; or
 - The owner of the vehicle at the time of the installation of the tracking device or tracking application was the original manufacturer of the vehicle.

Grounds for Disciplinary Action

Section 493.6118, F.S., specifies grounds for which disciplinary action may be taken by the Department of Agriculture and Consumer Services against any licensee, agency, or applicant regulated by ch. 493, F.S. (private investigative, private security, and repossession services), or any unlicensed person engaged in activities regulated under this chapter. One of the grounds for disciplinary action is the installation of a tracking device or tracking application in violation of s. 934.425, F.S.⁷

III. Effect of Proposed Changes:

Section 934.425, F.S., generally prohibits a person from knowingly installing a tracking device or tracking application on another person’s property without the other person’s consent. This section also provides that the prohibition does not apply to certain persons. Relevant to the bill, this prohibition does not apply to a person “acting in good faith on behalf of a business entity for a legitimate business purpose.” However, this “good faith” exemption does not apply to a private investigator conducting an investigation on behalf of another person unless such activities would otherwise be exempt if performed by the person engaging the private investigator.

The bill amends s. 934.425, F.S., to authorize private investigators to install a tracking device or tracking application in the following circumstances:

- If the client is already authorized to install the tracking device or tracking application under an existing exemption (current law);
- If authorized by an order issued by a court of this state;
- To locate a person who is a fugitive from justice; or
- To locate lost or stolen property or locate assets awarded by the court.

⁶ “Business entity” means any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state. Section 934.425(1)(a), F.S.

⁷ See ch. 2015-137, L.O.F.

Unless one of these circumstances applies, the private investigator may not install a tracking device or tracking application. Additionally, a private investigator may not install a tracking device or tracking application on behalf of a client who is subject to a no contact order or an injunction for protection, or if the private investigator knows or has reason to know that the client is involved in the commission of a crime or an unlawful act.

The bill also authorizes the Department of Corrections and the Department of Juvenile Justice to install a tracking device or tracking application as part of a criminal investigation, and authorizes separated or divorced parents or legal guardians to install a tracking device or tracking application on their child's property if authorized by the separation or divorce decree.

The bill also reenacts s. 493.6118(1)(y), F.S., for the purpose of incorporating the amendment made by this act to s. 934.425, F.S.

The effective date of the bill is July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because the offense is a second degree misdemeanor, the Criminal Justice Impact Conference determined that CS/SB 298 as originally filed would have no impact on the state prison population. The amendments incorporated in the committee substitute would not change this determination. Any other fiscal impact on the criminal justice system would be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 934.425 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on November 2, 2015:

- Authorizes private investigators to install a tracking device or tracking application in the following circumstances:
 - If the client is already authorized to install the tracking device or tracking application under an existing exemption (current law);
 - If authorized by an order issued by a court of this state;
 - To locate a person who is a fugitive from justice; or
 - To locate lost or stolen property or locate assets awarded by the court.
- Prohibits a private investigator from installing a tracking device or tracking application on behalf of a client who is subject to a no contact order or an injunction for protection, or if the private investigator knows or has reason to know that the client is involved in the commission of a crime or an unlawful act.
- Authorizes the Department of Corrections and the Department of Juvenile Justice to install a tracking device or tracking application as part of a criminal investigation.
- Authorizes separated or divorced parents or legal guardians to install a tracking device or tracking application on their child's property if authorized by the separation or divorce decree.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Evers

591-01036-16

2016298c1

1 A bill to be entitled

2 An act relating to installation of tracking devices or
3 tracking applications; amending s. 934.425, F.S.;
4 revising exceptions to the prohibition on installation
5 of tracking devices or tracking applications;
6 authorizing the Florida Department of Corrections and
7 the Florida Department of Juvenile Justice to lawfully
8 install a tracking device or tracking application on
9 another person's property as part of a criminal
10 investigation; authorizing parents or legal guardians
11 who are separated or divorced to install a tracking
12 device or tracking application on their minor child's
13 property if a separation or divorce decree authorizes
14 such installation; specifying circumstances in which a
15 private investigator is authorized to or prohibited
16 from installing a tracking device or tracking
17 application; reenacting s. 493.6118(1)(y), F.S.,
18 relating to grounds for disciplinary action, to
19 incorporate the amendment made to s. 934.425, F.S., in
20 a reference thereto; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraphs (a), (b), and (d) of subsection (4)
25 of section 934.425, Florida Statutes, are amended to read:

26 934.425 Installation of tracking devices or tracking
27 applications; exceptions; penalties.—

28 (4) This section does not apply to:

29 (a) A law enforcement officer as defined in s. 943.10, or

591-01036-16

2016298c1

30 any local, state, federal, or military law enforcement agency,
31 the Florida Department of Corrections, or the Florida Department
32 of Juvenile Justice that lawfully installs a tracking device or
33 tracking application on another person's property as part of a
34 criminal investigation.

35 (b) A parent or legal guardian of a minor child who
36 installs a tracking device or tracking application on the minor
37 child's property if:

38 1. The parents or legal guardians are lawfully married to
39 each other and are not separated or otherwise living apart, and
40 either parent or legal guardian consents to the installation of
41 the tracking device or tracking application;

42 2. The parent or legal guardian is the sole surviving
43 parent or legal guardian of the minor child;

44 3. The parent or legal guardian has sole custody of the
45 minor child; or

46 4. The parents or legal guardians are divorced, separated,
47 or otherwise living apart and both consent to the installation
48 of the tracking device or tracking application, or if a
49 separation or divorce decree authorizes such installation.

50 (d) A person acting in good faith on behalf of a business
51 entity for a legitimate business purpose. This paragraph does
52 not apply to:

53 1. A person engaged in private investigation, as defined in
54 s. 493.6101, on behalf of another person, unless any of the
55 following circumstances apply:

56 a. Such activities would otherwise be exempt under this
57 subsection if performed by the person engaging the private
58 investigator;-

591-01036-16

2016298c1

59 b. The installation of a tracking device or tracking
60 application on another person's property is authorized by an
61 order issued by a court of this state;

62 c. The installation of a tracking device or tracking
63 application is for the purpose of locating a person known to be
64 a fugitive from justice; or

65 d. The installation of a tracking device or tracking
66 application is for the purpose of locating lost or stolen
67 property or locating assets that have been awarded by the court.

68 2. A private investigator who is working on behalf of a
69 client who is subject to a no contact order or an injunction for
70 protection, or a private investigator who knows or has reason to
71 know that a person seeking his or her investigative services is
72 involved in the commission of a crime or an unlawful act.

73 Section 2. For the purpose of incorporating the amendment
74 made by this act to section 934.425, Florida Statutes, in a
75 reference thereto, paragraph (y) of subsection (1) of section
76 493.6118, Florida Statutes, is reenacted to read:

77 493.6118 Grounds for disciplinary action.—

78 (1) The following constitute grounds for which disciplinary
79 action specified in subsection (2) may be taken by the
80 department against any licensee, agency, or applicant regulated
81 by this chapter, or any unlicensed person engaged in activities
82 regulated under this chapter.

83 (y) Installation of a tracking device or tracking
84 application in violation of s. 934.425.

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



The Florida Senate

Committee Agenda Request

To: Senator Negron
Chair, Appropriations Subcommittee on Civil and Criminal Justice

Subject: Committee Agenda Request

November 2, 2015

Dear Senator Negron,

I respectfully request that **Senate Bill 298**, regarding **Installation of Tracking Devices or Tracking Applications**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

C

A handwritten signature in cursive script that reads "Greg Evers".

Senator Greg Evers
Florida Senate, District 2

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3 Meeting Date

298 Bill Number (if applicable)

Topic Tracking Device S

Amendment Barcode (if applicable)

Name Cynthia Henderson

Job Title

Address 108 E. Jefferson St. Suite A

Phone 850 559 0855

Tallahassee FL 32303

Email cyhenderson@me.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing FALI

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Dec 3, 2015 Meeting Date

SB 298 Bill Number (if applicable)

Topic TRACKING DEVICES

Amendment Barcode (if applicable)

Name MARTY BOWEN

Job Title

Address 108 E JEFFERSON ST

Phone 850 228 3904

Tallahassee FL 32312

Email mbb1224@gmail.com

Speaking: [] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing FALI

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 Dec 15

Meeting Date

298

Bill Number (if applicable)

Topic Tracking Devices

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 204 S. Monroe St., Ste. 201

Phone 577.3032

Street

Tall

City

FL

State

32301

Zip

Email barney@smart

justicealliance.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla. Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 460

INTRODUCER: Senators Bradley and Soto

SUBJECT: Experimental Treatments for Terminal Conditions

DATE: December 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	Favorable
2.	<u>Clodfelter</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 460 amends the Right to Try Act¹ to include cannabis that is sold and manufactured by an approved dispensing organization² in the definition of “investigational drug, biological product, or device.”

The bill exempts eligible patients³ and their legal representatives from criminal penalties under chapter 893, Florida Statutes,⁴ as well as from any other section of law, but subject to the requirements in the bill, for the purchase and possession of cannabis for the patient’s medical use with the requirement that the cannabis must be obtained from an approved dispensing organization. The bill also exempts approved dispensing organizations, as well as their owners, managers, and employees from the requirements of the Compassionate Medical Cannabis Act of 2014;⁵ from criminal penalties under ch. 893, F.S.;⁶ from licensure and regulation under ch. 465, F.S.;⁷ and from any other section of law, but subject to the requirements in the bill, for manufacturing, possessing, selling, delivering, distributing, dispensing, and lawfully disposing of cannabis.

The bill states that its provisions do not impair the license of an approved dispensing organization under s. 381.986, F.S., relating to the compassionate use of low-THC Cannabis.

¹ Section 499.0295, F.S.

² As defined in s. 381.986, F.S., relating to the compassionate use of low-THC cannabis.

³ See the description of the Right to Try Act on pp. 7-8 for a definition of “eligible patient.”

⁴ Ch. 893, F.S., is the Florida Comprehensive Drug Abuse Prevention and Control Act. Specifically, the bill exempts patients from s. 893.13, F.S., related to unauthorized selling, purchasing, manufacturing, and possessing of controlled substances; s. 893.135, F.S., related to trafficking in controlled substances; and s. 893.147, F.S., related to the use, manufacture, possession, and sale of drug paraphernalia.

⁵ Ch. 2014-157, L.O.F., and more specifically the portion of the Act codified in s. 381.986, F.S.

⁶ See supra n. 4.

⁷ Ch. 465, F.S., is the Florida Pharmacy Act.

SB 460 may result in increased sales tax revenue from new sales of medical cannabis that would be generated under the provisions of the bill. However, it is likely that the fiscal impact would be insignificant due to eligibility restrictions in the Right to Try Act.

The bill has an effective date of July 1, 2016.

II. Present Situation:

Treatment of Marijuana in Florida

Florida law defines cannabis as “all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin,”⁸ and places it, along with other sources of THC, on the list of Schedule I controlled substances.⁹ The definition excludes “low-THC cannabis” as defined in s. 381.986, F.S., if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed in conformance with that section.

Schedule I controlled substances are substances that have a high potential for abuse and no currently accepted medical use in the United States. As a Schedule I controlled substance, possession and trafficking of cannabis carry criminal penalties that vary from a first degree misdemeanor¹⁰ up to a first degree felony with a mandatory minimum sentence of 15 years in state prison and a \$200,000 fine.¹¹ Paraphernalia¹² that is sold, manufactured, used, or possessed with the intent to be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, is also prohibited and carries criminal penalties ranging from a first degree misdemeanor to a third degree felony.¹³

⁸ Section 893.02(3), F.S.

⁹ Section 893.03(1)(c)7. and 37., F.S.

¹⁰ This penalty is applicable to possession or delivery of less than 20 grams of cannabis. *See* s. 893.13(3) and (6)(b), F.S.

¹¹ Trafficking in more than 25 pounds, or 300 plants, of cannabis is a first degree felony with a mandatory minimum sentence that varies from 3 to 15 years in state prison depending on the quantity of the cannabis possessed, sold, etc. *See* s. 893.135(1)(a), F.S.

¹² This term is defined in s. 893.145, F.S.

¹³ Section 893.147, F.S.

Medical Marijuana in Florida: the Compassionate Medical Cannabis Act of 2014

Patient Treatment with Low-THC Cannabis

The Compassionate Medical Cannabis Act of 2014¹⁴ (act) legalized a low tetrahydrocannabinol (THC) and high cannabidiol (CBD) form of cannabis (low-THC cannabis)¹⁵ for medical use¹⁶ by patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms. The act provides that a Florida licensed allopathic or osteopathic physician who has completed the required training¹⁷ and has examined and is treating such a patient may order low-THC cannabis for that patient to treat such disease, disorder, or condition or to alleviate its symptoms, if no other satisfactory alternative treatment options exist for that patient. In order to meet the requirements of the act all of the following conditions must apply:

- The patient is a permanent resident of Florida;
- The physician determines that the risks of ordering low-THC cannabis are reasonable in light of the potential benefit for that patient;¹⁸
- The physician registers as the orderer of low-THC cannabis for the patient on the compassionate use registry (registry) maintained by the DOH and updates the registry to reflect the contents of the order;
- The physician maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis;
- The physician submits the patient treatment plan quarterly to the University of Florida College of Pharmacy (UFCP) for research on the safety and efficacy of low-THC cannabis on patients; and
- The physician obtains the voluntary informed consent of the patient or the patient's legal guardian to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community about the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects.

¹⁴ See ch. 2014-157, L.O.F., and s. 381.986, F.S.

¹⁵ The act defines "low-THC cannabis," as the dried flowers of the plant *Cannabis* which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight, or the seeds, resin, or any compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. See s. 381.986(1)(b), F.S. Seventeen states allow limited access to marijuana products (low-THC and/or high CBD-cannabidiol): Alabama, Florida, Georgia, Louisiana, Iowa, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming. Twenty-three states, the District of Columbia, and Guam have laws that permit the use of marijuana for medicinal purposes. See infra note 24. See <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx> (Tables 1 and 2), (last visited on Nov. 30, 2015).

¹⁶ Pursuant to s. 381.986(1)(c), F.S., "medical use" means administration of the ordered amount of low-THC cannabis; and the term does not include the possession, use, or administration by smoking, or the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative. Section 381.986(1)(e), F.S., defines "smoking" as burning or igniting a substance and inhaling the smoke; smoking does not include the use of a vaporizer.

¹⁷ Section 381.986(4), F.S., requires such physicians to successfully complete an 8-hour course and examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis, appropriate delivery mechanisms, contraindications for such use, and the state and federal laws governing its ordering, dispensing, and processing.

¹⁸ If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record.

The act creates exceptions to existing law to allow qualified patients¹⁹ and their legal representatives to purchase, acquire, and possess low-THC cannabis (up to the amount ordered) for that patient's medical use, and to allow dispensing organizations (DO), and their owners, managers, and employees, to acquire, possess, cultivate, and dispose of excess product in reasonable quantities to produce low-THC cannabis and to possess, process, and dispense low-THC cannabis. DOs and their owners, managers, and employees are not subject to licensure and regulation under ch. 465, F.S., relating to pharmacies.²⁰

Dispensing Organizations

On November 23, 2015, the Department of Health (DOH) approved a DO in each of the following five regions as required by the act: northwest Florida, northeast Florida, central Florida, southeast Florida and southwest Florida.²¹ In order to be approved as a DO, an applicant must possess a certificate of registration issued by the Department of Agriculture and Consumer Services (DACCS) for the cultivation of more than 400,000 plants, be operated by a nurseryman, and have been operating as a registered nursery in this state for at least 30 continuous years.

Applicants are also required to demonstrate:

- The technical and technological ability to cultivate and produce low-THC cannabis.
- The ability to secure the premises, resources, and personnel necessary to operate as a DO.
- The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
- An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.
- The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department;
- That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04, F.S.; and
- The employment of a medical director, who must be a physician and have successfully completed a course and examination that encompasses appropriate safety procedures and knowledge of low-THC cannabis.²²

An approved DO must post a \$5 million performance bond within 10 business days of approval. The DOH is authorized to charge an initial application fee and a licensure renewal fee, but is not authorized to charge an initial licensure fee.²³ An approved DO must also maintain all approval criteria at all times.

Beginning on July 7, 2014, the DOH held several rule workshops to write and adopt rules implementing the provisions of s. 381.986, F.S., and the DOH put forward a proposed rule on September 9, 2014. This proposed rule was challenged by multiple organizations involved in the rulemaking workshops and was found to be an invalid exercise of delegated legislative authority

¹⁹ See s. 381.986(1)(d), F.S., which provides that a "qualified patient" is a Florida resident who has been added by a physician licensed under ch. 458, F.S., or ch. 459, F.S., to the compassionate use registry to receive low-THC cannabis from a DO.

²⁰ See s. 381.986(7)(c), F.S.

²¹ See s. 381.986(5)(b), F.S.

²² Id.

²³ Id.

by an administrative law judge on November 14, 2014. Afterward, the DOH held a negotiated rulemaking workshop in February of 2015, which resulted in a new proposed rule being published on February 6, 2015. The new proposed rule was also challenged on, among other things, the DOH's statement of estimated regulatory costs (SERC) and the DOH's conclusion that the rule will not require legislative ratification. Hearings were held on April 23 and 24, 2015, and a final order was issued on May 27, 2015, which found the rule to be valid. The rules took effect June 17, 2015, and the DOH held an application period for DO approval which ended on July 8, 2015. The five approved DOs were selected from 28 applications that were submitted.

The Compassionate Use Registry

The act requires the DOH to create a secure, electronic, and online registry for the registration of physicians and patients and for the verification of patient orders by DOs, which is accessible to law enforcement. The registry must allow DOs to record the dispensing of low-THC cannabis, and must prevent an active registration of a patient by multiple physicians. Physicians must register qualified patients with the registry and DOs are required to verify that the patient has an active registration in the registry, that the order presented matches the order contents as recorded in the registry, and that the order has not already been filled before dispensing any low-THC cannabis. DOs are also required to record in the registry the date, time, quantity, and form of low-THC cannabis dispensed. The DOH has indicated that the registry is built and ready to move to the operational phase.²⁴

The Office of Compassionate Use and Research on Low-THC Cannabis

The act requires the DOH to establish the Office of Compassionate Use under the direction of the deputy state health officer to administer the act. The Office of Compassionate Use is authorized to enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies, by:

- Creating a network of state universities and medical centers recognized for demonstrating excellence in patient-centered coordinated care for persons undergoing cancer treatment and therapy in this state.²⁵
- Making any necessary application to the United States Food and Drug Administration or a pharmaceutical manufacturer to facilitate enhanced access to compassionate use for Florida patients; and
- Entering into agreements necessary to facilitate enhanced access to compassionate use for Florida patients.²⁶

The act includes several provisions related to research on low-THC cannabis and cannabidiol including:

- Requiring physicians to submit quarterly patient treatment plans to the UFCP for research on the safety and efficacy of low-THC cannabis;
- Authorizing state universities to perform research on cannabidiol and low-THC cannabis and exempting them from the provisions in ch. 893, F.S., for the purposes of such research; and

²⁴ Conversation with Jennifer Tschetter, Chief of Staff (DOH) (March 20, 2015).

²⁵ See s. 381.925, F.S.

²⁶ See s. 385.212, F.S.

- Appropriating \$1 million to the James and Esther King Biomedical Research Program for research on cannabidiol and its effects on intractable childhood epilepsy.

Medical Marijuana in Florida: The Necessity Defense

Despite the fact that the use, possession, and sale of marijuana are prohibited by state law, Florida courts have found that circumstances can necessitate medical use of marijuana and circumvent the application of criminal penalties. The necessity defense was successfully applied in a marijuana possession case in *Jenks v. State*²⁷ where the First District Court of Appeal found that “section 893.03 does not preclude the defense of medical necessity” for the use of marijuana if the defendant:

- Did not intentionally bring about the circumstance which precipitated the unlawful act;
- Could not accomplish the same objective using a less offensive alternative available; and
- The evil sought to be avoided was more heinous than the unlawful act.

In the cited case, the defendants, a married couple, were suffering from uncontrollable nausea due to AIDS treatment and had testimony from their physician that he could find no effective alternative treatment. Under these facts, the court found that the defendants met the criteria to qualify for the necessity defense and ordered an acquittal of the charges of cultivating cannabis and possession of drug paraphernalia.

Medical Marijuana Laws in Other States

Currently, 23 states, the District of Columbia, and Guam²⁸ have some form of law that permits the use of marijuana for medicinal purposes. These laws vary widely in detail but most are similar in that they touch on several recurring themes. Most state laws include the following in some form:

- A list of medical conditions for which a practitioner can recommend the use of medical marijuana to a patient.
 - Nearly every state that permits the use of marijuana for medicinal purposes has a list of applicable medical conditions, though the particular conditions vary from state to state. Most states also include a way to expand the list either by allowing a state agency or board to add medical conditions to the list or by including a “catch-all” phrase.²⁹ Most states require that the patient receive certification from at least one, but often two, physicians designating that the patient has a qualifying condition before the patient may be issued an identification card needed for the acquisition of medical marijuana.

²⁷ *Jenks v. State*, 582 So.2d 676 (Fla. 1st DCA 1991), *review denied*, 589 So.2d 292 (Fla. 1991)

²⁸ These states include: Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington. California was the first to establish a medical marijuana program in 1996 and New York was the most recent state to pass medical marijuana legislation in June 2014. The New York legislation became effective July 5, 2014. Seventeen states allow limited access to marijuana products (low-THC and/or high CBD-cannabidiol). Alabama, Florida, Georgia, Louisiana, Iowa, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming. See <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx> (last visited on Nov. 30, 2015).

²⁹ An example is California’s law that includes “any other chronic or persistent medical symptom that either: Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act of 1990, or if not alleviated, may cause serious harm to the patient's safety or physical or mental health.”

- Provisions for the patient to designate one or more caregivers who can possess the medical marijuana and assist the patient in preparing and using the medical marijuana.
 - The number of caregivers allowed and the qualifications to become a caregiver vary from state to state. Most states allow one or two caregivers and require that they be at least 21 years of age and, typically, cannot be the patient's physician. Caregivers are generally allowed to purchase or grow marijuana for the patient, be in possession of the allowed quantity of marijuana, and aid the patient in using the marijuana, but are strictly prohibited from using the marijuana themselves.
- A required identification card for the patient, caregiver, or both that is typically issued by a state agency.
- A registry of people who have been issued an identification card.
- A method for registered patients and caregivers to obtain medical marijuana.
 - There are two general methods by which patients can obtain medical marijuana. They must either self-cultivate the marijuana in their homes or the state allows specified marijuana points-of-sale or dispensaries. The regulations governing such dispensaries vary widely.
- General restrictions on where medical marijuana may be used.
 - Typically, medical marijuana may not be used in public places, such as parks and on buses, or in areas where there are more stringent restrictions placed on the use of drugs, such as in or around schools or in prisons.

Most states with low-THC cannabis laws similar to s. 381.986, F.S., specify that the use of such low-THC cannabis is reserved for patients with epileptic or seizure disorders. Of the 11 states with such laws, only Florida allows the treatment of cancer with low-THC cannabis. Additionally, the definition of low-THC cannabis differs from state to state. Iowa has the highest THC level allowed in such states at 3 percent and most other states have the level of THC restricted to below 1 percent. CBD levels are generally required to be high with most states requiring at least 10 percent CBD.³⁰

State Medical Marijuana Laws and Their Interaction with the Federal Government

The Federal Controlled Substances Act lists Marijuana as a Schedule 1 drug with no accepted medical uses. Possession, manufacture, and distribution of marijuana is a crime under federal law.³¹ Although a state's medical marijuana laws protect patients from prosecution for the legitimate use of marijuana under the guidelines established in that state, such laws do not protect individuals from prosecution under federal law if the federal government decides to enforce those laws.

In August 2013, the United States Justice Department (USDOJ) issued a publication entitled "Smart on Crime: Reforming the Criminal Justice System for the 21st Century."³² This document details the federal government's current stance on low-level drug crimes and contains the following passage:

³⁰ Supra note 28, table 2.

³¹ The punishments vary depending on the amount of marijuana and the intent with which the marijuana is possessed. See <http://www.fda.gov/regulatoryinformation/legislation/ucm148726.htm#cntlsbd> (last visited on Nov. 30, 2015).

³² See <http://www.justice.gov/ag/smart-on-crime.pdf> (last visited on Nov. 30, 2015).

... the Attorney General is announcing a change in Department of Justice charging policies so that certain people who have committed low-level, nonviolent drug offenses, who have no ties to large-scale organizations, gangs, or cartels, will no longer be charged with offenses that impose draconian mandatory minimum sentences. Under the revised policy, these people would instead receive sentences better suited to their individual conduct rather than excessive prison terms more appropriate for violent criminals or drug kingpins.

In addition, the USDOJ published, on August 29, 2013, a memorandum with the subject “Guidance Regarding Marijuana Enforcement.” This memorandum makes clear that the United States Department of Justice (USDOJ) considers small-scale marijuana use to be a state matter which states may choose to punish or not, and, while larger operations would fall into the purview of the USDOJ, those operations that adhere to state laws legalizing marijuana in conjunction with robust regulatory systems would be far less likely to come under federal scrutiny.³³ These announcements generally indicate the USDOJ’s current unwillingness to prosecute such cases and its inclination to leave such prosecutions largely up to state authorities. In addition, a rider in recent appropriations acts and continuing resolutions has prohibited USDOJ from using appropriated funds to prevent specified states (including Florida) from implementing their own medical marijuana laws.³⁴

The Florida Right to Try Act

Section 499.0295, F.S., creates the Right to Try Act which allows drug manufacturers to make investigational drugs, biological products, or devices³⁵ available to an eligible patient (with or without compensation). The Right to Try Act defines an “eligible patient” as a person who meets all of the following requirements:

- Has a terminal condition³⁶ attested to by that patient’s physician and confirmed by a second independent specialist physician;
- Has considered all other treatment options for that condition approved by the United States Food and Drug Administration (FDA);

³³ See USDOJ memo on “Guidance Regarding Marijuana Enforcement,” (August 29, 2013) *available at* <http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf> (last visited on Nov. 30, 2015).

³⁴ A recent order by a judge of the United States District Court for the Northern District of California rejected USDOJ’s position that the Rohrabacher-Farr amendment to the Consolidated and Further Continuing Appropriations Act of 2015 (Section 538, Pub. L. 113-235, 128 Stat. 2130 (2014)) does not prohibit USDOJ from enforcing violations of federal marijuana laws by individuals or private businesses who are complying with state medical marijuana laws in the specified states. (Order unreported but available at <http://www.scribd.com/doc/286089509/US-vs-Marin-Alliance-for-Medical-Marijuana#scribd> (last visited on November 30, 2015)). The amendment is included in the current federal appropriations act that is effective until December 11, 2015.

³⁵ “Investigational drug, biological product, or device” is defined as a drug, biological product, or device that has successfully completed phase 1 of a clinical trial but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration.

³⁶ “Terminal Condition” is defined as a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible even with the administration of available treatment options currently approved by the United States Food and Drug Administration, and, without the administration of life-sustaining procedures, will result in death within 1 year after diagnosis if the condition runs its normal course.

- Has given written informed consent for the use of an investigational drug, biological product, or device which must include:
 - An explanation of the currently approved products and treatment for the patient's condition;
 - An attestation that the patient concurs with his or her physician in believing that all currently approved products and treatments are unlikely to prolong the patient's life;
 - Identification of the specific investigational drug, biological product, or device the patient is seeking to use;
 - A realistic description of the most likely outcomes of using the investigational drug, biological product or device;
 - A statement that the patient's health plan or third-party administrator and physician are not obligated to pay for care or treatment consequent to the use of the investigational drug, biological product, or device unless required to do so by law or contract;
 - A statement that the patient's eligibility for hospice care may be withdrawn if the patient begins such treatment and that hospice care may be reinstated once the treatment ends if the patient meets hospice eligibility requirements; and
 - A statement that the patient understands that he or she is liable for all expenses consequent to the use of the investigational drug, biological product, or device and that the liability extends to the patient's estate unless otherwise stated in the contract;
- Has documentation from his or her treating physician that the patient meets the above requirements.

The Right to Try Act also details how the eligible patient's use of the investigational drug, biological product, or device may impact certain third parties including stating that:

- A health plan, third party administrator, or governmental agency may, but is not required to, provide coverage for the costs of such treatment;
- A hospital or health care facility is not required to provide new or additional services unless such services are approved by that hospital or health care facility;
- The patient's heirs are not liable for any outstanding debt related to the patient's use of such treatment if the patient dies while undergoing such treatment;
- A licensing board and a state entity responsible for Medicare certification may not revoke, fail to renew, suspend, or take other action against a physician's license based solely on the physician's recommendations to an eligible patient regarding access to treatment under the Right to Try Act;
- The Right to Try Act does not create a private cause of action:
 - Against the manufacturer of the investigational drug, biological product, or device;
 - Against a person or entity involved in the care of an eligible patient who is using the investigational drug, biological product, or device; or
 - For any harm to the patient that is the result of the use of the investigational drug, biological product, or device if the manufacturer or other person or entity complies in good faith with the terms of Right to Try Act and exercises reasonable care.

III. Effect of Proposed Changes:

SB 460 amends the Right to Try Act³⁷ to include cannabis that is sold and manufactured by an approved dispensing organization³⁸ in the definition of “investigational drug, biological product, or device.”

The bill exempts eligible patients³⁹ and their legal representatives from criminal penalties under ch. 893, F.S.,⁴⁰ as well as from any other section of law, but subject to the requirements in the bill, for the purchase and possession of cannabis for the patient’s medical use with the requirement that the cannabis must be obtained from an approved dispensing organization. The bill also exempts approved dispensing organizations, as well as their owners, managers, and employees from the requirements of the Compassionate Medical Cannabis Act of 2014;⁴¹ from criminal penalties under ch. 893, F.S.;⁴² from licensure and regulation under ch. 465, F.S.;⁴³ and from any other section of law, but subject to the requirements in the bill, for manufacturing, possessing, selling, delivering, distributing, dispensing, and lawfully disposing of cannabis.

The bill states that its provisions do not impair the license of an approved dispensing organization under s. 381.986, F.S.

The provisions of the bill take effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³⁷ Section 499.0295, F.S.

³⁸ As defined in s. 381.986, F.S.

³⁹ See the description of the Right to Try Act on pp. 7-8 for a definition of “eligible patient.”

⁴⁰ See supra n. 4.

⁴¹ Ch. 2014-157, L.O.F., and more specifically s. 381.986, F.S.

⁴² See supra n. 4.

⁴³ Ch. 465, F.S., is the Florida Pharmacy Act.

B. Private Sector Impact:

SB 460 may have a positive fiscal impact on approved dispensing organizations that may see new sales generated by an increased number of patients to whom they may sell medical cannabis.

C. Government Sector Impact:

The state may see increased sales tax revenue from new sales of medical cannabis that would be generated under the provisions of the bill. However, it is likely that the fiscal impact would be insignificant due to eligibility restrictions in the Right to Try Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill is silent on the regulatory authority of the DOH to develop rules for oversight to regulate activities of dispensing organizations for activities that are authorized under this act. The regulatory framework created by the Compassionate Medical Cannabis Act under s. 381.986, F.S., may not be adequate to prevent or deter diversion of that cannabis that is authorized to be manufactured by this act.

Additionally, the act exempts dispensing organizations from licensing and regulation under ch. 465, F.S., relating to pharmacy, but does not specifically exempt the dispensing organizations from regulation under ch. 499, F.S., related to the manufacturing of drugs, devices, and cosmetics. Since the act makes changes in ch. 499, F.S., it may be advisable to also specifically exempt dispensing organizations from regulation under that chapter.

VIII. Statutes Affected:

This bill substantially amends section 499.0295 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



643296

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
12/03/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice (Soto)
recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 21 - 53

and insert:

(a) "Dispensing organization" means an organization approved by the Department of Health under paragraph (10) (d) to cultivate, process, and dispense cannabis pursuant to this section.

(c) ~~(b)~~ "Investigational drug, biological product, or device" means:



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11 1. A drug, biological product, or device that has
12 successfully completed phase 1 of a clinical trial but has not
13 been approved for general use by the United States Food and Drug
14 Administration and remains under investigation in a clinical
15 trial approved by the United States Food and Drug
16 Administration; or

17 2. Cannabis that is manufactured and sold by a dispensing
18 organization.

19 (10) (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147,
20 or any other law, but subject to the requirements of this
21 section, an eligible patient and the eligible patient's legal
22 representative may purchase cannabis from a dispensing
23 organization and may possess such cannabis for the patient's
24 medical use.

25 (b) Notwithstanding s. 381.986, s. 893.13, s. 893.135, s.
26 893.147, or any other law, but subject to the requirements of
27 this section, a dispensing organization and its owners,
28 managers, and employees may manufacture, possess, sell, deliver,
29 distribute, dispense, and lawfully dispose of cannabis.

30 (c) A dispensing organization and its owners, managers, and
31 employees are not subject to licensure or regulation under
32 chapter 465 for manufacturing, possessing, selling, delivering,
33 distributing, dispensing, or lawfully disposing of cannabis.

34 (d) By October 1, 2016, the Department of Health shall
35 approve the establishment of 20 additional dispensing
36 organizations to cultivate, process, and dispense cannabis
37 pursuant to this section. An applicant for approval as a
38 dispensing organization must demonstrate that it possesses the
39 qualifications specified in s. 381.986(5)(b)2.-7.



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40 (e) As used in this subsection, the terms "manufacture,"
41 "possession," "deliver," "distribute," and "dispense" have the
42 same meanings as provided in s. 893.02.

43 (f) The Department of Health may adopt rules to administer
44 this subsection.

45
46 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

47 And the directory clause is amended as follows:

48 Delete lines 16 - 17

49 and insert:

50 Section 1. Paragraphs (a) through (d) of subsection (2) of
51 section 499.0295, Florida Statutes, are redesignated as
52 paragraphs (b) through (e), respectively, present paragraph (b)
53 of that subsection is amended, a new paragraph (a) is added to
54 that subsection, and subsection (10) is

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete lines 4 - 12

59 and insert:

60 defining the term "dispensing organization"; revising
61 the definition of the term "investigational drug,
62 biological product, or device"; providing for eligible
63 patients or their legal representatives to purchase
64 cannabis from dispensing organizations and possess
65 such cannabis for medical use; authorizing certain
66 licensed dispensing organizations to manufacture,
67 possess, sell, deliver, distribute, dispense, and
68 dispose of cannabis; exempting dispensing



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69 organizations from specified laws; directing the
70 Department of Health to approve the establishment of a
71 limited number of dispensing organizations by a
72 specified date; requiring applicants for approval as
73 dispensing organizations to demonstrate they possess
74 certain qualifications; authorizing the Department of
75 Health to adopt rules; providing an effective date.

By Senator Bradley

7-00574A-16

2016460__

1 A bill to be entitled
2 An act relating to experimental treatments for
3 terminal conditions; amending s. 499.0295, F.S.;
4 revising the definition of the term "investigational
5 drug, biological product, or device"; providing for
6 eligible patients or their legal representatives to
7 purchase and possess cannabis for medical use;
8 authorizing certain licensed dispensing organizations
9 to manufacture, possess, sell, deliver, distribute,
10 dispense, and dispose of cannabis; exempting such
11 organizations from specified laws; defining terms;
12 providing applicability; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (b) of subsection (2) of section
17 499.0295, Florida Statutes, is amended, and subsection (10) is
18 added to that section, to read:

19 499.0295 Experimental treatments for terminal conditions.—

20 (2) As used in this section, the term:

21 (b) "Investigational drug, biological product, or device"
22 means:

23 1. A drug, biological product, or device that has
24 successfully completed phase 1 of a clinical trial but has not
25 been approved for general use by the United States Food and Drug
26 Administration and remains under investigation in a clinical
27 trial approved by the United States Food and Drug
28 Administration; or

29 2. Cannabis that is manufactured and sold by an approved

7-00574A-16

2016460__

30 dispensing organization as defined in s. 381.986.

31 (10) (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147,
32 or any other provision of law, but subject to the requirements
33 of this section, an eligible patient and the eligible patient's
34 legal representative may purchase and possess cannabis for the
35 patient's medical use.

36 (b) An eligible patient and the eligible patient's legal
37 representative may obtain cannabis only from an approved
38 dispensing organization as defined in s. 381.986.

39 (c) Notwithstanding s. 381.986, s. 893.13, s. 893.135, s.
40 893.147, or any other provision of law, but subject to the
41 requirements of this section, an approved dispensing
42 organization as defined in s. 381.986 and its owners, managers,
43 and employees may manufacture, possess, sell, deliver,
44 distribute, dispense, and lawfully dispose of cannabis.

45 (d) An approved dispensing organization as defined in s.
46 381.986 and its owners, managers, and employees are not subject
47 to licensure or regulation under chapter 465 for manufacturing,
48 possessing, selling, delivering, distributing, dispensing, or
49 lawfully disposing of cannabis. As used in this subsection, the
50 terms "manufacture," "possession," "deliver," "distribute," and
51 "dispense" have the same meanings as provided in s. 893.02.

52 (e) This section does not impair the license of an approved
53 dispensing organization under s. 381.986.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

460

Meeting Date

Bill Number (if applicable)

Topic Right to Try

Amendment Barcode (if applicable)

Name Ron Watson

Job Title lobbyist

Address 3738 Mardon Way

Phone 850 567-1202

Street
Tallahassee FL 32309

City State Zip
Email watson.strategies@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

460

Meeting Date

Bill Number (if applicable)

Topic Experimental Treatments for Terminal Conditions

Amendment Barcode (if applicable)

Name Josephine Cannella-Krichl

Job Title Licensed Clinical Social Worker

Address 3784 Wentworth Way

Phone 850-653-6928

Street
Tallahassee FL 32311

City State Zip
Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Joe Negron, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: November 18, 2015

I respectfully request that **Senate Bill # 460**, relating to Experimental Treatments for Terminal Conditions, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley", written over a horizontal line.

Senator Rob Bradley
Florida Senate, District 7

FLORIDA FIRST

GOVERNOR RICK SCOTT'S FLORIDA FIRST BUDGET 2016-2017



Public Safety Unit Budget Recommendations

Governor Scott's priorities to help diversify the economy to make Florida First in job creation:

Tax Cuts for Florida Families and Businesses

Over \$1 billion in Tax Cuts

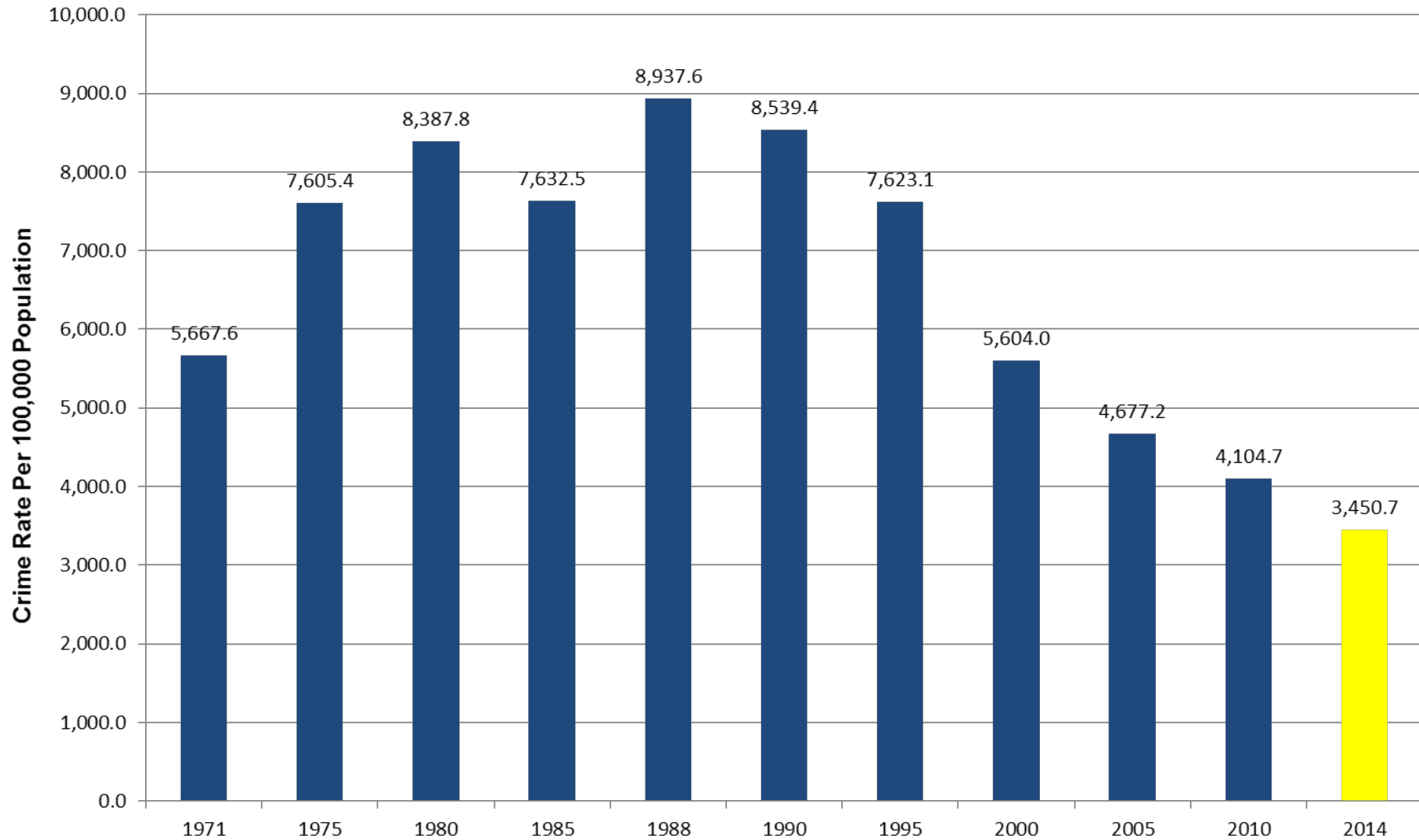
Making Florida more Competitive

Help small businesses succeed

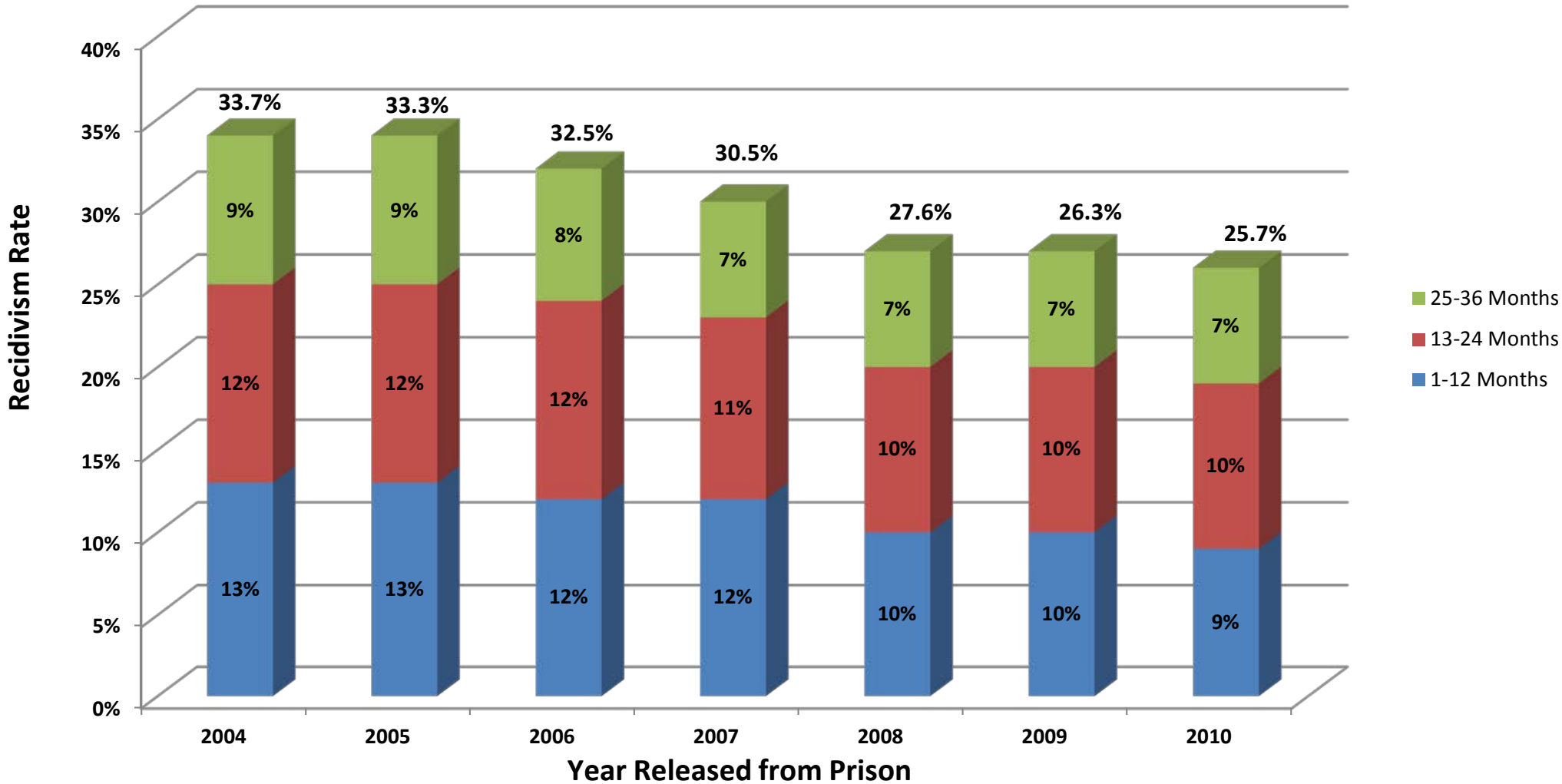
Investing Historic Funding in K-12 Education, State Colleges, and Universities

Florida will have the most highly skilled workforce in the world

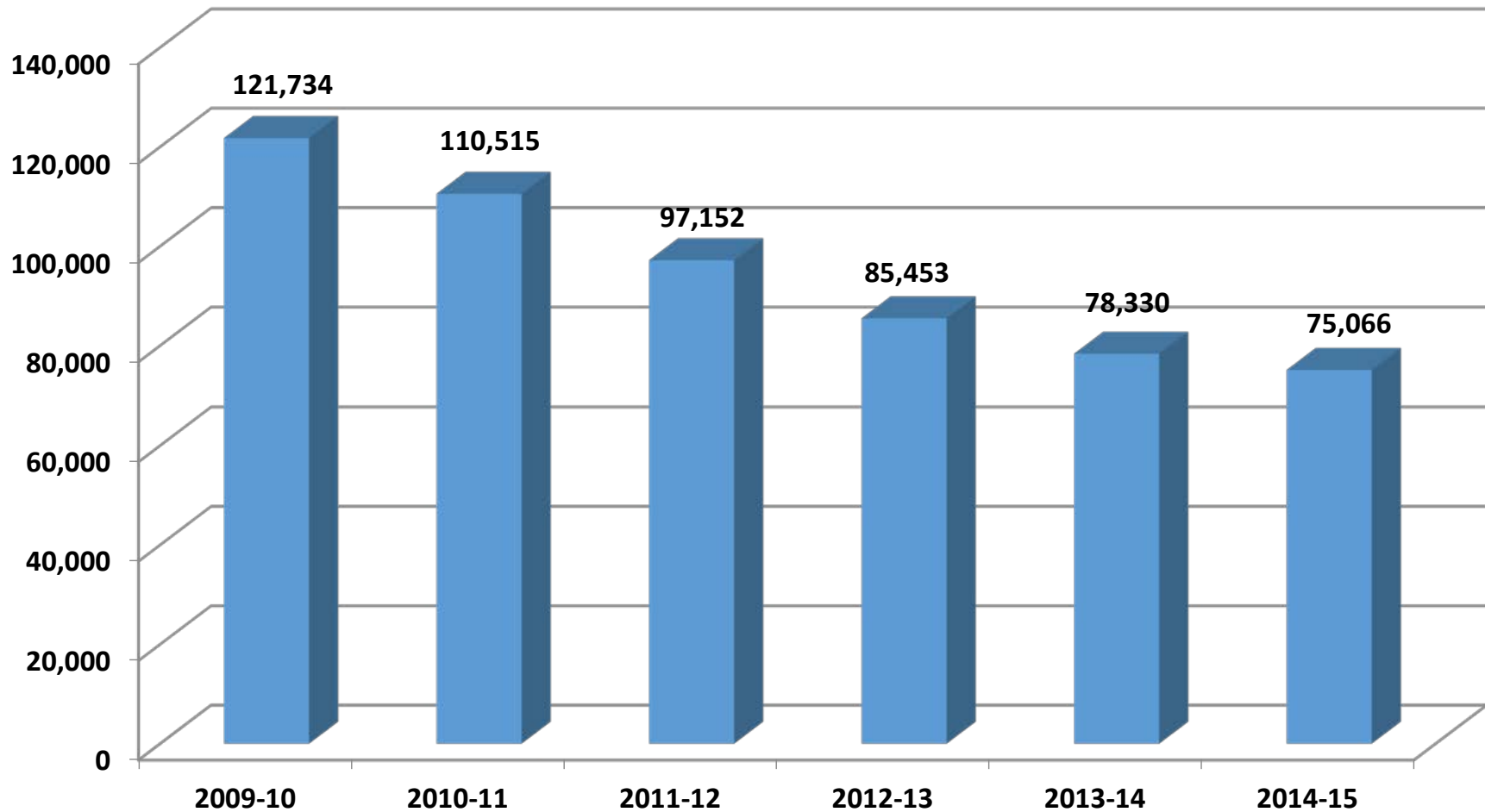
Lowest Crime Rate in 44 Years



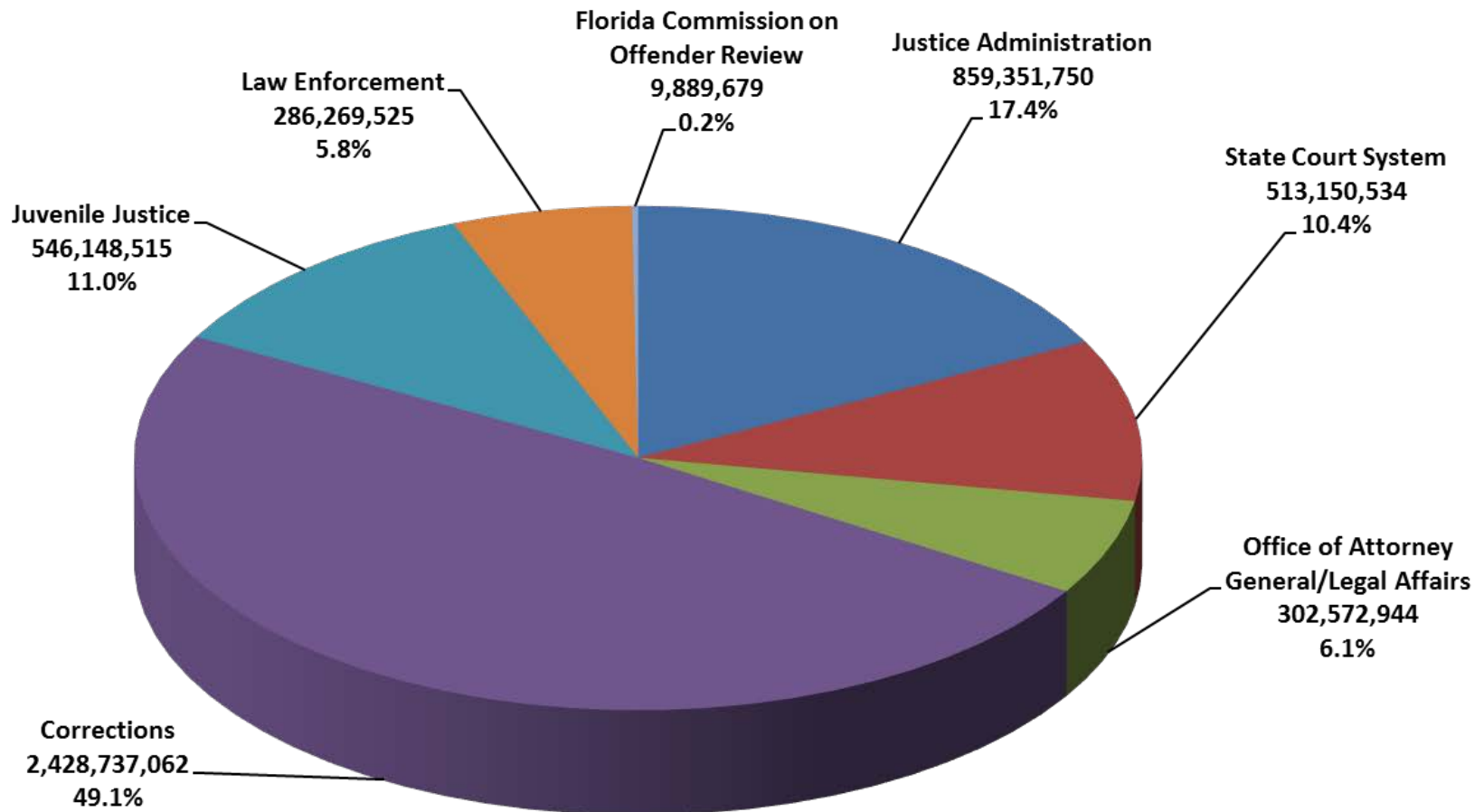
Recidivism Rates over Time



Juvenile Arrests



2016-17 Budget Recommendations by Agency \$4.9 Billion



Department of Corrections

Major Issues Funded	Amount
Major repairs and renovations to correctional facilities	\$35.9 million
Essential Correctional Officer positions	\$27.9 million
Critically needed vehicles	\$4 million
Health Services adjustment	\$14 million

Department of Juvenile Justice

Major Issues Funded	Amount
Major repairs and renovations to juvenile facilities	\$8.9 million
Improve staff-to-youth ratios	\$1.9 million
Increase prevention services	\$1.9 million

Other Priority Issues

Agency	Major Issues Funded	Amount
FDLE	State crime laboratory enhancements	\$8.5 million
FDLE	Law enforcement technology upgrades	\$7.3 million
FDLE	Florida Violent Crime and Drug Control Council	\$2 million
Legal Affairs	Criminal appeals workload	\$643,158
Legal Affairs	Medicaid fraud	\$4 million
Guardian ad Litem	Increase staff to represent dependent children	\$1.1 million
Courts	3 rd and 4 th DCA construction funding	\$11.2 million
Courts	Judicial Qualifications Commission workload	\$115,671

Public Safety Unit
Office of Policy and Budget

Katie Cunningham, Policy Coordinator
(850) 717-9512

Judicial Branch
FY 2016-17 Legislative Budget Request Priorities

BUDGET ENTITY/ISSUES		Issue Funding Total				Issue Funding Detail	
		FTE	General Revenue (GR)	Trust	Total	Recurring	Non-Recurring
BRANCH WIDE ISSUES							
1	Staff Pay to Address Equity, Retention and Recruitment Issues - Phase II		5,524,009	378,579	5,902,588	5,902,588	
2	Judicial Salaries - Multi-year plan to fully restore judicial salaries to a competitive level		TBD	TBD	TBD	TBD	
Total		0.00	5,524,009	378,579	5,902,588	5,902,588	0
SUPREME COURT ISSUES							
3	3 OPS Deputy Marshal positions to meet acceptable security standards and effectively secure the Supreme Court building		78,414		78,414	68,969	9,445
4	Five year refresh cycle Plan for Interior Space Refurbishing		237,360		237,360	237,360	
5	Supreme Court Justices Travel Expense Plan		209,930		209,930	209,930	
Total		0.00	525,704	0	525,704	516,259	9,445
DISTRICT COURTS OF APPEAL ISSUES							
6	3rd DCA Court Building Remodeling - Final Construction Phase (DMS managed project)		6,482,222		6,482,222		6,482,222
7	4th DCA New Courthouse Construction - Final Construction Phase (DMS managed project)		4,775,757		4,775,757		4,775,757
8	Statewide Facilities Maintenance Plan		400,000		400,000	400,000	
9	2nd DCA Additional Lease Space for Tampa Office		293,800		293,800	179,300	114,500
10	2nd DCA Facility Space Study (DMS managed project)		100,000		100,000		100,000
11	Appellate Court Judges Travel Expense Plan		241,310		241,310	241,310	
Total			12,293,089	0	12,293,089	820,610	11,472,479
TRIAL COURTS							
12	Trial Court Technology Strategic Plan - Resources for a multi-year comprehensive strategy for addressing trial court technology needs	65.00	25,299,973		25,299,973	16,805,726	8,494,247
13	Case Management Resources - Funding for 52.5 court program specialist II positions to assist in the processing and management of cases		3,470,377		3,470,377	3,345,427	124,950
14	Court Interpreting Resources - Provides for remaining increases in contractual services expenditures		483,292		483,292	483,292	
Total		65.00	29,253,642	0	29,253,642	20,634,445	8,619,197
JUDICIAL QUALIFICATIONS COMMISSION (JQC)							
15	Operational Increases - Provides for additional operational costs associated due to increased complaints, formal charges, and trials		115,671		115,671	111,867	3,804

Judicial Branch
FY 2016-17 Legislative Budget Request Priorities

BUDGET ENTITY/ISSUES		Issue Funding Total				Issue Funding Detail	
		FTE	General Revenue (GR)	Trust	Total	Recurring	Non-Recurring
OFFICE OF THE STATE COURTS ADMINISTRATOR (OSCA)							
16	Supreme Court Annex Building Lease - to address increasing lease costs		63,236		63,236	63,236	
17	Operational Support - 2.0 FTE to provide support to the Court Interpreter Certification and Regulation Program; 2.0 FTE to conduct training, programmatic monitoring, data reporting, and provide technical assistance to effectively administer new responsibilities as a result of special legislative appropriations; 1.0 FTE to provide court communications and website support; 1.0 FTE to build, enhance, and maintain electronic and distance learning educational capacity; and funding to support the SCS's enterprise agreement for online legal research	6.00	707,789		707,789	682,139	25,650
Total		6.00	771,025	0	771,025	745,375	25,650
CERTIFICATION OF NEW JUDGESHIP'S PLACEHOLDER*							
18	Funding requested for 3 Circuit Judges, 32 County Judges, and support staff	74.00	10,043,288		10,043,288	9,867,168	176,120
Total Legislative Budget Request		145.00	58,526,428	378,579	58,905,007	38,598,312	20,306,695

*The placeholder was based on the Fiscal Year 2015-16 certification of need for additional judges (SC14-2350, issued on December 22, 2014). The Supreme Court issued the Fiscal Year 2016-17 certification opinion on November 19, 2015 (SC15-1991). It certifies the need for 1 circuit judge and 23 county judges. The fiscal impact for the Fiscal Year 2016-17 certification is \$6,904,297 (\$121,380 non-recurring).

STATE ATTORNEYS
Fiscal Year 2016-2017
SUMMARY OF LBR ISSUES

All 20 circuits' most critical need is competitive pay increases for Assistant State Attorneys to attract and retain experience in the offices. \$8.4 million

Additional funding for sex predator cases, public records responses, sworn investigators, enhanced training and problem solving courts is an additional concern for multiple circuits. \$11 million

Individual circuit needs addressing local concerns are addressed in each LBR.

The Offices of

CRIMINAL CONFLICT and CIVIL REGIONAL COUNSEL

FY 2016-17 Priorities



The Regional Councils:

Jeffrey Lewis, Region 1
Ita Neymotin, Region 2
Eugene Zenobi, Region 3
Antony Ryan, Region 4
Jeffrey Deen, Region 5

Reinvest in a Legislative Success

The Offices of Regional Counsel are a legislative success. Since their creation by the legislature in 2007 and the legislature's investment in the RCs' initial base budgets, the RCs have saved the State of Florida, on average, over \$40 million per year and over \$280 million total, to date. Yet, the initial base budgets of the RCs have only increased incrementally since 2007. With rising caseloads over time now becoming excessive, and with originally unfunded obligations now causing budgetary shortfalls, it is time to for the legislature to reinvest in the RCs' success.

Workload

- 85 FTE positions, \$6,179,830 general revenue (salaries & benefits)

The RCs continue to require positions for originally unfunded, unallocated workload obligations for capital and appellate litigation, and there is a critical need for dependency positions due to a dramatic increase in funding to DCF and due to DCF's recent reforms which have led to sharp increases in the removal of children and a corresponding rise in dependency court caseloads. Additionally, there is an over reliance by the RCs on contracts and OPS in order to make up for the shortage of allocated full-time positions, the unfortunate result being that many full-time employees of the RCs work without full state benefits.

Due Process and Operations Funding

- \$2,000,000 general revenue

Capital/death penalty litigation and the costs of appeals were unfunded in the initial base budgets of the RCs. It is necessary that due process funds be increased to reflect the work the RCs actually perform and which representation yields significant savings to the State. There is a 66% savings for the RCs to defend a death penalty case over the costs of court-appointed, private registry counsel. Moreover, increases in operations funding are needed to match rental increases in the RCs' long term leases of professional office space, and funding is needed for technologies related to e-filing and for continuing legal education and staff trainings.

Salary Parity

The same pay disparity that exists between assistant state attorneys and assistant public defenders also exists regarding assistant regional counsel attorneys assigned to criminal caseloads. Assistant regional counsel attorneys are the functional, state-employee equivalent of assistant public defenders and the RCs should be included in any increase to salaries which may be made for salary parity.

Additional Savings are Possible, Along with Better Outcomes for Children & Families

In the three years prior the RCs' creation, the costs of court-appointed "private registry" counsel were skyrocketing. The legislature's creation of the RCs and its investment in an "in-house," state-agency model to satisfy the State's obligation to provide counsel to the indigent stabilized those costs and has provided over \$280 million in savings to date. When the RCs' role in dependency court is considered, additional savings are possible. The RCs represent the parents in dependency court whose children have been removed from them and are placed in out-of-home ("foster") care. While most children are eventually reunited with their parents, the rising caseloads in dependency courts and the rising caseloads for assistant regional counsel attorneys, in particular, contribute to the delay in reunification. Allocating to the RCs more attorney positions and positions for social workers dedicated to helping parents will shorten the time children are in foster care and will provide still more savings to the State.

~ The Offices of Criminal Conflict and Civil Regional Counsel ~

-- ***Reinvest in Success: Fully fund the RCs!*** --

Florida Guardian ad Litem Program

Represent Children in Out-of-Home Care



1

This issue requests ***\$1,068,099 in General Revenue Funding for 19 new FTEs*** to handle workload for the increased numbers of children in out of home care. Current funding does not provide capacity to reach the dramatic growth in children removed from their homes.



Represent Children 0 to 3 in In-Home Care

2

The Guardian ad Litem Program requests ***\$ 1,360,344 in General Revenue Funds for 25.5 new FTEs*** to represent children ages 0 to 3 years who are under court supervision in their own homes, with a safety plan. This is consistent with ***the Children's Cabinet First 1,000 Days initiative.***

Professional Training and Certification

3

This issue requests ***\$576,460 and 2 FTEs*** to implement a program of professional training and certification through the Florida Certification Board.



CAPITAL COLLATERAL REGIONAL COUNSELS **2016-2017 LEGISLATIVE BUDGET REQUEST**

Florida Statute 27.702 requires the Capital Collateral Regional Councils (CCRC's) to represent each inmate sentenced to death in the state and federal courts, including the United States Supreme Court, until relief is granted or the sentence of execution is carried out. Cases are assigned by the Florida Supreme Court after direct appeal and are based on the federal court districts.

There are three CCRC offices: North, Middle, and South. The CCRC-North office was recreated by the Legislature in 2013 in the Timely Justice Act.

For the 2016-2017 fiscal year, the CCRC's again recognize that the North office must be given priority as its office continues to expand. For the 2016-2017 fiscal year the CCRC offices request the following:

CCRC-NORTH:

- **\$310,230** for four (4) additional positions
 - One legal team: one lead attorney, one second chair attorney and one investigator
 - One accountant
- **\$91,024 (\$72,707 non-recurring)** for IT infrastructure
- **\$32,904** additional building rent to accommodate increased positions
- **\$58,092 (\$15,996 non-recurring)** for Operating Expenditures
- **\$50,000** increase in current authorized rate

CCRC-MIDDLE and SOUTH:

In July 2014, the Florida Supreme Court implemented numerous changes to the post-conviction death penalty rules, including an increase to the minimum standards for legal counsel in death penalty cases. All CCRC attorneys must have expertise in the highly complex area of Federal Habeas Corpus, as well as extensive experience in capital cases.

In order to recruit and retain experienced staff and comply with the new requirements set by the Florida Supreme Court, CCRC-Middle and South request the following for the 2016-2017 fiscal year:

- **\$171,677** Total for Salaries and Benefits
 - **\$90,356** CCRC-Middle
 - **\$81,321** CCRC-South
- **\$31,200** for enhanced OPS for CCRC-Middle
- **\$27,323** for IT replacement for CCRC-Middle
- **\$39,000 (\$27,000 non-recurring)** for a document management system for CCRC-Middle
- **\$20,000** for legal education training for CCRC-Middle
- **\$24,600** to recreate the OPS category for CCRC-South
- **\$17,500** to replace the computer server for CCRC-South
- **\$21,600** for legal training for CCRC-South

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15
Meeting Date

Bill Number (if applicable)

Topic Gov. Recommended Budget

Amendment Barcode (if applicable)

Name Katie Cunningham

Job Title Policy Coordinator

Address _____
Street

Phone 850-717-9442

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Governor's Office

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-15
Meeting Date

Bill Number (if applicable)

Topic Governor's Recommended Budget

Amendment Barcode (if applicable)

Name Christina K. Daly

Job Title Secretary

Address 2737 Centerview Drive
Street

Phone 717-2716

Tallahassee

FL

32399

Email Christy.daly@djj.state

City

State

Zip

fl.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Juvenile Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

Bill Number (if applicable)

Topic Governor's FY16-17 Budget Recommendations.

Amendment Barcode (if applicable)

Name Kim Banks

Job Title CFO.

Address 501 S. Calhan ST.

Phone 850-717-3019.

Street

Tallahassee.

FL.

32399-

Email Banks.Kim@mail.fl.gov

City

State

Zip

fl.gov

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

*(If needed)

Representing FL Dept. of Corrections (FDC).

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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12/3/15

Meeting Date

NA

Bill Number (if applicable)

Topic Agency Budget Requests

Amendment Barcode (if applicable)

Name Patricia (PK) Jameson

Job Title State Courts Administrator

Address 500 South Dural St.

Phone 850-922-5081

Street

Tallahassee, FL

32399

Email jamesonp@flcourts.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

LBR Presentation

Representing State Courts System

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-3-15
Meeting Date

Bill Number (if applicable)

Topic STATE ATT'Y BUDGET

Amendment Barcode (if applicable)

Name Bill Cervone

Job Title STATE ATT'Y - 8 CIR

Address 120 W University Ave
Street
Gainesville FL 32601
City State Zip

Phone 352-374-3686

Email cervone@sa08.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Prosecuting Atty Assoc'n

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Dec 3 2015
Meeting Date

Bill Number (if applicable)

Topic Regional Conflict Counsel Presentation

Amendment Barcode (if applicable)

Name Ita Neymotin

Job Title Regional Criminal Conflict and Civil Regional Counsel for 2nd District

Address 2101 McGregor Blvd
Street
Fort Myers FL 33901
City State Zip

Phone _____

Email Ineymotin@FLRC2.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The 5 Regional Conflict Counsels

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/3/15

Meeting Date

N/A

Bill Number (if applicable)

N/A

Amendment Barcode (if applicable)

Topic LCR- GAL Program

Name ALAN ABRAMOWITZ

Job Title Executive Director

Address 600 S. CALHOUN street

Street

Phone ⁸⁵⁰ 241-3232

City

Tallahassee, FL 32399

State

Zip

Email ALAN.ABRAMOWITZ@gal.fl.gov

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing GUARDIAN AD LITEM PROGRAM

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



Arthenia L. Joyner
Democratic Leader

THE FLORIDA SENATE

SENATE DEMOCRATIC OFFICE

Location

228 Senate Office Building

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5833

David Cox, Staff Director
Senate's Website: www.flsenate.gov

Oscar Braynon II
Democratic Leader Pro Tempore

December 2, 2015

Chairman Joe Negron
Senate Appropriations Subcommittee on Criminal and Civil Justice

Dear Chairman Negron,

Please excuse my absence from tomorrow's Appropriations Subcommittee on Criminal and Civil Justice meeting as I am unable to attend.

Sincerely,

A handwritten signature in cursive script that reads "Arthenia L. Joyner".

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation
Military and Veterans Affairs, Space, and Domestic Security
Transportation

SENATOR GREG EVERS

2nd District

November 17, 2015

Honorable Joe Negron, Chair
Appropriations Subcommittee on Criminal and Civil Justice Committee
201 The Capitol
Tallahassee, FL 32399

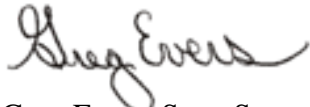
RE: Appropriations Subcommittee on Criminal and Civil Justice Meeting
Thursday, December 3, 2015

Dear Senator Negron:

Please excuse my absence from the Appropriations Subcommittee on Criminal and Civil Justice meeting on Thursday, December 3, 2015. Due to the personal reasons, I will not be able to be in Tallahassee the week of December 1, 2015.

Your consideration of this request would be deeply appreciated.

Sincerely,



Greg Evers, State Senator
District 2

Cc: Tim Sadberry, Staff Director

REPLY TO:

- 209 East Zaragoza Street, Pensacola, Florida 32502-6048 (850) 595-0213 FAX: (888) 263-0013
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002
- 5234 Willing Street, Milton, FL 32570 (850) 564-1026 FAX: (850) 564-1170

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Case:

Type:
Judge:

Caption: Senate Criminal Justice Appropriations Subcommittee

Started: 12/3/2015 3:33:08 PM

Ends: 12/3/2015 4:46:29 PM

Length: 01:13:22

3:33:06 PM Call meeting to order. Roll call. Quorum present.
3:34:04 PM SB 386 Senator Detert
3:35:36 PM Juvenile Expungement
3:36:08 PM Amendment 482720 by Senator Bradley-courtesy
3:36:52 PM Amendment adopted. Now back on the bill as amended.
3:37:08 PM Public Testimony begins
3:38:33 PM All speakers waived in support
3:38:42 PM Close on bill. By your vote CS/SB 386 passed
3:39:27 PM CS/SB 298 by Senator Evers aide Dave Murzin
3:40:24 PM All public speakers waive in support
3:40:33 PM Senator Negron with a question
3:41:20 PM CS/SB 298 passes
3:42:30 PM SB 460 by Senator Bradley
3:43:31 PM Senator Hutson with a question-Expanding only the use of medical marijuana?
3:44:57 PM Senator Hutson continues with a series of questions
3:45:32 PM Amendment 643296 by Senator Soto
3:46:12 PM Senator Hutson with a series of questions on the amendment
3:48:40 PM Senator Bradley on the amendment-against the amendment
3:52:20 PM Barcode 643296 is withdrawn
3:53:24 PM Back on the bill-public testimony
3:53:37 PM Ron Watson-speaking for the billJosephine Cannella-Krehl-Licensed Clinical Social
3:54:22 PM Worker working with terminally ill patients.
3:56:48 PM Monitor has changed View
3:57:16 PM Close on the bill. By your vote SB 460 passes.
3:59:16 PM Katie Cunningham, Policy Coordinator, Executive Office of the Governor, budget
4:09:24 PM Senator Soto recognized in questions
4:10:53 PM Department of Juvenile Justice Budget
4:11:34 PM Senator Bradley recognized in questions
4:13:01 PM Questions for Secretary Christina Daly
4:14:25 PM Continuation of Juvenile Justice Budget
4:15:18 PM Senator Soto recognized in questions
4:16:17 PM Governors recommendations for FDLE
4:18:32 PM Governors recommendations regarding Attorney General
4:18:50 PM Senator Soto recognized in questions regarding FDLE
4:20:46 PM Senator Negron with a series of questions
4:22:19 PM Guardian Ad Litem budget
4:22:40 PM State Court Funding
4:22:55 PM Senator Bradley with a series of questions on Guardian Ad Litem
4:29:24 PM Senator Soto with a series of questions
4:29:39 PM Request for 24 new judges. There is not anything in the budget at this time.
4:30:10 PM State employee raises-Bonus program on performance up to \$1500.
4:32:23 PM Senator Bradley with a series of questions
4:35:54 PM PK Jameson, State Courts Administrator discussing the budget
4:44:20 PM Senator Soto with a series of questions
4:46:03 PM Adjourned